

ESEA (2011)

State and Local Requirements: Section by Section Analysis

Section 1111 amends the below ESEA section as follows:

Sec. 1111. [State and Local Requirements]

Sec. 1111 (a) [Academic Standards, Academic Assessments, and Accountability Requirements]
Describes the requirements States must meet in order to receive a grant under this section.

Sec. 1111(a)(1)(A)(i-vi) [College and career ready aligned standards for reading or language arts and mathematics] requires that

- (i) states adopt college and career ready academic content standards in reading or language arts, and math by December 31, 2013 and adopt college and career ready student academic achievement standards in reading, language arts, and mathematics by the beginning of the 2015-2016 school year.
- (ii) states align standards with academic coursework at public institutions of higher education in the State, relevant State career and technical standards, and appropriate career skills.
- (iii) states adopt standards that apply to all public school students in the State, are evidence-based, and rigorous.
- (iv) state adopt academic achievement standards that are aligned with the State's content standards and establish three levels of performance (basic, on-track, and advanced).
- (v) states may meet this requirement through a consortium with other states; and
- (vi) the State is not required to submit either set of standards to the Secretary for review or approval.

Sec. 1111(a)(1)(B)(i-iii) [Science Standards] provides that States

- (i) must demonstrate that the States has adopted content and student academic achievement standards in science that align with academic coursework at State public institutes of higher learning, relevant State career and technical education standards, and appropriate career skills;
- (ii) are not required to submit science standards to the Secretary,
- (iii) may choose to use these standards as part of the State's accountability system.

Sec.1111 (a)(1)(C) [Standards for other subjects] allows a state that adopts content and student academic achievement standards in subjects other than those listed above to use those standards as part of the State's accountability system.

Sec.1111 (a)(1)(D)(i-ii) [Alternate standards for students with most significant cognitive disabilities] allows the State to develop alternate academic achievement standards in any subject, through a documented and validated process, for the students with the most significant cognitive disabilities and to include those standards in the State's accountability system as long as:

- (i) the decision about which students should be measured against these standards is made separately for each student in each subject assessed; and
- (ii) the standards are aligned with State academic content standards. These standards must promote access to the general curriculum and must reflect professional judgment as to the highest possible standards achievable by a student.

Sec.1111 (a)(1)(E)(i-iv) [English Proficiency Standards] requires that a State adopt high-quality English proficiency standards by December 31, 2014 that-

- (i) are aligned with the State's academic content standards in reading or language arts under subparagraph (A);
- (ii) ensure proficiency in English speaking, listening, reading, and writing;
- (iii) address the levels of proficiency of English learners;
- (iv) are updated within 1 year after the State adopts any new academic content standards

Sec.1111 (a)(1)(F) [No Federal Control] clarifies that nothing in Section 1111(a) will authorize the Federal Government to mandate, direct, or control a State's academic content or student academic achievement standards.

Sec. 1111(a)(2)(A)(i)(I-V) [State Assessments-reading language arts and mathematics] requires that the State educational agency adopt and implement statewide assessments in reading/language arts and mathematics by the beginning of the 2015-2016 school year that include assessments annually for grades 3 through 8 and at least once during grades 10 through 12 that

- (I) are aligned with State's academic content standards;
- (II) are administered to all public school students in the State;
- (III) measure individual academic achievement.
- (IV) if a State elects to measure individual academic growth as described in subsection (b)(1)(B), the State may measure whether students are making adequate student growth; and
- (V) may be administered through a single summative assessment each year or through multiple statewide assessments during the course of the year, as long as the State can demonstrate to the Secretary's satisfaction that the results of the multiple assessments provide a summative score that measures the student's college and career readiness in reading or language arts, and mathematics.

Sec. 1111(a)(2)(A)(ii)(I-III) [State Assessments-Science] requires that the State educational agency adopt and implement statewide assessments in science by the beginning of the 2015-2016 school year. States must include statewide assessments not less than once during each of the grade spans 3 through 5, 6 through 9, and 10 through 12 that measure

- (I) student achievement relative to the State's science student academic achievement standards;

- (II) individual academic achievement; and
- (III) if a State elects to measure individual academic growth as described in subsection (b)(1)(B), whether students are making adequate student growth.

Sec. 1111(a)(2)(A)(iii-iv) [Additional Requirements] requires that the State include English proficiency assessments and any alternate assessments described in subparagraphs (D) and (E), respectively; and, at the discretion of the State, measure the proficiency of students in the other academic subjects for which the State has adopted academic content standards and student academic achievement standards under paragraph (1)(C).

Sec. 1111(a)(2)(B)(i-xiv) [Requirements for Assessments] requires that assessments

- (i) be used to measure the achievement of all students;
- (ii) be used for purposes for which they are valid and reliable and be consistent with relevant, nationally recognized professional and technical standards;
- (iii) be provided to the Secretary to show that the assessments are of adequate technical quality and meet the requirements under this Act;
- (iv) include multiple measures of achievement;
- (v) provide for the participation of all students, including students with disabilities and limited English proficient students; however, the State may exempt any English learner at the lowest levels of English proficiency from the reading or language arts assessment for not more than 2 years following the student's first enrollment in a school in the United States;
- (vi) for reading or language arts assessments be written in English for any student who has attended school in the United States for 3 or more consecutive years, unless the local educational agency--on a case-by-case basis--determines that assessments in another language would yield more accurate and reliable information. In such situations, students may be tested in a language other than English for up to 2 additional years.
- (vii) include students who have attended schools in a local educational agency for a full academic year but have not attended a single school for a full academic year;
- (viii) produce individual, understandable, and uniform student interpretive and descriptive reports, which include test scores or other information on the attainment of performance standards, in a language that parents can understand;
- (ix) enable results to be disaggregated by gender, by racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities, and by economically disadvantaged status;
- (x) be consistent with widely accepted professional testing standards and objectively measure academic achievement, knowledge, and skills;
- (xi) should not evaluate or assess personal or family beliefs and attitudes or disclose personally identifiable information;
- (xii) enable itemized score analyses to be produced and report to LEA and schools;

- (xiii) produce achievement and other data that can be used to inform determinations of teacher effectiveness for purposes of evaluation and development;
- (xiv) be administered to not less than 95 percent of all students, and not less than 95 percent of each subgroup (gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by status as a student with a disability, and by economically disadvantaged status) who are enrolled in the school.

Sec. 1111(a)(2)(C) [Languages of Assessments] requires that the State identify the languages other than English that are present in the participating student population and indicate in their plan under subsection (b), the languages for which yearly student academic assessments included in the State's accountability system under paragraph (3) are not available and are needed. The State shall make every effort to develop assessments in those languages and may request assistance from the Secretary to create these assessments. If requested, the Secretary shall assist with the identification of appropriate assessments, but shall not mandate a specific academic assessment or mode of instruction.

Sec. 1111(a)(2)(D)(i-ii) [Assessments of English Proficiency] requires that each State's assessments of English language proficiency

- (i) will provide for the annual assessment of English proficiency of all English language learners in the schools served by the State educational agency by the beginning of the 2015-2016 school year
- (ii) be aligned with the State's English proficiency standards, be designed to measure student progress toward English language proficiency, and reflect the academic language that is required for success on the State's academic assessments.

Sec. 1111(a)(2)(E) (i-vii) [Alternate assessments for students with the most significant cognitive disabilities] allows a State to provide alternate assessments that are aligned with alternate academic achievement standards described in paragraph (1)(D) for students with the most significant cognitive disabilities if the State

- (i) establishes and monitors implementation of clear and appropriate guidelines to apply in determining when a child's significant cognitive disability justifies assessment based on alternate standards;
- (ii) ensures the parents of the students taking alternate assessments are informed that their child will be measured against alternate standards and whether participation in the alternate assessment precludes the student from completing the requirements for a regular high school diploma;
- (iii) provides evidence that students with the most significant cognitive disabilities are, to the extent practicable, included in the general curriculum and in assessments aligned with such curriculum;

- (iv) certifies that the State's regular academic assessments described in subparagraphs (A), (C), and (D) are accessible to students with all forms of disabilities, including sensory, physical, and intellectual disabilities, through the provision of reasonable adaptations and valid and reliable accommodations that produce valid results;
- (v) develops and disseminates information to promote the use of reasonable adaptations and accommodations to increase the number of students with the most significant cognitive disabilities participating in grade-level academic instruction and corresponding assessments;
- (vi) takes steps to ensure that regular and special education teachers and other appropriate staff know how to administer assessments, including how to make appropriate use of reasonable adaptations accommodations for such assessments;
- (vii) requires separate determinations about whether a student should be assessed using an alternate assessment for each subject assessed.

Sec. 1111(a)(2)(F) [Managing and updating assessments] requires the State to include, in the State plan under subsection (b), a description of how the State will regularly inventory State and local educational agency student assessments. Such inventory shall include an analysis of assessment and accommodations practice and use, and reduce duplicative assessment.

Sec. 1111(a)(3) [State-Designed Accountability Systems] Describes the creation, management, and planning requirements for State-designed accountability systems.

Sec. 1111(a)(3)(A)(i-vii) [Accountability System] requires States to develop and implement a single, statewide accountability system by the beginning of the 2013-2014 school year that

- (i) annually measures and reports on the achievement of students in all public schools in the State on the assessments and the graduation rates of all high schools in the State;
- (ii) expects continuous improvement of all public schools in the State in outcomes of all students and subgroups (gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by status as a student with a disability, and by economically disadvantaged status);
- (iii) annually identifies schools and local educational agencies that need supports and interventions to prepare college and career ready students;
- (iv) provides for the improvement of all schools that are not identified under section 1116(b) but are low-performing or have low-performing subgroups
- (v) develops the capacity of local educational agencies and schools to effectively educate students;
- (vi) recognizes and replicates the practices of local educational agencies and schools that are successful in effecting significant student achievement or student academic growth; and
- (vii) meets the requirements of section 1116.

Sec. 1111(a)(3)(B) [Subjects covered] requires that the state shall include in the accountability system the subjects of reading or language arts, mathematics, and science, and may include any other subject for which the State has adopted academic content standards, student academic achievement standards, and assessments.

Sec. 1111(a)(3)(C) [Accountability for charter schools] requires that the accountability provisions under this Act.

Sec. 1111(a)(3)(D) [Students with the most significant cognitive disabilities] requires that the number of students with the most significant cognitive disabilities taking alternate assessments for the accountability purposes of this section, section 1116 and section 1117, not exceed 1 percent of the number of all students in the State.

Sec. 1111(a)(4) [Transition provisions] directs the Secretary to take any necessary steps to ensure for an orderly transition between a State's current accountability system and the new accountability system required under this Act.

Sec. 1111(a)(5) [Voluntary Partnerships] allows a State to enter into a partnership with one or more other States to develop and implement the academic assessments, academic content standards, and student academic achievement standards required.

Sec. 1111(b) [State Plans] Describes the requirements for state plans of state-developed

Sec. 1111(b)(1)(A-J) [In General] requires any State desiring a grant under this part to submit a plan to the Secretary that

- (A) demonstrates the State's compliance with this section;
- (B) demonstrates how the State will measure student growth if they choose to use student growth as a measure of academic progress and college and career readiness;
- (C) coordinates with the State plans required by other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Career and Technical Education Act of 2006, the Head Start Act, and the Adult Education and Family Literacy Act;
- (D) provides an assurance that the State will continue to administer the academic assessments required under paragraph (3)(B) and (7) of subsection (b) and to include the results of assessments in the State's accountability system, until the State has implemented the assessments required under subsection (a)(2);
- (E) describes the State accountability system under subsection (a)(3) and section 1117 (if the state chooses to carry out section 1117);
- (F) describes the process the State will utilize to review local educational agency plans submitted pursuant to section 1112, including the parent and family engagement plan described in section 1118 and other provisions related to parent and family engagement;

- (G) describes the support the State will provide to local educational agencies for the education of homeless children and youths, and how such support is consistent with the requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act;
- (H) describes how the State will provide for an equal distribution of teachers and principals within local educational agencies and the State, so that low-income and minority students are not taught at higher rates than other children by teachers in the lowest rating category of the State's accountability system;
- (I) describes how during the transition period, the State will report to the Secretary the percentage and distribution of teachers in the State, based on the transitional measures used in the State, for each quartile of schools based on school poverty level, for high-minority schools, and for low-minority schools.
- (J) describes how the State educational agency will measure the equitable distribution of teachers by using data on the percentage and distribution of more than 1, or an index that incorporates more than 1, of the following types of teachers as transitional measures of teacher quality
 - (i) teachers who are classified as highly qualified teachers;
 - (ii) teachers who are inexperienced;
 - (iii) teachers who have not completed a teacher preparation program;
 - (iv) teachers who are not teaching in the subject or field for which the teacher is certified or licensed

Sec. 1111(b)(2) [Comprehensive plan] provides that each State plan submitted under paragraph 1 may be submitted as part of the comprehensive plan under section 9302.

Sec. 1111(b)(3)(A-B) [Duration of the plan] requires that each State plan shall

- (A) remain in effect for the duration of the State's participation in Title I, Part A and be periodically reviewed and revised as necessary by the State to reflect changes in strategies and programs.
- (B) be resubmitted to the Secretary if a state makes significant changes to its plan. The Secretary may approve or disapprove changes without peer-review or a hearing process.

Sec. 1111(b)(4)(A)(i-viii) [Secretarial duties] requires that the Secretary must

- (i) establish a peer-review process to assist in the review of State plans;
- (ii) appoint expert individuals, who are geographically diverse, representative of all parties, and are familiar with education standards, assessments, and accountability, to the peer-review process;
- (iii) ensure the peer review process provides timely and publicly available feedback;
- (iv) does not decline approval of a State plan before offering the State an opportunity to revise the plan and providing technical assistance to States and providing a hearing upon request;

- (v) have the authority to disapprove a State plan for not meeting the requirements of this part, and the ability to deny a State plan that was recommended by the peer review panel by making available written findings of the cause for such disapproval
- (vi) approve a State plan within 120 days after its submission, unless the Secretary determines that the plan does not meet the requirements of this section;
- (vii) immediately notify the State in writing if their plan does not meet the requirements of this subsection and include the reasons for such determination;
- (viii) does not have the authority to require a State, as a condition of plan approval, to include or delete one or more specific elements of the State's academic content standards or to use specific academic assessment instruments or items.

Sec. 1111(b)(4)(B) [State revisions] requires that a State plan be revised by the State educational agency if necessary to satisfy the requirements of this section.

Sec. 1111(c) [Parent and Family Engagement] Describes what the State must include in its state plans to show how it will strengthen engagement of parents and families in education.

Sec.1111(c)(1)(A-F) [Statewide Parent and Family Engagement Strategy] states that the parent and family and engagement plan shall demonstrate how the State plans to increase and enhance the engagement of parents and family members in education throughout the State, through the implementation and replication of evidence-based or promising practices and strategies, in order to—

- (A) increase student academic achievement and college and career readiness (as measured by the State academic content and student academic achievement standards);
- (B) provide parents and family members with the skills and opportunities necessary to become full partners in their child's education;
- (C) improve child development;
- (D) strengthen relationships and partnerships among school personnel (including educators and administrators) and parents and family members, to support student achievement and college and career readiness;
- (E) improve the ability of local educational agencies and schools to increase the participation of parents and family members in school improvement strategies; and
- (F) focus the activities described in subparagraphs (A) through (E) in high-need local educational agencies and high-need schools.

Sec. 1111(c)(2)(A-B) [Coordination; Collection; Dissemination] notes that the parent and family engagement plan shall describe how the state will-

- (A)(i-iv) ensure maximum coordination and minimum duplication of efforts (which may include the designation of a parent and family engagement coordinator) among, at a minimum—
 - (i) Federal, State and local programs;
 - (ii) the State Advisory Councils on Early Childhood Education and Care;
 - (iii) the parent and family information and resource centers established under

subpart 16 of part D of title V; and

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

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

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

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

Sec. 1111(c)(3)(A-C) [Technical Assistance, Training, and Capacity-Building] provides that the State parent and family engagement plan shall describe the evidence-based technical assistance, professional development, or other capacity-building strategies that the State will provide to, at a minimum, high-need local educational agencies and high-need schools, which—

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

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

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

Sec. 1111(d) [Annual State Report Cards]

Sec. 1111(d)(1) [In General] a State that receives a grant under this part shall prepare and disseminate an annual report card for each public elementary school and secondary school in the State, each local educational agency in the State, and the State as a whole.

Sec. 1111(d)(2)(A-D) [Requirements for all report cards] requires that all school, local education agency, and State report cards be

(A) uniform across the state;

(B) concise;

(C) presented in a format that is easily understandable;

(D)(i-iii) accessible to the public, which includes-

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

(ii) placing, on the website of each local educational agency and, where

applicable, each school, a link that provides access to the report card for the school or local educational agency, respectively; and

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

Sec. 1111(d)(3)(A-C) [Required Student Information for School Report Cards] requires that each school report card required under paragraph (1) must include the following:

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

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

(i) Student achievement at each proficiency level on the State academic assessments that are included in the State's accountability system under subsection (a)(3).

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

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

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

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

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

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

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

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

(viii) For each high school—

(I) student graduation rates, including—

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

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

and

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

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

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

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

Sec. 1111(d)(4)(A-F) [Optional Information] provides that a State may include in each school report card such other information as the State believes will best provide parents, students, and other members of the public with information regarding the progress of each of the State’s public elementary and secondary schools. Such information may include—

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

(B) the average class size, by grade;

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

(D) indicators of school climate;

(E) student attendance; and

(F) school readiness of students in kindergarten.

Sec. 1111(d)(5)(A-B) [Local Educational Agency and State Report Cards] requires that each local educational agency report card and State report card required under paragraph (1)-

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

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

Sec. 1111(d)(6)- [Data] requires that a State only include data that do not reveal personally identifiable information about an individual student in a school report card or local educational agency report card.

Sec. 1111(d)(7)- [Preexisting Report Cards] allows a state or local educational agency that has been providing public report cards on the performance of students, schools, local educational agencies, or the State prior to the date of enactment this act to use those report cards for the purpose of this subsection as long as any such report card is modified as needed to contain the information required by this subsection.

Sec. 1111(d)(8)- [Cost Reduction] requires each State and local educational agency receiving assistance under this part to take steps to reduce data collection costs and duplication of effort by obtaining the information required under this subsection through existing data collection efforts whenever possible.

Sec. 1111(e) [Reporting]

Sec. 1111(e)(1)(A-E) [Annual State Report] requires that each State educational agency that receives assistance under this part must report annually to the Secretary, and make widely available within the State-

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

(B) information on the achievement of students, in terms of being on track to college and career readiness and, for States described in subsection (b)(1)(B), in terms of making adequate student growth, on such academic assessments, including results disaggregated by the subgroups described in subsection (a)(2)(B)(ix);

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

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

(E) the number of schools, and the name of each school, identified under section 1116(c)(2) or section 1117.

Sec. 1111(e)(2) [Secretary's Report Card and Biennial Evaluation Report]

Sec. 1111(e)(2)(A)(i-vii) [Secretary's Report Card] requires that not later than July 1, 2013, and annually thereafter, the Secretary shall prepare and submit to the authorizing committees a national report card on the status of elementary and secondary education in the United States. Such report shall—

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

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

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

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

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

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

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

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

Sec. 1111(e)(2)(B) [Biennial Report] requires that the Secretary shall transmit biennially to the authorizing committees a report that provides national and State-level data on the information collected under paragraph (1).

Sec. 1111(f) [Penalties] provides that if a State that receives a grant under this part fails to meet any requirement of this part, the Secretary may withhold funds for State administration under this part until the Secretary determines that the State has fulfilled those requirements.

Sec. 1111(g)(1)(A-D) [Qualifications] requires that at the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

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

(B) Whether the teacher is teaching under emergency or other provisional status

through which State qualification or licensing criteria have been waived.

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

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

Sec. 1111(g)(2)(A-B) [Additional Information] in addition to the information that parents of students may request under paragraph (1), a school that receives funds under this part shall provide to each individual parent, with respect to the student—

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

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

Sec. 1111(g)(3) [Format] states that the notice and information provided to parents under this subsection shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

Sec. 1111(h) [Privacy] requires that information collected under this section must be collected and disseminated in a manner that protects the privacy of individuals.

Sec. 1111(i) [Technical Assistance] requires that the Secretary provide a State educational agency, at the State educational agency's request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of high-quality academic assessments, the setting of State standards, the development of State accountability systems, the minimum number of students in a subgroup needed to protect confidentiality, and other relevant areas.

Sec. 1111(j) [Construction] notes that nothing in this part shall be construed to prescribe the use of the academic assessments described in this part for student promotion or graduation purposes.

Sec. 1111(k) [Special Rule With Respect to Bureau-Funded Schools] states that in determining the assessments to be used by each school operated or funded by the Bureau of Indian Education of the Department of Interior that receives funds under this part, the following shall apply:

Sec. 1111(k)(1) [State Accredited Schools] requires that each such school that is accredited by the State in which it is operating shall use the assessments the State has developed and implemented to meet the requirements of this section, or such other appropriate assessment as approved by the Secretary of the Interior.

Sec. 1111(k)(2) [Regionally Accredited Schools] requires that each such school that is accredited by a regional accrediting organization shall adopt appropriate assessments, in consultation with and with the approval of, the Secretary of the Interior and consistent with assessments adopted by other schools in the same State or region, that meets the requirements of this section.

Sec. 1111(k)(3) [Tribally Accredited Schools] requires that each such school that is accredited by a tribal accrediting agency or tribal division of education shall use assessments developed by such agency or division, except that the Secretary of the Interior shall ensure that such assessments meet the requirements of this section.

Sec. 1111(1)(1-2) [Definition of Adequate Student Growth] defines that in this section, the term ‘adequate student growth’ with respect to a subject means:

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

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

ESEA (2011)

Authorization of Appropriations: Section by Section analysis

Section 7 amends the below ESEA section as follows:

Sec. 3 [Authorization of Appropriations]

Sec. 3(a) [Local Educational Agency Grants]

Sec. 3(a)(1) [In General] there are authorized to be appropriated to carry out part A (except for section 1116[(e)] the following: [to be supplied]

Sec. 3(a)(2) [School Improvement Grants, National Activities, and Evaluation]

Sec. 3(a)(2)(A) [In General] there are authorized to be appropriated to carry out section 1116(e) [\$_____] for fiscal year [2012] and such sums as may be necessary for each of the [__] succeeding fiscal years.

Sec. 3(a)(2)(B) [Reservation for National Activities] states that of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not more than 2 percent for the national activities described in section 1116(e)(6).

Sec. 3(b) [Grants for State Assessments and the National Assessment of Educational Progress]

Sec. 3(b)(1) [National Assessment of Educational Progress] states that for the purpose of administering the State assessments under the National Assessment of Educational Progress, there are authorized to be appropriated [_____] for fiscal year 2012, and such sums as may be necessary for each of the 5 succeeding fiscal years.

Sec. 3(b)(2) [State Assessments and Related Activities] states the for the purpose of carrying out this subpart, there are authorized to be appropriated [_____] for fiscal year 2012, and such sums as may be necessary for each of the 5 succeeding fiscal years.

Sec. 3(c) [State Administration and State Accountability Support] states that for the purposes of carrying out Section 1003 of Title I, State Administration and State Accountability Support, there are authorized to be appropriated [_____] for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(d) [Pathways to College] states that for the purposes of carrying out Part B of Title I, Pathways to College, there are authorized to be appropriated [_____] for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(e) [Education for Migratory Children] states that for the purposes of carrying out Part C of Title I, Education of Migratory Children, there are authorized to be appropriated [] for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(f) [Neglected and Delinquent] states that for purposes of carrying out Part D of Title I, Prevention and Intervention Programs for Children and Youth Who are Neglected and Delinquent or at-risk, there are authorized to be appropriated [] for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(g) [Teacher and Principal Professional Development and Evaluation] states that for the purposes of carrying out Part A of Title II, Teacher and Principal Professional Development and Evaluation, there are authorized to be appropriated [] for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(h) [Pathways to the Classroom] states that for the purposes of carrying out Part B of Title II, Pathways to the Classroom, there are authorized to be appropriated [] for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(i) [Teacher and Principal Incentive Fund] states that for the purposes of carrying out Part C of Title II, Teacher and Principle Incentive Fund, there are authorized to be appropriated [\$] for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(j) [English Learners and Immigrant Students] state that for the purposes of carrying out Title III, [Improving the Academic Achievement of English Learners and Immigrant Students], there are authorized to be appropriated [] for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec.3(k) [Literacy] states that for the purposes of carrying out Part A of Title IV [Literacy from Cradle to Career], there are authorized to be appropriated [] for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(l) [Improving Instruction in Science, Technology, Engineering, and Math] for the purposes of carrying out Part B of Title IV, [Improving Instruction in Science, Technology, Engineering, and Math], there are authorized to be appropriated [] for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(m) [Successful, Safe, and Healthy Students] states that for the purposes of carrying out Part C of Title IV, Successful, Safe, and Healthy Students, there are authorized to be appropriated [] for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(n) [21st Century Community Learning Centers] states that for the purposes of carrying out Part D of Title IV, 21st Century Community Learning Centers, there are authorized to be appropriated [] for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(o) [Promise Neighborhoods] states that for the purposes of carrying out Part E of Title IV, Promise Neighborhoods, there are authorized to be appropriated [_____]for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(p) [Parent and Family Information and Resource Centers] states that for the purposes of carrying out Part F of Title IV, Parent and Family Information and Resource Centers, there are authorized to be appropriated [_____]for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(q) [Ready to Learn (Media)] states that for the purposes of carrying out Part G of Title IV, Ready to Learn [Media], there are authorized to be appropriated [_____]for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(r) [Programs of National Significance] states that for the purposes of carrying out Part H of Title IV, Programs of National Significance, there are authorized to be appropriated [_____]for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(s) [Race to the Top] states that for the purposes of carrying out Part A of Title V, Race to the Top, there are authorized to be appropriated [_____]for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(t) [Investing Innovation] states that for the purposes of carrying out Part B of Title V, Investing in Innovation, there are authorized to be appropriated [_____]for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(u) [Magnet Schools Assistance] states that for the purposes of carrying out Part C of Title V, Magnet Schools Assistance, there are authorized to be appropriated [_____]for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(v) [Public Charter Schools] states that for the purposes of carrying out Part D of Title V, Public Charter Schools, there are authorized to be appropriated [_____]for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(w) [Voluntary Public Schools Choice] states that for the purposes of carrying out Part E of Title V, Voluntary Public School Choice, there are authorized to be appropriated [_____]for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(x) [Rural Education Initiative] states that for the purposes of carrying out Part B of Title VI, Rural Education Initiative, there are authorized to be appropriated [_____]for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(y) [Indian, Native Hawaiian, and Alaska Native Education] state that for the purposes of carrying out Title VII, Indian Native Hawaiian, and Alaska Native Education, there are authorized to be appropriated [_____]for fiscal year 2012 and each of the 5 succeeding fiscal years.

Sec. 3(z) [Impact Aid] states that for the purposes of carrying out Title VIII, Impact Aid, there are authorized to be appropriated [_____]for fiscal year 2012 and each of the

5 succeeding fiscal years.

ESEA (2011)

Education for Homeless Children and Youth: Section by Section Analysis

Section 10012 amends the McKinney Vento Homeless Assistance Act as follows:

Subtitle B-Education for Homeless Children and Youth

Sec. 721. [Statement of Policy]

Sec. 721. (1-4) [Statement of Policy] states the following as 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]

Sec. 722(a) [General Authority] provides that 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).

Sec. 722(b) [Application] provides that 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 such information as the Secretary may reasonably require.

Sec. 722(c) [Allocation and Reservations]

Sec. 722(c)(1) [Allocation]

Sec. 722(c)(1)(A) [In General] the Subject Subject to subparagraph (C), the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724 (d) and (h), as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332) to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except as provided in subparagraph (B).

Sec. 722(c)(1)(B)(i-ii) [Minimum Allotments] provides that no state shall receive for a fiscal year less under this paragraph than the greater of.—

(i) \$150,000; or

(ii) an amount that bears the same ratio to the amount appropriated for such year under section 726 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724 (d) and (h), as the amount the State received under this paragraph for the preceding fiscal year bears to the total amount received by all States under this paragraph for the preceding fiscal year.

Sec. 722(c)(1)(C) [Reduction for Insufficient Funds] provides that if there are insufficient funds in a fiscal year to allot to each State the minimum amount under subparagraph (B), the Secretary shall ratably reduce the allotments to all States based on the proportionate share that each State received under this subsection for the preceding fiscal year.

Sec. 722(c)(2) [Reservations]

Sec. 722(c)(2)(A) [Students in Territories] states that the Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective need for assistance under this subtitle, as determined by the Secretary. Funds allocated under this subparagraph shall be used for programs that are consistent with the purposes of the programs described in this subtitle.

Sec. 722(c)(2)(B) [Indian Students]

Sec. 722(c)(2)(B)(i) [Transfer] requires that the Secretary transfer 1 percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs that are for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and that are consistent with the purposes of the programs described in this subtitle.

Sec. 722(c)(2)(B)(ii) [Agreement] requires that the Secretary of Education and the Secretary of the Interior enter into an agreement, consistent with the requirements of this subtitle, for the

distribution and use of the funds described in clause (i) under terms that the Secretary of Education determines best meet the purposes of the programs described in this subtitle. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the funds transferred, including appropriate goals, objectives, and milestones for that use.

Sec. 722(d)(1-4) [State Activities] requires that grant funds from a grant made to a State under this section be used for the following:

(1) To provide activities for and services to improve the identification of homeless children and youth and enable such children and youth to enroll in, attend, and succeed in school.

(2) To establish or designate an Office of the Coordinator for Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f) that has sufficient knowledge, authority, and time to carry out the duties described in this subtitle.

(3) To prepare and carry out the duties described in subsection (f) in the State plan described in subsection (g).

(4)(A-B) To develop and implement professional development activities for liaisons designated under subsection (g)(1)(J)(ii), other local educational agency and school personnel, and community agencies—

(A) to improve their identification of homeless children and youth; and

(B) to improve their awareness of, and capacity to respond to, specific needs in the education of homeless children and youth.

Sec. 722(e) [State and Local Subgrants]

Sec. 722(e)(1)(A-B) [Minimum Disbursements by States] provides that from the grant funds made available each year to a State under subsection (a) to carry out this subtitle, the State educational agency—

(A) may use not more than 20 percent of the State's allocation under subsection (c)(1) or \$85,000, whichever amount is greater, for State-level activities; and

(B) shall use the remainder of the State's allocation after using amounts for State-level activities under subparagraph (A) to award subgrants to local educational agencies for the purposes of carrying out section 723.

Sec. 722(e)(2) [Use by State Educational Agency] provides that a State educational agency may use funds for State-level activities made available under paragraph (1)(A) to conduct activities under subsection (f) directly or through grants or contracts.

Sec. 722(f)(1-6) [Functions of the Office of the Coordinator] requires that the Coordinator for Education of Homeless Children and Youth established in each State:

(1)(A-D) gather and make publicly available reliable, valid, and comprehensive information on—

(A) the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs, and to public elementary schools and secondary schools;

(B) the difficulties in identifying the special needs and barriers to participation and achievement of such children and youth;

(C) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties; and

(D) the success of the programs under this subtitle in identifying homeless children and youth and allowing homeless children and youth to enroll in, attend, and succeed in, school; and

(2) develop and carry out the State plan described in subsection (g);

(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may require, reports containing such information as the Secretary determines is necessary to assess the educational needs of homeless children and youth within the State, including data requested pursuant to subsection (h) of section 724;

(4)(A-E) improve the provision of comprehensive education and related support services to homeless children and youth and their families, and to minimize educational disruption, through coordination of activities, and collaboration with—

(A) educators, including teachers, administrators, special education personnel, and child development and preschool program personnel;

(B) providers of services to homeless children and youth and homeless families, public and private child welfare and social services agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, runaway and homeless youth centers, and providers of services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

(C) providers of emergency, transitional, and permanent housing to homeless children and youth, and their families, including public housing agencies, shelter operators, operators of transitional housing facilities, and providers of transitional living programs for homeless youth;

(D) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youth; and

(E) community organizations and groups representing homeless children and youth and their families;

(5) provide professional development and technical assistance to and conduct monitoring of local educational agencies, in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of paragraphs (3) through (7) of subsection (g), and subsection (h); and

(6) make opportunities available for teachers and local educational agency liaisons designated under subsection (g)(1)(J)(ii) to participate in ongoing and relevant professional development programs and activities.

Sec. 722(g) [State Plan]

Sec. 722(g)(1)(A-J) [In General] requires that each State submit to the Secretary and implement a plan to provide for the education of all homeless children and youth within the State. Such plan must include the following:

(A)(i-ii) A description of how such children and youth are (or will be) given the opportunity—

(i) to meet the same college and career ready State student academic achievement standards as all students are expected to meet; and

(ii) to become college and career ready.

(B) A description of the procedures the State educational agency will use, in coordination with local educational agencies, to identify such children and youth in the State and to assess their needs.

(C)(i-iv) A description of procedures for the prompt resolution of disputes arising under this subtitle, which shall—

(i) be developed in coordination and collaboration with the liaisons designated under subparagraph (J)(ii);

(ii) be readily available and provided in a written format and, to the extent practicable, in a manner and form understandable to the parents and guardians of homeless children and youth;

(iii) take into account the educational best interest of the homeless child or youth, or unaccompanied youth, involved; and

(iv) ensure that parents and guardians of homeless children and youth, and unaccompanied youth, who have exhausted the procedures available under this paragraph are able to appeal to the State educational agency, and are enrolled in school pursuant to paragraph (4)(C) and receive transportation pursuant to subparagraph (J)(iii) pending final resolution of the dispute.

(D) A description of programs for school personnel (including the liaisons, principals, attendance officers, teachers, enrollment personnel, and pupil services personnel) to increase the awareness of such personnel of the specific needs of homeless adolescents, including runaway and homeless youth.

(E) A description of procedures that ensure that homeless children and youth are able to participate in Federal, State, or local nutrition programs.

(F)(i-iii) A description of procedures that ensure that—

(i) homeless children have access to public preschool programs, administered by the State educational agency or local educational agency, including through the policies and practices required under paragraph (3);

(ii) homeless youth, including youth separated from public schools, are

identified and accorded equal access to appropriate and available secondary education and support services, including receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, and for work completed after their enrollment in a new school, consistent with State graduation requirements and accreditation standards; and

(iii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care, magnet schools, summer schools, career and technical education, advanced placement online learning opportunities, charter school programs, and relevant workforce investment programs.

(G) Strategies to address problems identified in the reports provided to the Secretary under subsection (f)(3).

(H)(i-v) Strategies to address other problems with respect to the education of homeless children and youth, including enrollment problems related to—

(i) immunization and other required health records and screenings;

(ii) residency requirements;

(iii) lack of birth certificates, school records, or other documentation;

(iv) guardianship issues; or

(v) uniform or dress code requirements.

(I) A demonstration that the State educational agency, and local educational agencies and schools in the State, have developed and shall regularly review and revise their policies and practices to remove barriers to the identification, enrollment, attendance, retention, and success of homeless children and youth in schools in the State.

(J)(i-iv) Assurances that the following will be carried out—

(i) The State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not stigmatized or segregated on the basis of their status as homeless.

(ii) Local educational agencies will designate an appropriate staff person as the local educational agency liaison for homeless children and youth, who shall have sufficient training and time to carry out the duties described in paragraph (7)(A), and who may also be a coordinator for other Federal programs.

(iii)(I-II) The State and local educational agencies in the State will adopt policies and practices to ensure that transportation is provided at the request of the parent or guardian involved (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, for as long as the student has the right to attend the school of origin as determined in paragraph (4)(A), in accordance with the following, as applicable:

(I) If the child or youth continues to live in the area served by the local educational agency for the school of origin, the child's or youth's

transportation to and from the school of origin shall be provided or arranged by the local educational agency for the school of origin.

(II) If the child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing the child's or youth's education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency for the area in which the child or youth is living shall agree upon a method to apportion the responsibility and cost for providing transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally between the agencies.

(iv) SCHOOL SUCCESS.—The State educational agency and local educational agencies will adopt policies and practices to promote school success for homeless children and youth, including access to full participation in academic and extracurricular activities that are made available to non-homeless students.

Sec. 722(g)(2) [Compliance]

Sec. 722(g)(A) [In General] each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).

Sec. 722(g)(2)(B) [Coordination] requires that such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

Section 722(g)(3)(A-C) [School Readiness for Homeless Children] states that each State plan adopted under this subsection shall ensure that entities carrying out preschool programs funded, administered, or overseen by the agency involved—

(A) shall not be required to enroll a homeless child immediately in an early learning program that is operating at full capacity when the child seeks to enroll;

(B)(i-v) identify and prioritize homeless children for enrollment and increase their enrollment and attendance in early learning programs, including through policies such as—

(i) reserving spaces in preschool programs for homeless children;

(ii) conducting targeted outreach to homeless children and their families;

(iii) waiving application deadlines;

(iv) providing ongoing professional development for staff regarding the needs of homeless children and their families and strategies to serve the children and families; and

(v) developing the capacity to serve all identified homeless children; and

(C) review the educational and related needs of homeless children and their families in such agency's service area, in coordination with the liaison designated under paragraph (1)(J)(ii).

Sec. 722(g)(4)(A-J) [Local Educational Agency Requirements]

Section 722(g)(4)(A)(i-ii) [In General] the local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest—

(i)(I-II) continue the child's or youth's education in the school of origin for the duration of homelessness—

(I) in any case in which the child or youth becomes a homeless child or youth between academic years or during an academic year; and

(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

Sec. 722(g)(4)(B)(i-v) [Best Interest in School Stability] states that in determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

(i) presume that keeping a homeless child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;

(ii) consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the wishes of the homeless child's or youth's parent or guardian or the unaccompanied youth involved;

(iii) if, after conducting the best interest determination described in clause (ii), the local educational agency determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent, guardian, or unaccompanied youth, provide, in coordination with the local education agency liaison, the homeless child's or youth's parent or guardian or the unaccompanied youth, with a written explanation in a manner or form understandable to such parent, guardian, or youth, to the extent practicable, including a statement regarding the right to appeal under subparagraph (E);

(iv) in the case of an unaccompanied youth, ensure that the local educational agency liaison assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E); and

(v) provide transportation pursuant to paragraphs (1)(J)(iii) and (4).

Sec. 722(g)(4)(C) [Enrollment]

Sec. 722(g)(4)(C)(i)(I-III) [Enrollment] provides that the school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth—

(I) is unable to produce records traditionally required for enrollment, including previous academic records, health records, proof of residency or guardianship, or other documentation;

(II) has unpaid fines or fees from prior schools or is unable to pay fees in the school selected; or

(III) has missed application or enrollment deadlines during any period of homelessness.

Sec. 722(g)(4)(C)(ii) [Contacting School Last Attended] requires that the enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

Sec. 722(g)(4)(C)(iii) [Relevant Health Records] provide that if the child or youth needs to obtain immunizations or other required health records, the enrolling school shall immediately refer the parent or guardian of the child or youth, or the unaccompanied youth, to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations or screenings, or immunization or other required health records in accordance with subparagraph (D).

Sec. 722(g)(4)(C)(iv) [No Liability] states that whenever the school selected enrolls an unaccompanied youth in accordance with this paragraph, no liability shall be imposed upon the school by reason of enrolling the youth without parent or guardian consent.

Sec. 722(g)(4)(D)(i-ii) [Records] requires that any record ordinarily kept by the school, including immunizations or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth be maintained—

(i) so that the records involved are available when a homeless child or youth enters a new school or school district, even if the child or youth owes fees or fines or did not withdraw from the previous school in conformance with local withdrawal procedures; and

(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

Sec. 722(g)(4)(E)(i-iv) [Disputes] states that if a dispute arises over eligibility, enrollment, school selection, or service in a public school or public preschool, or any other issue relating to services under this subtitle—

(i) in the case of a dispute relating to eligibility for enrollment or school selection, the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute including all available appeals;

(ii) the parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding eligibility for enrollment, school selection, or services, made by the school or the local educational agency, which shall include information about the right to appeal the decision;

(iii) the child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of such dispute; and

(iv) in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in school pending resolution of such dispute.

Sec. 722(g)(4)(F) [Placement Choice] provides that the choice regarding placement shall be made regardless of whether the child or youth involved lives with the homeless parents or has been temporarily placed elsewhere.

Sec. 722(g)(4)(G) [Contact Information] provides that nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.

Sec. 722(g)(4)(H) [Privacy] requires that information about a homeless child's or youth's living situation be treated as a student education record under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) and shall not be released to housing providers, employers, law enforcement personnel, or other persons or agencies not authorized to have such information under section 99.31 of title 34, Code of Federal Regulations, paying particular attention to preventing disruption of the living situation of the child or youth and to supporting the safety of such children and youth who are survivors of domestic violence and unaccompanied youth.

Sec. 722(g)(4)(I) [Academic Achievement] requires that the school selected in accordance with this paragraph ensure that homeless children and youth have opportunities to meet the same college and career ready State student academic achievement standards to which other students are held, including implementing the policies and practices required by paragraph (1)(J)(iv).

Sec. 722(g)(4)(J) [School Readiness for Homeless Children] requires that each local educational agency ensure school readiness for homeless children as described in paragraph (3).

Sec. 722(g)(5)(A-F) [Comparable Services] states that in addition to receiving services provided for homeless children and youth under this subtitle or other Federal, State, or local laws, regulations, policies, or practices, each homeless child or youth to be assisted under this subtitle also shall be provided services comparable to services offered to other students in the school selected under paragraph (4), including the following:

(A) Transportation services.

(B) Educational services for which the child or youth meets the eligibility criteria, including services provided under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), similar State or local programs, charter schools, magnet schools, educational programs for children with disabilities, and educational programs for students with limited English proficiency.

(C) Programs in career and technical education.

- (D) Programs for gifted and talented students.
- (E) School nutrition programs;
- (F) Health and counseling services, as appropriate.

Sec. 722(g)(6) [Coordination]]

Sec. 722(g)(6)(A)(i-ii) [In General] each local educational agency must coordinate—

- (i) the provision of services under this subtitle with the services of local social services agencies and other agencies or entities providing services to homeless children and youth and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and
- (ii) transportation, transfer of school records, and other interdistrict activities, with other local educational agencies.

Sec. 722(g)(6)(B) [Housing Assistance] requires that each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate, if applicable, with State and local housing agencies responsible for developing comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize education disruption for children and youth who become homeless.

Sec. 722(g)(6)(C)(i-iii) [Coordination Purpose] requires that the coordination required under subparagraphs (A) and (B) be designed to—

- (i) ensure that all homeless children and youth are identified within a reasonable time frame;
- (ii) ensure that homeless children and youth have access to and are in reasonable proximity to available education and related support services; and
- (iii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

Sec. 722(g)(6)(D) [Homeless Children and Youths With Disabilities] states that for children and youth who are to be assisted both under this subtitle, and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), each local educational agency shall coordinate the provision of services under this subtitle with the provision of programs for children with disabilities served by such local educational agency and other involved local educational agencies.

Sec. 722(g)(7) [Local Educational Agency Liaison]

Sec. 722(g)(7)(A)(i-x) [Duties] requires that each local educational agency liaison for homeless children and youth, designated under paragraph (1)(J)(ii), ensure that-

- (i) all homeless children and youth are identified by school personnel and through outreach and coordination activities with other entities and agencies;
- (ii) homeless children and youth are enrolled in, and have a full and equal

opportunity to succeed in, schools of that local educational agency;

(iii) homeless families, and homeless children and youth, have access to educational services for which such families, children, and youth are eligible, including services through Head Start, Early Head Start, early intervention, and Even Start programs, and preschool programs described in paragraph (3);

(iv) homeless families, and homeless children and youth receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;

(v) the parents or guardians of homeless children and youth are informed of the educational and related opportunities available to their children, including early learning opportunities, and are provided with meaningful opportunities to participate in the education of their children;

(vi) public notice of the educational rights of homeless children and youth is incorporated into documents related to residency requirements or enrollment, provided upon school enrollment and withdrawal, posted on the local educational agency's website, and disseminated in locations frequented by parents or guardians of such children and youth, and unaccompanied youth, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to parents and guardians of homeless children and youth and unaccompanied youth;

(vii) disputes are resolved in accordance with paragraph (4)(E);

(viii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (4)(A);

(ix) school personnel are adequately prepared to implement this subtitle and receive professional development, resource materials, technical assistance, and other support; and

(x)(I-III) unaccompanied youth—

(I) are enrolled in school;

(II) have opportunities to meet the same college and career ready State student academic achievement standards to which other students are held, including through implementation of the policies and practices required by subparagraphs (F)(ii) and (J)(iv) of paragraph (1); and

(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv), including through school counselors that have received professional development about unaccompanied youth, and receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).

Sec. 722(g)(7)(B) [Notice] requires that State Coordinators appointed under subsection (d)(3) and local educational agencies inform school personnel, service providers, and advocates working with homeless families and homeless children and youth of the contact information and duties of the local educational agency liaisons, including publishing an annually updated list of the liaisons on the State educational agency's website.

Sec. 722(g)(7)(C) [Local and State Coordination] requires that the local educational agency liaisons, as a part of their duties, coordinate and collaborate with the State Coordinators and community and school personnel responsible for the provision of education and related support services to homeless children and youth. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements of paragraphs (1) and (3) of subsection (f).

Sec. 722(g)(7)(D) [Professional Development] requires that the local educational agency liaisons participate, as appropriate, in the professional development and other technical assistance activities provided by the State Coordinator pursuant to subsection (f)(5).

Sec. 722(h) [Special Rule for Emergency Assistance]

Sec. 722(h)(1) [Emergency Assistance]

Sec. 722(h)(1)(A) [Reservation of Amounts] states that subject to paragraph (4) and notwithstanding any other provision of this title, the Secretary may use funds appropriated under section 726 for fiscal year 2012, for the purposes of providing emergency assistance through grants.

Sec. 722(h)(1)(B) [General Authority] requires that the Secretary use the funds to make grants to State educational agencies under paragraph (2), to enable the agencies to make subgrants to local educational agencies under paragraph (3), to provide activities described in section 723(d) for individuals referred to in subparagraph (C).

Sec. 722(h)(1)(C)(i-ii) [Eligible Individuals] requires that funds made available under this subsection be used to provide such activities for eligible individuals, consisting of homeless children and youths, and their families, who—

(i) have become homeless due to home foreclosure, including children and youths, and their families, who became homeless when lenders foreclosed on properties rented by the families; or

(ii) have become homeless due to a major disaster, including natural disasters such as hurricanes, tornadoes, and floods, or man-made disasters such as acts of terrorism.

Sec. 722(h)(2) [Grants to State Educational Agencies]

Sec. 722(h)(2)(A) [Disbursement] requires that the Secretary make grants with funds provided under paragraph (1)(A) to State educational agencies based on need, consistent with the number of eligible individuals described in paragraph (1)(C) in the States involved, as determined by the Secretary.

Sec. 722(h)(2)(B) [Assurance] states that to be eligible to receive a grant under this paragraph, a State educational agency shall provide an assurance to the Secretary that the State educational agency, and each local educational agency receiving a subgrant from the State educational agency under this subsection shall ensure that the activities carried out under this subsection are consistent with the activities described in section 723(d).

Sec. 722(h)(3) [Subgrants to Local Educational Agencies] provides that a State educational agency that receives a grant under paragraph (2) shall use the funds made available through the grant to make subgrants to local educational agencies. The State educational agency shall make the subgrants to local educational agencies based on need, consistent with the number of eligible individuals described in paragraph (1)(C) in the areas served by the local educational agencies, as determined by the State educational agency.

Sec. 722(h)(4)(A-B) [Restriction] requires that the Secretary—

(A) shall determine the amount (if any) by which the funds appropriated under section 726 for fiscal year 2009 exceed \$70,000,000; and

(B) may only use funds from that amount to carry out this subsection.

Sec. 722(i) [School Readiness for Homeless Children] requires that each State educational agency and local educational agency receiving assistance under this subtitle ensure that programs serving public preschool children comply with the requirements of this subtitle.

Sec. 723. Local Educational Agency Subgrants for the Education of Homeless Children and Youth

Sec. 723(a) [General Authority]

Sec. 723(a)(1) [In General] requires that the State educational agency, in accordance with section 722(e), and from amounts made available to such agency under section 726, make subgrants to local educational agencies for the purpose of facilitating the identification, enrollment, attendance, and success in school of homeless children and youth.

Sec. 723(a)(2) [Services]

Sec. 723(a)(2)(A)(i-ii) [In General] services under paragraph (1) —

(i) may be provided through programs on school grounds or at other facilities; and

(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless children and youth with nonhomeless children and youth.

Sec. 723(a)(2)(B) [Services on School Grounds] states that if services under paragraph (1) are provided to homeless children and youth on school grounds, the school involved may use funds under this subtitle to provide the same services to other children and youth who are determined by the local educational agency serving the school to be at risk of failing in, or dropping out of, school.

Sec. 723(a)(3) [Requirement] states the services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as

part of the school's regular academic program.

Sec. 723(a)(4) [Duration of Grants] requires that subgrants awarded under this section cannot exceed terms of 3 years.

Sec. 723(b)(1-7) [Application] states that a local educational agency that desires to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require. Such application shall include the following—

(1) An assessment of the educational and related needs of homeless children and youth in the area served by the local educational agency (which may be undertaken as part of a needs assessment for another disadvantaged group).

(2) A description of the services and programs for which assistance is sought to address the needs identified in paragraph (1).

(3) An assurance that the local educational agency's combined fiscal effort per student, or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the subgrant determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

(4) An assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g).

(5) A description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

(6) An assurance that the local educational agency will collect and promptly provide data requested by the State Coordinator pursuant to paragraphs (1) and (3) of section 722(f).

(7) An assurance that the local educational agency has removed the policies and practices that have created barriers to the identification, enrollment, attendance, retention, and success in school of all homeless children and youth.

Sec. 723(c) [Awards]

Sec. 723(c)(1) [In General] requires that the State educational agency, in accordance with the requirements of this subtitle and from amounts made available to it under section 722(a), make subgrants on a competitive basis to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.

Sec. 723(c)(2) [Need]

Sec. 723(c)(2)(A) [In General] states that in determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary schools, and secondary schools within the area served by the local educational agency, and shall consider the needs of such children and youth and the ability of the

local educational agency to meet such needs.

Sec. 723(c)(2)(B)(i-iv) [Other Considerations] provides that the State educational agency may also consider the following—

- (i) The extent to which the proposed use of funds will facilitate the identification, enrollment, attendance, retention, and educational success of homeless children and youth.
- (ii) The extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth.
- (iii) The extent to which the applicant exhibits in the application and in current practice (as of the date of submission of the application) a commitment to education for all homeless children and youth.
- (iv) Such other criteria as the State agency determines to be appropriate

Sec. 723(c)(3)(A-J) [Quality] requires that in determining the quality of applications under paragraph (1), the State educational agency consider each of the following—

- (A) The applicant's needs assessment under subsection (b)(2) and the likelihood that the program presented in the application will meet such needs.
- (B) The types, intensity, and coordination of the services to be provided under the program.
- (C) The extent to which the applicant will promote meaningful involvement of parents or guardians of homeless children or youth in the education of their children.
- (D) The extent to which homeless children and youth will be integrated into the regular education program involved.
- (E) The quality of the applicant's evaluation plan for the program.
- (F) The extent to which services provided under this subtitle will be coordinated with other services available to homeless children and youth and their families, including housing and social services and services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and similar State and local programs.
- (G) The extent to which the local educational agency will use the subgrant to leverage resources, including by maximizing nonsubgrant funding for the position of the liaison described in section 722(g)(1)(J)(ii) and the provision of transportation.
- (H) The local educational agency's use of funds to serve homeless children and youth under section 1113(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3)).
- (I) The extent to which the applicant's program meets such other measures as the State educational agency considers to be indicative of a high-quality program, including the extent to which the local educational agency will provide services to

unaccompanied youth and preschool-aged children.

(J) The extent to which the application describes how the applicant will meet the requirements of section 722(g)(4).

Sec. 723(d)(1-17) [Authorized Activities] provides that a local educational agency may use funds awarded under this section for activities that carry out the purpose of this subtitle, including the following—

(1) The provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same college and career ready State academic content standards and college and career ready State student academic achievement standards as the State establishes for other children and youth.

(2) The provision of expedited evaluations of the strengths, needs, and eligibility of homeless children and youth, including needs and eligibility for programs and services (including educational programs for gifted and talented students, children with disabilities, and students with limited English proficiency, charter school programs, magnet school programs, and programs in career and technical education, and school nutrition programs).

(3) Professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such educators and personnel to the needs of homeless children and youth, the rights of such children and youth under this subtitle, and the specific educational needs of runaway and homeless youth.

(4) The provision of referral services to homeless children and youth for medical, dental, mental, and other health services.

(5) The provision of assistance to defray the cost of transportation under paragraphs (1)(J)(iii) and (5)(A) of section 722(g), not otherwise provided through Federal, State, or local funding.

(6) The provision of developmentally appropriate early childhood and care programs, not otherwise provided through Federal, State, or local funding.

(7) The provision of services and assistance to attract, engage, and retain homeless children and youth, particularly homeless children and youth who are not enrolled in school, in public school programs and services provided to nonhomeless children and youth.

(8) The provision for homeless children and youth of before- and after-school, mentoring, and summer programs in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities.

(9) If necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to facilitate the appropriate placement of homeless children and youth in school, including birth certificates, immunization or other required health records, academic records, guardianship records, and evaluations for special programs or services.

(10) The provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth, and other activities designed to increase the meaningful involvement of families of homeless children

or youth in the education of their children.

(11) The development of coordination of activities between schools and agencies providing services to homeless children and youth, as described in section 722(g)(6).

(12) The provision of pupil services (including counseling) and referrals for such services.

(13) Activities to address the particular needs of homeless children and youth that may arise from domestic violence and parental mental health or substance abuse problems.

(14) The adaptation of space and purchase of supplies for any nonschool facilities made available under subsection (a)(2) to provide services under this subsection.

(15) The provision of school supplies, including supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations.

(16) The provision of assistance to defray the cost of the position of liaison designated pursuant to section 722(g)(1)(J)(ii), not otherwise provided through Federal, State, or local funding.

(17) The provision of other extraordinary or emergency assistance needed to enable homeless children and youth to enroll, attend, and succeed in school, including in early learning programs.

Sec. 724. [Secretarial Responsibilities]

Sec. 724(a) [Review of State Plans] requires that in reviewing the State plan submitted by a State educational agency under section 722(g), the Secretary use a peer review process and shall evaluate whether State laws, policies, and practices described in such plan adequately address the problems of all homeless children and youth relating to access to education and placement as described in such plan.

Sec. 724(b)(1-2) [Technical Assistance] the Secretary—

(1) shall provide support and technical assistance to State educational agencies to assist such agencies in carrying out their responsibilities under this subtitle; and

(2) may designate an individual who shall coordinate services and activities for the education of homeless children and youth.

Sec. 724(c) [Notice]

Sec. 724(c)(1) [In General] requires that the Secretary before the next school year that begins after the date of enactment of the [short title], develop and disseminate a public notice of the educational rights of homeless children and youth. The notice shall include information regarding the definition of homeless children and youth in section 725.

Sec. 724(c)(2) [Dissemination] requires that the Secretary disseminate the notice nationally. The Secretary also shall disseminate such notice to heads of other Department of Education offices, including those responsible for special education programs, higher education, and programs under parts A, B, C, D, G, and H of title I, title III, title IV, and part B of title V of the

Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq., 6361 et seq., 6391 et seq., 6421 et seq., 6531 et seq., 6551 et seq., 6801 et seq., 7102 et seq., and 7221 et seq.). The Secretary shall also disseminate such notice to heads of other Federal agencies, and grant recipients and other entities carrying out federally funded programs, including Head Start programs, grant recipients under the Health Care for the Homeless program of the Health Resources and Services Administration of the Department of Health and Human Services, grant recipients under the Emergency Food and Shelter National Board Program of the Federal Emergency Management Agency, grant recipients under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.), grant recipients under the John H. Chafee Foster Care Independence program, grant recipients under homeless assistance programs administered by the Department of Housing and Urban Development, and recipients of Federal funding for programs carried out by the Administration on Children, Youth and Families of the Department of Health and Human Services.

Sec. 724(d) [Evaluation and Dissemination] requires that the Secretary conduct evaluation, dissemination, and technical assistance activities for programs that are designed to meet the educational needs of homeless preschool, elementary school, and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

Sec. 724(e) [Submission and Distribution] requires that the Secretary require applications for grants under section 722 to be submitted to the Secretary not later than the expiration of the 120-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 180-day period beginning on such date.

Sec. 724(f) [Determination by Secretary] requires that the Secretary, based on the information received from the States and information gathered by the Secretary under subsection (h), determine the extent to which State educational agencies are ensuring that each homeless child or youth has access to a free appropriate public education, as described in section 721(1). The Secretary shall provide support and technical assistance to State educational agencies in areas in which barriers to a free appropriate public education persist.

Sec. 724(g)(1-3) [Publication] requires the Secretary develop, issue, and publish in the Federal Register, not later than 90 days after the date of enactment of the [short title], a summary of the changes enacted by that Act and related strategies, which summary shall include—

(1) strategies by which a State can assist local educational agencies to implement the provisions amended by the Act;

(2) strategies by which a State can review and revise State policies and procedures that may present barriers to the identification, enrollment, attendance, and success of homeless children and youth in school; and

(3) strategies by which entities carrying out preschool programs can implement requirements of section 722(g)(3).

Sec. 724(h) [Information]

Sec. 724(h)(1)(A-E) [In General] requires that from funds appropriated under section 726, the Secretary directly or through grants, contracts, or cooperative agreements, periodically but no less frequently than every 2 years, collect and disseminate publicly data and information regarding—

- (A) the number of homeless children and youth;
- (B) the education and related support services such children and youth receive;
- (C) the extent to which the needs of homeless children and youth are being met;
- (D) the academic progress being made by homeless children and youth, including the percent or number of homeless children and youth participating in State assessments; and
- (E) such other data and information as the Secretary determines to be necessary and relevant to carry out this subtitle.

Sec. 724(h)(2) [Coordination] requires the Secretary coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

Sec. 724(i)(1-2) [Report] requires that no later than 4 years after the date of enactment of the [short title], the Secretary prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of the provision of education and related support services to homeless children and youth, which shall include information on—

- (1) the education of homeless children and youth; and
- (2) the actions of the Secretary and the effectiveness of the programs supported under this subtitle.

Sec. 725. [Definitions]

Sec. 725 states that in this subtitle:

Sec. 725(1) [Enroll; Enrollment] the terms “enroll” and “enrollment” include attending classes and participating fully in school activities.

Sec. 725(2)(A-B) [Homeless Children and Youth] the term “homeless children and youth”

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

(B) includes—

(i) children and youth who—

(I) are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

(II) are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

(III) are living in emergency or transitional shelters;

(IV) are abandoned in hospitals; or

(V) are awaiting foster care placement;

(ii) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

(iii) children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399)) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

Sec. 725(3) [Local Educational Agency; State Educational Agency] the terms ‘local educational agency’ and ‘State educational agency’ have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

Sec. 725(4) [Secretary] the term “Secretary” means the Secretary of Education

Sec. 725(5) [State] means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

Sec. 725(6) [Unaccompanied Youth] The term ‘unaccompanied youth’ means a homeless child or youth not in the physical custody of a parent or legal guardian.

Sec. 726. [Authorization of Appropriations]

Sec. 726 [Authorization of Appropriations] states that for the purpose of carrying out this subtitle, there are authorized to be appropriated to the Secretary \$300,000,000 for fiscal year 2012 and such sums as may be necessary for each of fiscal years 2013 through 2018.

ESEA (2011)

Section 1001: Section by Section Analysis

Section 1001 amends the below ESEA section as follows:

Sec. 1001 [Purpose]

Sec. 1001(1-8) [Purpose] states that the purpose of this title is to ensure that every child has a fair, equal, and significant opportunity to obtain a high-quality education, succeed from the earliest grades, and graduate from high school ready for college, career, and citizenship. This purpose can be accomplished by—

- (1) setting high expectations for children to graduate from high school college and career ready;
- (2) supporting high-quality teaching that uses student achievement data, professional collaboration, meaningful feedback, effective technologies, student engagement, multi-tiered systems of support, and other evidence-based practices to continuously improve instruction and encourage new models of teaching and learning;
- (3) removing barriers to, and encouraging State and local innovation and leadership in, education based on the evaluation of success and continuous improvement, especially in providing excellent instruction, high-quality assessments, meaningful accountability, evidence-based supports and interventions in underperforming schools, highly effective educators, a well-rounded education, and other key factors for success;
- (4) providing additional resources and supports to meet the needs of disadvantaged students, including children from low-income families and those attending high-poverty schools, English learners, migratory children, children with disabilities, Indian children, and neglected or delinquent children;
- (5) focusing on increasing student achievement and closing achievement gaps, especially achievement gaps between minority and nonminority students and between disadvantaged children and their more advantaged peers;
- (6) removing barriers and promoting integration across all levels of education, and across Federal education programs;
- (7) streamlining Federal requirements to reduce burden on States, districts local educational agencies, schools, and educators; and
- (8) strengthening parental engagement and coordination of student, family, and community supports to promote student success.”.

ESEA (2011)

Ensuring College and Career Readiness for All Students: Section by Section Analysis

Section 1002 amends the below ESEA section as follows:

Sec. 1002. [State Administration and State Accountability and Support]

Sec. 1002(a) [State Administration] Describes the amount states may use to carry out administrative duties assigned under this title.

Sec. 1002(a)(1)(A-B) [State Administration] Each State may reserve the greater of

- (A) 1 percent of the amounts received under each parts or
- (B) \$400,000 (\$50,000 in case of each outlying area) to carry out administrative duties.

Sec. 1002(a)(2) [Exception] If the sum of the amounts appropriated is equal to or greater than \$14,000,000,000, then the reservation shall not exceed 1 percent of the amount the State would receive, if \$14,000,000,000 were allocated.

Sec. 1002(b) [Accountability and Support] Describes the amounts and methods that States may distribute to local educational agencies.

Sec. 1002(b)(1) [Accountability and Support] Each State may reserve 4 percent of the amount the State receives to carry out paragraph (2) and to carry out the State and local educational agency responsibilities under sections 1116.

Sec. 1002 (b)(2)(A-B) [Uses] Of the amount reserved under paragraph (1) for any fiscal year, the State educational agency

- (A) shall use not less than 90 percent of that amount by allocating such sums directly to local educational agencies for activities required under section 1116, or
- (B) may, with the approval of the local educational agency, directly provide for such activities or arrange for their provision through other entities such as educational service agencies.

Sec. 1002 (b)(3)(A-C) [Priority] The State educational agency shall give priority to local educational agencies that

- (A) serve the lowest-achieving schools, including schools identified under subsection (b) or (c) of section 1116;
- (B) demonstrate the greatest need for such funds; and
- (C) demonstrate the strongest commitment to ensuring that such funds are used to enable the lowest-achieving schools to improve student achievement and outcomes.

Sec. 1002 (b)(4)(A-B) [Unused Funds] If the State educational agency determine sthe amount of funds reserved to carry out this subsection is greater than the amount need to provide the assistance described, the State educational agency will allocate the excess amount to local educational agencies in accordance with

- (A) the relative allocations the State educational agency made to those agencies for that fiscal year under subpart 2 of part A; or
- (B) section 1126(c).

Sec. 1002 (b)(5) [Special Rule] The amount of funds reserved by the State educational agency under this subsection in any fiscal year shall not decrease the amount of funds each local educational agency receives under subpart 2 below the amount received by such local educational agency for the preceding fiscal year.

Sec. 1002 (b)(6) [Reporting] Each State educational agency shall make publicly available a list of those schools that have received funds or services pursuant to this subsection and the percentage of students from each such school from families with incomes below the poverty line.

ESEA (2011)

Sections 1112-1115: Section by Section Analysis

Sections 1112-1115 amends the below ESEA sections as follows:

Sec. 1112. [Local Educational Agency Plans]

Sec. 1112 (a)—Plans Required

Sec. 1112 (a)(1) [Subgrants] provides that a local educational agency may only receive a subgrant under this part if such agency has on file with the State educational agency a plan that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Career and Technical Education Act of 2006, the McKinney-Vento Homeless Assistance Act, and other Acts, as appropriate.

Sec. 1112(a)(2) [Consolidated Application] provides that the plan may be submitted as part of a consolidated application under section 9305.

Sec. 1112 (b)—[Plan Development and Duration]

Sec.1112 (b)(1) [Consultation] requires that each local educational agency plan be developed in consultation with teachers, principals, administrators, and other appropriate school personnel and with parents and family members of children in schools served under this part.

Sec. 1112 (b)(2) [Duration] requires that each local educational agency plan be submitted pursuant to this section for the first year for which this part is in effect following the date of enactment of the [insert short title] and remain in effect for the duration of the agency's participation under this part.

Sec. 1112 (b)(3) [Review] requires that each local educational agency periodically review and, as necessary, revise its plan to reflect changes in the local educational agency's strategies and programs under this part.

Sec. 1112 (c)—[State Approval]

Sec. 1112 (c)(1) [In General] Each local educational agency plan will be filed according to a schedule established by the State educational agency.

Sec. 1112 (c)(2)(A-B) [Approval] provides that the State educational agency approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan

- (A) enables schools served under this part to substantially help children served under this part meet the academic standards expected of all children described in section

- 1111(a)(1); and
(B) meets the requirements of this part.

Sec. 1112 (d)—[Plan Provisions]

Sec. 1112 (d)(1-11) [Plan Provisions] requires that each local educational agency plan describe each of the following in order to help low-achieving children meet college and career ready student academic achievement standards, and to close the achievement gap between high- and low-achieving children.

- (1) How the local educational agency will work with each of the schools served by the agency to—
 - (A) Develop and implement a comprehensive program of instruction to meet the academic needs of all students;
 - (B) Identify quickly and effectively students who may be at risk for academic failure;
 - (C) Provide additional educational assistance to individual students assessed as needing help in meeting the State’s college and career ready student academic achievement standards;
 - (D) Identify significant gaps in student achievement among subgroups of students identified under section 1111(a)(2)(B)(ix) and develop strategies to reduce such gaps in achievement; and
 - (E) Identify and implement effective methods that are based on scientifically valid research intended to strengthen the core academic programs of the schools, including multi-tiered systems of support, universal design for learning, and positive behavioral interventions and supports.
- (2) How the local educational agency will monitor and evaluate the effectiveness of school programs in improving student academic achievement.
- (3) The strategy the local educational agency will use to implement effective parent and family engagement under section 1118.
- (4) How the local educational agency will integrate services provided under this part with other early childhood education and care programs at the local educational agency or individual school level (including programs under section 619 of the Individuals with Disabilities Education Act) that include plans for the transition of participants in such programs to local elementary school programs and, if appropriate, a description of how the local educational agency will use funds under this part to support preschool programs for children, particularly children participating in a Head Start program or another comparable public early childhood education and care program.
- (5) How activities under this part will be coordinated and integrated with Federal, State, and local services and programs, including programs supported under this Act, the Carl D. Perkins Career and Technical Education Act of 2006, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Head Start Act, the Workforce Investment Act of 1998, violence prevention programs, nutrition programs, and housing programs.
- (6) The poverty criteria that will be used to select school attendance areas under section

1113.

- (7) How teachers, in consultation with parents and family members, administrators, and pupil services personnel, in targeted assistance schools under section 1115, will identify the eligible children most in need of services under this part.
- (8) How the local educational agency will, not later than 1 year after the date of enactment of the [short title], provide for the equitable distribution of teachers and principals within schools served by such agency, so that low-income and minority students are not taught at higher rates than other children by teachers in the lowest rating category consistent with section 2123(b).
- (9) Data on the percentage and distribution of more than 1, or an index that incorporates more than 1, of the categories of teachers described in clauses (i) through (iv) of subsection (e)(9)(B) as transitional measures of teacher quality.
- (10) A description of—
 - (A) how the local educational agency will provide opportunities for the enrollment, attendance, and success of homeless children and youths; and
 - (B) the services the local educational agency will provide homeless children and youths, including services provided with funds reserved under section 1113(c)(3), and how those services may differ from those provided in prior years.
- (11) A description of the support the local educational agency will provide for homeless children and youths, consistent with the requirements of the McKinney-Vento Homeless Assistance Act.

Sec. 1112 (e)—[Assurances]

Sec. 1112 (e) (1-9) [Assurances] requires that each local educational agency plan provides assurances that the local educational agency will—

- (1) use the results of the student academic assessments required under section 1111(a)(2) to review annually the progress of each school served by the agency and receiving funds under this part to determine whether all of the schools are making the progress necessary to ensure that all students will meet the State's on-track or advanced level of achievement on the State academic assessments described in section 1111(a)(2);
- (2) provide to parents and teachers the results from the academic assessments required under section 1111(a)(2) as soon as is practicably possible after the test is taken in an understandable and uniform format and, to the extent possible, provided in a language that the parents and family members, can understand;
- (3) participate, if selected, in State academic assessments of student achievement in reading and mathematics in grades 4 and 8 carried out under section 303(b)(3) of the

National Assessment of Educational Progress Authorization Act;

- (4) fulfill such agency's school improvement responsibilities under section 1116;
- (5) ensure that migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;
- (6) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;
- (7) inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under applicable Federal flexibility provisions;
- (8) in the case of a local educational agency that chooses to use funds under this part to provide early childhood education and care services to low-income children below the age of compulsory school attendance, ensure that such services comply with the education performance standards in effect under section 641A(a)(1)(B) of the Head Start Act; and
- (9) (A) during the transitional period before the agency has implemented an evaluation system that meets the requirements under section 2123, annually submit to the State the transitional measure data described in subsection (d)(9) for such year, for each quartile of schools in the local educational agency based on school poverty level, for high-minority schools, and for low-minority schools; and
- (9) (B) annually submit to the Secretary, for each quartile of schools in the local educational agency based on school poverty level and for high-minority schools and low-minority schools in the local educational agency, data regarding the percentage and distribution of the following categories of teachers:
 - (i) Teachers who are not classified as highly qualified teachers.
 - (ii) Teachers who are inexperienced.
 - (iii) Teachers who have not completed a teacher preparation program.
 - (iv) Teachers who are not teaching in the subject or field for which the teacher is certified or licensed.

Sec. 1112 (f)—[Parental Notification Regarding Language Instruction Programs]

Sec. 1112 (f)(1) [In General] provides for Parental Notification Regarding Language Instruction Programs in sections 1112(f)(1)(A-B).

Sec. 1112(f)(1)(A)(i-viii) [Language Instruction Programs—Notice] requires that each local educational agency that is using funds under this part to provide a language instruction educational program as determined under part C of title III inform, not later than 30 days after the beginning of the school year, a parent or parents of an English learner child identified for participation or participating in, such a program of—

- (i) the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program;
- (ii) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;
- (iii) the methods of instruction used in the program in which their child is, or will be, participating, and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;
- (iv) how the program in which their child is, or will be, participating, will meet the educational strengths and needs of their child;
- (v) how such program will specifically help their child learn English, and meet age-appropriate academic achievement standards for grade promotion and graduation;
- (vi) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for English learner children, and the expected rate of graduation from secondary school for such program if funds under this part are used for children in secondary schools;
- (vii) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and
- (viii) information pertaining to parental rights that includes written guidance—
 - (I) detailing—
 - (aa) the right that parents have to have their child immediately removed from such program upon their request; and
 - (bb) the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and
 - (II) assisting parents in selecting among various programs and methods of instruction, if more than 1 program or method is offered by the eligible entity.

Sec. 1112(f)(1)(B) [Separate notification] In addition to providing the information required to be provided under paragraph (1), each local educational agency that is using funds provided under this part to provide a language instruction educational program, shall separately inform a parent or the parents of a child identified for participation in such program, or participating in such program, of such failure not later than 30 days after such failure occurs.

Sec. 1112(f)(2) [Notice] requires that the notice and information provided in paragraph (1) to a parent or parents of a child identified for participation in a language instruction educational program for English learner children be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

Sec. 1112 (f)(3) [Special Rule Applicable During the School Year] requires that for those children who have not been identified as English learners prior to the beginning of the school year who are subsequently so identified, the local educational agency notify the parents of such children within the first 2 weeks of the child being placed in a language instruction educational program consistent with paragraphs (1) and (2).

Sec. 1112 (f)(4) [Parental Participation] Each local educational agency receiving funds under this part shall implement an effective means of outreach to parents of English learner students to inform the parents and family members regarding how they can be involved in the education of their children, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet college and career ready State academic achievement standards and State academic content standards expected of all students, including holding regular meetings for the purpose of formulating and responding to recommendations from parents and family members of students assisted under this part.

Sec. 1112 (f)(5) [Basis for Admission or Exclusion] provides that a student not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

Sec.1113. [Eligible School Attendance Areas]

Sec. 1113(a)—Determination

Sec.1113 (a)(1) [In General] A local educational agency shall use funds received under this part only in eligible school attendance areas.

Sec. 1113(a)(2)(A-B) [Eligible School Attendance Areas] establishes for the purposes of this part—

- (A) the term “school attendance area” means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and
- (B) the term “eligible school attendance area” means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families served by the local educational agency as a whole.

Sec. 1113(a)(3)(A) [Ranking Order—In General] Except as provided in subparagraph (B), if

funds allocated in accordance with subsection (c) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

- (i) annually rank, without regard to grade spans, such agency's eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent, or exceeds 50 percent in the case of the high schools served by such agency, from highest to lowest according to the percentage of children from low-income families; and
- (ii) serve such eligible school attendance areas in rank order.

Sec.1113 (a)(3)(B) [Applicability] provides that a local educational agency not be required to reduce, in order to comply with subparagraph (A), the amount of funding provided under this part to elementary schools and middle schools from the amount of funding provided under this part to such schools for the fiscal year preceding the date of enactment of the [insert short title] in order to provide funding under this part to high schools pursuant to subparagraph (A).

Sec. 1113(a)(4)(A-B) [Remaining Funds] If funds remain after serving all eligible school attendance areas under paragraph (3), a local educational agency shall—

- (A) annually rank such agency's remaining eligible school attendance areas from highest to lowest either by grade span or for the entire local educational agency according to the percentage of children from low-income families; and
- (B) serve such eligible school attendance areas in rank order either within each grade-span grouping or within the local educational agency as a whole.

Sec. 1113 (a)(5)(A)(i-iii) [Measures—In General] Except as provided in subparagraph (B), the local educational agency shall use the same measure of poverty, which measure shall be the number of children ages 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

- (i) to identify eligible school attendance areas;
- (ii) to determine the ranking of each area; and
- (iii) to determine allocations under subsection (c).

Sec.1113(a)(5)(B)(i-ii) [Low-Income Families in Secondary Schools]establishes that for measuring the number of students in low-income families in secondary schools, the local

educational agency must use the same measure of poverty, which produces the greater of the results from among the following 2 calculations:

- (i) The calculation described under subparagraph (A).
- (ii) A feeder pattern described in subparagraph (C).

Sec. 1113 (a)(5)(C) [Feeder Pattern] establishes that in this part, the term ‘feeder pattern’ means an accurate estimate of the number of students in low-income families in a secondary school that is calculated by applying the average percentage of students in low-income families of the elementary school attendance areas as calculated under subparagraph (A) that feed into the secondary school.

Sec. 1113(a)(6) [Exception] provides that this subsection does not apply to a local educational agency with a total enrollment of less than 1,000 children.

Sec. 1113(a)(7)(A-B) [Waiver for Desegregation Plans] provides that the Secretary may approve a local educational agency’s written request for a waiver of the requirements of subsections (a) and (c), and permit such agency to treat as eligible, and serve, any school that children attend with a State-ordered, court-ordered school desegregation plan, if—

- (A) the number of economically disadvantaged children enrolled in the school is at least 25 percent of the school’s total enrollment; and
- (B) the Secretary determines on the basis of a written request from such agency that approval of that request would further the purposes of this part.

Sec. 1113 (a)(8) [Reservation for Early Childhood Education and Care] provides that a local educational agency may reserve funds made available to carry out this section for early childhood education and care in eligible school attendance areas before making allocations to high schools in eligible school attendance areas pursuant to this section.

Sec. 1113 (b)—[Local Educational Agency Discretion]

Sec. 1113(b) (1)(A-D)[In General] Notwithstanding subsection (a)(2), a local educational agency may—

- (A) designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families;
- (B) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency;

- (C) designate and serve a school attendance area or school that is not eligible under this section, but that was eligible and that was served in the preceding fiscal year, but only for 1 additional fiscal year; and
- (D) elect not to serve an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if—
 - (i) the school meets the comparability requirements of section 1120A(c);
 - (ii) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of section 1114 or 1115; and
 - (iii) the funds expended from such other sources equal or exceed the amount that would be provided under this part.

Sec. 1113 (b)(2) [Special Rule] Notwithstanding paragraph (1)(D), the number of children attending private elementary schools and secondary schools who are to receive services and the assistance such children are to receive under this part will be determined without regard to whether the public school attendance area in which such children reside is assisted under subparagraph (A).

Sec. 1113 (c)—[Allocations]

Sec. 1113 (c)(1) [In General] provides that a local educational agency shall allocate funds received under this part to eligible school attendance areas, identified under subsections (a) and (b), on the basis of the total number of children from low-income families in each area or school.

Sec. 1113(c)(2) [Exception] provides that a local educational agency may reduce the amount of funds allocated under subparagraph (A) for a school attendance area by the amount of any supplemental State and local funds expended in that school attendance area for programs that meet the requirements of section 1114 or 1115.

Sec. 1113(c)(3)(A)(i-iii)[Funds for Homeless Children and Youths] provides that a local educational agency reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

- (i) homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children may live;
- (ii) children in local institutions for neglected children; and
- (iii) if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day programs.

Sec. 1113 (c)(3)(B)(i-v) [Reservation of Funds for Homeless Children and Youths] provides that notwithstanding the requirements of subsections (b) and (c) of section 1120A, funds reserved under subparagraph (A) may be used to provide homeless children and youths with services provided to other students under this part, including—

- (i) providing funding for the liaison designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;
- (ii) providing transportation pursuant to section 722(g)(1)(J)(iii) of such Act;
- (iii) providing services to preschool-aged homeless children and homeless secondary school students;
- (iv) providing support services to homeless children and youths in shelters and other locations where they may live; and
- (v) removing barriers to homeless children and youths' enrollment, attendance, retention, and success in school.

Sec. 1113 (c)(3)(C)(i-ii) [Amount Reserved] provides that the amount of funds reserved under subparagraph (A) be determined by an assessment of the needs of homeless children and youths in the local educational agency. Such needs assessment shall include the following:

- (i) Information related to child, youth, and family homelessness in the local educational agency obtained through the coordination and collaboration required under subsections (f)(4) and (g)(5) of section 722 of the McKinney-Vento Homeless Assistance Act.
- (ii) The number of homeless children and youths reported by the local educational agency to the State educational agency under section 722(f)(3) of the McKinney-Vento Homeless Assistance Act for the previous school year.”

Sec. 1113 (c)(4) [Financial Incentives and Rewards Reservation] provides that a local educational agency may reserve such funds as are necessary from those funds received by the local educational agency under title II, and not more than 5 percent of those funds received by the local educational agency under subpart 2, to provide financial incentives and rewards to teachers who serve in schools identified under section 1116 for the purpose of attracting and retaining qualified and effective teachers.

Sec. 1114 Schoolwide Programs

Sec. 1114(a)—[Use of Funds for Schoolwide Programs]

Sec. 1114(a)(1) [In General] states that a local educational agency may consolidate and use funds under this part, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less

than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families. Funds under this part may be used to support activities that address needs identified through the comprehensive needs assessment under subsection (b)(1)(A) and consistent with the schoolwide program.

Sec. 1114(a)(2) [Identification of Students Not Required]

Sec. 1114(a)(2)(A)(i-ii) [In General] no school participating in a schoolwide program shall be required—

- (i) to identify particular children under this part as eligible to participate in a schoolwide program; or
- (ii) to identify particular services as supplemental.

Sec. 1114(a)(2)(B)(i-iii) [Supplemental Funds]

- (i) [In General] A local educational agency serving a school participating in a schoolwide program shall use funds available to carry out this section only to supplement the aggregate amount of funds that would, in the absence of funds under this part, be made available from State and local sources for the school, including funds needed to provide services that are required by law for children with disabilities and children who are English learners.
- (ii) [Compliance] To demonstrate compliance with clause (i) a local educational agency shall demonstrate that the methodology it uses to allocate State and local funds to each school receiving funds under this part ensures the school receives all of the State and local funds the school would otherwise receive if it were not receiving funds under this part.
- (iii)[Nonapplicability] Section 1120A(b) shall not apply to schools operation schoolwide programs under this section.

Sec.1114(a)(3) [Exemption From Statutory and Regulatory Requirements]

Sec.1114(a)(3)(A) [Exemption] requires that except as provided in subsection (b), the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive formula grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act, except as provided in section 613(a)(2)(D) of such Act), or any discretionary grant program administered by the Secretary, to support schoolwide programs if the intent and purposes of such other programs are met.

Sec. 1114(a)(3)(B) [Requirements] states that a school that chooses to use funds from such of the programs shall not be relieved of the requirements relating to health, safety, civil rights, or

student and parental participation and involvement that apply to the receipt of funds from such programs.

Sec. 1114(a)(3)(C) [Records] states that a school that consolidates and uses funds from different Federal programs under this section shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as the school maintains records that demonstrate that the schoolwide program, considered as a whole, addresses the intent and purposes of each of the Federal programs that were consolidated to support the schoolwide program.

Sec. 1114(a)(4) [Professional Development] requires that each school receiving funds under this part for any fiscal year shall devote sufficient resources to effectively carry out the activities described in subsection (b)(1)(D) in accordance with section 1119 for such fiscal year, except that a school may enter into a consortium with another school to carry out such activities.

Sec. 1114(b)—[Components of a Schoolwide Program]

Sec. 1114(b)(1)(A-H) [In General] a schoolwide program must include the following components:

- (A) A comprehensive needs assessment of the entire school (including taking into account the needs of migratory children as defined in section 1309(2)) that is based on information which includes the achievement of children in relation to the State academic content standards and the State student academic achievement standards described in section 1111(a)(1).
- (B) (i-ii) schoolwide reform strategies that—
 - (i) Provide opportunities for all children to meet the State’s on-track and advanced levels of student academic achievement described in section 1111(a)(1)(iv)
 - (ii) (I-III) Use effective methods and instructional strategies that are based on scientifically valid research that—
 - (I) Strengthen the core academic program in the school;
 - (II) increase the amount and quality of learning time, such as providing an extended school year and before- and after-school and summer programs and opportunities, and help provide an enriched and accelerated curriculum; and
 - (III) include strategies for meeting the educational needs of historically underserved populations.
 - (iii) (I) include strategies to address the needs of all children in the school, but particularly the needs of low-achieving children and those at risk of not meeting the State student academic achievement standards who are members of the target population of any program that is included in the schoolwide program, which may include—
 - (aa) counseling, pupil services, and mentoring series;

- (bb) college and career awareness and preparation, such as college and career guidance, personal finance and education, and innovative teaching methods, which may include applied learning and team-teaching strategies;
 - (cc) the integration of career and technical education programs; and
 - (dd) a multi-tier system of supports and positive behavior supports; and
- (II) addresses how the school will determine if such needs have been met; and
- (iv) are consistent with, and are designed to implement, the State and local improvement plans, if any.
- (C) Instruction by highly qualified and highly rated teachers
 - (D) Strategies to attract high-quality highly qualified and highly rated teachers to high-need schools.
 - (E) Plans for assisting preschool children in the transition from early childhood programs, such as Head Start, programs under the [LEARN Act], or a State-run preschool program, to local elementary school programs.
 - (F) Measures to include teachers in the decisions regarding the use of academic assessments described in section 1111(a)(2) in order to provide information on, and to improve, the achievement of individual students and the overall instructional program.
 - (G) Activities to ensure that students who experience difficulty mastering the on-track and advanced required by section 1111(a)(1)(iv) shall be provided with effective, timely additional assistance which shall include measures to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance.
 - (H) Coordination and integration of Federal, State, and local services and programs, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, vocational and technical education, and job training.

Sec. 1114(b)(2) [Plan]

Sec. 1114(b)(2)(A)(i-iv) [In General] any eligible school that desires to operate a schoolwide program shall first develop (or amend a plan for such a program that was in existence on the day before the date of enactment of the “[short title]), in consultation with the local educational agency, a comprehensive plan for reforming the total instructional program in the school that—

- (i) describes how the school will implement the components described in paragraph (1);
- (ii) describes how the school will use resources under this part and from other sources to implement those components;
- (iii) includes a list of State educational agency and local educational agency programs and other Federal programs under subsection(a)(3) that will be consolidated in the schoolwide program; and

(iv) describes how the school will provide individual student academic assessment results in a language the parents can understand, including an interpretation of those results, to the parents of a child who participates in the academic assessments required by section 1111(a)(2).

Sec. 1114(b)(2)(B)(i-v) [Plan Development] states that the comprehensive plan shall be

(i) developed during a one-year period, unless—

(I) the local educational agency, section 1111(a)(2) determines that less time is needed to develop and implement the schoolwide program; or

(II) the school is operating a schoolwide program on the day preceding the date of enactment of (insert short title), in which case such school may continue to operate such program, but shall develop amendments to its existing plan during the first year of assistance after that date to reflect the provisions of this section;

(ii) developed with the involvement of parents and other members of the community to be served and individuals who will carry out such plan, including teachers, principals, and administrators (including administrators of programs described in other parts of this title), and, if appropriate, pupil services personnel, technical assistance providers, school staff, and, if the plan relates to a secondary school, students from such school;

(iii) in effect for the duration of the school's participation under this part and reviewed and revised, as necessary, by the school;

(iv) available to the local educational agency, parents, and the public, and the information contained in such plan shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand; and

(v) if appropriate, developed in coordination with programs under [the LEARN Act], the Carl D. Perkins Career and Technical Education Act of 2006, and the Head Start Act.

Sec. 1114(c)—[Prekindergarten Program]

Sec. 1114(c) [Prekindergarten Program] states that a school that is eligible for a schoolwide program under this section may use funds made available under this part to establish or enhance prekindergarten programs for children below the age of 6, such as programs under [the LEARN Act]

Sec. 1115 [Targeted Assistance Schools]

Sec. 1115 (a)—In General

Sec. 1115(a) [In General] in all schools selected to receive funds under section 1113(c) that are ineligible for a schoolwide program under section 1114, or that choose not to operate such a schoolwide program, a local educational agency serving such school may use funds received under this part only for programs that provide services to eligible children under subsection (b) identified as having the greatest need for special assistance.

Sec. 1115(b)—Eligible Children

Sec. 1115(b)(1) [Eligible Population]

Sec. 1115(b)(1)(A)(i-ii) [In General] the eligible population for services under this section is-

(i) Children not older than age 21 who are entitled to a free public education through

- grade 12; and
- (ii) Children who are not yet at a grade level at which the local educational agency provides a free public education.

Sec. 1115(b)(1)(B) [Eligible Children from Eligible Population] states that from the population described in subparagraph (A), eligible children are children identified by the school as failing, or most at risk of failing, to meet the State's college and career ready student academic achievement standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, including children who are at risk of failing to be ready for elementary school.

Sec. 1115(b)(2) [Children Included]

Section 1115(b)(2)(A) [In General] children who are economically disadvantaged, children with disabilities, migrant children or English learner children, are eligible for services under this part on the same basis as other children selected to receive services under this part.

Sec. 1115(b)(2)(B) [Head Start or [LEARN Act] Programs] states that a child who, at any time in the 2 years preceding the year for which the determination is made, participated in a Head Start or [LEARN Act] program, or in preschool services under this title, is eligible for services under this part.

Section 1115(b)(2)(C) [Part C Children] provides that a child who, at any time in the 2 years preceding the year for which the determination is made, received services under part C is eligible for services under this part.

Sec. 1115(b)(2)(D) [Neglected or Delinquent Children] provides that a child in a local institution for neglected or delinquent children and youth or attending a community day program for such children is eligible for services under this part.

Sec. 1115(b)(2)(E) [Homeless Children] provides that a child who is homeless and attending any school served by the local educational agency is eligible for services under this part.

Sec. 1115(b)(3) [Special Rule] states that funds received under this part may not be used to provide services that are otherwise required by law to be made available to children described in paragraph (2) but may be used to coordinate or supplement such services.

Sec. 1115(c)—[Components of a Targeted Assistance School Program]

Sec. 1115(c)(1)(A-H) [In General] to assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the State's college and career ready student academic achievement standards in subjects as determined by the State, each targeted assistance program under this section shall—

(A) use such program's resources under this part to help participating children meet such State's challenging student academic achievement standards expected for all children;

(B) ensure that planning for students served under this part is incorporated into

existing school planning;

(C)(i-iv) use effective methods and instructional strategies that are based on scientifically valid research that strengthens the core academic program of the school and that—

(i) give primary consideration to providing extended learning time, such as an extended school year, before- and after-school, and summer programs and opportunities;

(ii) help provide an accelerated, high-quality curriculum, including applied learning;

(iii) minimize removing children from the regular classroom during regular school hours for instruction provided under this part; and

(iv) may include a multi-tier system of supports and positive behavioral supports;

(D) coordinate with and support the regular education program, which may include services to assist preschool children in the transition from early childhood programs such as Head Start, programs under the [LEARN Act] or State-run preschool programs to elementary school programs;

(E) provide instruction by highly qualified and highly rated teachers;

(F) in accordance with and section 1119, provide opportunities for professional development with resources provided under this part, and, to the extent practicable, from other sources, for teachers, principals, and paraprofessionals, including, if appropriate, pupil services personnel, parents, and other staff, who work with participating children in programs under this section or in the regular education program;

(G) provide strategies to increase parental involvement in accordance with section 1118, such as family literacy services; and

(H) coordinate and integrate Federal, State, and local services and programs, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, vocational and technical education, and job training.

Sec. 1115(c)(2)(A-B) [Requirements] requires that each school conducting a program under this section shall assist participating children selected in accordance with subsection (b) to meet the State's on-track and advanced levels of achievement by—

(A) the coordinating of resources provided under this part with other resources; and

(B) reviewing, on an ongoing basis, the progress of participating children and revising the targeted assistance program, if necessary, to provide additional assistance to enable such children to meet the State's college and career ready student academic achievement standards, such as an extended school year, before- and after-school, and summer programs and opportunities, training for teachers regarding how to identify students who need additional assistance, and training for teachers regarding how to implement student academic achievement standards in the classroom.

Sec. 1115 (d)—[Integration of Professional Development]

Sec. 1115(d)(1-2) [Integration of Professional Development] states that to promote the integration of staff supported with funds under this part into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this part may—

- (1) participate in general professional development and school planning activities; and
- (2) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

Sec. 1115(e)—[Special Rules]

Sec. 1115(e)(1) [Simultaneous Service] states that nothing in this section shall be construed to prohibit a school from serving students under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate.

Sec. 1115(e)(2)(A-B) [Comprehensive Services] states that if:

- (A) health, nutrition, and other social services are not otherwise available to eligible children in a targeted assistance school and such school, if appropriate, has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers; and
- (B)(i-iii) funds are not reasonably available from other public or private sources to provide such services, then a portion of the funds provided under this part may be used as a last resort to provide such services, including—
 - (i) the provision of basic medical equipment, such as eyeglasses and hearing aids;
 - (ii) compensation of a coordinator; and
 - (iii) professional development necessary to assist teachers, pupil services personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.

Sec. 1115(e)(3) [Professional Development] provides that each school receiving funds under this part for any fiscal year shall devote sufficient resources to carry out effectively the professional development activities described in subparagraph (F) of subsection (c)(1) in accordance with section 1119 for such fiscal year, and a school may enter into a consortium with another school to carry out such activities.

ESEA (2011)

Ensuring College and Career Readiness for All Students: Section by Section Analysis

Section 1116 amends the below ESEA section as follows:

Sec. 1116. [School Performance]

Sec. 1116 (a). [School Performance and Accountability System]

Sec. 1116(a)(1) [In General] States will establish a school accountability and improvement system required under 1111(a)(3) to establish a school accountability and improvement system to differentiate public elementary and secondary schools by levels of performance, in accordance with subsections (b) and (c) below, and to provide such schools with intervention as needed.

Sec. 1116 (a)(2)(A)(i-ii) [Approval and Peer Review of System] Not later than the 2013-2014 school year States will develop a school accountability and improvement system that

- (i) Identifies public schools in the State that are achievement gap schools and persistently low-achieving schools, the school improvement strategies or other consequences to be used for such schools, and
- (ii) the implementation of the State-designed accountability program as described in section 1111(a)(3).

Sec. 1116 (a)(2)(B) [Review and Approval] specifies that the State shall include information describing the school accountability and improvement system in the state plan, which shall be subject to a peer review and approval by the Secretary as part of that State plan.

Sec. 1116 (b) [Achievement Gap Schools]

Sec. 1116(b)(1)(A)(i-ii) [Identification of Achievement Gap Schools] Each State must define the category of achievement gap schools as part of its State plan and to identify annually, beginning in the 2013-2014 school year, the schools in the category. A State must include in its achievement gap schools: the 5 percent of public high schools in the State, and the 5 percent of public elementary schools and secondary schools in the State that are not high schools, that have the largest achievement gap among any of the categories of students described in subparagraph (B), or that have the lowest performance by students in such categories in the State, with respect to

- (i) being on track to career and college readiness in the subjects included in the State accountability system under section 1111(a)(3); and
- (ii) in the case of high schools, the graduation rate.

Sec. 1116(b)(1)(B) [Categories of Students] The categories of students must be disaggregated by students enrolled in a school by each major racial and ethnic group, by English proficiency status, by status as a child with a disability, and by economically disadvantaged status.

Sec. 1116(b)(2) [State and Local Improvement Strategies] requires the local educational agency for each achievement gap school to develop and implement a measureable correction plan to improve the performance of low-achieving subgroups in the school and provides that any local educational agency serving an achievement gap school that has been identified as such for more than 3 consecutive years shall not be eligible for any priority, preference, or special consideration for any grant, subgrant or other program funded under this Act.

Sec. 1116(c) [Persistently Low-Achieving Schools]

Sec. 1116(c)(1)(i-ii) [Lowest-achieving Schools in the State] requires, beginning in the 2013-2014 school year, that each State annually determine the lowest-achieving schools in the state, which shall include

- (i) the lowest-achieving 5 percent of public high schools, and the lowest-achieving 5 percent of public elementary schools and secondary schools that are not high schools, in the State, based on
 - (I) student performance on the State academic assessments in reading/language arts and math, including student absolute performance and, for a State described in Section 1111(b)(1)(B), growth;
 - (II) in the case of high schools, graduation rates, and
 - (III) if the State chooses, (aa) schoolwide gains and (bb) absolute student performance and, in the case of a State described in Section 1111(b)(1)(B), student growth, on other statewide assessments and
- (ii) the public high schools in the State that have less than a 60 percent graduation rate.

Sec. 1116(c)(1)(B)(i-ii) [Data Rule] specifies that the State shall (i) use data for the most recent year for which data are available or (ii) average data for the most recent 2 to 3 year period for which data are available in identifying the lowest-achieving.

Sec. 1116(c)(1)(C) [Parental Notification] requires that each year a State shall, in a timely manner, notify all parents of students enrolled in a school identified under subparagraph (A) that the school is one of the State's lowest-achieving schools.

Sec. 1116(c)(1)(D)(i-iv) [List of Targeted Low-achieving Schools] requires that each year the State shall

- (i) compile a list of the schools identified as the State's lowest-achieving schools that
 - (I) receive assistance under this part,

- (II) are public high schools for which 50 percent or more of each school's students are from low-income families as determined by the LEA under section 1113, or
- (III) are public high schools that have less than a 60 percent graduation rate.
- (ii) submit the list to the Secretary,
- (iii) distribute the list to the local educational agencies, elementary schools, and secondary schools in the State, and
- (iv) make the list publicly available through the internet and other means.

Sec. 1116(c)(2)(A) [Identification as Persistently Low-achieving] provides that for the 2013-2014 school year, each State shall identify each school included on the list under paragraph (1)(D)(i) for the preceding school year as a persistently low-achieving school. For the 2014–2015 school year, and each subsequent school year, each school that has been on the list for the 2 preceding consecutive school years shall be identified as a persistently low-achieving school.

Sec. 1116(c)(2)(B) [5-year Period] provides that each school which has been identified as persistently low-achieving shall be a persistently low-achieving school for the 5-year period following the identification, except as provided in paragraph 7.

Sec. 1116(c)(3) [State Waiver] provides that the State may apply to the Secretary to waive the requirements of this section for a school that is performing at a satisfactory level but which would otherwise be considered to be in the lowest-achieving 5 percent of schools under paragraph (1)(A)(i).

Sec. 1116(c)(4) [Needs Analysis] requires that local education agencies conduct a data-driven analysis of each persistently low-achieving school which shall include a review of data related to students and instructional staff, and an analysis of the school governance, curriculum, instruction, school supports, and student resources. The needs analysis will include

- (A) a diagnostic review of data related to students and instructional staff;
- (B) an analysis of school governance, curriculum, instruction, student supports, conditions for learning, and parent and family engagement practices; and
- (C) the resources to meet student needs and support improved student achievement and the implementation of any school improvement strategy.

Sec. 1116(c)(5)(A-B) [State and Local Responsibilities] requires the State to ensure that local educational agencies carry out the following requirements related to identifying persistently low-achieving schools

- (1) establish a process for selecting an improvement strategy;
- (2) select and implement an improvement strategy;
- (3) develop a budget;

- (4) select and implement a school improvement strategy at the school in accordance with the requirements in paragraph (6);
- (5) monitor the effectiveness of the implementation of the improvement plan,
- (6) select turnaround partners;
- (7) align other government resources with the improvement strategy;
- (8) provide the school with operational flexibility;
- (9) collect and use data on an on-going basis to adjust the improvement strategy;
- (10) provide assurance that the strategy addresses the needs of all students;
- (11) take steps to sustain successful reforms; and
- (12) provide technical assistance and other supports to ensure effective implementation of the school improvement strategy which may include assistance in
 - (I) data collection and analysis
 - (II) recruiting and retaining staff
 - (III) teacher and principal evaluation
 - (IV) professional development
 - (V) parent and family engagement; coordination of early childhood education and care services
 - (VI) coordination of services to address students' social, emotional, and health needs; and
 - (VII) monitoring the implementation of the school improvement strategy selected under paragraph (6).

Sec. 1116(c)(6)(C) [State as Local Educational Agency] A state may take over a persistently low-achieving school and act as the LEA for the purposes of this subsection, if permitted by state law.

Sec. 1116(c)(6) [School Improvement Strategies]

Sec. 1116(c)(6)(A) [Required Activities for All School Improvement Strategies] An LEA implementing school improvement strategies is required to

- (i) provide ongoing professional development for staff;
- (ii) conduct regular evaluations of teachers and principals consistent with Section 2123(b);
- (iii) provide time for collaboration among instructional staff;
- (iv) provide the school with sufficient operational flexibility in staffing, budgeting and time to fully implement a comprehensive strategy to improve student achievement and, in applicable, graduation rates;
- (v) provide instructional staff with timely access to student data;
- (vi) collaborate with parents, community members, teachers, and other school personnel on the selection of the school improvement strategy;
- (vii) use data to identify and implement research-based instructional programs that:

- (I) analyze student progress and performance and develops appropriate interventions for students not making adequate progress; and
- (II) provides differentiated instruction and related instructional supports;
- (viii) in the case of elementary schools with kindergarten entry, consider the issue of school readiness by
 - (I) examining factors contributing to school readiness as part of the needs assessment in paragraph (4); and
 - (II) if school readiness is a need
 - (aa) coordinate with appropriate early childhood programs under the Child Care Development and Block Grant Act, the Head Start Act, prekindergarten programs, and other similar Federal, State, and local programs in order to align instruction to better prepare students for elementary school; and
 - (bb) developing a plan to improve or expand early childhood options which may include the use of funds under this part for such purposes
- (ix) provide on-going mechanisms for parent and family engagement;
- (x) provide appropriate services and supports for students as identified in the school's needs assessment; and
- (xi) ensure that the school receives ongoing, intensive technical assistance and related support from the SEA, LEA and turnaround partner.

Sec. 1116(c)(6)(B) [Strategies] requires that a local educational agency shall identify a school improvement strategy for a school described in paragraph (5)(A) from among the strategies laid out in Sections 1116(c)(6)(B)(i-vi).

Sec. 1116(c)(6)(B)(i) [Transformation Strategy] establishes the transformation strategy such that a local educational agency shall—(I) replace the principal if he/she has served more than 2 years; (II) require all teachers and leaders to reapply for their positions; (III) require that all staff are hired through mutual consent; and (IV) ensure that other schools in the LEA are not forced to accept teachers not rehired at the school

Sec. 1116(c)(6)(B)(ii) [Strategic Staffing Strategy] establishes the strategic staffing strategy such that a local educational agency shall: (I) replace the principal if he/she has served more than 2 years; (II) allow the principal to staff the school with a turnaround team of his/her choosing and in an elementary school not more than 5 teachers and in a high school not more than 20 teachers; (III) provide teacher and principal incentives.

Sec. 1116(c)(6)(B)(iii) [Turnaround Strategy] establishes the turnaround strategy such that a local educational agency implementing a turnaround model shall (I) replace the principal and (II) screen all teachers in the school and retain not more than 65 percent of them.

Sec. 1116(c)(6)(B)(iv) [Whole School Reform Strategy] establishes a whole school reform strategy such that implements an evidence-based strategy that ensures whole school reform. The strategy shall include a partnership with a strategy developer offering a school reform program based on at least a moderate level of evidence that the program will have a statistically significant effect on student outcomes, which includes more than 1 well-designed or well-implemented experimental or quasi-experimental study.

Sec. 1116(c)(6)(B)(v)(I-II) [Restart Strategy] establishes a restart strategy that requires a local education agency to choose from two approaches (I) convert the school into a public charter school with a partner with a proven record of improving student achievement or (bb) convert the school to a magnet school or create a new, innovative school or (II) open a new school that (aa) serves the same grade levels as the original school and (bb) enrolls any former student of the original school who requests to attend the new school and admits additional students, using a random lottery system.

Sec. 1116(c)(6)(B)(vi)(I-II) SCHOOL CLOSURE STRATEGY.—A local educational agency implementing a school closure strategy for a school—

- (I) shall close the school and enroll the students who attended the school in other schools, including charter schools, served by the local educational agency that are within reasonable proximity to the closed school, as determined by the local education agency, and that are higher-performing than the school that is being closed;
- (II) shall provide transportation, or pay for the provision of transportation, for each such student to the student's new school consistent with State law;
- (III) establishes a school closure strategy that requires a local educational agency to provide information about high-quality educational options, as well as transition and support services to students, who attended the closed school and the students' parents; and
- (IV) establishes a school closure strategy that allows a local educational agency to use school improvement funds provided under subsection (d) to pay for the expenses of (aa) transitioning students from the school that is being closed to the new school; (bb) supporting the new school; and (cc) expanding student supports within the new school.

Sec. 1116(c)(6)(C) [Rural Flexibility] Notwithstanding any other provision of this paragraph, a local educational agency that is eligible for services under subpart 1 or 2 of title VI, as determined by the Secretary, may modify not more than 1 of the elements or activities required under subparagraph (A) of a school improvement strategy selected for a school described in paragraph (5)(A), in order to better meet the needs of students in such school.

Sec. 1116(c)(7)(A-B) [Improvement] provides that if, at any time during the 5-year period for which a school is identified as a persistently low-achieving school, the State determines that the school is no longer one of the State's persistently low-achieving schools, then the State shall no longer identify the school as a persistently low-achieving school. If the local educational agency

was receiving school improvement funds for such school, the local educational agency shall continue to receive such grant funds to be used to carry out the grant activities in such school, for the full period of the grant.

Sec. 1116(c)(8) [Repeated Classification as Persistently Low-achieving] provides that for each school identified as persistently low-achieving for any portion of the 5-year period and then reidentified for the subsequent time period, the local educational agency shall implement the restart strategy or the school closure strategy.

Sec. 1116(d) [School Improvement Funds]

Sec. 1116(d)(1) [Definitions] defines “eligible entity” as a local educational agency that receives funds under this part and serves at least 1 eligible school; a consortium of such local educational agencies; or an educational service agency that serves at least 1 local educational agency that receives funds under this part and serves at least 1 eligible school. This section defines “eligible school” as a school identified under subsection (b) or paragraph (1) or (2) of subsection (c).

Sec. 1116(d)(2)(A) [Allotments to States In General] From the funds made available to carry out this subsection under section [1002(a)(2)] for a fiscal year, the Secretary shall provide States that submit an application described in paragraph (3) with school improvement funds through an allotment, as determined under subparagraph (B) and in addition to the amounts made available to States under subpart 2, to enable the States to award subgrants and carry out the activities described in this subsection to assist eligible schools.

Sec. 1116(d)(2)(B) [ALLOTMENTS TO STATES] From the funds made available to carry out this subsection under [section 1002(a)(2)] for a fiscal year, the Secretary shall allot to each State with an approved application an amount that bears the same relation to such funds as the amount that the State received under subpart 2 for the preceding fiscal year bears to the amount that all States receive under such subpart for such fiscal year.

Sec. 1116 (d)(3)(A-F) [State Application] provides that a State that desires to receive school improvement funds submit an application to the Secretary that includes

- (A) the process and criteria that the State will use to award subgrants under paragraph (5)(A)(i);
- (B) the process and criteria the State will use to determine whether the eligible entity’s proposal for each eligible school meets the requirements of paragraphs (4), (5)(B), and (6) of subsection (c);
- (C) how the State will ensure geographic diversity in making subgrants;
- (D) how the State will set priorities in awarding subgrants to eligible entities approved to serve schools identified under subsection (b), if funds are available;
- (E) how the State will monitor and evaluate the implementation of school improvement strategies by eligible entities, including how the State will use the results of the

evaluation to improve State strategies for supporting schools identified under subsection (b) or (c); and

(F) how the State will reduce barriers for schools in the implementation of school improvement strategies, including operational flexibility.

Sec. 1116(d)(4) [State Administration and Technical Assistance] provides that a State that receives an allotment under this subsection may reserve not more than a total of 5 percent of such allotment for the administration of this subsection.

Sec. 1116(d)(5)(A) [School Improvement Activities—In General] provides that a State that receives school improvement funds under this subsection shall use not less than 95 percent of such allotment to carry out school improvement activities for eligible schools by

- (i) awarding subgrants, on a competitive basis, to eligible entities to carry out the activities described in subparagraph (D); or
- (ii) to directly provide the activities described in clauses (1) through (iii) of subparagraph (D).

Sec. 1116(d)(5)(B) [Priority] provides that in distributing grant funds under this paragraph, a State shall assist the schools identified under subsection (c)(2), before assisting eligible schools that are identified under subsection (b).

Sec. 1116(d)(5)(C)(i) [Subgrant Applications] provides that an eligible entity that desires a subgrant under this paragraph shall submit an application to the State which shall include a description of how the eligible entity will carry out the requirements of paragraphs (4), (5)(B), and (6) of subsection (c) for each eligible school to be served by the grant.

Sec. 1116(d)(5)(C)(ii) [Demonstration of Additional Responsibilities] provides that each eligible entity that desires a subgrant under this paragraph shall demonstrate in its application that the eligible entity has

- (I) adopted human resource policies that prioritize the recruitment, retention, and placement of effective staff in eligible schools;
- (II) ensured that eligible schools have access to resources to implement school improvement strategies;
- (III) identified opportunities to increase efficiency and assist eligible schools in complying with reporting requirements of State and Federal programs;
- (IV) developed an early warning indicator system that monitors school-level data, and alerts the eligible school when a student indicates slowed progress toward high school graduation, so that the school can provide appropriate student interventions; and
- (V) facilitated alignment and coordination between early childhood education and care programs and services serving students who will attend eligible schools that are elementary schools, and teachers and principals of such eligible schools.

Sec. 1116(d)(5)(C)(iii) [Subgrant Size] provides that a state shall award subgrants of sufficient size to enable subgrant recipients to effectively implement the selected school improvement strategies.

Sec. 1116(d)(5)(C)(iv) [Subgrant Period] provides that each subgrant shall be awarded for a 5-year period.

Sec. 1116(d)(5)(C)(v) [Withholding Final Funding] provides that an eligible entity must demonstrate that the schools receiving funds have made significant progress on the leading indicators, as defined in section 1110, in order to receive subgrant funds for the final 2 years of the subgrant cycle.

Sec. 1116(d)(5)(D)(i-iii) [Use of Subgrant Funds] requires that an eligible entity that receives a subgrant under this paragraph shall use the subgrant funds to

- (i) carry out the requirements of paragraphs (4), (5)(B), and (6) of subsection (c) in an eligible school that has been identified under subsection (c)(2) as of the date of the grant award, which may include a maximum 1-year planning period;
- (ii) In the case that all eligible schools identified under subsection (c)(2) in the State have received funds under this subsection, apply, and carry out, the requirements of such paragraphs at other eligible schools as if such schools had been identified under subsection (c)(2). An eligible entity shall also use the subgrant funds to;
- (iii) carry out activities at the local educational agency level that directly support such implementation, such as
 - (I) assistance in data collection and analysis;
 - (II) recruiting and retaining staff;
 - (III) teacher and principal evaluation;
 - (IV) professional development;
 - (V) coordination of services to address students' social, emotional, and health needs; and
 - (VI) progress monitoring.

Sec. 1116(d)(5)(E) [Supplement, Not Supplant] requires that an eligible entity or State shall use Federal funds received under this subsection only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs funded under this subsection.

Sec. 1116(d)(5)(F) [Intervention by State] provides that in the case of a State educational agency that has taken over a school or local educational agency, the State may use an amount of funds under this subsection, similar to the amount that the school or local educational agency would receive under this subsection, in order to carry out the activities described in clauses (i) through (iii) of subparagraph (D).

Sec. 1116 (d)(6) [National Activities] provides that the Secretary shall carry out the national activities in Sections 1116 (d)(6)(A-D) from the amounts appropriated and reserved for this paragraph under section 1002(a)(2)—

Sec. 1116 (d)(6)(A) Activities focused on building State and local educational agency capacity to turn around schools identified under subsection (c)(2) and schools in rural areas through activities such as

- (i) identifying and disseminating effective school improvement strategies;
- (ii) making available targeted technical assistance; and
- (iii) expanding the availability of [turnaround partners] capable of assisting in turning around schools identified under subsection (c)(2).

Sec. 1116 (d)(6)(B) Activities focused on building capacity to turn around schools identified under subsection (c)(2), including in rural areas.

Sec. 1116 (d)(6)(C) The use of data, research, and evaluation to— (i) identify schools that are implementing school improvement strategies effectively; (ii) identify effective school improvement strategies; and (iii) collect and disseminate that information to States and local educational agencies in a manner that facilitates replication of effective practices.

Sec. 1116 (d)(6)(D) Other activities designed to support State and local efforts to improve eligible schools.

Sec. 1116(d)(7) [Evaluation] requires that the Director of the Institute of Education Sciences include conduct and evaluation of the programs.

Sec. 1116(e) [State Responsibilities] provides that a State educational agency receiving assistance under this part shall provide support for the improvement of all schools that are not identified under subsection (b) or (c)(2) but are low-performing or have low-performing categories of students described in subsection (b)(1)(B), consistent with section 1111(a)(3)(A)(iv).

Sec. 1116(f) [Construction] provides that nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

ESEA (2011)

Blue Ribbon Schools: Section by Section Analysis

Section 1117 amends the below ESEA section as follows:

Sec. 1117. [Blue Ribbon Schools]

Sec. 1117 (a) [Program Purpose] establishes that the purpose of this section is to assist States and local educational agencies in identifying and rewarding high-performing schools.

Sec. 1117 (b)—[Blue Ribbon Schools]

Sec. 1117 (b)(1)(A-B) [Identification of Blue Ribbon Schools] provides that each State may

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

(B) may identify the schools in the State that are blue ribbon schools each year.

Sec. 1117 (b)(2)(A)(i-iv) [Blue Ribbon School Criteria] If a State elects to identify Blue Ribbon Schools, the State's blue ribbon schools shall consist of the top 5 percent of schools, as designated by the State based on

- (i) the percentage of students who are on track to college and career readiness for English or language arts, and mathematics;
- (ii) the school's graduation rate (in the case of high schools);
- (iii) the performance of each category of students described in section 1116(b)(1)(B); and
- (iv) if the State chooses, the percentage of students making adequate student growth.

Sec. 1117(b)(2)(B) [Noneligibility for Blue Ribbon Status] Schools identified as persistently low-achieving or achievement gap schools, (b) or (c) of Section 1116, are not eligible for blue ribbon status.

Sec. 1117 (c) [Rewards for Blue Ribbon Schools] Describes the rewards States can provide to Blue Ribbon Schools.

Sec. 1117(c)(1)(A-C) [In General] States may

- (A) increase the school's autonomy over the school's budget, staffing, and time;
- (B) allow each blue ribbon school to have flexibility in the use of any funds provided to the school under this Act for any purpose allowed under this Act (notwithstanding any other provision of this Act), as long as such use is consistent with the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of

1973, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101), and part B of the Individuals with Disabilities Education Act; and

- (C) may reserve not more than .5 percent of the funds allotted to the State under [section 1122()] and use such reserved amounts to distribute rewards to local educational agencies that serve 1 or more blue ribbon schools identified under subsection (b) that receive funds under subpart 2 to enable the local educational agencies to provide awards to such blue ribbon schools that receive funds under subpart 2.

Sec. 1117(c)(2) [Use of Rewards] A blue ribbon school that receives an award from a local educational agency shall agree to

- (A) use such funds to improve student achievement; and
- (B) provide technical assistance to the lowest-achieving schools in the State that have characteristics similar to the blue ribbon school, in accordance with the State plan under section 1111(b)(1)(C).

ESEA (2011)

Section 1118: Section by Section Analysis

Section 1118 amends the below ESEA section as follows:

Sec. 1118. Parent and Family Engagement

Sec. 1118(a)-[Local Educational Agency Parent and Family Engagement Plan]

Sec. 1118(a)(1)(A-C) requires that local educational agencies develop evidence-based plans to engage the parents and family members of students in meaningful ways in order to receive title I-A funds. (A)The plan must be aligned with the local educational agency plan developed pursuant to section 1112, and should incorporate input from parents and family members of participating children (including district-wide parent advisory committees, where applicable), (B)experts in parent and family engagement, to the extent practicable, (C)and organizations that have a demonstrated record of effectiveness in promoting college and career readiness.

Sec. 1118(a)(2)(A-B) [Consultation and dissemination] requires that all local educational agencies that receive funds under this part will (A)develop and implement the parent and family and engagement plan in conjunction with the parents and family members of participating children, as well as the district-wide parent advisory committee, if applicable, and (B)develop a template for schools to communicate said strategies and the content of the agreement described in subsection (e).

Sec. 1118(a)(3) [Contents of the local educational agency parent and family engagement plan]

Sec. 1118(a)(3)(A)[Required Elements] provides that every local educational agency's parent and family engagement plan (i) establish goals for and commitment to meaningful engagement strategies; (ii) describe how the local educational agency will equip parents and family members, focusing particular attention on economically disadvantaged families, to act in partnership with the school to: improve the academic achievement and development of their children, participate in school improvement strategies and communicate effectively with school personnel, such as through the establishment of a district-wide parent advisory committee; (iii) describe how the local educational agency will provide schools with the support necessary to develop and implement effective parent and family engagement strategies; (iv) describe how the LEA will use data (including the data described in subsection (b)) to continuously improve engagement strategies.

Sec. 1118(a)(3)(B)[Optional Elements] lays out additional optional elements of a parent and family engagement plan. The LEA's plan may include a description of how the LEA plans to include employers, business leaders, philanthropic and nonprofit organizations and other community members to strengthen parent and family engagement.

Sec. 1118(b)- Evaluation

Sec. 1118(b)(1-3) requires that each LEA must conduct an annual evaluation of the parent and family engagement plan that assesses how much these activities (1) improved student achievement and college and career readiness, and (2) made participation in the activities described in this section easier for parents and family members, especially those who are economically disadvantaged.

Sec. 1118(c) – [Reservation and Use of Funds]

Sec. 1118(c)(1-3)(A-K) requires that each LEA spend at least 1% of its allocation under subpart 2 on parent and family engagement activities, unless 1% of the allocation is equal to or less than \$5,000. (This is current law.) These should be used to carry out the strategies described in the parent and family engagement plan, such as: (A) creating a dedicated office or personnel for parent and family engagement; (B) providing subgrants to schools working with an organization dedicating to increasing parent and family engagement; (C) providing professional development to school personnel on parent and family engagement strategies, which may be provided jointly to teachers, school leaders, parents and family members; (D) district-wide or school-based leadership training for parents and family members and other evidence-based leadership development strategies; (E) adult education and family literacy activities; (F) home visitation programs; (G) volunteerism programs; (H) conducting the evaluation described in subsection (b); (I) distributing information on best practices in parent and family engagement, focusing particularly on economically disadvantaged families; (J) coordinating the LEA's parent and family engagement plan with local early learning, career and technical education and postsecondary education programs; (K) other evidence-based or promising strategies for improving parent and family engagement.

Section 1118(c)(4)(A-C) [Distribution of funds] requires that no less than 95% of funds reserved under this subsection be distributed to schools served under this part, with each LEA giving priority to high-need schools. (This is current law.) Funds used for evidence-based districtwide parent and family engagement initiatives that directly benefit parents and family members may be considered funds distributed to schools.

Sec. 1118(d) – [Family Member Engagement]

Sec. 1118(d)(1-8) requires that every school served under this part must (1) meet at least once per academic year, at a convenient time in which parents, family members and students are encouraged to attend, in order to review the LEA's strategic plan, inform the parents and family members of opportunities for engagement and explain to the parents and family members their rights to be engaged and the benefits of engagement; (2) use multiple methods, including electronically, to involve parents and family members in planning, developing, reviewing, implementing and improving school improvement plans and strategies, including that described in section 1114(b)(2) or a similar school improvement plan; (3) provide parents and family

members with description and explanation of the academic assessments used to measure student progress, along with explanations of proficiency levels and opportunities for out-of-school learning, and opportunities to develop the skills to engage fully as partners in their child's achievement and their school's improvement, leadership skills and communication skills in formal and structured settings, such as parent-teacher conferences, LEA meetings, disciplinary hearing and the school budgetary process; (4) make the school welcoming to parents and family members; (5) provide professional development to school staff regarding effective parent and family engagement; (6) collaborate with community-based organizations, employers, or other entities to improve parent and family engagement; (7) coordinate and integrate parent and family engagement programs with other Federal, State and local programs, to the extent possible; and (8) provide other support for parent and family engagement strategies as requested, to the extent possible.

Sec. 1118(e) – [Shared Responsibilities for College and Career Readiness]

Sec. 1118(e)(1-5) requires that every school served under this part jointly develop with parents and family members a parent and family engagement compact. The compact must describe: (1) the parent and family engagement activities the school will take; (2) the school's responsibility to provide effective instruction in a supportive and safe learning environment, inform parents and family members of opportunities for engagement in governance councils and the development of school policies; (3) the parent and family member's responsibilities to be full partners in the education of their child; (4) the importance of ongoing communication through regular parent-teacher conferences, frequent progress reports and opportunities for involvement, and reasonable access to staff and observation of classroom and school-based activities; and (5) the process through which school personnel communicate with parents and families and encourage engagement in the rest of the community.

ESEA (2011)

Section 1119: Section by Section Analysis

Section 1119 amends the below ESEA section as follows:

Sec. 1119. [Qualifications for Teachers and Paraprofessionals]

Sec. 1119 (a) [In General] each local educational agency receiving assistance under this part must ensure that all teachers teaching in a program supported with funds under this part are highly qualified. Each local educational agency located in a State in which the State has fully implemented the requirements described in the teacher and principal evaluation section (section 2112(b)(1)(A)) by ensuring that all local educational agencies in the State that receive a subgrant under subpart 2 of part A of title II have fulfilled the requirements of section 2123(b), must only be required to comply with the requirements under paragraph (1) as they relate to new teachers.

Sec. 1119(b) [New Paraprofessionals]

Sec. 1119(b)(1)(A-C)[In General] requires that each local educational agency receiving assistance under this part must ensure that all paraprofessionals working in a program supported with funds under this part must have

(A) Completed at least 2 years of study at an institution of higher education;

(B) Obtained an associate's (or higher) degree; or

(C) Met a rigorous standard of quality and can demonstrate through a formal State or local academic assessment (i) knowledge of (and the ability to assist in) instructing, reading, writing, mathematics or (ii) knowledge of (and the ability to assist in) instructing, reading readiness, writing readiness, and mathematics readiness.

Sec. 1119(b)(2)[Clarification] Receipt of a secondary school diploma or equivalent is necessary, but not sufficient to satisfy these requirements.

Sec. 1119 (c) [Exceptions for Translation and Parent Involvement activities] explains that sec. 1119, subsection b does not apply to paraprofessionals who act primarily as a translator or whose duties consist only of conducting parental involvement activities described in section 1118.

Sec. 1119 (d) [General requirements for all paraprofessionals] requires that each local educational agency receiving assistance under this part must verify that all paraprofessionals working in a program supported with funds under this part have a secondary school diploma or equivalent.

Sec. 1119 (e) [Duties of Paraprofessionals] Paraprofessionals working in a program supported with funds under this part may be assigned

- (A) To provide one-on-one tutoring for eligible students
- (B) To assist with classroom management
- (C) To provide assistance in a computer laboratory
- (D) To conduct parental involvement activities
- (E) To provide support in a library or media center
- (F) To act as a translator; or
- (G) To provide instructional services to students, so as long as the paraprofessional is working under the direct supervision of a teacher consistent with section 1119.

A paraprofessional may also assume limited duties that are assigned to similar personnel who are not working in a program support with funds under this part, including duties beyond those that benefit participating children, so long as the amount of time spent on other duties is the same proportion of total work time as similar personnel at the same school spend on such duties.

Sec. 1119 (f) [Use of funds] allows a local educational agency receiving funds under this part to use such funds to support training and professional development to assist teachers and paraprofessionals in meeting the requirements of this section.

Sec. 1119 (g) [Verification of Compliance] requires each local education agency, at a minimum, to require each principal at a school operating a program under section 1114 or 1115 to attest annually in writing as to whether such school is in compliance with the requirements of this section. This attestation must be available at each school, the main office of the local educational agency, and to any member of the general public upon request.

Sec. 1119 (h) [Combinations of funds] provides that Funds under this part that are used for professional development purposes may be combined with funds provided under title II of this Act, other Acts, and other sources.

Sec. 1119 (i) [Special rule] A State educational agency may not require a school or a local educational agency to expend a specific amount of funds for professional development activities under this part.

ESEA (2011)

Comparability of Services: Section by Section

Section 1120 amends the below ESEA sections as follows:

Sec. 1120A(a)—[Maintenance of Effort]

Sec. 1120A(a) [Maintenance of Effort] provides that a local educational agency may receive funds under this part for any fiscal year only if the State educational agency finds that the local educational agency has maintained the agency's fiscal effort in accordance with section 9521.

Sec. 1120A(b)—[Federal Funds to Supplement, Not Supplant, Non-Federal Funds]

Sec. 1120A(b)(1) [Federal Funds to Supplement, Not Supplant, Non-Federal Funds] provides that a State or local educational agency shall use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.

Sec. 1120A(b)(2) [Special Rule] provides that no local educational agency shall be required to provide services under this part through a particular instructional method or in a particular setting in order to demonstrate such agency's compliance with paragraph (1).

Sec. 1120A(c)—[Comparability]

Sec. 1120A(c)(1)(A) [Comparability] stipulates that beginning for the [2015-2016] school year, a local educational agency may receive funds under this part only if the local educational agency demonstrates to the State educational agency that the combined State and local per-pupil expenditures are not less than the average combined State and local per-pupil expenditures for those schools that are not served under this part.

Sec. 1120A(c)(1)(B) [Alternative Comparability] provides that if the local educational agency is serving all of the schools under its jurisdiction under this part, the agency shall demonstrate to the State educational agency that the average combined State and local per-pupil expenditures for its high-poverty schools were not less than the average combined State and local per-pupil expenditures for its low-poverty schools.

Sec. 1120A(c)(1)(C) [Basis] provides that a local educational agency may meet the requirements of subparagraphs (A) and (B) on a local educational agency-wide basis or a grade-span by grade-span basis.

Sec. 1120A(c)(1)(D)(i-ii) [Exclusion of Funds] (i) requires that a local educational agency exclude any State or local funds expended in any school for excess costs of providing services to

English learners; excess costs of providing services to children with disabilities; capital expenditures; and such other expenditures as the Secretary determines appropriate. (ii) In determining compliance under this subsection, a local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year.

Sec. 1120A(c)(2) [Documentation] requires that a local educational agency demonstrate that it is meeting the requirements of paragraph (1) by submitting to the State educational agency the per-pupil expenditures, personnel expenditures, non-personnel expenditures, and total expenditures for each school.

Sec. 1120A(c)(3) [Inapplicability] provides that this subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

Section 1120A(c)(4)[Process and Procedures]

Sec. 1120A(c)(4)(A) [Local Educational Agency Responsibilities] requires that each local educational agency assisted under this part report to the State educational agency by [October 31, 2016] on its compliance with the requirements of this subsection for the preceding school year, including a listing, by school, of actual combined per-pupil State and local personnel and non-personnel expenditures.

Sec. 1120A(c)(4)(B) [State Educational Agency Responsibilities] requires that each State educational agency assisted under this part ensure that such information is made publicly available by the State or the local educational agency, including the school by school listing described in subparagraph (A).

Sec. 1120A(c)(4)(C) [Plan] requires that a local educational agency that does not meet the requirements of this subsection in any year develop and implement a plan to ensure compliance for the subsequent school year and may be required by the State educational agency to report on its progress in implementing such plan.

Sec. 1120A(c)(5)(A-B) [Transition Provisions] For school years prior to 2015-2016 and LEA may receive funds under this part only if the local LEA demonstrates to the SEA that the LOEA meets the requirements of this subsection. The Secretary is required to provide for the orderly transition between the requirements under this section, as in effect on the day before the date of enactment of [Short Title], and the new requirements under this section, as amended by [Short Title].

Sec. 1120A(d) [Exclusion of Funds] An SEA or LEA may exclude supplemental State or local funds expended in any school attendance area or school for programs that meet the intent and purposes of this part.

ESEA (2011)

Coordination requirements: Section by Section Analysis

Section 1121 amends the below ESEA sections as follows:

Sec. 1120B. Coordination Requirements

Sec. 1120B(a) [In General] requires that each LEA receiving funds under this part must carry out the activities described in subsection (b) with Head Start agencies, providers of services under part C of the IDEA, programs carried out under section 619 of IDEA and, if possible, other providers of early childhood education and care services.

Sec. 1120B(b) [Activities] lays out the activities and services referred to in subsection (a) to include (1) developing and implementing a procedure for transfer of records from the early childhood education and care program to the appropriate school for each participating child, with parental consent; (2) establishing ongoing communication between the early childhood education and care program staff and their counterparts in the schools in order to better align and coordinate programs; (3) establishing ongoing communication between the early childhood education and care program staff and the LEA in order to develop continuity of instructional programs and common expectations across schools; (4) organizing joint training for early childhood education and care program staff and school staff, including transition-related training; (5) establishing comprehensive transition policies and procedures that promote school-readiness; (6) reaching out to parents, families and elementary school teachers to discuss needs of the children entering school; (7) helping parents of children who are English learners understand the instructional and other services offered by the school in which the child will enroll after participating in a Head Start or other Federal early childhood care and education program, and, as appropriate, what information is provided under section 3302; (8) helping parents understand what services are offered by the school in which the child will enroll after participating in a Head Start or other Federal early childhood care and education program; and (9) developing and implementing a system to increase program participation of underserved populations, especially children eligible for a free or reduced price lunch (under 42 U.S.C. 1751 et seq.), parents of children who are English learners and parents of children with disabilities.

ESEA (2011)

Grants for State Assessments and Related Activities: Section-by-Section Analysis

Section 1122 amends the below ESEA section as follows:

Sec. 1131(a)(1-2) [Grants for State Assessments] Requires that the Secretary make grants to States, working either alone or in partnership with other States to enable them to pay the costs of developing, improving, or administering college and career ready State assessments and standards. If a State has already developed such assessments, the grant may be used to administer the assessment and to carry out other activities described in this section, which may include: (1) developing challenging content and achievement standards, (2) developing or improving assessments of English language proficiency, (3) developing multiple measures of student academic achievement, (4) developing, administering, or assessing early education programs and assessments; (5) strengthening the capacity of local educational agencies and schools to provide all students with the opportunity to increase education achievement, (6) expanding the range and quality of accommodations for English learners and students with disabilities, (7) improving the distribution of information about student achievement to parents and families, including the development of information and reporting systems designed to identify best educational practices based on scientifically valid research or to assist in linking records of student achievement, length of enrollment, and graduation over time, (8) provide instructional supports, (9) develop computer-adaptive assessments that meet the requirements of 1111(a), and (x) develop alternate assessments aligned to alternate achievement standards.

Sec. 1131(b)(1) [Grant Program Authorized] Requires that the Secretary award competitive grants to State educational agencies to enable them to collaborate with institutions of higher education or other groups to improve the quality, validity, and reliability of State assessments, to measure student achievement, to chart student progress over time, and to evaluate student achievement through development of comprehensive academic assessment instruments.

Sec. 1131(b)(2) [Application] Requires that each state educational agency desiring a grant submit an application to the Secretary accompanied by required information.

Sec. 1131(b)(3)(A-D) [Authorized Activities] States that each state educational agency that receives a grant must use grant funds to enable States (or a group of States) to collaborate with institutions of higher education or other groups to improve the quality, validity, and reliability of State assessments, to measure student achievement; to chart student progress over time, and to evaluate student achievement through development of comprehensive academic assessment instruments.

Sec. 1131(c) [Allotment of Appropriated Funds]

Sec. 1131(c)(1) [In General] From the amounts made available for each fiscal year that are equal

to or less than the trigger amount, the Secretary shall: reserve one-half of 1 percent for the Bureau of Indian Affairs; reserve one-half of 1 percent for the outlying areas; and from the remainder, allocate \$3,000,0000 to each State, and with respect to any amounts remaining after such allocation is made, distribute an amount that bears the same relationship to such total remaining amounts as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

Sec. 1131(c)(2) [Remainder]

Section 1131(c)(2)(A) [Grant Under Section ___] states that any amounts remaining for a fiscal year after the Secretary makes the reservations and allocations in paragraph (1) shall be made available to award funds under [section ____] to States according to the quality, needs, and scope of the State application under such section. In determining the grant amount, the Secretary shall ensure that a State's grant shall include an amount that bears the same relationship to the total funds available under this paragraph for the fiscal year as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

Sec. 1131(c)(2)(B) [Remaining Funds] states that amounts remaining after the Secretary awards funds under subparagraph (A) shall be allocated to each State that did not receive a grant under such subparagraph, in an amount that bears the same relationship to the total funds available under this subparagraph as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

Sec. 1131(c)(3) [Definition of State] defines the term "State" to mean each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

ESEA 2011

Title II: Supporting Excellent Teachers and Principals

Section 2101 amends the below ESEA section as follows:

Sec. 2101(b) Troops to Teachers

Sec. 2101(b)(1)(A) Transfer of Functions: Responsibility of the operation and administration of the Troops-to-Teachers program in chapter A of Title II is transferred from the Department of Education to the Department of Defense.

Sec. 2101(b)(1)(B) Effective Date: The transfer will take place the first day of the first month, 180 days after the enactment of this Act.

Sec. 2101(b)(2) Enactment and Modification of the Troops to Teachers program in Title 10 of the US Code

Sec. 2101(b)(2)(A) Chapter 58 of title 10 of the US Code is amended by adding a new section "1154 Assistance to eligible members to obtain employment as teachers: Troops-to-Teachers Program" as follows

- (a) Definitions. This section defines "program," "charter school," "elementary school," "highly qualified teacher," "local educational agency," "secondary school," and "State."
- (b) Program Authorization. This section authorizes the Secretary of Defense to carry out the Troops to Teachers program to assist eligible members of the armed forces to obtain teaching certificates and licenses and to facilitate their employment by LEAs or public charter schools.
- (c) Eligibility and Application Process. This section defines the eligible members of the armed services, the application process for applying to the program, the selection criteria and education background for applicants, selection priorities for the program, and other conditions of selection.
- (d) Participation Agreement and Financial Assistance. Members of the armed forces accepted into the program agree to obtain a teaching certificate or licenses within the time period determined by the Secretary and will accept an offer of full-time employment for not less than 3 years with an LEAD or public charter school receiving grants under part A of title I of this Act. This paragraph also outlines the conditions under which a member of the armed forces is not considered to be in violation of the participation agreement, including full-time student status, disability status, service on active duty and other conditions as defined by the Secretary. Participants in may be paid up to \$5,000 stipends while in the program up to a total of 3,000 participants
- (e) Reimbursement Under Certain Circumstances. Participants paid a stipend or bonus must repay the stipend or bonus if they fail to obtain teacher certification or licensure, leaves the program voluntarily or is terminated for cause, or the participant agreed to serve as a member of the reserves component of the armed forces for a period of 3 years and fails to complete the

required term. The amount of reimbursement is required to be proportional to the amount of time the participant spent in the program.

- (f) Relationship to Educational Assistance Under Montgomery GI Bill. The receipt of a stipend or bonus under the Troops to Teacher program does not reduce or affect the entitlement of a participant to any benefits they are entitled to.
- (g) Participation by States. Requirements of States to conduct activities under the Troops to Teachers program can be carried out by consortia of States. The Secretary of Defense may make grants available to States or consortia of States to operation offices for the purposes of recruiting eligible members of the armed forces for the program and facilitating employment of participants of the program.

ESEA (2011)
Improving Secondary Schools: Section by Section Analysis

Section 1201 amends the below ESEA sections as follows:

Subpart 1: [Improving Secondary Schools]

Sec. 1201 [Secondary School Reform]

Sec. 1201(a) [Purposes] The purposes of this section are to ensure students graduate from secondary school on track to college and career readiness and to increase graduation rates by providing grants to eligible entities to provide schools with the necessary resources to implement innovative and effective secondary school reform strategies.

Sec. 1201(b) [Definitions] in this section:

Sec. 1201(b)(1) [Competency-Based Learning Model] is defined as an education model in which educators use explicit measurable learning objectives to assist students to advance upon mastery of the objectives as determined through relevant assessments.

Sec.1201(b)(2) [Effective Secondary School Reform Strategies] is defined as a set of programs, interventions, and activities with demonstrated effectiveness in improving the academic achievement of struggling

Sec. 1201(b)(3) [Eligibility Entity] is defined as a high-need local educational agency in partnership with 1 or more external partners.

Sec. 1201(b)(4)(A-D) [Eligible Secondary School] is defined as a high school that—
(A) is eligible for funds under part A of title I;
(B) has a graduation rate below 75 percent;
(C) does not receive grant funds under section 1116(d); and
(D) is identified as low performing based on the State’s accountability system.

Sec. 1201(b)(5) [External Partner] is defined as a public or private nonprofit organization, public or private nonprofit institution of higher education, or nonprofit charter management organization, with a demonstrated record of successful secondary school reform.

Sec. 1201(b)(6) [Feeder Middle School] is defined as an elementary school or secondary school from which a majority of students go on to attend an eligible secondary school.

Sec. 1201(b)(7) [Secretary] means the Secretary of Education.

Sec. 1201(b)(8) [Struggling Student] is defined as a student who is at an increased risk for low academic achievement and is unlikely to graduate secondary school on track to college and career readiness.

Sec. 1201(c) [Grants Authorized]

Sec. 1201(c)(1) [In General]

Sec. 1201(c)(1)(A) [Reservation] the Secretary may reserve not more than 2.5 percent for national activities, which the Secretary shall use for technical assistance, data collection and dissemination, reporting activities.

Sec. 1201(c)(1)(B)(i-ii) [Grants] the Secretary shall award grants, on a competitive basis, to eligible entities, based on the quality of the applications submitted, of which—

- (i) not more than 25 percent of grant funds shall be used for activities described in subsection (e)(1); and
- (ii) not less than 75 percent of grant funds shall be used for activities described in paragraphs (2) and (3) of subsection (e) and subsection (f).

Sec. 1201(c)(B)(2) [Grant Duration] grants awarded under this section shall be for a period of 5 years, conditional after 3 years on satisfactory progress on the performance indicators.

Sec. 1201(c)(B)(3) [Annual Report] Each eligible entity shall submit to the Secretary an annual report including data on the entity's progress on the performance indicators.

Sec. 1201(d) [Application]

Sec. 1201(d)(1)[In General] an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

Sec. 1201(d)(2)(A-E) [Contents] each application shall include, at a minimum, a description of the following:

- (A) How the eligible entity will use funds to carry out the activities described in subsection (e)(1).
- (B) The external partner's capacity and record of success in secondary school reform and how the eligible entity will sustain the activities proposed, including the availability of funds from non-Federal sources and coordination with other Federal, State, and local funds.
- (C) How the eligible entity conducted a comprehensive needs analysis and capacity assessment of the eligible secondary schools served by the eligible entity to identify secondary schools proposed to be served by the grant, which shall include the following:
 - (i) Examine each secondary school's data in the aggregate and disaggregated by subgroup:
 - (I) Graduation rates and characteristics of those students who are not graduating, including such students' attendance, behavior, suspension rates, course performance, and credit accumulation rates.

- (II) Rates of dropout recovery (re-entry).
- (III) Rates of college enrollment and remediation.
- (ii) Examine each eligible secondary school and feeder middle schools' data in the aggregate and disaggregated by subgroup:
 - (I) Student academic achievement.
 - (II) Percent of students who have an attendance rate lower than 90 percent.
 - (III) Annual rates of expulsions, suspensions, school violence, harassment, and bullying, as defined under State or local laws or policies.
 - (IV) Annual, average credit accumulation.
 - (V) Annual, average attendance rates.
 - (VI) Annual rates of students who move in and out of the school within a school year.
 - (VII) Curriculum alignment with college and career ready standards across all grade levels.
 - (VIII) Support services to address the non-academic barriers that impact student achievement.
- (iii) Examine and include a description of each eligible secondary school's capacity to implement the school reform activities, including—
 - (I) the capacity and experience levels of staff; and
 - (II) the budget; and
 - (III) the technical assistance, additional resources, and staff necessary to implement the activities.
- (iv) Include an assessment of the external partner capacity to provide technical assistance and resources to implement the activities.
- (D) The strategies chosen to be implemented at the eligible secondary schools, including a rationale and how the chosen strategy will most effectively address the needs identified through the needs analysis.
- (E) The performance indicators and targets the eligible entity will use to assess the effectiveness of the activities implemented under this section including—
 - (i) graduation rates;
 - (ii) dropout recovery (re-entry) rates;
 - (iii) percentage of students with less than a 90 percent attendance rate;
 - (iv) percentage of students who have on-time credit accumulation at the end of each grade and the percentage of students failing a core subject course;
 - (v) rates of expulsions, suspensions, school violence, harassment, and bullying, as defined under State or local laws or policies;
 - (vi) annual, average attendance rates;
 - (vii) annual rates of student mobility;
 - (viii) college remediation, enrollment, persistence, and completion rates; and
 - (ix) percentage of students successfully -
 - (I) completing Advanced Placement (AP) or International Baccalaureate (IB) courses;
 - (II) completing rigorous postsecondary education courses while attending a secondary school; or
 - (III) enrolling in and completing, career and technical education and registered apprenticeship programs.

Sec. 1201(e) [Required Use of Funds]

Sec. 1201(e)(1)(A-E) [In General] requires that an eligible entity use the grant funds to:

(A) implement an early warning indicator system to help high schools, and their feeder middle schools, to identify struggling students and create a system of evidence-based interventions, by—

- (i) identifying and analyzing, indicators that most reliably predict dropping out;
- (ii) analyzing the distribution of struggling students across all grades;
- (iii) analyzing student progress and performance on the indicators identified under clause (i);
- (iv) analyzing academic indicators to determine whether students will graduate on track to college and career readiness;
- (v) analyzing student data to assist students in grade and school transitions; and
- (vi) developing a mechanism for regularly collecting, reporting, and making accessible to each school served by the eligible entity for each such school's students-

- (I) student-level data on the indicators identified under clause (i);
- (II) student-level progress and performance, as described in clause (iii);
- (III) student-level data on the indicators described in clause (iv); and
- (IV) information about the impact of interventions on student outcomes and progress;

(B) provide support and credit recovery opportunities for struggling students, by offering activities, such as—

- (i) a flexible school schedule;
- (ii) competency-based learning models and performance-based assessments; and
- (iii) the provision of support services;

(C) provide dropout recovery or re-entry programs to secondary schools that are designed to encourage and support dropouts returning to an educational system, program, or institution to graduate on track to college and career readiness;

(D) provide evidence-based grade and school transition programs and supports;

(E) provide school leaders, instructional staff, non-instructional staff, students, and families with high-quality, easily accessible information about

- (i) secondary school graduation requirements;
- (ii) postsecondary education application processes;
- (iii) postsecondary admissions processes and requirements, including public financial aid and other scholarship and grant aid opportunities; and
- (iv) other programs and services for increasing rates of college access and success for students from low-income families.

Sec. 1201(e)(2)(A-D) [Required Use of Funds in Feeder Middle Schools] requires that an eligible entity use the grant funds in feeder middle schools to improve the academic achievement of their students and prepare them to graduate on track to college and career readiness by—

(A) using early warning indicator and intervention systems described in paragraph (1)(A);

(B) creating a personalized learning environment;

- (C) providing high-quality professional development opportunities to school leaders, teachers, and other school staff to prepare staff to-
 - (i) address the academic challenges of students;
 - (ii) understand the developmental needs of students and how to address them;
 - (iii) implement data-driven interventions; and
 - (iv) provide academic guidance to students; and
- (D) implementing organizational practices and school schedules that allow for collaborative staff participation, team teaching, and common instructional planning time.

Sec. 1201(e)(3)(A-F) [Required Use of Funds in Eligible Secondary Schools] requires that an eligible entity use the grant funds in eligible secondary schools to implement a comprehensive approach that will—

- (A) personalize the school experience by taking steps such as—
 - (i) creating opportunities for struggling students to receive personalized instruction and opportunities for credit recovery;
 - (ii) implementing competency-based models; and
 - (iii) providing ongoing evaluation of student academic achievement and the necessary supports so that students graduate on track to college and career readiness;
- (B) increase student engagement by providing service-learning, experiential, and work-based and other learning opportunities, such as—
 - (i) contextual learning opportunities;
 - (ii) internship opportunities;
 - (iii) community service, learning apprenticeships, and job shadowing;
 - (iv) college campus visits, and college and career counseling; and
 - (v) developing an individual graduation plan for each student and provides the individualized evidence-based interventions necessary to meet the goals;
- (C) provide school leaders with autonomy;
- (D) implement high-quality professional development for teachers and school leaders;
- (E) improve curriculum and instruction, by
 - (i) adopting effective, evidence-based curricula and instructional materials; and
 - (ii) increasing rigor through the use of Advanced Placement courses, International Baccalaureate courses, or another highly rigorous, evidence-based, postsecondary preparatory programs;
- (F) implement at least 1 of the following effective secondary school reform strategies:
 - (i) Graduation Promise Academies, which include—
 - (I) 9th grade academies taught by teams of teachers who work with small groups of students;
 - (II) Career Academies for upper grades;
 - (III) extended learning periods;
 - (IV) an after-hours credit recovery program;
 - (V) curriculum coaches;
 - (VI) partnerships focused on improving student achievement; and
 - (VII) a college-going culture, including student supports and guidance.
 - (ii) Career Academies, which-
 - (I) establish career pathways by implementing a college and career ready

curriculum that integrates rigorous academics, career and technical education, and experiential learning for high school students in high-skill, high-demand industries in collaboration with local and regional employers;

(II) provide counseling to advance students' college and career goals;

(III) collaborate with local employers;

(IV) modernize career-related equipment; and

(V) provide dual enrollment opportunities.

(iii) Early College Schools, which—

(I) partner with 1 or more institutions of higher education;

(II) conduct outreach programs;

(III) design curricula and sequences of courses for which students may simultaneously earn credits towards a high school diploma and either an associate degree or transferable postsecondary education credits;

(IV) coordinate support services and academic calendars to allow students to visit and take courses at the institutions of higher education; and

(V) provide academic and support services, including financial aid counseling for postsecondary education.

Sec. 1201(f)(1-4) [Allowable Uses of Funds] an eligible entity can use the funds to-

(1) improve parent and family engagement in the educational attainment and achievement of struggling students and dropouts by—

(A) leveraging community-based services and opportunities; and

(B) providing parents and families with the necessary information, including data on their child's academic achievement and how to navigate the public school system;

(2) provide extended learning opportunities to include additional time for instruction in academic subjects and enrichment activities that contribute to a well-rounded education;

(3) increase student supports; and

(4) create smaller learning communities.

Sec. 1201(g) [Matching Funds]

Sec. 1201(g)(1) [In General] an eligible entity shall provide matching funds, from non-Federal sources, in an amount equal to not less than 20 percent of the amount of grant funds awarded in the first 3 years of the grant, not less than 50 percent in the fourth year, and not less than 75 percent in the fifth year, as applicable.

Sec. 1201(g)(2) [Waiver] provides that the Secretary can waive all or part of the matching requirement described in paragraph (1) on a case-by-case basis, if the Secretary determines that applying the matching requirement would result in serious hardship or an inability to carry out the authorized activities.

Sec. 1201(h) [Supplement Not Supplant] an eligible entity shall use Federal funds received under this section only to supplement the funds that would, in the absence of such Federal funds, be made available from other Federal and non-Federal sources for these activities, and not to supplant such funds.

ESEA (2011)

Accelerated Learning: Section by Section Analysis

Section 1202 amends the below ESEA sections as follows:

Subpart 2-Accelerating Learning

Sec. 1221 [Purposes]

Sec. 1221-(1-3) [Purposes] states that the purposes of this part are:

(1) to raise student academic achievement by—

(A) increasing the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses; and

(B) increasing the number of students attending high-need schools who—

(i) enroll and succeed in Advanced Placement or International Baccalaureate courses; and

(ii) take Advanced Placement or International Baccalaureate examinations;

(2) to increase, and to support statewide efforts to increase, the availability of, and enrollment in, Advanced Placement or International Baccalaureate courses, and pre-Advanced Placement or pre-International Baccalaureate courses, in high-need schools; and

(3) to provide high-quality professional development for teachers of Advanced Placement or International Baccalaureate courses, and pre-Advanced Placement or pre-International Baccalaureate courses, in high-need schools.

Sec. 1222 Funding Distribution Rule

Sec. 1222 [Funding Distribution Rule] requires the Secretary to give priority to funding activities under section 1703 and distribute any remaining funds under section 1224.

Sec. 1223 Advanced Placement Examination Fee Program

Sec. 1223(a)(1-2)[Grants Authorized] requires the Secretary, from amounts made available to carry out this subpart for a fiscal year, grants to State educational agencies having applications approved under this section to enable the State educational agency to reimburse low-income students to cover part or all of the costs of Advanced Placement or International Baccalaureate examination fees, if the low-income students—

(1) are enrolled in an Advanced Placement or International Baccalaureate course; and

(2) plan to take an Advanced Placement or International Baccalaureate examination.

Sec. 1223(b) [Award Basis] requires that when determining the amount of the grant awarded to a State educational agency, the Secretary consider the number of children eligible to be counted under section 1124(c) in the State in relation to the number of such children so counted in all States.

Sec. 1223(c) [Information Dissemination] requires that State educational agency awarded a grant under this section to make publicly available information regarding the availability of Advanced Placement or International Baccalaureate examination fee payments under this section, and shall disseminate such information to eligible secondary school students and parents, including through secondary school teachers and counselors.

Sec. 1223(d)(1-3) [Applications] requires each State educational agency desiring to receive a grant under this section to submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. At a minimum, each State educational agency application must—

(1) describe the Advanced Placement or International Baccalaureate examination fees the State educational agency will pay on behalf of low-income students in the State from grant funds awarded under this section;

(2) provide an assurance that any grant funds awarded under this section shall be used only to pay for Advanced Placement or International Baccalaureate examination fees; and

(3) contain such information as the Secretary may require to demonstrate that the State educational agency will ensure that a student is eligible for payments authorized under this section, including ensuring that the student is a low-income student.

Sec. 1223(e) [Regulations] requires the Secretary to prescribe such regulations as are necessary to carry out this section.

Sec. 1223(f) [Report]

Sec. 1223(f)(1)(A-D) [In General] requires that each State educational agency awarded a grant under this section shall, with respect to each Advanced Placement or International Baccalaureate course subject, annually report to the Secretary the following data for the preceding year—

(A) the number of students who are taking Advanced Placement or International Baccalaureate courses;

(B) the number of Advanced Placement or International Baccalaureate examinations taken by students in the state;

(C) the number of students scoring at different levels on Advanced Placement or International Baccalaureate courses; and

(D) Demographic information.

Sec. 1223(f)(2)-[Report to Congress] requires the Secretary annually compile and report the information received from each State educational agency under paragraph (1) to the authorizing committees.

Sec. 1223(g)-[BIA as SIA] states that for purposes of this section, the Bureau of Indian Affairs shall be treated as a State educational agency.

Sec. 1224 Advanced Placement Incentive Program Grants

Sec. 1224 (a)[Grants Authorized]

Sec.1224(a)(1) [In General] requires the Secretary to award grants to eligible entities to enable such entities to carry out the activities describes in subsection (e).

Sec. 1224(a)(2) [Duration, Renewal, and Payments]

Sec. 1224(a)(2)(A) [Duration] requires the Secretary to award a grant under this section for a period of not more than 3 years.

Sec. 1224(a)(2)(B)(i-ii) [Renewal] permits the Secretary to renew a grant awarded under this section for an additional period of not more than 2 years, if an eligible entity—

(i) is achieving the objectives of the grant; and

(ii) has shown improvement against baseline data on the performance measures described in subparagraphs (A) through (E) of subsection (g)(1).

Sec. 1224(a)(2)(C) [Payments] requires the Secretary to make grant payments under this section on an annual basis

Sec. 1224(b)(1-3) [Definition of Eligible Entity] defines the term “eligible entity” as:

(1) a State educational agency;

(2) a high-need local educational agency; or

(3) a partnership consisting of—

(A) a national, regional, or statewide public or nonprofit organization, with expertise and experience in providing Advanced Placement or International Baccalaureate course services; and

(B) a State educational agency or a high-need local educational agency.

Sec. 1224 (c)(1) [Application]

Sec. 1224(c)(1) [In General] each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

Sec. 1224(c)(2)(A-G)[Contents] requires that the application, at a minimum, include a description of—

(A) the goals and objectives for the project supported by the grant under this section, including—

(i) increasing the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses;

(ii) increasing the number of Advanced Placement or International Baccalaureate courses that are offered at high-need schools; and

(iii) increasing the number of students attending a high-need school, particularly low-income students, who succeed in—

(I) Advanced Placement or International Baccalaureate courses; and

(II) if offered by the school, pre-Advanced Placement or pre-International Baccalaureate courses;

(B) how the eligible entity will ensure that students have access to courses, including pre-Advanced Placement or pre-International Baccalaureate courses, that will prepare students to succeed in Advanced Placement or International Baccalaureate courses;

(C) how the eligible entity will provide professional development for teachers that will further the goals and objectives of the grant project;

(D) how the eligible entity will ensure that teachers serving high-need schools are qualified to teach Advanced Placement or International Baccalaureate courses;

(E) how the eligible entity will provide for the involvement of business and community organizations and other entities, including institutions of higher education, in carrying out the activities described in subsection (e);

(F) how the eligible entity will use funds received under this section; and

(G) how the eligible entity will evaluate the outcome of the grant project.

Sec. 1224(d)(1-3) [Priority] requires that in awarding grants under this section, the Secretary give priority to applications from eligible entities that—

(1) are part of a statewide or districtwide strategy, as applicable, for increasing the availability of Advanced Placement or International Baccalaureate courses, and pre-Advanced Placement or pre-International Baccalaureate courses, in high-need schools;

(2) demonstrate a focus on increasing the availability of Advanced Placement or International Baccalaureate courses in core academic subjects; and

(3) propose to carry out activities that target high-need schools.

Sec. 1224(e)[Authorized Activities]

Sec. 1224(e)(1)(A-B) [In General] each eligible entity that receives a grant shall use the grant funds to carry out activities designed to increase—

(A) the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses; and

(B) the number of students attending high-need schools who succeed in the examinations for such courses, including through reimbursing low-income students attending high-need schools for part or all of the cost of Advanced Placement or International Baccalaureate examination fees.

Sec. 1224(e)(2)(A-G)[Allowable Activities] provides that an eligible entity that receives a grant may also use grant funds for—

(A) high-quality teacher professional development, in order to expand the pool of teachers in the participating State, high-need local educational agency, or high-need school who are qualified to teach Advanced Placement or International Baccalaureate courses, including through innovative models, such as online academies and training institutes;

(B) pre-Advanced Placement or pre-International Baccalaureate teacher and counselor high-quality professional development in secondary school to prepare students for success in Advanced Placement or International Baccalaureate courses and in institutions of higher education;

(C) coordination and articulation between grade levels to prepare students to succeed in Advanced Placement or International Baccalaureate courses;

(D) purchase of instructional materials for Advanced Placement or International Baccalaureate courses;

(E) activities to increase the availability of, and participation in, online Advanced Placement or International Baccalaureate courses;

(F) carrying out the requirements of subsection (g); and

(G) in the case of an eligible entity described in subsection (b)(1), awarding subgrants to high-need local educational agencies to enable the high-need local educational agencies to carry out authorized activities described in subparagraphs (A) through (F).

Sec. 1224(f) [Contracts] requires an eligible entity awarded a grant to provide online Advanced Placement or International Baccalaureate courses may enter into a contract with an organization to provide the online Advanced Placement or International Baccalaureate courses.

Sec. 1224(g)[Collecting and Reporting Requirements]

Sec. 1224(g)(1)(A-E) [Report] requires each eligible entity receiving a grant shall collect and report to the Secretary annually such data regarding the results of the grant as the Secretary may reasonably require, including—

(A) the number of students served by the eligible entity enrolling in Advanced Placement or International Baccalaureate courses, and pre-Advanced Placement or pre-International Baccalaureate courses, disaggregated by grade level of the student, and the grades received by such students in the courses;

(B) the number of students taking an Advanced Placement or International

Baccalaureate examination and the distribution of scores on those examinations, disaggregated by the grade level of the student at the time of examination;

(C) the number of teachers who are currently, as of the date of the report, receiving training to teach Advanced Placement or International Baccalaureate courses and will teach such courses in the next school year;

(D) the number of teachers becoming qualified to teach Advanced Placement or International Baccalaureate courses; and

(E) the number of qualified teachers who are teaching Advanced Placement or International Baccalaureate courses in high-need schools served by the eligible entity.

Sec. 1224(g)(2)(A-C) [Reporting of Data] states that each eligible entity receiving a grant under this section shall report the data required under paragraph (1).

(A) disaggregated by subject area;

(B) in the case of student data, disaggregated in the same manner as information is disaggregated under section 1111(b)(2)(C)(v); and

(C) in a manner that allows for an assessment of the effectiveness of the grant program.

Sec. 1224(h) [Evaluation] requires that the Secretary evaluate the implementation and impact of the activities supported under this section and disseminate research on best practices.

Sec. 1224(i) [Matching Requirement]

Sec. 1224(i)(1) [In General] each eligible entity shall provide toward the cost of the activities assisted under the grant an amount equal to 100 percent of the amount of the grant except that an eligible entity that is a high-need local educational agency shall provide an amount equal to not more than 50 percent of the amount of the grant.

Sec. 1224(i)(2) [Matching Funds] states that each eligible entity may provide the matching funds in cash or in kind but may not provide more than 50 percent of the matching funds in kind.

Sec. 1224(i)(3) [Waiver] provides that the Secretary may waive all or part of the matching requirement), if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out the authorized activities.

Sec. 1225 Supplement, Not Supplant

Sec. 1225 [Supplement, not Supplant] stipulates that grant funds provided under this part shall supplement, and not supplant, other non-Federal funds that are available to assist low-income students to pay for the cost of Advanced Placement or International Baccalaureate examination fees or to expand access to Advanced Placement or International Baccalaureate courses, and pre-Advanced Placement or pre-International Baccalaureate courses.

Sec. 1226 Definitions

Sec. 1226 [Definitions] this section defines the following terms: Advanced Placement or International Baccalaureate course, Advanced placement or international baccalaureate examination, High-need school, and Low-income student.

ESEA (2011)

Education of Migratory Students: Section by Section Analysis

Sections 1301-1310 amend the below ESEA sections as follows:

Sec. 1301. [Education of Migratory Children]

Sec. 1301- [Program Purpose]

Sec. 1301[Program Purpose] establishes that the purpose of the program is to assist States in providing high-quality and comprehensive educational programs during the regular school year and summer or intersession periods, that address the unique educational needs of migratory children.

- (1) succeed in school;
- (2) meet the same State college and career ready academic content and student academic achievement standards that all children are expected to meet;
- (3) graduate high school ready for higher education and careers; and
- (4) overcome factors that inhibit the ability of such children to succeed in school.

Sec. 1302- [Program Authorized]

Sec. 1302 [Program Authorized] requires the Secretary to make grants to State educational agencies, or consortia of such agencies, to enable such agencies or consortia to establish or improve, directly or through local operation agencies, programs of education for migratory children in accordance with this part.

Sec. 1303- [State Allocations]

Sec. 1303(a) [State Allocations] changes the allocation formula to provide that the amount awarded to each State (other than Puerto Rico) for each fiscal year must be an amount equal to the product of—

- (1) the sum of the average number of identified eligible migratory children aged 3 through 21, residing in the State, based on data for the preceding 3 years and the number of identified eligible migratory children, age 3 through 21, who received services under this part in summer or intersession programs provided by the State during the previous year;
- (2) 40 percent of the average per-pupil expenditure in the State (but not be less than 32 percent, or more than 48 percent) of the average per-pupil expenditure in the United States.

Sec. 1303(b) [Hold Harmless] for FY 11 through FY 13, holds States harmless from changes to the allocation formula at a rate of 90% of their allocation for the previous year.

Sec. 1303(c)(1-2) [Allocation to Puerto Rico] provides that Puerto Rico's allocation is the amount is the amount determined by multiplying the number of children who would be counted under subsection (g) by the product of the percentage which the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 states (but not less than 85 percent); and 32 percent of the average per-pupil expenditure in the United States.

Sec. 1303(d) [Ratable Reductions; Reallocations] describes actions the Secretary may take if the amount allocated for any fiscal year is insufficient to pay in full. It requires the Secretary to

- (I) develop and implement a procedure for monitoring the accuracy of the information on the number and needs of migratory children used to institute further reductions in allocations;
- (II) issue criteria for a system of State quality control for the accuracy of State counts of eligible migratory children;

It prohibits the Secretary from reducing the amount of a State allocation on the basis of unintentional errors in such counts for States implementing a system of State quality control, if the discrepancy between the initial State count and any subsequent revisions is minimal.

Section 1303(e) [Consortium Arrangements] describes the process to determine if a State could provide better services by working with other States or other appropriate entities.

Sec. 1303(f) [Determining Numbers of Eligible Children] adds additional requirements around determining the number of eligible children. Provides that the Secretary must—

- (1) use the most recent information that most accurately reflects the actual number of migratory children;
- (2) develop and implement a procedure for monitoring the accuracy of such information, if such a procedure does not create barriers to the families of migratory children who are eligible for services; and
- (3) update said procedure, and implement the updated procedure, to more accurately reflect the cost factors for different types of summer and intersession program designs.

Sec. 1303(g)[Nonparticipating States] provides a mechanism for determining the allocation for a State that did not receive an allocation for the previous fiscal year or that has been participating for less than 3 consecutive years. In that case, the Secretary must calculate the State's number of identified migratory children aged 3 through 21 by using the most recent data available that

identifies the migratory children residing in the State until data is available to calculate the 3-year average number of such children.

Sec. 1304 State Applications; Services

Sec. 1304(a) [State Applications] requires that any State desiring to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such a manner as the Secretary may require.

Sec. 1304(b) [Program Information] creates additional application requirements, including:

- (1) a description of the steps the State is taking to provide all migratory children with the opportunity to meet the same State college and career ready academic content and student academic achievement standards that all children are expected to meet;
- (2) a description of how the State will meet the requirements for the timely electronic transfer of student records and how the State will use such records transfer;
- (3) a description of how the State will ensure that paraprofessionals who are hired to work in programs and projects will meet the standards and requirements for paraprofessionals under section the Act; and
- (4) such budgetary and other information as the Secretary may require.

Sec. 1304 (c) [Assurances] creates additional assurances to be included in each application, including that:

- (1) in the planning and operation of programs and projects at both the State and local agency operating levels, there is consultation with parent advisory councils for programs of at least one school year, and that all such programs and projects are conducted in a manner that provides a certain level of parental involvement and are developed in a format and language understandable to the parents;
- (2) there has been, and will be, adequate provision for addressing the unmet education needs of migratory children who are not attending school; and
- (3) the State has procedures in place to verify the accuracy and completeness of any data regarding the counting of migratory children that is submitted to the Secretary.

Sec. 1304(d) [Priority for Services] provides additional priority for services requirements for migratory children who have made a move within the previous year and for those who have dropped out of school.

Sec. 1304(e) [Continuation of Services] makes a technical correction.

Sec. 1305 [Secretarial Approval; Peer Review]

Sec. 1305 [Secretarial Approval; Peer Review] provides that the Secretary is required, to the extent practicable, rather than allowed, to subject applications to peer review.

Sec. 1306 [Comprehensive Needs Assessment and Service-Delivery Plan; Authorized Activities]

Sec. 1306(a) [Comprehensive Plan] adds additional requirements to the Comprehensive State Plan, including that it provides that migratory children will have an opportunity to meet the same State college and career ready academic content and student academic achievement standards that all children are expected to meet and specifies measurable program goals and outcomes.

Sec. 1307 *Bypass*

Sec. 1307(1-3) [Bypass] specifies that the Secretary can use all or part of any State's allocation to award grants to, or enter into contracts with, any public or private nonprofit agency under certain circumstances.

Sec. 1308 [National Activities]

Sec. 1308(a) [Improvement Coordination] gives the Secretary additional authority to improve coordination of migrant education activities by allowing the Secretary, in consultation with the States, to make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private entities to improve the coordination between State educational agencies, local operating agencies, and their counterparts in other nations in educating migratory children who move between the United States and such nations.

Sec. 1308(b) [Student Records] describes how the Secretary will assist States with the transfer of migratory student records. It requires the Secretary to assist each State in maintaining an effective system for the electronic transfer of student records and, in consultation with the States, continue to ensure the linkage of migratory child record systems. The Secretary must maintain on-going consultation with the States, local educational agencies, and other migratory student service providers on the effectiveness of the system of electronic records transfer. The Secretary must report findings and recommendations regarding the maintenance these records to Congress.

Sec. 1308(c) [Technical Assistance] states that the Secretary may provide technical assistance designed to support State efforts to meet the needs of migratory children.

Sec. 1308(d) [Incentive Grants] makes technical corrections.

Sec. 1308(e) [Improvements and Coordination] provides that from any funds remaining after the issuance of technical assistance and Incentive Grants, the Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private nonprofit

entities to improve the interstate and intrastate coordination among such agencies' and entities' programs available to migratory students.

Sec. 1308(f) [Availability of Funds] requires the Secretary to reserve not more than \$12,500,000 for National Activities.

Sec. 1309 [Performance Data]

Sec. 1309 [Performance Data] requires that each State that receives a grant under this part must annually submit to the Secretary, and make public, data on-

- (1) the academic achievement of migratory students, as measured by State assessments;
- (2) such students' high school graduation rates and rates of enrollment and persistence in, and completion of a program of study at, institutions of higher education; and
- (3) the results of such other performance measures and targets as the Secretary may prescribe.

Sec. 1310 [Evaluation and Study]

Sec. 1310 [Study] requires the Secretary to conduct a pilot study, funded as a part of the 2012 National Assessment of Educational Progress, on the feasibility of using the National Assessment of Educational Progress for assessing and reporting on the academic achievement of migratory children in grades 4 and 8 in reading and mathematics.

Sec. 1311 [State Assistance and Determining Number of Migratory Children]

Sec. 1311 [State Assistance in Determining Number of Migratory Children] requires that each State must assist the Secretary in determining the number of migratory children in such State through such procedures as the Secretary may require, except that the Secretary shall not require additional information that is not directly related to determining the migratory status of the child or the administration of this part.

Sec. 1312 [Definitions]

Sec. 1312(1) defines food processor as a position working with a raw agricultural, dairy, or fishing product and transforming the product into a more refined product up to the point of an initial commercial sale.

Sec. 1312(2) defines initial commercial sale as the first point of sale of an agricultural, dairy, or fishing product—for refining to the next-stage processor, to the wholesaler, to the retailer, or directly to the consumer.

Sec. 1312(3) defines local operation agency as a local educational agency to which a State educational agency makes a subgrant under this part; a public or nonprofit private agency with which a State educational agency or the Secretary makes an arrangement to carry out a project

under this part; or a State educational agency, if the State educational agency operates the State's migrant education program or projects directly.

Sec. 1312(4) defines migratory agricultural worker as an individual who A) made a qualifying move in the preceding 3-year period; and after making such move, sought or engaged in employment in agricultural work, which may be dairy work or the initial processing of raw agricultural products

Sec. 1312(5) defines migratory child as a child who:

- (A) is, or whose parent or spouse is, a migratory agricultural worker or migratory fisher who is currently engaged in, or seeking to obtain, temporary or seasonal employment, usually for not longer than 15 months, in agricultural or fishing work until the point of the initial commercial sale (including employment as a migratory dairy worker, a food processor, or a migratory fisher); and
- (B) in the preceding 36 months—has moved from one school district to another; in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in, or to accompany a parent or spouse engaging in, a fishing activity.

Sec. 1312(6) defines migratory fisher as an individual who made qualifying move in the preceding 36 months and, after doing so, sought or engaged in employment in fishing work.

Sec. 1312(7) defines qualifying move as a move from one school district to another, or from one administrative area to another within a State that is comprised of a single school district; and in the case of a migratory fisher who resides in a school district of more than 15,000 square miles, includes migrating a distance of 20 miles or more to a temporary residence; and with respect to a qualifying move for a parent or spouse of a migratory child, means a move described in subparagraph (A) that is separated by not more than 1 year from the move or migration of the migratory child.

Draft – ESEA 2011

Supporting Teachers and Principals (Title II-A): Section by Section Analysis

Section 2101 amends the below ESEA sections as follows:

Part A: Teacher and Principal Training and Recruiting Fund

Sec. 2101. [Purpose] establishes that purposes of Title II are to provide grants to State educational agencies and sub grants to local educational agencies to improve academic achievement for all students, including students with disabilities and English learners by

- (1) providing professional development to improve instruction and student achievement;
- (2) implementing rigorous teacher and principal evaluation and professional development systems; and
- (3) improving the equitable distribution among schools of teachers and principals based on results of State and local evaluation systems.

Sec. 2102. [Definitions]

Sec. 2102(1) Induction program: A program based on scientifically valid research for new teachers designed to improve instruction and increase teacher retention that includes

- (A) high-quality teacher mentoring
- (B) the development of skills needed by new teachers, including content knowledge, pedagogical knowledge, classroom management and the analysis and use of student assessments, and other student data;
- (C) periodic structured time for collaboration and professional development with mentor teachers and may include team teaching or a reduced teaching load; and
- (D) regular and structured observation with timely feedback.

Sec. 2102(2) Mentoring: Refers to a program that is designed to increase teacher and principal effectiveness and retention that

- (A) Includes clear criteria for selection of mentors that takes into account the mentors record of increasing student achievement and ability to facilitate adult learning;
- (B) Provides high quality training for mentors in how to support teachers or principals;
- (C) Provides regularly scheduled time for collaboration, examination of students work and achievement data, and observation of teachers or leading and identify and address areas of improvement; and
- (D) Matches mentees with mentors in the same field, grade, grade span, or subject area.

Sec. 2102(3) State: The term “State” refers to each of the several States of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

Subpart 1: Grants To States

Sec. 2111 – [Allotments to States]

Sec. 2111(a) [In General] The Secretary will allot grants to States whose applications have been approved under section 2112. These grants will be used for purposes outlined in section 2113. Each grant consists of allotments determined for a State under subsection (b).

Sec. 2111(b) [Determination of Allotments] states that from the total amount appropriated to carry out this subpart for a fiscal year, the Secretary shall reserve:

Sec. 2111 (b)(1)(A-B) [Reservation of Funds] The Secretary will reserve (A)one-half of one percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed amongst them on the basis of need which will be determined by the Secretary (B) as well as one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education.

Sec. 2111(b)(2)(A) [State Allotments] Hold Harmless: In general the Secretary will allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount equal to that received in fiscal year 2001 under section 2202(b) of this Act and Section 306 of the Department of Education Appropriations Act, 2001. If the funds are insufficient to pay the full amounts that all States are eligible to receive, the Secretary is required to ratably reduce those amounts for the fiscal year.

Sec. 2111(b)(2)(B)(i-ii)[Allotment of Additional Funds] For any fiscal year for which the funds appropriated exceed the total amount required to make allotments under subparagraph (A), the Secretary is required to allot to each of the States (i)the sum of an amount that bears the same relationship to 35 percent of the excess amount as the number of individuals age 5 through 17 in the state and an amount that bears the same relationship to 65 percent of excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line. (ii) No state may receive less than one-half of 1 percent of the total excess amount allotted under such clause for a fiscal year.

Sec. 2111(b)(3) [Reallotment] If any State does not receive an allotment for any fiscal year under this subsection, the Secretary shall reallot the amount of the allotment to the remaining States in accordance with this subsection.

Sec. 2112 – [State Applications]

Section 2112(a) [In General] In order for States to receive a grant, the State educational agency must submit an application to the Secretary that meets all the requirements the Secretary sets forth.

Section 2112(b)(1-9) [Contents] Each application submitted shall be subject to peer review and include

- (1) a description of how the state educational agency will ensure that each local educational agency receiving a subgrant will comply with the requirements;
- (2) a description of how the State will use funds reserved under section 2113(a);
- (3) a description of how the activities to be carried out by the State educational agency will

- be based on a review of scientifically valid research and an explanation of why the activities are expected to improve student achievement;
- (4) a description of how activities are aligned with State content and achievement standards and State assessments, which may include early learning content and achievement standards and assessments;
 - (5) a description of how the SEA will
 - (A) ensure that each LEA in the State that receives a subgrant under subpart 2 implements teacher and principal evaluation system that meets the requirements specified in section 2123 and is consistent with State definitions and parameters provided under paragraph 6;
 - (B) provide data on each teacher's student achievement and, if applicable, student growth, for the State assessments required under section 1111(a)(2) to teachers and LEAs in a timely and useful manner;
 - (C) make public the results of State-approved evaluation system;
 - (D) provide for the equitable distribution of highly qualified or highly rated teachers within individual LEAs and the State to ensure that low-income and minority students are not taught at higher rates than other students by teachers who receive performance rating in the lowest categories
 - (E) on a regular basis review teacher and principal evaluation systems used by the LEAs for accuracy and consistency and provide technical assistance to improve a LEA's teacher and principal evaluation.
 - (6) a description of the State's definition of its statewide rating categories for teacher and principals and names for levels of teacher and principal performance using not less than 4 rating categories, along with and any other parameters the SEA will use in evaluating teachers consistent with section 2123(b);
 - (7) a description of how the SEA will hold LEAs accountable for meeting the requirements in Section 1119;
 - (8) an assurance that the SEA will comply with section 9501; and
 - (9) a description of the activities funded under this subpart, including how such activities will be coordinated with the State agency responsible for early childhood education and care programs.

Sec. 2112 (c) [Deemed Approval] An application submitted by an SEA that has been peer reviewed shall be deemed to be considered approved by the Secretary unless the Secretary makes a written determination, priority the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

Sec. 2112 (d) [Disapproval] The Secretary is cannot disapprove the application except after giving the SEA notice and an opportunity for a hearing.

Sec. 2112 (e) [Notification] If the Secretary finds an application not in compliance the Secretary is required to: 1) give the SEA notice and an opportunity for a hearing and 2) notify the SEA of the finding and is required to cite the specific provisions not in compliance and request additional information needed to make the application compliant.

Sec. 2112 (f) [Response] If the SEA responds to the Secretary's notification during the 45-day period beginning on the date of notification and resubmits the application with the requested information, the Secretary is required to approve or disapprove the application prior to the later

of: the 45-day period beginning on the date on which the application is resubmitted or the expiration of the 120-day period describe in subsection (c).

Sec. 2112 (g) [Failure to Respond] If the SEA does not respond to the Secretary's notification during the 45-day period beginning on the date of notification, such application is deemed disapproved.

Sec. 2113 [State use of Funds]

Sec. 2113(a)(1) [In General] States that receive funds must reserve 95 percent of the grant funds to make subgrants to local educational agencies.

Sec. 2113(a)(2)(A-E) States must also use no less than 2 percent but no more than 5 percent of the funds to improve the performance and distribution of highly rated principals and other school leaders through

- (A) developing and reviewing state policies related to principals;
- (B) developing and carrying out a State plan to provide well-prepared principals;
- (C) activities designed to recruit, prepare, place, assist support and retain highly rated principals in high-need schools and low-performing schools;
- (D) providing training and support to principals on improving instruction and closing achievement gaps; and
- (E) providing compensation or incentive to attract, retain and reward highly rated principals.

Sec. 2113(a)(3)(A-F) Any remaining funds may be used to

- (A) plan and administer State activities under subpart 2
- (B) assist local education agencies in recruiting, preparing, placing, developing, and retaining high-quality teachers for high needs schools and low performing schools;
- (C) provide technical assistance to local educational agencies to support the design and implementation of a system to evaluate teachers and principals that meets the requirements in section 2123 including
 - (i) developing and disseminating research-based models and designing high-quality evaluation tools and classroom observation rubrics
 - (ii) developing and providing training for principals and other evaluators on how to evaluate teachers in order to differentiate performance accurately
 - (iii) developing method for ensuring inter-rater reliability of evaluation results; the appropriate collection, reporting, analysis and use of evaluation data; and
 - (iv) creating opportunities for teachers and principals to provide feedback on quality and usefulness of the LEA's evaluation system.
- (D) Provide technical assistance to LEAs to improve performance on the measures described in section 2141(b);
- (E) Develop and disseminate the State Report Card described in subpart 4 and use the information to guide efforts under this part; and
- (F) Provide technical assistance to LEAs in the development and implementation of programs and policies that support children's transition from early childhood education

and care programs into elementary schools, improve school readiness, and improve the academic achievement of young children.

Sec. 2113(b)[Supplement, Not Supplant] Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

Subpart 2: Subgrants to Local Educational Agencies

Sec. 2121 [Allocations to Local Educational Agencies]

Sec. 2121(a)[In General] The Secretary will make a grant to a State only if the State agrees to distribute the funds to local educational agencies under this subpart.

Sec. 2121(b)(1)(A-B)[Allocations] From the amount reserved by a State under 2113(a)(1), the SEA is required to allocate to each of the eligible LEAs in the State for such fiscal year the sum of:

- (A) an amount that bears the same relationship to 20 percent of the total amount reserved as the number of individuals age 5 through 17 in the geographic area served by the agency and
- (B) an amount that bears the same relationship to 80 percent of the total amount reserved as the number of individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency.

Sec. 2121(b)(2)(A-B)[Allocation] Hold Harmless: The SEA is required to allocate to each eligible LEA an amount that is not less than 90 of the allocation the eligible LEA received for the previous fiscal year under this part. If insufficient funds are appropriated to allocate the amounts that all eligible LEAs in the State are eligible to receive for a fiscal year, the Secretary is required to ratably reduce those amounts for the fiscal year.

Sec. 2122 [Local Applications and needs Assessment]

Sec. 2122(a)(1-2)[In General] To be eligible to receive a subgrant a local educational agency is required to:

- (1) submit an application to the SEA and
- (2) conduct an assessment of the needs of the local educational agency in the areas set forth in the performance measures described in section 2141(b).

Sec. 2122(b)(1-4)[Contents] Each application submitted under this section shall include the following:

- (1) a description of the results of the needs assessment conducted;
- (2) a description of the performance measures and activities the LEA will use to address the needs identified;

- (3) a description of how the LEA will improve or implement a teacher and principal evaluation system that is consistent with the requirements of section 2123(b); and the LEA's plan for using subgrant funds and other Federal, State, and local funds to provide for equitable distribution of teachers and principals within the LEA to ensure that low-income and minority students are not taught at higher rates than other students by teachers in the lowest rating categories.
- (4) the needs identified, a description of how the local educational agency will improve or implement a teacher and principal evaluation system, and the local educational agency's plan for using subgrants, and other Federal State, and local funds, to provide for the equitable distribution of teachers and principals within the local educational agency so as to ensure that low-income students and minority students are not taught at higher rates than other students in such schools by teachers in the lowest rating categories.

Sec. 2123 [Local use of Funds]

Sec. 2123(a)(1-11)[In General] Local educational agencies that receive a subgrant must use subgrant funds to increase student achievement for all children, including English learners and students with disabilities, by increasing the number and percentage of its teachers and principals in the highest rated categories and ensure the equitable distribution of those highly rated teachers through one or more of the following activities:

- (1) developing and carrying out professional development;
- (2) reducing class size for prekindergarten through 3rd grade;
- (3) developing and implementing an induction program or a mentoring program;
- (4) developing and implementing, or improving, a teacher and principal evaluation system;
- (5) providing meaningful and timely feedback to teachers and principals on evaluation results,
- (6) increasing teacher capacity to evaluate student work and use student achievement data which may include supporting the involvement of teaching in assessment scoring
- (7) recruiting, preparing, placing, supporting, developing, rewarding, and retaining highly rated teachers and principals in high need schools and low performing schools taking into consideration members of groups underrepresented in the teaching and principalship professions and highly rated teachers in high-needs subjects or fields;
- (8) Improving within-district equity in the distribution of highly rated teachers in high-need schools;
- (9) Enabling teachers to become certified as teachers in a high-need subject or field;
- (10) Creating career ladders, to provide opportunities for highly rated teachers or paraprofessionals to advance or take on additional roles and responsibilities; and
- (11) Reforming the local educational agency's system of compensating teachers and principals in order to provide incentives to recruit and retain highly rated principals and teachers in a high-need subject or field, or who teach in or lead a high-need school or low-performing school and reward highly rated teachers and principals for increasing student achievement or taking on additional roles and responsibilities.

Sec. 2123(b)(1)(A-H)[Local Educational Agency Requirements for teacher and Principal Evaluation] No later than 5 years after the date of enactment of this Act each LEA that receives a subgrant shall develop and implement a teacher and principal evaluation system that

- (A) provides meaningful feedback to teachers and principals;
- (B) defines and names not less than 4 categories of teacher and principal performance
- (C) evaluates teachers and principals regularly and consistent with best practice;
- (D) is used in making decisions about professional development;
- (E) provides training for the evaluators who are responsible for conducting classroom observations;
- (F) is developed and implemented with teacher and principal involvement;
- (G) for teachers shall be based in evidence of improved student achievement and include observation of classroom teaching, and may include other measures if they are valid predictors of student achievement; and
- (H) for principals shall provide evidence of improved student achievement and student outcome, on evidence of providing strong instructional leadership and support; and on evidence of parent and family engagement.

Sec. 2123(b)(2)(A-B)[Student Achievements] For purposes of this subsection, student achievement means

- (A) For grades and subjects for which there are assessments as described in section 1111(a)(2) a student's results from the State's assessments and as appropriate, other measures of student's learning, consistent with subparagraph (B); and
- (B) Measures of student's learning and performance, such as end-of-course tests, and other measure that are rigorous and comparable across schools in a school district that are aligned with the State academic content standards.

Sec. 2123(c)[Compliance] Each LEA in State that have fully implemented the requirements for teacher and principal evaluation systems will only be required to comply with the teacher qualification requirements as they relate to new teachers (Section 1119(a)(1)).

Sec. 2123(d)[Supplement, Not Supplant] Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

Subpart 3: National Leadership Activities

Sec. 2131[National Leadership Activities] From the funds authorized for this part, the Secretary is authorized to set aside no more than 1 percent of funds for research and development, technical assistance, and outreach and dissemination activities directly or through grants, contacts, or cooperative agreements.

Subpart 4: Accountability

Sec. 2141 [Accountability]

Sec. 2141(a)(1-4)[In General]

- (1) State Report. Each State that receives a grant must report annually to the Secretary a State Report on program performance and results of the grant.

- (2) Local Educational Agency Report. Each LEA is required to annually submit to the State on program performance and results under such subgrant.
- (3) FERPA Compliance. Each SEA and LEA that submits a report shall collect, report and disseminate information in compliance with the Family Educational Rights and Provision Act.
- (4) Teacher and Principal Privacy. No SEA or LEA shall be required to publically report information in compliance with these reporting requirements in a case in which the results would reveal identifiable information about an individual teacher or principal.

Sec. 2141(b)(1-4)[Information and Performance Measures] Each State Report and Local Educational Agency Report shall contain the following:

- (1) the percentage and distribution within the State and local educational agency of teachers and principals in each performance category;
- (2) information for the state and for the local educational agency on teacher and principal retention rates;
- (3) the number of teachers in the state and local educational agency teaching under a provisional license; and
- (4) data by teacher preparation program within the State, on the student achievement data students taught by such program's graduates.

Sec. 2141(c)(1-2)[Consequences for Nonequitable Distribution of Teachers] Each State that receives a grant under subpart 1 shall require each LEA that receives a subgrant under subpart 2 has implemented a teacher and principal evaluation system that meets the requirements of section 2123(b), and has failed, over a 3-year period, to make more equitable distribution of effective teachers and principals, to sue subgrant funds only for the following purposes until the LEA can demonstrate more equitable distribution of effective teachers and principals:

- (1) implement an evaluation that meets the requirements of a teacher and principal evaluation system;
- (2) carry out activities to ensure the equitable distribution of highly rated teachers and principals

Sec. 21241(d)[Prohibition on Regulation Authority to Review Compliance] Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies or prescribes the standards and measures that a State or local educational agency shall use to establishes teacher and principal evaluation systems.

DRAFT—ESEA (2011)

Teacher Pathways: Section by Section Analysis

Section 2101 amends the below ESEA sections as follows:

Section 2201 TEACHER PATHWAYS

Section 2201(a)—*Purpose*

Section 2201 (a) [Purpose] states that the purpose of this section is to support the recruitment, selection, preparation, placement, retention, and support of teachers in high-need subjects or fields who will improve student academic achievement and student outcomes at high-needs schools.

Section 2201(b)—*Definitions*

Section 2201 (b) [Definitions]

(1) defines “eligible entity” as (1) a partnership of 1 or more institutions of higher education or nonprofit organizations and a high need local educational agency and 1 or more other local educational agencies or State educational agencies; or (2) an institution of higher education or a nonprofit organization that can demonstrate a record of preparing teachers who are successful in improving student achievement and placing a significant percentage of those teachers in high-need schools.

(2) defines “teacher in a high-need subject or field” as a teacher of students with disabilities, English learners, mathematics, or science.

Section 2201(c)—*Authorization of Grant Awards*

Section 2201_ (c) [Authorization of Grant Awards] states that the Secretary shall award grants to eligible entities to pay for the Federal share of the cost of carrying out the activities described in this section.

Section 2201(d)—*Applications*

Section 2201 (d) [Applications] states that an eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

Section 2201(e)—*Considerations*

Section 2201(e) [Considerations] requires that the Secretary considers the geographic diversity of the eligible entities, including in the distribution of grants among urban, suburban, and rural areas.

Section 2201(f)—*Priority*

Section 2201(f)(1-3) [Priority] provides that the Secretary shall give priority to applicants that demonstrate a record of

- (1) recruiting college undergraduates, recent college graduates, graduate students, and professionals with a demonstrated history of significant academic achievement to become teachers;
- (2) recruiting and selecting candidates who are members of groups underrepresented in the teaching profession; and
- (3) preparing teachers who consistently improve student academic achievement at high-need schools.

Section 2201(g)—*Required Use of Funds*

Section 2201(g) [Required Use of Funds] requires that an eligible entity that receives a grant under this section shall use the grant funds for the following:

- (1) To recruit, select, prepare, place, retain, and support teachers for high-need schools and teachers in high-need subjects or fields.
- (2) To prepare all teachers to teach students with disabilities and English language learners.
- (3) To prepare teachers in classroom management, instructional planning and delivery, learning theory and cognitive development, literacy development, and student assessment.
- (4) To provide school-based, clinical experience at a high-need school that includes observation of and feedback on teacher candidates' teaching.
- (5) To provide ongoing mentoring and support, which may include coursework, for participants for at least 1 school year.

Section 2201(h)—*Permissible Use of Grant Awards*

Section 2201(h) [Permissible Use of Grant Awards] provides that an eligible entity that receives a grant under this section may use the grant funds to provide financial stipends for teacher candidates who are not the teacher of record.

Section 2201(i)—*Performance and Grant Renewal*

Section 2201(i) [Performance and Grant Renewal] states that an eligible entity that receives a grant under this section must track the placement rate, retention rate, and performance in improving student academic achievement of teachers recruited and prepared by programs funded by the grant and submit data on such performance to the Secretary. The Secretary must evaluate

the information submitted and renew a grant awarded under this section only if the data indicate the teachers are successful in improving student academic achievement.

Section 2201(j)—*Fiscal Agent*

Section 2201(j) [Fiscal Agent] states that the fiscal agent for an eligible entity that receives a grant under this section may be a local educational agency, State educational agency, institution of higher education, or nonprofit organization that is a partner in the eligible entity.

Section 2201(k)—*Matching Requirements*

Section 2201(k) [Matching Requirements] requires the Secretary to set a percentage match for grantees. The Secretary may waive that match if the eligible entity demonstrates economic hardship.

Section 2201(l)—*Evaluation*

Section 2201(l) [Evaluation] requires that the Director of the Institute of Education Sciences evaluate the implementation and impact of the program under this section, identify best practices for recruiting, selecting, preparing, placing, retaining, and supporting teachers in high-need subjects or fields for high-need schools, and disseminate research on best practices.

DRAFT—ESEA (2011)

Subpart 6: Teacher Incentive Fund Program

Section 2101 amends the below ESEA sections as follows:

Section 2301 [Purposes; Definitions] This section states that the purpose of this subpart is to assist States, local educational agencies, and nonprofit organizations to develop, implement, improve, or expand comprehensive performance-based compensation systems for teachers, principals, and schools that raise student academic achievement and close the achievement gap, especially for teachers and principals in high-need schools; and to develop or revise policies on teacher certification, hiring, assignment, evaluation, advancement, dismissal, or tenure. This section provides definitions of “eligible entity” and “performance-based compensation system” for use in Subpart 6 of Title II.

Section 2302(a) [Teacher Incentive Fund Grants] states that the Secretary is authorized to award competitive grants to eligible entities to carry out the development, implementation, improvement, or expansion of a performance-based compensation system in 1 or more schools served by a project under Subpart 6 to develop, revise, or implement personnel policies on teacher hiring and assignment, such as implementing earlier hiring timelines, utilizing more rigorous teacher and principal selection criteria, and staffing schools through mutual consent; teacher advancement, dismissal, or tenure; and teacher preparation, certification, and licensure.

Section 2302 (b) [Priority] requires that the Secretary give priority to entities that concentrate their activities under this section on teachers and principals in high-need schools.

Section 2302 (c) [Applications] provides that an eligible entity desiring a grant under this subpart submit an application to the Secretary, at such time and in such manner as the Secretary may reasonably require. The application shall include, as applicable: (1) a description of the performance-based compensation system or personnel policy reforms in which the eligible entity proposes to engage; (2) a description and evidence of the support and commitment, from teachers and principals in the school to be served by the project, the community, and the local educational agencies, for the proposed activities, including a demonstration of involvement by teachers, teachers associations (where applicable), and principals in the design and development of the proposal; (3) a description of how the eligible entity will develop and implement a fair, rigorous, and objective process to evaluate teacher, principal, and student performance under the project consistent with the teacher and principal evaluation system requirements under section 2123(b), including the baseline performance against which evaluations of improved performance will be made; (4) a description of how the applicant will leverage professional development activities for teachers and principals under sections 2113(a)(2) and 2123(a)(1) to support the success of the project; (5) a description of the local educational agencies or schools to be served by the project; (6) a description of the quality of teachers and principals in the local educational agencies and the schools to be served by the project and how the project will increase the quality of teachers and principals in a high-need school; (7) a description of how the eligible entity will

use grant funds under this subpart in each year of the grant; (8) a description of how the eligible entity will continue the performance-based compensation system after the grant period ends; and (9) a description of the rationale and evidence for the proposed activities and of any prior experience of the eligible entity in developing and implementing such activities.

Section 2302 (d) [Use of Funds]

Section 2302(d)(1) [In General] requires an eligible entity that receives a grant under this subpart to use the grant funds to develop, implement, improve, or expand, in collaboration with teachers, principals, other school administrators, and members of the public a performance-based compensation system; or (B) other personnel policy reforms consistent with this subpart.

Section 2302(d) [Authorized Activities] requires that grant funds under this subpart shall be used for at least 1 of the following activities: (1) Paying, as part of a comprehensive performance-based compensation system, bonuses and increased salaries, if the eligible entity uses an increasing share of non-Federal funds to pay the bonuses and increased salaries each year of the grant, (a) to teachers and principals who raise student academic achievement; (b) teachers who raise student academic achievement and teach in high-need schools; or who teach subjects that are difficult to staff; (c) principals who raise student academic achievement and serve in high-need schools; or (d) staff in high-need schools that have raised student academic achievement; (2) Developing or improving systems and tools that would enhance the quality and success of the compensation system, such as high-quality teacher evaluations and tools to measure growth in student achievement. (3) Revising and implementing policies on teacher preparation, certification, hiring, assignment, advancement, dismissal, or tenure

Section 2302 (e) [Duration of Grant] provides that the Secretary can award Grants for no more than 5 years.

Section 2302 (f) [Equitable Distribution] requires that when awarding grants, the Secretary must consider geographic diversity, including the distribution between rural and urban areas.

Section 2302(g)(1) [Matching Requirement] Requires that each eligible entity that receives a grant under this subpart shall provide, over the course of the 5 year project period, an increasing share of matching funds (which may be provided in cash or in kind) to carry out the activities supported by the grant. Provides that the Secretary can waive the matching requirement for an eligible entity that consists of a high-need local educational agency; or that is located in a rural area.

Section 2302(h) [Supplement, Not Supplant] states that grant funds provided under this subpart shall be used to supplement, not supplant, other Federal, State, or local funds.

Section 2302(i) [Requirement] requires that the Secretary award not less than 70 percent of grant funds to eligible entities that propose to implement a performance-based compensation system.

Section 2303 [Accountability; Annual Report] requires that the Secretary, acting through the Director of the Institute of Education Sciences, establish performance metrics and requires that each eligible entity that receives a grant under this part shall prepare and submit an annual report to the Secretary, which shall include information relevant to the performance metrics.

Section 2304 [Evaluation] requires that from the amount reserved under section 2305(b), the Secretary must (1) acting through the Director of the Institute of Education Sciences, evaluate the implementation and impact of the activities supported under this part; and (2) disseminate research on best practices.

Section 2305 [Reservation for Evaluation; Technical Assistance; and Program Outreach] states that the Secretary can reserve not more than 3 percent of the funds appropriated to carry out this subpart for any 1 fiscal year, for the cost of the evaluation under section 2304, technical assistance, and program outreach.

DRAFT—ESEA (2011)

Title III: Section by Section Analysis

Sections 3001-3017 amends the below ESEA sections as follows:

Sec. 3001—[Authorization of Appropriations]

Authorizes [\$____] to be appropriated to carry out this title for FY 2012 and such sums as may be necessary for the next 5 fiscal years.

Part A – English Language Acquisition, Language Enhancement and Academic Achievement Act

Sec. 3101 – [Short Title]

Sec. 3101[Short Title] provides that the short title of part A is `English Language Acquisition, Language Enhancement and Academic Achievement Act.'

Sec. 3102 – [Purposes]

Section 3102(1-5)[Purposes] states that the purposes of part A are to (1) meet the educational needs of English learners and immigrant students with high-quality, evidence-based services that ensure the English language proficiency and academic content knowledge they need to meet the State's college and career ready standards and academic assessments; (2) support the efforts of local and State educational agencies to provide high-quality and effective educational programs for English learners; (3) support the efforts of teachers, school leaders, and state and local educational agencies to develop the capacity needed to provide evidence-based, linguistically and culturally appropriate services to English learners to attain English language proficiency and meet State college and career ready academic standards, and subsequently implement, evaluate and modify such services effectively; (4) ensure that rigorous and consistent standards and State accountability systems are in place for programs for English learners; and (5) promote parent and community engagement in programs for language instruction in communities for parents of children who are English learners.

Subpart 1 – Grants and Subgrants for English Language Acquisition and Language Enhancement

Sec. 3111 – [Formula Grants to States]

Sec. 3111(a) [In General] authorizes the Secretary to make a grant to the State educational agency for the plan approved under section 3113, for the purposes specified in subsection (b), for the allotment determined in subsection (c).

Sec. 3111(b) (1-2) [Use of funds] states that the Secretary (1) may only make a grant to the State educational agency if they agree to expend at least 95% of the allotment under subsection (c) for a fiscal year in subgrants from allocations under section 3114 to eligible entities to carry out the activities described in section 3115 (other than subsection (e)) and in subgrants under section 3114(d)(1) to eligible entities that are described in that section to carry out the activities described in section 3115(e). (2) In addition, each State educational agency receiving a grant may reserve no more than 5% of the allotment

under subsection (c) to provide technical assistance to eligible entities receiving subgrants from the SEA under this part, including in selecting curricula, program evaluation, principal and teacher preparation and professional development, parent and community engagement efforts, developing and implementing English language standards, providing recognition to effective subgrantees and planning, evaluation, administration and interagency coordination. The SEA may not use more than 40% (or \$175,000, whichever is greater) of the amount reserved for technical assistance for planning, evaluation, administration or interagency coordination.

Sec. 3111(c)(1)(A-C)[Reservations and Allotments][Reservations] directs the secretary to reserve, from the amount appropriated under section 3001(a) for each fiscal year, the Secretary must reserve

(A) .5% or \$5,000,000, whichever is greater, for payments to eligible entities under subsection 3112(a);

(B).5% for payments to outlying areas in accordance with their needs, as determined by the Secretary; and

(C)6.5% for national activities under sections 3131 and 3203, except that no more than .5% of such amount can be reserved for evaluation activities conducted by the Secretary, and no more than \$2,000,000 can be reserved for the National Clearinghouse of English Language and Language Instruction Educational Programs described in section 3203.

Sec.3111(c)(2) states that the remaining allotment will bear a proportional relationship to the number of English learners in the states, but will be no less than \$500,000. If the SEA does not submit a plan, or submits an unsatisfactory plan, the state's allotment will be made available on a competitive basis to specially qualified agencies within the state, and any allotment still remaining will be redistributed among the remaining SEAs. The total amount allotted to Puerto Rico cannot exceed .5% of the total amount allotted to all States for that fiscal year.

Sec. 3111(c)(3) states that in order to assess the number of English learners, the Secretary may use the American Community Survey data from the Department of Commerce, and the number of English learners assessed as not proficient in English based on the State's English language proficiency assessment under section 1111(a)(2)(D). To assess the number of immigrant students, the Secretary shall use data available from the American Community Survey.

Sec. 3112 – [Native American and Alaska Native Children in School]

Sec. 3112(a)[Eligible entities] states that the eligible entities under this section include Indian tribes, tribally sanctioned educational authorities, a school or consortium of schools operated by, funded by or operated under contract with or grant from the Bureau of Indian Education of the Department of the Interior.

Sec. 3112(b) [Submission of Applications for Assistance] states that an eligible entity must submit an application to the Secretary to receive Federal assistance under this subpart.

Sec. 3112(c) [Special rules] states that an eligible entity cannot receive more than one grant under this subsection in the same period, and that these funds may be used both for activities supported in this subpart and for Native American language immersion and restoration programs.

Sec. 3113 – [State Educational Agency Plans]

Sec. 3113(a)[Plan required] specifies that in order to receive a grant under this subpart a State Educational Agency must submit a plan to the Secretary within the parameters established by the Secretary.

Sec. 3113(b)(1-12)[Contents] describes the required contents of each plan submitted. Plans must include—

- (1) a description of the process for subgrants under section 3114(d)(1);
- (2) a description of the process for creating statewide criteria for LEAs in determining English learners who need services, standards for when students no longer need such services and establishing standards for all English learners in all LEAs in the state;
- (3) a description of how the SEA will support LEAs in making English learners proficient in each of the four language domains (reading, writing, speaking and listening) as measured by the State's English language proficiency assessment;
- (4) an assurance that if new State academic standards are adopted, the SEA will update such English language proficiency standards accordingly and provide the Secretary with evidence of that alignment;
- (5) an assurance that the state's assessment system is valid and reliable;
- (6) criteria for defining English language proficiency;
- (7) a description of how the SEA will coordinate the activities of this subpart with the activities carried out under the other parts of this Act;
- (8) a description of how the SEA will assist eligible entities in improving English language instruction;
- (9) provide an assurance of flexibility to eligible entities for curriculum selection;
- (10) a description of the process for subgrants, including the process for evaluation and accountability, assessment, and compliance with applicable Federal fiscal requirements, and an assurance that the SEA will require the eligible entity to use the subgrant to support high quality, evidence based English language instruction;
- (11) an assurance that the State's English language standards are aligned with the academic standards described in section 1111; and
- (12) an assurance that the plan was developed in consultation with LEAs, teachers, program administrators, parents and other relevant stakeholders.

Sec. 3113(c)[Approval] states that the Secretary, after using a peer review process, must approve a plan submitted under this section if it meets all the above requirements.

Sec. 3113(d)(1-2)[Duration of plan] states that each SEA plan submitted and approved under this part will remain in effect for the duration of the SEA's participation and be periodically reviewed and revised by the agency to reflect changes in strategy and programs. Any amendments must be submitted for approval to the Secretary, given that the amendment will not prevent the agency from achieving the purposes of this part.

Sec. 3113(e)[Consolidation Plan] allows the plan submitted in subsection (a) to be submitted as part of a consolidation plan under section 9302.

Sec. 3113(f)[Secretary Assistance] states that the Secretary must provide technical assistance in developing English language proficiency standards, objectives and assessments, if requested.

Sec. 3114 – [Within-State Allocations]

Sec. 3114(a-c) [In General] after making the reservation required under subsection (d)(1), SEAs receiving a grant under section 3111(c)(2) must award subgrants to eligible entities within the state in proportion with the number of English learners being served by that eligible entity. No subgrant may be less than \$10,000, but if the SEA determines the eligible entity will not be using their allocation for the purposes specified in this part, that amount may be reallocated to other eligible entities.

Sec. 3114(d)(1) requires that the SEA must reserve no more than 15% of their allotment for entities that have had a significant increase in their proportion of English learners in comparison to the past 2 years.

Sec. 3114(d)(2) requires that SEAs must also consider eligible entities with limited or no recent serving immigrant children.

Sec. 3115 – [Subgrants to Eligible Entities]

Sec. 3115(a)[Purposes] the purposes of the subgrants are to supplement the education of English learners and immigrant youth and help them achieve proficiency in the State college and career readiness standards. This includes language instruction for English learners and immigrant youths, whole-school to language instruction programs.

Sec. 3115(b-d) requires that no more than 2% of the subgrant be used for administrative costs, and that the subgrant must be used for two or more of the following activities: (b) increasing English language proficiency through evidence-based programs; (c) providing evidence-based, standards-aligned professional development to teachers, administrators and other school or community-based personnel to enhance their ability to implement curricula and instructional strategies for English learners; and (d) carrying out other evidence-based activities to enhance language instruction for English learners, including parent and family engagement strategies or building partnerships with early learning programs for English learners. Funds may also be used for upgrading program objectives and strategies, tutoring programs and services, literacy programs and services, and technology.

Sec. 3115(e)[Activities by agencies experiencing substantial increases in immigrant children and youth] under 3114(d)(1) must use funds to provide for enhanced instructional opportunities for immigrant

children, which may include family literacy and engagement outreach, support for personnel, tutoring, mentoring or counseling services for immigrant youth, curricula selection, supplies and transportation, civics education programs and activities coordinated with community-based organizations, institutions of higher education, or other entities with expertise in working with immigrant children or youth.

Sec. 3115(f)(1-2)[Selection of method of instruction] requires subgrantees to select 1 more methods of instruction, consistent with sections 3123 through 3126.

Sec. 3115(g)(1-4)[Maintenance of effort] requires subgrantees to maintain at least 90% of the fiscal effort from its non-Federal funds, for the second preceding fiscal year. If the SEA determines the subgrantee did not maintain such fiscal effort, the SEA will reduce the amount of the subgrant in proportion to such failure. The Secretary may waive this requirement for no more than one year at a time if the Secretary determines the subgrantee has experienced extreme financial hardship or exceptional circumstance. Any unused amounts must be returned to the General Fund of the Treasury. The SEA must provide the Secretary with an annual report on the fiscal effort for that year.

Sec. 3115(g)(5) specifies that the awarding of a subgrant does not mean that the subgrantee is in compliance with title VI of the Civil Rights Act of 1964 or section 204(f) of the Equal Educational Opportunities Act of 1974. A subgrantee may not use these funds for services required as a result of not meeting the legal requirements of title VI of the Civil Right Act of 1964 or section 204(f) of the Equal Educational Opportunities Act of 1974.

Sec. 3116 – [Local Plans]

Sec. 3116(a)[Plan required] states that all subgrantees must submit a plan to the SEA in order to receive funds under section 3114.

Sec. 3116(b)(1-7) [Contents] each plan must include—

- (1) a description of the evidence-based programs and activities proposed;
- (2) a description of the process for accountability for individual schools receiving funds;
- (3) a description of parent, family and community engagement efforts;
- (4) a description of plans to consult with teachers, researchers, school personnel, parents and community stakeholders in developing and implementing these programs;
- (5) a description of how these programs will lead to English language proficiency and mastery of core academic subjects;
- (6) an assurance that all activities are reflected in a school-level plan or a separate school-level title III activity plan; and
- (7) an assurance that the eligible entity is not in violation of State law, consistent with section 3124, 3125, 3126 and 3127, and that each LEA within the eligible entity complies with section 3202.

Sec. 3116(c)[Teacher English fluency] requires subgrantees to certify that all English language instructors will be fluent in the language used for instruction.

Subpart 2 – Accountability and Administration

Sec. 3121 [Evaluations]

Sec. 3121(a) (1-5) describes elements of the report each eligible entity must submit to the SEA at the conclusion of every second fiscal year. The report must include the following—

- (1) A description of programs and activities conducted using subgrant funds, including how those programs supplemented programs primarily funded by State or local funds;
- (2) A description of the progress toward English language and state academic content and achievement standard proficiency;
- (3) The number and percentage of English learners participating in these programs who by the end of each school year attain English language proficiency;
- (4) A description of the progress made by former English learners in their academic proficiency, high school graduation and college and career readiness for each of the 3 years after they no longer receive services under this subgrant; and
- (5) The number and percentage of English learners who have not attained English proficiency within 5 years of enrolling at the LEA and being classified as English learners.

Sec. 3121(b) requires that the evaluation be used by the subgrantee and the SEA to assess the progress of English learners and to improve the effectiveness of programs and activities.

Sec. 3122 – [Reporting Requirements]

Sec. 3122(a)[States] requires the SEA to use the evaluations provided to them under section 3121 to provide reports on the effectiveness of programs funded under this part every 2 years, to the Secretary.

Sec. 3122(b)[Secretary] requires that every 2 years, the Secretary must prepare and submit a report to the Senate Committee on Health, Education, Labor and Pensions and the House Committee on Education and the Workforce that details the programs and activities supported by grant funds. Such report shall include a description of the effectiveness of programs and supports provided, a description of the technical assistance provided, estimates of the number of certified teachers working in language instruction programs and the number needed for the next 5 fiscal years, major findings of key research in this area, the number of programs terminated due to ineffectiveness, the number of children served under this program because they reached English proficiency, and any other applicable information.

Sec.3123 – [Coordination with Related Programs]

Sec. 3123 [Coordination with related programs] requires the Secretary to coordinate and ensure close cooperation with other programs for English learners.

Sec. 3124 – [Rules of Construction]

Sec. 3124 [Rules of Construction] states that nothing in subpart 1 should be construed to prohibit a local educational agency from serving limited English proficient children and youth in the same educational settings with students who have similar educational needs, require an SEA or LEA to establish, continue or eliminate a program for English learners, limit the preservation of Native American languages, or prevent a grantee from providing services to a student who has met proficiency according to section 1111(a)(2)(D) but has not attained (or is not on track to attain) proficiency on regular State academic assessment under section 1111(a)(2)(A).

Sec. 3125 – [Legal Authority Under State Law]

Sec. 3125 [Legal Authority Under State Law] states that nothing in this part should be construed to negate or supersede any State law or legal authority over programs overseen by State agencies, entities or officials.

Sec. 3126 – [Civil Rights]

Sec. 3126 [Civil Rights] states that nothing in this part should be construed to be inconsistent with any Federal law guaranteeing a civil right.

Sec. 3127 – [Programs for Native Americans and Puerto Rico]

Sec. 3127 [Programs for Native Americans and Puerto Rico] provides that programs under this subpart serving Native American children, Native Pacific Island children, and children in the Commonwealth of Puerto Rico may include activities designed for Native American children and youth studying Native American languages, except that one outcome of such programs shall be increased English proficiency among Native American children. Funds may also be used for children and youth of limited Spanish proficiency.

Sec. 3128 – [Prohibition]

Sec. 3128 [Prohibition] provides that in carrying out this part, the Secretary may not mandate or preclude the use of a particular curricular or pedagogical approach to education English learners.

Subpart 3 – National Activities.

Sec. 3131 – [National Projects]

Sec. 3131 [National Projects] requires that the Secretary use funds made available under Sec. 3111(c)(1)(C) to award grants on a competitive basis, for a period of no more than 5 years, to institutions of higher education or nonprofits with relevant expertise and capacity to provide for professional development activities for teachers and educational personnel working with English Learners. Grants awarded under this section may be used to—

- (1) Support partnerships between SEAs or LEAs and institutions of higher education to support individuals working to improving educational services and supports for English learners through the attainment of bachelors and masters degrees. Recipients of fellowships or assistance are expected, upon completion of their degrees, to either work at a school, LEA or other educational agency for the same amount of time for which they received assistance (or to repay all or a prorated part of their assistance);
- (2) Support research on promising instructional strategies;
- (3) Support strategies that promote school readiness and successful transitions for young English learners;
- (4) Support strategies that promote high school graduation for English learners;
- (5) Support strategies that promote parent, family and community engagement;
- (6) Support the development of curricula and assessments that are appropriate to the needs of the students served; or

(7) Support the dissemination of the above-mentioned information.

Sec. 3132 – [Commission on Assessment of English Learners]

Sec. 3132(a)(1-2)[Commission on assessment of English learners] directs the Secretary to establish an independent commission on the assessment and advancement of English learners within 6 months of the enactment of this Act to carry out the activities described in subsection (c).

Sec. 3205(b)(1-2)[Composition] requires that (1) the commission be comprised of individuals with experience and expertise in the education and development of English learners, including individuals with expertise in the art of teaching English to speakers of other languages, measurement and assessment, and educational assessment and accountability practices. (2)The Secretary must ensure that the individuals selected are experts who are competent to evaluate instruction, assessments and models for English learners.

Sec. 3205(c)(1-7)[Duties of the commission] establishes that the duties of the commission are as follows—

- (1) The development and approval of standards pertaining to English learners, in order to assist the Secretary in the review of statewide accountability systems required under section 1111(a)(3);
- (2) The provision of regulations and guidance on the inclusion of English learners in assessment and accountability systems;
- (3) Ensuring that State English language proficiency standards under section 1111(a)(1)(E) are aligned with the college and career ready standers under section 1111(a)(2);
- (4) The formation of peer review panels, under section 1111(b)(4), with regard to the inclusion of the panels of experts about English learners and processes to ensure that the work of said panels is consistent with the standards and guidance developed by the commission;
- (5) Identifying ways to support LEAs and schools in properly supporting English learners;
- (6) Ensuring that the research, development and dissemination activities of the Department address gaps in knowledge on how to effectively include English learners in assessments and accountability practices; and
- (7) Advising on ways to address the needs of English learners in all program planning at the Department.

Sec. 3205(d)[Independent commissioned research] states that the commission may independently commission research that is directly relevant to their purpose.

Sec. 3205(e)[Annual report] requires the commission to submit an annual report, beginning within one year of all members of the commission being appointed, to the Secretary and the authorizing committees of Congress, with the findings and recommendations described in subsection (c).

Part B – General Provisions.

Sec. 3201 –[Definitions]

Sec. 3201 (1-15)[Definitions]defines the following terms:

- (1) Child
- (2) Community-based Organization
- (3) Community College
- (4) Director: Director of the Office of English Language Acquisition, Language Enhancement and Academic Achievement for Limited English Proficient Students under section 209 of the Department of Education Organization Act.
- (5) Eligible Entity: one or more LEAs or 1 or more LEAs in collaboration with an institution of higher education, a community-based organization or an SEA.
- (6) Family Education Program
- (7) Immigrant Children and Youth
- (8) Indian Tribe
- (9) Language Instruction Educational Program
- (10) Native American and Native American Language
- (11) Native Hawaiian or Native American Pacific Islander Native Language Educational Organization
- (12) Native Language
- (13) Paraprofessional
- (14) State
- (15) Tribally Sanctioned Educational Authority

Sec. 3202 – [Parental Notification]

Sec. 3202(a)(1-8)[Parental Notification] specifies that grantees must, within the first 30 days of the school year, inform the parents of participating students of the following—

- (1) The reasons for the identification of their child as an English learner eligible for participation in the language instructional educational program;
- (2) The child’s level of proficiency and how that assessed;
- (3) The method of instruction used in the program, and how it differs in content, goals and use of both English and the native language in instruction;
- (4) How the program will reflect the educational strengths and needs of the child;
- (5) How the program will help their child learn English and academic content for their age level;
- (6) The exit requirements of the program, the expected rate of transition from the program, and the expected rate of high school graduation for English learners if the program is in a secondary school;
- (7) For children with disabilities, how the program meets the objectives of the child’s individualized education program; and
- (8) Information on parental rights, including how to have the child removed from the program, how to decline enrollment or choose another instructional method, and how to choose among various programs and methods available, if applicable.

Sec. 3202(b) requires that the parental notification be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

Sec. 3202(c) provides that for students who are not identified for participation in a language instruction educational program prior to the beginning of the school year, the eligible entity must carry out subsections (a) and (b) within 2 weeks of the child being placed in the program.

Sec. 3202(d) requires grantees to implement an effective outreach program to parents and family members of English learners to tell them how they can be involved in the education of their children, be active participants in assisting their children to learn English, achieve at high academic levels, meet State academic standards and understand expectations for college readiness and career success. In addition, this outreach must include holding, and notifying parents and family members of, regular meetings for the purpose of garnering and responding to recommendations from parents.

Sec. 3202(e) [Parent and Family Engagement] states that a child cannot be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

Sec. 3203 – [National Clearinghouse]

Section 3203(1-5)[National Clearinghouse] requires the Secretary to establish and support a national clearinghouse to collect, analyze, synthesize, and disseminate information about bilingual education and related programs. Functions of the clearinghouse include that it is to:

- (1) be administered as an adjunct clearinghouse supported by the Educational Resources Information Center Clearinghouses system;
- (2) coordinate with other federal efforts;
- (3) develop a monitoring system;
- (4) disseminate information on educational research and processes for the education of English learners; and
- (5) publish an annual list of grant recipients under subpart 1.

Sec. 3204 – [Regulations]

Sec. 3204 [Regulations] requires the Secretary to consult with SEAs and LEAs, organizations representing English learners, and organizations representing teachers and other personnel involved in the education of English learners.

ESEA 2011

Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk: Section by Section Analysis

Section 1401-1413 amends the below ESEA sections as follows:

Sec. 1401 [Purpose and Program Authorization]

Sec. 1401(a)(1-3) [Purpose] states that the purpose of this part is to—

- (1) improve educational services for children and youth in local and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same college and career ready academic content standards and student academic achievement standards under section 1111(a)(1) that all children in the State are expected to meet;
- (2) to provide such children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment; and
- (3) children and youth returning from correctional facilities or institutions for neglected or delinquent children and youth, with a support system to ensure their continued education.

Sec. 1401(b) [Program Authorized] requires that in order to carry out the purpose of this part and from amounts appropriated under section 1002(d), the Secretary make grants to State educational agencies to enable such agencies to award subgrants to State agencies and local educational agencies to establish or improve programs of education for neglected, delinquent, or at-risk children and youth.

Sec. 1402 [Payments for Programs Under This Part]

Sec. 1402(a) [Agency Subgrants] provides that based on the allocation amount computed under section 1412, the Secretary allocate to each State educational agency an amount necessary to make subgrants to State agencies under subpart 1.

Sec. 1402(b) [Local Subgrants] provides that each State shall retain, for the purpose of carrying out subpart 2, funds generated throughout the State under part A of this title based on children and youth residing in local correctional facilities, or attending community day programs for delinquent children and youth.

Subpart 1-State Agency Programs

Sec. 1411 [Eligibility]

Sec. 1411 (1-3) [Eligibility] outlines that a State agency is eligible for assistance under this subpart if such State agency is responsible for providing free public education for children and youth—

- (1) in institutions for neglected or delinquent children and youth;
- (2) attending community day programs for neglected or delinquent children and youth; or
- (3) in adult correctional institutions.

Sec. 1412 [Allocation of Funds]

Sec. 1412(a) [Subgrants to State Agencies]

Sec. 1412(a)(1)(A-B) [In General] each State agency described in section 1411 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this subpart, for each fiscal year, in an amount equal to the product of—

(A)(i-ii)(I-II) the number of neglected or delinquent children and youth described in section 1411 who are

(i) enrolled for at least 15 hours per week in education programs in adult correctional institutions; and

(ii) are enrolled for at least 20 hours per week—

(I) in education programs in institutions for neglected or delinquent children and youth; or

(II) in community day programs for neglected or delinquent children and youth; and

(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

Sec. 1412(a)(2)(A-B) [Special Rule] requires that the number of neglected or delinquent children and youth determined under paragraph (1) shall—

(A) be determined by the State agency by a deadline set by the Secretary, except that no State agency shall be required to determine the number of such children and youth on a specific date set by the Secretary; and

(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.

Sec. 1412(b) [Subgrants to State Agencies in Puerto Rico]

Sec. 1412(b)(1)(A-B) [In General] requires that for each fiscal year, the amount of the subgrant the Commonwealth of Puerto Rico is eligible to receive under this subpart shall be determined by multiplying the number of children counted under subsection (a)(1)(A) for the Commonwealth of Puerto Rico by the product of—

- (A) the percentage which the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States;
- (B) and 32 percent of the average per-pupil expenditure in the United States.

Sec. 1412(b)(2) [Minimum Percentage] requires that the percentage in paragraph (1)(A) shall not be less than 85 percent.

Sec. 1412(b)(3)(A-B) [Limitation] provides that if the application of paragraph (2) would result in any of the 50 States or the District of Columbia receiving less under this subpart than it received under this subpart for the preceding fiscal year, then the percentage described in paragraph (1)(A) that is used for the Commonwealth of Puerto Rico for the fiscal year for which the determination is made shall be the greater of—

- (A) the percentage in paragraph (1)(A) for such fiscal year; or
- (B) the percentage used for the preceding fiscal year.

Sec. 1412(c) [Ratable Reductions in Case of Insufficient Appropriations] provides that if the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all State agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

Sec. 1413 [State Reallocation of Funds]

Sec. 1413 [State Reallocation of Funds] provides that if a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this subpart for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other eligible State agencies that need additional funds to carry out the purpose of this part, in such amounts as the State educational agency shall determine.

Sec. 1414 [State Plan and State Agency Application]

Sec. 1414 (a) [State Plan]

Sec. 1414(a)(1)(A-C) [In General] requires that each State educational agency that desires to receive a grant under this subpart shall submit, for approval by the Secretary, a plan—

- (A) for meeting the educational needs of neglected, delinquent, and at-risk children and youth;

- (B) for assisting in the transition of children and youth between correctional facilities and locally operated programs; and
- (C) that it is integrated with other programs under this Act or other Acts, as appropriate.

Sec. 1414(a)(2)(A-D) [Contents] requires that each State plan—

- (A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving the college and career readiness (as determined based on the State college and career ready academic content and student academic achievement standards under section 1111(a)(1)) of children in the program
- (B) provide that, to the extent feasible, such children will have the same opportunities to achieve as such children would have if such children were in the schools of local educational agencies in the State
- (C) (i-iv) contain an assurance that the State educational agency will ensure that programs assisted under this subpart will be carried out in accordance with the State plan described in this subsection, carry out the evaluation requirements of section 1431, ensure that the State agencies receiving subgrants under this subpart comply with all applicable statutory and regulatory requirements, and provide such other information as the Secretary may reasonably require
- (D) (i-iii) provide assurances that the State educational agency has established procedures to ensure that each student who has been placed in the juvenile justice system is promptly reenrolled in secondary school or placed in a re-entry program that best meets the educational and social needs of the student, procedures for facilitating the transfer of credits that such students earned during placement, and opportunities for such students to participate in higher education or career pathways.

Sec. 1414(a)(3)(A-B) [Duration of the Plan] provides that each such State plan shall—

- (A) remain in effect for the duration of the State's participation under this part, and
- (B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

Sec. 1414(b) [Secretarial Approval and Peer Review]

Sec. 1414(b)(1) [Secretarial Approval] requires that the Secretary approve each State plan that meets the requirements of this subpart.

Sec. 1414(b)(2) [Peer Review] provides that the Secretary may review any State plan with the assistance and advice of individuals with relevant experience.

Sec. 1414(c)(1-19) [State Agency Applications] requires that any State agency that desires to receive funds to carry out a program under this subpart must submit an application to the State educational agency that—

- (1) describes the procedures to be used, consistent with the State plan under section 1111, to assess and respond to the educational needs of the children to be served under this subpart, including an assessment upon entry into a correctional facility;
- (2) provide an assurance that in making services available to children and youth in adult correctional institutions, priority will be given to such children and youth who are likely to complete incarceration within a 2-year period;
- (3) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;
- (4) describes how the program will meet the goals and objectives of the State plan;
- (5) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1416 are of high quality;
- (6) describes how the State agency will carry out the evaluation requirements of section 9601 and how the results of the most recent evaluation will be used to plan and improve the program;
- (7) includes data showing that the State agency has maintained the fiscal effort required of a local educational agency, in accordance with section 9521;
- (8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under title I of Public Law 105–220, career and technical education programs, State and local dropout prevention programs, and special education programs;
- (9) describes how the State agency will require, to the extent practicable, correctional facilities receiving funds under this subpart to coordinate with local educational agencies or alternative education programs attended by incarcerated children and youth prior to and after their incarceration to ensure that student assessments and appropriate academic records are shared jointly between the correctional facility and the local educational agency or alternative education program and that transition plans are in place;
- (10) describes how appropriate professional development will be provided to teachers and other staff;
- (11) designates an individual in each affected correctional facility or institution for neglected or delinquent children and youth to be responsible for issues relating to the transition of such children and youth between such facility or institution and locally operated education programs;
- (12) describes how the State agency will endeavor to coordinate with businesses for training and mentoring for participating children and youth;

- (13) provides an assurance that the State agency will assist in locating alternative programs through which students can continue their education if the students are not returning to school after leaving the correctional facility or institution for neglected or delinquent children and youth;
- (14) provides assurances that the State agency will work with parents to secure parents' assistance in improving the educational achievement of their children and youth, and preventing their children's and youth's further involvement in delinquent activities;
- (15) provides an assurance that the State agency will work with children and youth with disabilities in order to meet an existing individualized education program and an assurance that the agency will notify the child's or youth's local school if the child or youth—is identified as in need of special education services while the child or youth is in the correctional facility or institution for neglected or delinquent children and youth; and intends to return to the local school;
- (16) provides an assurance that the State agency will work with children and youth who dropped out of school before entering the correctional facility or institution for neglected or delinquent children and youth to encourage the children and youth to reenter school and obtain a secondary school diploma once the term of the incarceration is completed or provide the child or youth with the skills necessary to gain employment that leads to economic self-sufficiency, continue the education of the child or youth, or achieve a secondary school diploma or its recognized equivalent if the child or youth does not intend to return to school;
- (17) provides an assurance that certified or licensed teachers and other qualified staff are trained to work with children and youth with disabilities and other students with special needs taking into consideration the unique needs of such students;
- (18) describes any additional services to be provided to children and youth, such as career counseling, distance learning, and assistance in securing student loans and grants; and
- (19) provides an assurance that the program under this subpart will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) or other comparable programs, if applicable.

Sec. 1415 [Use of Funds]

Sec. 1415 (a) [Uses]

Sec. 1415(a)(1)(A-B) [In General] a State agency is required to use funds received under this subpart only for programs and projects that—

- (A) are consistent with the State plan under section 1414(a); and

- (B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, career or technical training, further education, or employment.

Sec. 1415(a)(2)(A-E) [Programs and Projects] states that such programs and projects

(A) may include the acquisition of equipment

(B) (i-iii) shall be designed to support education services that

- (i) except for institution-wide projects under section 1416, are provided to children and youth identified by the State agency as failing, or most at-risk of failing, to meet the State's college and career ready academic content standards and student academic achievement standards under section 1111(a)(1)

- (ii) supplement and improve the quality of the educational series provided to such children and youth by the State agency; and

- (iii) afford such children and youth an opportunity to meet such State academic achievement standards

(C) shall be carried out in a manner consistent with section 1120A and Part I (as applied to programs and projects under this part)

(D) may include the costs of meeting the evaluation requirements of section 9601; and

(E) may include the costs of testing for such children and youth for a recognized equivalent of a secondary school diploma

Sec. 1415(b) [Supplement, Not Supplant] requires that a program under this subpart that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the supplement, not supplant requirement of section 1120A (as applied to this part) without regard to the subject areas in which instruction is given during those hours.

Sec. 1416 [Institution-Wide Projects]

Sec. 1416(1-8) [Institution-Wide Projects] provides that a State agency that provides free public education for children and youth in an institution for neglected or delinquent children and youth (other than an adult correctional institution) or attending a community-day program for such children and youth may use funds received under this subpart to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

- (1) provides for a comprehensive assessment of the educational needs of all children and youth in the institution or program serving juveniles;

- (2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a 2-year period;

(3) describes the steps the State agency has taken, or will take, to provide all children and youth under age 21 with the opportunity to meet college and career ready academic content standards and student academic achievement standards under section 1111(a)(1) in order to improve the likelihood that the children and youth will complete secondary school, attain a secondary diploma or its recognized equivalent, or find employment after leaving the institution;

(4) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for the children and youth described in paragraph (1) and the development and implementation of transition plans;

(5) specifically describes how such funds will be used;

(6) describes the measures and procedures that will be used to assess and improve student progress;

(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and youth, and with personnel from the State educational agency; and

(8) includes an assurance that the State agency has provided for appropriate training for teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

Sec. 1417 [Three-Year Programs or Projects]

Sec. 1417 [Three-Year Programs or Projects] provides that if a State agency operates a program or project under this subpart in which individual children or youth are likely to participate for more than 1 year, the State educational agency may approve the State agency's application for a subgrant under this subpart for a period of not more than 3 years.

Sec. 1418 [Transition Services]

Sec. 1418(a)(1-2) [Transition Services] requires that each State agency shall reserve not less than 15 percent and not more than 30 percent of the amount such agency receives under this subpart for any fiscal year to support—

(1) projects that facilitate the transition of children and youth between State-operated institutions and schools served by local educational agencies; or

(2)(A-C) the successful reentry of youth offenders, who are age 20 or younger and have received a secondary school diploma or its recognized equivalent, into postsecondary

education, or career and technical training programs, through strategies designed to expose the youth to, and prepare the youth for, postsecondary education, or career and technical training programs, such as—

(A) preplacement programs that allow adjudicated or incarcerated youth to audit or attend courses on college, university, or community college campuses, or through programs provided in institutional settings;

(B) worksite schools, in which institutions of higher education and private or public employers partner to create programs to help students make a successful transition to postsecondary education and employment; and

(C)(i-v) essential support services to ensure the success of the youth, such as—

(i) personal, career and technical, and academic, counseling;

(ii) placement services designed to place the youth in a university, college, or junior college program;

(iii) information concerning, and assistance in obtaining, available student financial aid;

(iv) counseling services; and

(v) job placement services.

Sec. 1418(b) [Conduct of Projects] provides that a project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

Sec. 1418(c) [Rule of Construction] states that nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

Sec. 1419 [Evaluation; Technical Assistance; Annual Model Program]

Sec. 1419(1-2) [Evaluation; Technical Assistance; Annual Model Program] states that the Secretary may reserve not more than 2.5 percent of the amount made available to carry out this subpart for a fiscal year-

(1) to develop a uniform model to evaluate the effectiveness of programs assisted under this subpart; and

(2) to provide technical assistance to and support the capacity building of State agency programs assisted under this subpart

Subpart 2-Local Agency Programs

Sec. 1421 [Purpose]

Sec. 1421(1-3) [Purpose] states that the purpose of this subpart is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities—

(1) to carry out high quality education programs to prepare children and youth for secondary school completion, and college and career readiness (as determined based on the State college and career ready academic content and student academic achievement standards under section 1111(a)(1));

(2) to provide activities to facilitate the transition of such children and youth from the correctional program to further education or employment; and

(3) to operate programs in local schools for children and youth returning from correctional facilities, and programs which may serve at-risk children and youth.

Sec. 1422 [Programs Operated By Local Educational Agencies]

Sec. 1422 [Programs Operated By Local Educational Agencies]

Sec.1422(a) [Local Subgrants] provides that with funds made available under section 1402(b), the State educational agency shall award subgrants to local educational agencies with high numbers or percentages of children and youth residing in locally operated (including county operated) correctional facilities for children and youth (including facilities involved in community day programs).

Sec. 1422(b) [Special Rule] states that a local educational agency that serves a school operated by a correctional facility is not required to operate a program of support for children and youth returning from such school to a school that is not operated by a correctional agency but served by such local educational agency, if more than 30 percent of the children and youth attending the school operated by the correctional facility will reside outside the boundaries served by the local educational agency after leaving such facility.

Sec. 1422(c) [Notification] requires a State educational agency to notify local educational agencies within the State of the eligibility of such agencies to receive a subgrant under this part.

Sec. 1422(d) [Transitional And Academic Services] requires that transitional and supportive programs operated in a local educational agency under this subpart be designed primarily to meet the transitional needs (including the social and emotional needs) and academic needs of students returning to local educational agencies or alternative education programs from correctional facilities. Services to students at-risk of dropping out of school shall not have a negative impact on meeting such transitional and academic needs of the students returning from correctional facilities.

Sec. 1423 [Local Educational Agency Applications]

Sec. 1423(1-13) [Local Educational Agency Applications]—requires that each local educational agency desiring assistance under this subpart submit an application to the State educational

agency that contains such information as the State educational agency may require. Each such application shall include—

- (1) a description of the program to be assisted;
- (2) a description of formal agreements, regarding the program to be assisted, between—
 - (A) the local educational agency; and
 - (B) correctional facilities and alternative school programs serving children and youth involved with the juvenile justice system;
- (3) as appropriate, a description of how participating schools will coordinate with facilities working with delinquent children and youth to ensure that such children and youth are participating in an education program comparable to one operating in the local school such youth would attend;
- (4) a description of the program operated by participating schools for children and youth returning from correctional facilities and, as appropriate, the types of services that such schools will provide such children and youth and other at-risk children and youth;
- (5) a description of the characteristics (including learning difficulties, substance abuse problems, and other special needs) of the children and youth who will be returning from correctional facilities and, as appropriate, other at-risk children and youth expected to be served by the program, and a description of how the school will coordinate existing educational programs to meet the unique educational needs of such children and youth;
- (6) as appropriate, a description of how schools will coordinate with existing social, health, and other services to meet the needs of students returning from correctional facilities, and at-risk children or youth, including prenatal health care and nutrition services related to the health of the parent and the child or youth, parenting and child development classes, child care, targeted reentry and outreach programs, referrals to community resources, and scheduling flexibility;
- (7) as appropriate, a description of any partnerships with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring services for participating students;
- (8) as appropriate, a description of how the program will involve parents and family members in efforts to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;
- (9) a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under title I of Public Law 105–220 and career and technical education programs serving at-risk children and youth;
- (10) a description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable;
- (11) as appropriate, a description of how schools will work with probation officers to assist in meeting the needs of children and youth returning from correctional facilities;

(12) a description of the efforts participating schools will make to ensure correctional facilities working with children and youth are aware of a child's or youth's existing individualized education program; and

(13) as appropriate, a description of the steps participating schools will take to find alternative placements for children and youth interested in continuing their education but unable to participate in a regular public school program.

Sec. 1424 [Uses of Funds]

Sec. 1424(1-5) [Uses of Funds]—requires funds provided to local educational agencies under this subpart to be used, as appropriate, for—

(1) programs that serve children and youth returning to local schools from correctional facilities, to assist in the transition of such children and youth to the school environment and help them remain in school in order to complete their education;

(2) dropout prevention programs which serve at-risk children and youth;

(3) the coordination of health and social services for such individuals if there is likelihood that the provision of such services, including day care, drug and alcohol counseling, and mental health services, will improve the likelihood such individuals will complete their education;

(4) special programs to meet the unique academic needs of participating children and youth, including career and technical education, costs associated with testing for a recognized equivalent of a secondary school diploma, special education, career counseling, curriculum-based youth entrepreneurship education, and assistance in securing student loans or grants for postsecondary education; and

(5) programs providing mentoring and peer mediation.

Sec. 1425 [Program Requirements for Correctional Facilities Receiving Funds Under This Section]

Sec. 1425(1-13) [Program Requirements for Correctional Facilities Receiving Funds Under This Section] requires each correctional facility entering into an agreement with a local educational agency under section 1423(2) to provide services to children and youth under this subpart shall—

(1) where feasible, ensure that educational programs in the correctional facility are coordinated with the student's home school, particularly with respect to a student with an individualized education program under part B of the Individuals with Disabilities Education Act;

(2) if the child or youth is identified as in need of special education services while in the correctional facility, notify the local school of the child or youth of such need;

(3) where feasible, provide transition assistance to help the child or youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

(4) provide support programs that encourage children and youth who have dropped out of school to reenter school once their term at the correctional facility has been completed, or

provide such children and youth with the skills necessary to gain employment or seek a secondary school diploma or its recognized equivalent;

(5) work to ensure that the correctional facility is staffed with teachers and other qualified staff who are trained to work with children and youth with disabilities taking into consideration the unique needs of such children and youth;

(6) ensure that educational programs in the correctional facility are related to assisting students to meet high academic achievement standards;

(7) to the extent possible, use technology to assist in coordinating educational programs between the correctional facility and the community school;

(8) where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

(9) coordinate funds received under this subpart with other local, State, and Federal funds available to provide services to participating children and youth, such as funds made available under title I of Public Law 105–220, and career and technical education funds;

(10) coordinate programs operated under this subpart with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable;

(11) if appropriate, work with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for children and youth;

“(12) develop an initial educational services and transition plan for each child or youth served under this subpart upon entry into the correctional facility, in partnership with the child or youth’s family members and the local educational agency that most recently provided services to the child or youth (if applicable), consistent with section 1414(a)(1); and

“(13) consult with the local educational agency for a period jointly determined necessary by the correctional facility and local educational agency upon discharge from that facility, to coordinate educational services so as to minimize disruption to the child’s or youth’s achievement.

Sec. 1426 [Accountability]

Sec. 1426 [Accountability] describes the State educational agency’s responsibilities, including requiring correctional facilities or institutions for delinquent children and youth to annually report on the number of children and youth released from the correctional facility or institution who returned or did not return to school, the number of children and youth obtaining a secondary school diploma or its recognized equivalent, and the number of children and youth obtaining employment; and the option to require correctional facilities or institutions for delinquent children and youth to demonstrate, after receiving assistance under this subpart for 3 years, that there has been an increase in the number of children and youth returning to school, obtaining a secondary school diploma or its recognized equivalent, or obtaining employment after such children and youth are released.

Sec.1431 General Provisions]

Sec. 1431 [Program Evaluations]

Sec. 1431(a)(1-5) [Scope of Evaluation] Each State agency or local educational agency that conducts a program under subpart 1 or 2 is required to evaluate the program, disaggregating data on participation by gender, race, ethnicity, and age, not less than once every 3 years, to determine the program's impact on the ability of participants—

- (1) to maintain and improve educational achievement;
- (2) to accrue school credits that meet State requirements for grade promotion and secondary school graduation;
- (3) to make the transition to a regular program or other education program operated by a local educational agency;
- (4) to complete secondary school (or secondary school equivalency requirements) and obtain employment after leaving the correctional facility or institution for neglected or delinquent children and youth; and
- (5) as appropriate, to participate in postsecondary education and job training programs.

Sec. 1431 (b) [Exception] the disaggregation required under subsection (a) shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

Sec. 1431 (c) [Evaluation Measures] in conducting each evaluation under subsection (a), a State agency or local educational agency must use multiple and appropriate measures of student progress.

Sec. 1431 (d)(1-2) [Evaluation Results] Each State agency and local educational agency is required to submit evaluation results to the State educational agency and the Secretary; and use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

Sec. 1432 [Definitions]

Sec. 1432 (1-4) [Definitions] includes the following definitions—

- (1) ADULT CORRECTIONAL INSTITUTION.—The term “adult correctional institution” means a facility in which persons (including persons under 21 years of age) are confined as a result of a conviction for a criminal offense.
- (2) AT-RISK.—The term ‘at-risk’, when used with respect to a child, youth, or student, means a school-aged individual who—
 - (A) is at risk of academic failure; and
 - (B) has a drug or alcohol problem, is pregnant or is a parent, has come into contact with the juvenile justice system or has been determined to be neglected in the past, is a gang member, or has dropped out of school in the past.
- (3) COMMUNITY DAY PROGRAM.—The term “community day program” means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children and youth.
- (4) INSTITUTION FOR NEGLECTED OR DELINQUENT CHILDREN AND YOUTH.—The term institution for neglected or delinquent children and youth” means—

(A) a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians; or

(B) a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

ESEA Draft
Section by Section Summary
Improving Literacy Instruction and Achievement

Section 4102 amends the below ESEA sections as follows:

Section 4101. Short title. This part may be cited as “Improving Literacy Instruction and Achievement.”.

Section 4102. Purposes. This section contains 2 purposes for this new program. The purposes relate to improving student academic achievement in reading from birth through grade 12

Section 4103. Definitions. This section contains the definitions of a number of terms that are used in this subpart, including “child,” “classroom-based instructional assessment,” “comprehensive literacy instruction,” “developmental delay,” “effective literacy instruction,” “eligible entity,” “early learning program,” “English language acquisition,” “family literacy services,” “formative assessment,” “high-quality professional development,” “literacy coach,” “local educational agency,” “reading,” “instructional leader,” “scientifically valid research,” “screening assessment,” “State,” “State literacy leadership team,” “summative assessment,” “universal design for learning,” and “writing.”

Sec. 4104. Program authorized. The Secretary shall reserve no more than 4 percent of the funds appropriated for this part to carry out section 4110 (dissemination of information and technical assistance) and shall reserve not more than 5 percent of the funds to competitively award planning grants under section 4105. In the case of a fiscal year for which the appropriation is less than \$500,000,000 make awards to carry out section 4106 (State implementation grants), on a competitive basis. In each fiscal year for which the appropriation equals or exceeds \$500,000,000 the Secretary shall distribute grants to carry out section 4106 (implementation grants) based on a formula to State educational agencies whose applications have been approved by a peer review panel. Lists the required roles and expertise of the individuals that make up the peer review panel and describes considerations that must be made to prevent reviewer conflicts of interest. Describes supplement not supplant and maintenance of effort requirements.

Section 4105. State planning grants. Authorizes the Secretary to award 1-year planning grants to State educational agencies to complete comprehensive planning to carry out activities that improve literacy for children from birth through grade 12 and describes the application content and approval requirements. Requires that a State educational agency receiving a planning grant (1) Review reading, writing, or other literacy resources and programs, and data to identify any literacy needs and gaps in the State; (2) Form or designate a State literacy leadership team which shall create a comprehensive State literacy plan. Describes the elements that must be in the plan, including a needs assessment, an implementation plan to ensure effective literacy instruction including for children who read or write below grade level in early learning programs and kindergarten

through grade 12 programs. The leadership team must provide recommendations for strengthening State literacy standards and instruction.

Section 4106. State implementation grants. Authorizes the Secretary to award implementation grants for up to 5 years (renewable for up to 2 additional years if progress is made on indicators listed in this section) to State educational agencies to implement the comprehensive literacy plan that meets the criteria in section 4105; to carry out State activities under section 4107; and to award subgrants for early learning programs and kindergarten through grade 12 programs. Describes the application requirements for State educational agencies wishing to receive a grant, including a description of the members of the State literacy leadership team, a description of how the State educational agency has developed a comprehensive State literacy plan, and an implementation plan that includes a description of how the State educational agency will carry out the required State activities and provide assistance and accountability for eligible entities to implement the program. State educational agencies must assure that they will use not less than 10 percent of implementation grant funds birth through kindergarten entry age programs, not less than 30 percent for State and local programs and activities, allocated equitably among the grades of kindergarten through grade 5, not less than 30 percent of grant funds for State and local programs and activities, allocated equitably among grades 6 through 12, not more than 10 percent for the State activities described in section 4107. Describes subgrant priority requirements and application approval requirements.

Section 4107. State activities. Requires a State educational agency to carry out the activities proposed in a State's implementation plan, including by providing technical assistance to eligible entities, by improving pre-service preparation and State licensure or certification standards in literacy instruction, and by sharing promising instructional practices on the State's website. Describes allowable State activities, which may include training the personnel of eligible entities to use data systems to improve child literacy learning, developing literacy coach training programs and training literacy coaches, and building public support among local educational agency personnel, early learning programs, and the community for comprehensive literacy instruction for children from birth through grade 12.

Section 4108. Subgrants to eligible entities in support of birth through kindergarten entry literacy. Requires the State educational agency to competitively award subgrants to eligible entities to support high-quality early literacy initiatives for children from birth through kindergarten entry. Describes subgrant application and approval requirements. Describes the required local uses of funds for subgrant recipients, which include to enhance and improve early literacy instruction and skill development in early learning programs; to carry out high-quality professional development opportunities for early childhood educators, teachers, and instructional leaders; to acquire, provide training for, and implement screening assessments, diagnostic assessments, and classroom-based instructional assessments; to select, develop, and implement a multitier system of support; to integrate research-based instructional materials, activities, tools, and measures into the programs offered by the eligible entity to improve development of early learning language and literacy skills; to train providers and personnel to support, develop, and administer high-quality early learning literacy initiatives that utilize data to improve

instruction, and provide time and support for personnel to meet to plan comprehensive literacy instruction; to provide family literacy services, as appropriate, and educate parents, teachers, and other caregivers about child literacy development; to annually collect, summarize, and report to the State educational agency data on child literacy and language development metrics; and to coordinate the involvement of families, early learning program staff, principals, other instructional leaders, and teachers in literacy development of children served under this part. Describes limitations on use of funds and prohibitions on certain uses of data.

Section 4109. Subgrants to eligible entities in support of kindergarten through grade 12 literacy. Requires the State educational agency to competitively award subgrants to eligible entities to support high-quality literacy initiatives for children in kindergarten through grade 12. Describes subgrant application and approval requirements.

Describes the required local uses of funds for subgrant recipients for kindergarten through grade 5, which include developing and implementing a literacy plan across content areas that serves the needs of all children, including children with disabilities and English learners, especially children who are reading or writing below grade level; provides intensive, supplemental, accelerated, and explicit intervention and support in reading and writing for children whose literacy skills are below grade level; and supports activities that are provided primarily during the regular school day but which may be augmented by after-school and out-of-school time instruction. Acquiring, providing training for, selecting, and administering assessments, and managing, monitoring, and planning instruction based on the assessment data. Providing high-quality professional development opportunities for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), principals, and other program staff. Training principals, pupil services personnel, and other school district personnel to support, develop, administer, and evaluate high-quality kindergarten through grade 5 literacy initiatives that utilize data to inform instructional decisions and to assess professional development needs; and provide time and support for teachers to meet to plan comprehensive literacy instruction. Coordinating the involvement of early learning program staff, principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), special educators, and school librarians in the literacy development of children served under this part. Engaging families and encouraging family literacy experiences and practices to support literacy development.

Describes the required local uses of funds for grades 6 through 12.—An eligible entity that receives a subgrant under this section shall use subgrant funds to carry out the following activities pertaining to children in grades 6 through 12, which include developing and implementing a literacy plan for children in grades 6 through 12. Acquiring, providing training for, selecting, and administering assessments, and managing, monitoring, and planning instruction based on the assessment data. Providing high-quality professional development opportunities for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), principals, and other program staff. Training principals, pupil service personnel, and other instructional leaders to support, develop, administer, and evaluate high-quality adolescent literacy initiatives that utilize data to inform instructional decisions and allow for

personalization of instruction based on a child's need; and to assess professional development needs; assess the quality of adolescent comprehensive literacy instruction in core academic subjects, and career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects; provide time for teachers to meet to plan research-based adolescent comprehensive literacy instruction in core academic subjects, and career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects; and include explicit instruction in discipline-specific thinking and how to read and interpret discipline-specific text structures and features. Annually collecting, summarizing, and reporting to the State educational agency data to document and monitor for the purpose of improving practice, improvements or increases in children's reading and writing pursuant to activities carried out under this section; to stimulate and accelerate improvement by identifying the schools that produce significant gains in literacy achievement for all children; Coordinating the involvement of principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), special educators, and school librarians in the literacy development of children served under this part; and engaging families and encouraging family literacy experiences and practices to support literacy development.

Describes allowable subgrant activities pertaining to children in kindergarten through grade 12, which may include: (1) Providing a planning period of not more than 1 year for eligible entities to establish the elements necessary for successful implementation of a literacy program for kindergarten through grade 12. (2) Recruiting, placing, training, and compensating literacy coaches. (3) Connecting out-of-school learning opportunities to in-school learning in order to improve the literacy achievement of the children. (4) Training families and caregivers to support the improvement of adolescent literacy. (5) Providing for a multitier system of support. (6) Forming a school literacy leadership team to help implement, assess, and identify necessary changes to the literacy initiatives in 1 or more schools to ensure success. (7) Providing high-quality, literacy-rich environments that engage children with materials and experiences at the children's reading and writing levels; and (8) Providing time for teachers (and other literacy staff, as appropriate, such as school librarians) to meet to plan comprehensive literacy instruction.

Section 4110. National evaluation, information dissemination, and technical assistance. Requires the Secretary to enter into a contract with an organization independent of the Department for a 5-year national evaluation of the grant and subgrant programs assisted under this part. Requires that the evaluation include scientifically valid research that applies rigorous and systematic procedures to obtain valid knowledge relevant to the implementation and effect of the programs, and describes the required analyses that the evaluation must carry out. Requires the Secretary, in collaboration with the regional educational laboratories established under section 174 of the Education Sciences Reform Act of 2002, the comprehensive centers established under section 203 of the Educational Technical Assistance Act of 2002, and the Director of the National Institute of Child Health and Human Development to distribute information on literacy best practices and other information and to provide technical assistance and information dissemination in literacy instruction best practices and other information.

Section 4111. Consequences of insufficient progress, reporting requirements, and conflicts of interest.

Allows the Secretary to withhold funds from a State recipient or eligible entity for insufficient progress. Allows a State to withhold funds from an eligible entity for insufficient progress.

Requires each State recipient to annually report to the Secretary on the number and percentage of children reading and writing on grade level by the end of grade 3; the percent of children served under the award who receive special education and related services; and the degree of appropriate developmental progress or literacy achievement growth of children, disaggregated by subgroup. Allows the Secretary to require State recipients to report additional information on a periodic basis. Allows State recipients to require eligible entities to report performance and other information on a periodic basis.

Section 4112. Rules of construction. Nothing in this part shall be construed to prohibit children eligible for assistance under title I or III or children eligible for assistance under the Individuals with Disabilities Education Act from receiving literacy instruction and intervention under this part. The screening assessments, diagnostic assessments, and formative assessments of reading and writing authorized under this part shall not be construed to constitute an evaluation required under the Individuals with Disabilities Education Act, except that assessments administered under this Act may be used in conjunction with other assessments as part of an evaluation under the Individuals with Disabilities Education Act, provided that all assessment requirements of such Act are met.

Section 4113. Authorization of appropriations.

ESEA (2011)

21st Century Community Learning Centers (Title IV-D): Section by Section Analysis

Section 4105 amends the below ESEA sections as follows:

Sec. 4401—[Purpose; Definitions]

Identifies the purpose of the part supporting States and eligible entities as they:

- Provide before school, after school, or summer learning opportunities for academic enrichment, aligned with state academic achievement standards;
- Offer students attending low-performing schools additional programs and services;
- Expand the number of hours in the traditional school day, week, or year, including comprehensively redesigning school schedules (new purposes for the part);

Includes additions to the definition of community learning center, to include providing expanded learning time programs and initiatives. Redefines an eligible entity for the part as 1 or more high-need local educational agency (LEA) and 1 or more public or nonprofit organizations with a record of success in providing programming consistent with the program. LEAs that cannot find partner organizations in geographic proximity or of good quality may receive a waiver from the state educational agency (SEA).

Sec. 4402—[Allotments to States]

The Secretary may reserve 1 percent of funds appropriated to the part for national activities, such as technical assistance, and 1 percent for payments to outlying areas (both current law).

Remaining funds under the part are allotted to States using the title I-A formula. States may use 2 percent of their allotment for administrative costs and 3 percent for State activities. These activities have been expanded to include professional development; activities necessary to align services provided with State academic standards; and coordination with other Federal, State, and local programs.

Sec. 4403—[State Application]

Describes minimum requirements that States must submit to the Secretary. Largely maintains current law, with some changes:

- States must now describe the grant competition it will hold to select eligible entities;
- States must assist eligible entities in coordinating their funds with other funding streams;
- Awards to eligible entities are now for 3 years, with an extension of 2 additional years pending positive outcomes (rather than the current law 3-5 years);
- SEAs must now affirm that the application was developed in consultation with officials overseeing expanded and learning time and summer learning initiatives;
- State needs assessments must now take into account the availability of expanded learning time;
- States must now describe how they will evaluate grantees, including benchmarks used.

Consistent with current law, State applications submitted to the Secretary in a timely manner will be deemed approved, and can only be disapproved after a hearing process.

Sec. 4404—[Local Competitive Grant Program]

Describes the application that eligible entities must submit to the ESEA. New elements of the local application include:

- A description of the expanded learning time or summer learning opportunities the eligible entity will offer, including evidence to support its approach, the ways in which its activities will be aligned with state academic standards, and how it will disseminate information about the program to the community; and
- A description of the eligible entity's capacity to implement the program.

Sec. 4204 also includes new priorities for the SEA to consider in awarding grants, including those that are based on strong research evidence, propose to serve the highest percentage of students from low-income families, demonstrate strong partnerships, and provide matching funds (with a scaling match that rises to 30 percent of the third year of the grant, and 40 percent for each subsequent year).

Sec. 4405 [Local Activities]

Adds high-quality expanded learning time programs as a new allowable local activity. Describes new performance indicators for the grant, which the SEA must collect and report to the Secretary. These include the average time added to the school day, school week, or school year; student participation and attendance rates for the programs; and student achievement in core academic subjects and high school graduation rates, as applicable, for students who participate in such programs.

ESEA (2011)

Promise Neighborhoods: Section by Section Analysis

Section 4106 amends the below ESEA sections as follows:

Sec. 450-1 [Short Title]

This part may be cited as the Promise Neighborhoods Act of 2011.

Sec. 4502- [Purpose]

The purpose of this part is to improve the academic outcomes, from school readiness to college entry and success, for children living in our most distressed neighborhoods, by using data-driven programs and existing resources to provide those children with access to a community-based continuum of high-quality services, including access to early learning opportunities, high-quality schools and evidence-based programs that address all the needs of such children from birth to college and career.

Sec. 4503- [Definitions]

Provides definitions for Part E. Definitions specific to Part E include community of practice, family and student supports, integrated student supports, neighborhood, and pipeline services (which delineates the services that Promise Neighborhood grantees must provide).

Subpart 1: Promise Neighborhood Partnership Grants

Sec. 4511- [Program Authorized]

Establishes Promise Neighborhoods Partnership Grants as a competitive grant program and requires that the Secretary award grants of sufficient size and scope to allow grantees to carry out the purposes of the part. Grants are for a period of 5 years, and may be renewed. Continued funding after the third year is dependent on the grantee meeting the performance metrics for the grant under sec. 4516(a). Grantees must provide matching funds of at least 100 percent of the grant amount; the Secretary may waive or reduce the match requirement in cases of significant financial hardship.

Sec. 4512- [Eligible Entities]

Eligible entities for the Partnership Grants include at least 1 nonprofit entity in partnership with not less than 1 high-need local educational agency. The partnership may also include any of the following entities:

- (1) A charter school funded by the Bureau of Indian Education that is not a local educational agency, except that such school shall not be the fiscal agent for the eligible entity partnership.
- (2) An institution of higher education, as defined in section 102 of the Higher Education

Act of 1965 (20 U.S.C. 1002).

(3) The office of a chief elected official of a unit of local government.

(4) An Indian tribe or tribal organization, as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

Sec. 4513- [Application Requirements]

Describes the application eligible entities must complete to apply for Promise Neighborhoods Partnership grants. Applicants must describe in detail their plan to significantly improve the academic outcomes of children living in the neighborhood, by providing a continuum of services and supports that addresses the needs of children in the neighborhood, as identified by a needs analysis and supported by evidence-based practices. Applicants must establish performance goals, consistent with the performance metrics of the program and including plans to expand the number of children served over time. Applicants must also include a detailed description of the services to be offered and the data they will collect. Finally, applicants must provide a preliminary memorandum of understanding with the partners in the grant.

Sec. 4514- [Use of Funds]

Grantees must use funds to implement the pipeline services they propose in the application (they must spend 80 percent of their funds on these) and to continuously improve and evaluate the program.

Sec. 4515- [Report and Publicly Available Data]

Grantees must report data to the Secretary on how many children are served; which pipeline services they access; and the success the program has in such areas as narrowing achievement gaps, ensuring school readiness, and increasing high-school graduation and college entry rates. Grantees must make this report available to the public.

Sec. 4516- [Accountability]

The Secretary will establish performance metrics for the grant that will be used in the evaluation of the grant conducted under the general ESEA evaluation authority under section 9601. (Applications will also include applicants' goals for performance on each of the metrics established by the Secretary.)

Subpart 2: Promise School Grants

Sec. 4521- [Program Authorized]

Establishes Promise Neighborhoods School Grants as a competitive grant program and requires that the Secretary award grants of sufficient size and scope to allow grantees to carry out the purposes of the part. Grants are for a period of 5 years, and may be renewed. Continued funding after the third year is dependent on the grantee meeting the performance metrics for the grant under sec. 4516(a). Grantees must provide matching funds of at least 100 percent of the grant amount; the Secretary may waive or reduce the match requirement in cases of significant financial hardship.

Sec. 4522- [Eligible Entities]

Eligible entities for the Partnership Grants include at least 1 high-need local educational agency (including charter schools that are their own LEAs under State law) in partnership with at least 1 nonprofit entity or institution of higher education, or a school funded by the Bureau of Indian Education that is a local educational agency in partnership with at least 1 nonprofit entity or institution of higher education.

Sec. 4523- [Application Requirements]

Describes the application eligible entities must complete to apply for Promise Neighborhoods School grants. Applicants must describe in detail their plan – including the designation of a school-based site coordinator – to significantly improve the academic outcomes of children living in the neighborhood, by providing a continuum of services and supports that addresses the needs of children in the neighborhood, as identified by a needs analysis and supported by evidence-based practices. Applicants must describe in detail how they will engage with the community and the responsibilities of the partners in the application, including the extent to which they will serve children not attending the school around which the grant is centered. Applicants must establish performance goals, consistent with the performance metrics of the program and including plans to expand the number of children served over time. Applicants must also include a detailed description of the services to be offered and the data they will collect. Applicants must provide a preliminary memorandum of understanding with the partners in the grant. Finally, Promise School Grants include three priorities for the Secretary to consider in evaluating applicants: those that propose to provide services across the PK-12, those that propose to make significant investments in high-quality early learning programs, and those that provide schools served by the grant with operational flexibility.

Sec. 4524- [Use of Funds]

Grantees must use funds to implement the pipeline services they propose in the application and to continuously improve and evaluate the program.

Sec. 4525- [Report and Publicly Available Data]

Grantees must report data to the Secretary on how many children are served; which pipeline services they access; and the success the program has in such areas as narrowing achievement gaps, ensuring school readiness, and increasing high-school graduation and college entry rates. Grantees must make this report available to the public.

Sec. 4526- [Accountability]

The Secretary will establish performance metrics for the grant that will be used in the evaluation of the grant conducted under the general ESEA evaluation authority under section 9601. (Applications will also include applicants' goals for performance on each of the metrics established by the Secretary.)

Subpart 3: General Provisions

Sec. 4531- [National Activities]

The Secretary may reserve up to 5 percent of funds appropriated for this part (in addition to any amount reserved under the evaluation authority) for national activities such as research on the

activities conducted by grantees, identification and dissemination of best practices, and technical assistance to grantees.

ESEA (2011)

Parent and Family Information and Resource Centers: Section by Section Analysis

Section 4107 amends the below ESEA sections as follows:

Sec. 4601 [Purpose]

Establishes the purpose of this subpart, which are to provide support to state educational agencies (SEAs), support a community of practice related to effective parent and family engagement strategies and practices, and (as appropriate) provide information and training to local education agencies (LEAs), schools, parents and families, and community members.

Sec. 4602. [Definition of an Eligible Entity]

Eligible entities under this subpart are nonprofit organizations or a consortium of nonprofit organizations and an SEA or LEA.

Sec. 4603. [Grants Authorized]

The Secretary is authorized to award competitive grants to eligible entities that:

- Assist SEAs in identifying and implementing effective parent, family, and community engagement strategies;
- Provide technical assistance, training, and information, to high-need schools and high-need LEAs; and
- Strengthen partnerships among parents, families, community-based organizations, schools, employers, and other community members.

Grants awarded under this subpart will be for five years, and Secretary shall ensure that at least 1 grant is awarded to an eligible entity in each State. The Secretary must give priority to applicants that have a demonstrated record of success in increasing parent and family engagement in high-need schools.

Sec. 4604. [Applications]

Eligible entities shall submit applications that:

- Contain assurances that the entity is governed by a board of directors that includes parents, family members, and community stakeholders; will use at least 75 percent of its funds to areas with a high concentration of low-income families; will use at least 20 percent of its funds to establish or operate parent education programs for children attending early care and education programs; will ensure that parents and family members have access to leadership development training; and will demonstrate that it receives matching funds;
- Describe how the eligible entity will serve urban and rural areas;
- Demonstrate the entity's effectiveness in carrying out parent and family engagement activities;

- Describe how the entity will leverage relationships with partner organizations and disseminate information about best practices;
- Describe how the entity will serve parents and family members of children attending high-need schools;
- Describe how the entity will support the SEAs in expanding effective parent and family engagement strategies throughout the state;
- Identify the other Federal and non-Federal programs that the entity will coordinate with, such as nutrition, housing, and adult education, programs.

Sec. 4605. [Uses of Funds]

Describes required and permissive activities by eligible entities under this subpart.

Sec. 4605(a) [Required Activities] Grantees must:

- Provide technical assistance to SEAs
- Disseminate information about the range of programs and resources available to assist LEA and school personnel in parent and family engagement;
- Coordinate parent and family engagement strategies with relevant Federal, State, and local services, including coordination with early care and education programs related to improving school readiness expectations among parents and families; and
- Implement parent institutes or other leadership development strategies.

Sec. 4605(b) [Permissive Activities] Grantees may:

- Assist parents and family members directly;
- Develop and disseminate templates for schools and LEAs to use to provide information about curricula and academic expectations to parents and family members;
- Provide training and information to organizations that support partnerships among schools, parents, family members, and districtwide parent advisory committees, as applicable; and
- Provide professional development, which may be provided jointly to educators and family members.

Sec. 4606. [Administrative Provisions]

Sec. 4606(a) [Matching Funds] Consistent with current law, grantees must demonstrate to the Secretary that a portion of the services provided are supported by non-Federal funds.

Sec. 4606(b) [Performance Accountability] Grantees must report on an annual basis on several indicators, including:

- The number of LEAs that received assistance;

- The number of parents and family members who participated in activities (including those whose children are English learners or have disabilities); and
- Outcomes of parent and family engagement activities, such as increased parental involvement in LEA budgeting processes.

Grantee must establish, in consultation with the Secretary, performance goals. If an entity fails to meet its goals for 2 consecutive years, the grant will be terminated.

Sec. 4606(c) [Report to Congress] The Secretary must report to the authorizing committees describing the activities of entities supported under this subpart, and the best practices they have discovered.

Sec. 4606(d) [Rule of Construction] Consistent with current law, allows employees of grantees to meet with parents and family members not on school grounds, and to work with other nonprofit agencies that serve children.

Sec. 4606(e) [Parental Rights] Consistent with current law, states that no individual will be required to participate in any activities supported under this subpart, and that no grantees may take actions that infringe on the right of parents to direct the education of their children.

ESEA (2011)

Programs of National Significance: Section by Section Analysis

Section 4108 amends the below ESEA sections as follows:

Sec. 4801. [Programs Authorized]

Sec. 4801(a) [Authorization] The Secretary is authorized to support nationally significant programs. All of these children must have the aim of helping all children meet college and career ready academic content standards and college and career ready student academic achievement standards. As in current law, the Secretary may carry out programs directly or by grant or contract.

Sec. 4801(b) [Uses of funds] Nonprofit entities receiving funds under this section must use the funds to carry out one of the following activities:

(1) Providing funding for economically disadvantaged students, including students from military families and recent immigrants, and their teachers, to participate in programs based in Washington, D.C. that increase civic responsibility and understanding of the Federal Government among young people;

(2) Developing, implementing, evaluating, and disseminating innovative, research-based approaches to civic learning for low-income elementary school and secondary school students;

(3) Supporting a national principal and teacher certification process that provides a framework for measuring and improving teaching and instructional leadership with a focus on educators working in schools that are eligible for funding under part A of title I;

(4) Creating a national teacher corps of outstanding college graduates to teach in underserved communities;

(5) Supporting a national network of providers of high-quality, evidence-based professional development in writing instruction for teachers across all academic subjects and grades;

(6) Encouraging parents and caregivers to read aloud to their children by supporting programs through which, during pediatric exams, doctors and nurses train parents and caregivers who may not be skilled readers;

(7) Preparing young children from low-income families for reading success by the third grade by distributing inexpensive books and through other activities;

(8) Supporting projects that encourage the involvement of persons with disabilities in the arts, by increasing access to all forms of the arts for all persons and fostering a greater awareness of the need for arts programs for individuals with disabilities;

(9) Implementing a coordinated program of scientifically based research, demonstration projects, innovative strategies, and professional development for teachers and other instructional leaders working in high-poverty schools to enhance the ability of educators to meet the special educational needs of gifted and talented students and prioritize students who have been underrepresented in gifted education programs;

(10) Promoting gender equity in education by supporting educational agencies and

institutions in meeting the requirements of title IX of the Education Amendments of 1972; and

(11) Other high quality, nationally significant programs that meet the purposes of this Act.”

Sec. 4801(c) [Basis of Awards] Maintaining current law, the Secretary is authorized to either conduct competitions in the awarding of these grants to support unsolicited proposals.

Sec. 4802(d) [Effectiveness of Programs] Maintaining current law, the Secretary will ensure the effectiveness of programs supported under this subpart through rigorous scientifically based research.

Sec. 4802. [Applications]

Maintaining current law, entities must submit an application to the Secretary describing the activities the entity will carry out and the objectives of those activities. Applications must be peer reviewed.

Sec. 4803. [Program Requirements]

Maintaining current law, grantees must evaluate the effectiveness of their programs, and the Secretary may require matching funds. A special rule for recognition programs is struck.

Sec. 4804. [Studies of National Significance]

Maintaining current law, the Secretary must conduct several studies, including ones on unhealthy school buildings, exposure to violent entertainment, and sexual abuse in schools. Results must be disseminated publicly.

ESEA (2011)

Title IV, Part B: Improving Science, Technology, Engineering, and Mathematics Instruction and Student Achievement: Section by Section Analysis

Sections 4201-4209 amends the below ESEA sections as follows:

Sec. 4201 [Purpose]. This section describes the four purposes of this part, which relate to improving student achievement in science, technology, engineering, and mathematics.

Sec. 4202 [Definitions]. This section defines terms for the purposes of this part, including: eligible entity; eligible subgrantee; outside partner; and State.

Sec. 4203 [Grants; Allotments]. This section requires the Secretary to make the following reservations from funds appropriated for this part: 2 percent to carry out technical assistance to States and, in any year that State grants are distributed competitively (if the appropriation for this part is less than \$500m), 5 percent for 1-year State capacity-building grants. If the appropriation for this part is equal to or exceeds \$500m, requires the Secretary to distribute grants to States by formula.

Sec. 4204 [Applications]. Requires a State seeking a grant under this part (whether formula or competitive) to submit an application to the Secretary which contains a description of the results of a State needs analysis, which must include data regarding science, technology, engineering, and mathematics about: student achievement and achievement gaps, teacher evaluations, availability of courses, access to courses by low-income students, AP/IB and postsecondary level course completion, remediation rates, teacher qualifications, shortages and distributions, quality of pre-service preparation, labor market needs, and an analysis of the implementation of any multitiered systems of support. States must identify the subjects they will address, based on the needs assessment.

Describes application requirements, including (A) how grant funds will be used by the State or eligible entity to improve instruction in identified subjects using evidence-based programs of instruction that are aligned with the college and career ready standards and academic assessments; (B) how grant funds will be used to support subgrantees and other high-need local educational agencies in the employment of multi-tiered systems of support to provide early intervening services and to increase student achievement in identified subjects; (C) the process that the State or eligible entity will use for awarding subgrants, including how relevant stakeholders will be involved; (D) how the State's or eligible entity's activities and subgrants will be coordinated with other Federal, State, and local programs and activities; (E) the technical assistance that the State or eligible entity will provide to subgrantees to support the activities undertaken by the subgrantees; (F) how the State or eligible entity will evaluate the activities funded, both at the State and subgrantee level, in a manner consistent with any evaluation activities carried out by the Institute of Education Sciences under section 4207, or the National Science Foundation; (G) how the State or eligible entity will allocate funds in a manner that will provide services to both elementary schools and secondary schools; (H) how the State or eligible

entity will provide targeted support to improve instruction in high-need local educational agencies and high-need schools; (I) how the State or eligible entity's proposed project will ensure an increase in access for students who are traditionally underrepresented in science, technology, engineering, and mathematics subject fields to high-quality courses in 1 or more of the identified subjects; and (J) how the State or eligible entity will continue to involve stakeholders in education reform efforts related to science, technology, engineering, and mathematics instruction. Requires the State or eligible entity to assure that they will monitor implementation of approved subgrantee plans. Permits a State or eligible entity to submit a request to use an additional State activities reservation in a manner that addresses the results of the State's needs analysis.

Sec. 4205 [Authorized Activities] Requires each State or eligible entity that receives a grant under this part to use the grant funds to carry out each of the following activities: (1) Increasing access for students through grade 12 that belong to groups that are traditionally underrepresented in science, technology, engineering, and mathematics subject fields to high-quality courses in the identified subjects. (2) Implementing evidence-based programs of instruction based on high-quality standards and assessments in the identified subjects. (3) Providing professional development and other comprehensive systems of support for teachers and school leaders to promote high-quality instruction and instructional leadership in the identified subjects. (4) Providing technical assistance to subgrantees and other high-need schools and local educational agencies in order to improve student achievement and narrow achievement gaps in identified subjects, including through the development and implementation of multi-tiered systems of support, and the development of curriculum consistent with the principals of universal design for learning.

Allows each State or eligible entity that receives a grant under this part to use the grant funds to carry out 1 or more of the following activities: (1) Recruiting qualified teachers and instructional leaders who are trained in identified subjects, including teachers who have transitioned into the teaching profession from a career in science, technology, engineering, and mathematics fields; (2) Providing induction and mentoring services to new teachers in identified subjects; (3) Developing instructional supports, such as curricula and assessments, which shall be evidence-based and aligned with State college and career ready academic content standards; (4) Implementing an interdisciplinary approach, by integrating instruction in 1 or more science, technology, engineering, and mathematics subjects with reading, English language arts, or instruction in other core academic subjects and noncore academic subjects.

Requires each State or eligible entity that receives a grant under this section to award subgrants, on a competitive basis, to eligible subgrantees, which may contain such information as the State or eligible entity may require, and must include: (i) A description of the activities that the eligible subgrantee will carry out, and how such activities will improve teaching and student academic achievement in the identified subjects, in a manner consistent with scientifically-valid research. (ii) A description of how the eligible subgrantee will use funds provided under this subsection to serve students and teachers in high-need schools. (iii) A description of how funds provided under this subsection will be coordinated with other Federal, State, and local programs and activities. (iv) If the eligible subgrantee is working with outside partners, a description of how such outside partners will be involved in improving instruction and increasing access to high-quality learning experiences in the identified subjects.

Requires subgrantees to carry out activities for students through grade 12, consistent with the activities described in the subgrantee's application, which shall include: (i) high-quality teacher and instructional leader recruitment, support, evaluation, and professional development in the identified subjects; (ii) professional development, which may include development and support for instructional coaches, to enable teachers and instructional leaders to increase student achievement in identified subjects, through implementation of classroom assessments; and differentiation of instruction in identified subjects for all students, including for students who are children with disabilities and students who are English learners; (iii) activities to improve the content knowledge of teachers; and facilitate professional collaboration, which may include providing time for such collaborations; (iv) the development, adoption, and improvement of high-quality curricula and instructional supports that are aligned with State college and career ready academic content standards and the eligible subgrantee will use to improve student academic achievement in identified subjects; (v) the development or improvement, and implementation, of multi-tiered systems of support to provide early intervening services and to increase student achievement in 1 or more of the identified subjects; and (vi) integrating instruction in the identified subjects with instruction in reading, English language arts, or other core and noncore academic subjects.

Allows subgrantees to use the subgrant funds to (i) support the participation of low-income students in nonprofit competitions related to science, technology, engineering, and mathematics subjects (such as robotics, science research, invention, mathematics, and technology competitions); and (ii) broaden secondary school students' access to, and interest in, careers that require academic preparation in 1 or more identified subjects. Requires subgrantees collaborating with outside entities to obtain a 15 percent match from the partner. The match requirement may be waived in case of hardship.

States may use not more than 5 percent of grant funds for administrative costs; monitoring the implementation of subgrants; providing technical assistance to subgrantees; and evaluating subgrants. States may submit a request to the Secretary to reserve not more than 15 percent of grant funds for additional State activities.

Sec. 4206 [Performance Metrics; Report]. Requires the Secretary, acting through the Director of the Institute of Education Sciences, to establish performance metrics to evaluate the effectiveness of the activities carried out under this part. Requires each State or eligible entity that receives a grant under this part to prepare and submit an annual report to the Secretary, which shall include information relevant to the performance metrics.

Sec. 4207 [Evaluation]. Requires the Secretary, acting through the Director of the Institute of Education Sciences, and in consultation with the Director of the National Science Foundation, to evaluate the implementation and impact of the activities supported under this part, including progress measured by the metrics established under section 4206; and identify best practices to improve instruction in science, technology, engineering, and mathematics subjects; and disseminate, in consultation with the National Science Foundation, research on best practices to improve instruction in science, technology, engineering, and mathematics subjects.

Sec. 4208 [Supplement Not Supplant] Funds received under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part.

Sec. 4209 [Maintenance of Effort] A State that receives funds under this part for a fiscal year shall maintain the fiscal effort provided by the State for the subjects supported by the funds under this part at a level equal to or greater than the level of such fiscal effort for the preceding fiscal year.

Safe and Healthy Students: Section-by-Section Analysis

Sec. 4104 amends the below ESEA sections as follows:

Title IV, Part C: Successful, Safe, and Healthy Students

Sec. 4301: Purpose

To assist SEAs and LEAs in developing and implementing comprehensive programs and strategies to foster positive conditions for learning in public schools that (1) promote student physical health and well-being, nutrition, and fitness; (2) promote student mental health and well-being; (3) prevent school violence and harassment, and reduce substance abuse among students; and (4) promote safe and supportive schools.

Sec. 4302: Definitions

Included in this section are definitions for: controlled substance; drug; drug and violence prevention; eligible local applicant; physical education indicators; programs to promote mental health; and programs to promote physical activity, education, fitness and nutrition.

Sec. 4303: Reservations

In the first 3 years of funding, the Secretary must reserve 30 percent or \$30M (whichever is greater), for formula grants to States, in an amount proportional to each State's share under title I of this Act to develop conditions for learning measurement systems and to conduct needs analyses to meet the application requirements of sec. 4304 (State grants). The Secretary must reserve 68 percent in the first 3 years of funding and 98 percent in each year thereafter for State grants, and reserve 2 percent for technical assistance.

Sec. 4304: Successful, Safe, and Healthy Students State Grants

Requires the Secretary to award 5-year grants to States to implement comprehensive programs that address conditions for learning in schools, that are based on scientifically valid research, and that are based on an analysis of need that considers indicators in the conditions for learning measurement system. Grants must be awarded by formula (by Title I formula with small state minimum) if the appropriation is at least \$500M, and competitively if the appropriation is less than \$500M.

Requires applications, which shall be peer reviewed, to include a plan for improving conditions for learning in schools, a needs analysis of the conditions for learning in schools in the State, a description of how the activities are responsive to the results of the needs analysis, and a description of how the State will (i) develop, adopt, adapt, and implement the State's conditions for learning measurement system and how the State will ensure that LEAs will participate in such a system; (ii) ensure the reliability and validity of the State's conditions for learning data collection; (iii) coordinate the proposed activities with other Federal and State programs; (iv) assist LEAs to align activities with funds the agencies receive under the program with other funding sources; (v) solicit and approve subgrant applications; (vi) address the needs of diverse

geographic areas in the State; (vii) provide assistance to LEAs and schools in their efforts to prevent and appropriately respond to incidents of harassment; and (viii) provide assistance to LEAs and schools in their approaches to school discipline.

Allows a State to reserve 7 ½ percent of grant funds for administration of the program, technical assistance, and the development, improvement, and implementation of the State's conditions for learning measurement system; and to use the remainder of grant funds to competitively award subgrants to eligible local applicants.

Requires States receiving a grant under this section to (1) establish a statewide physical education requirement that is consistent with widely recognized standards; and to require all LEAs in the State to establish policies that prevent and prohibit conduct that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from a program or activity of a public school or educational agency, or to create a hostile or abusive educational environment at a program or activity of a public school or educational agency, including acts of verbal, nonverbal, or physical aggression, intimidation, or hostility; and to provide (i) annual notice to parents and students describing the full range of prohibited conduct contained in such local educational agency's discipline policies; and (ii) grievance procedures for students or parents to register complaints regarding the prohibited conduct contained in such local educational agency's discipline policies, including (I) the name of the local educational agency officials who are designated as responsible for receiving such complaints; and (II) timelines that the local educational agency will follow in the resolution of such complaints.

Requires States develop, adapt, improve, or adopt and implement the statewide conditions for learning measurement system, to collect information in each year of the grant on the conditions for learning at the school-building level; to collect annual incident data at the school-building level that are accurate and complete; to publicly report, at the school level and local educational agency level, the data collected in the State's conditions for learning measurement system each year in a timely and highly accessible manner; to use the results of the data collected in the State's conditions for learning measurement system to (A) identify and address conditions for learning statewide; (B) help subgrantees identify and address school and student needs; and (C) provide individualized assistance to schools identified under section 1116 (persistently low achieving and gap schools) and schools with significant conditions for learning weaknesses. Requires states to award, monitor and provide technical assistance to subgrantees.

Requires each State that receives a grant under this part to establish a conditions for learning measurement system, which must contain, at a minimum, data that allow staff at the State, local educational agencies, and schools to examine and improve school-level conditions for learning. At a minimum, data must be collected from valid and reliable surveys of students and staff and the include the following school-level indicators: (i) physical education indicators; (ii) student attendance and truancy; (iii) in-school suspensions, out-of-school suspensions, expulsions, referrals to law enforcement, school-based arrests, and disciplinary transfers (including placements in alternative schools) by student; (iv) the frequency, seriousness, and incidence of violence and drug-related offenses resulting in disciplinary action in elementary schools and secondary schools in the State; and (v) the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence, including harassment, by youth and school personnel in schools and communities. Requires States to collect and report data, including, at a minimum, the data described in clauses (ii), (iii), and (v) of subparagraph

(B), in the aggregate and disaggregated by the categories of race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, and cross tabulated across all of such categories by gender and by disability. Requires States to protect student privacy, consistent with applicable data privacy laws and regulations, and, to the extent practicable, utilize a web-based reporting system.

Requires a State that receives a grant under this section to competitively award subgrant to eligible local applicants based on need as identified by the State's conditions for learning measurement system, that are of sufficient size and scope to enable subgrantees to carry out approved activities; and to implement programs that are comprehensive in nature; are based on scientifically valid research; improve conditions for learning; and are part of a strategy to achieve all the conditions for learning. Requires States to provide assistance to subgrant applicants and recipients in the selection of scientifically valid programs and interventions. Requires States to allocate at least 20 percent of aggregate subgrant funds to carry out programs to promote physical activity, education, fitness, and nutrition, but this requirement does not mean that subgrant recipients must use 20 percent of subgrant funds for the promotion of physical activity, education, fitness, and nutrition. Requires States to prioritize subgrants to entities that demonstrate the greatest need according to the results of the local needs assessment; and propose to serve schools with the highest concentrations of poverty.

Requires subgrantees to collect school-level data, report on performance indicators, and carry out scientifically valid activities (i) the need for which has been identified using school-level data from the State's conditions for learning measurement system; (ii) that are part of a comprehensive strategy or framework to address such need; and (iii) that include 1 or more of the following: (I) Drug and violence prevention; (II) Programs to promote mental health; or (III) Programs to promote physical activity, education, fitness, and nutrition.

Requires subgrantees to establish policies to expand access to quality physical activity opportunities, to engage family members and community-based organizations in the development of conditions for learning surveys, and in the planning, implementation, and review of the subgrant recipient's efforts under this part, and to consider and accommodate the unique needs of students with disabilities and English learners in implementing activities.

Requires the Secretary, acting through the Director of the Institute of Education Sciences, to establish program performance metrics to measure the effectiveness of the activities carried out under this part. Requires each State that receives a grant under this part to prepare and submit an annual report to the Secretary, which shall include information relevant to the conditions for learning, including on progress towards meeting outcomes for the performance metrics.

Sec. 4306: Funds Reserved for Secretary

From the amounts reserved in section 4, the Secretary is required to direct the Director of the Institute of Education Sciences to conduct an evaluation of the impact of the program and provide technical assistance to applicants and recipients of the grant program.

Sec. 4307: Prohibited Use of Funds

Funds appropriated for this program may not be used for school resource officers or security personnel, metal detectors, security cameras, or security related salaries, equipment or expenses;

drug testing programs; or zero-tolerance discipline policies other than those required under the Gun-Free Schools Act.

Sec. 4308: Federal and State Nondiscrimination Laws

Nothing in this part invalidates or limits nondiscrimination principles or rights, remedies, procedures or legal standards available to victims of discrimination under any other Federal law or law of a State.

ESEA (2011)

Race to the Top: Section by Section Analysis

Section 5101 amends the below ESEA sections as follows:

Section 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 improvements in outcomes for all students and significant reductions in achievement gaps between the groups of students described in section 1111(a)(2)(B)(ix).

Section 5102-[Reservation of Funds] The Secretary may reserve not more than 5 percent to carry out activities related to technical assistance, outreach, and dissemination.

Section 5103(a)(1)-[Race to the Top Program] For each fiscal year for which funds are appropriated, the Secretary will determine the goals that are the greatest priority and award grants, through a grant competition, to eligible entities to carry out comprehensive reforms and innovative strategies.

Section 5103(a)(2)-[Selection of Goals and Categories of Entities] The Secretary will determine 1 or more categories of entities that may apply for and receive the grants through such grant competition, and 1 or more goals to be supported under the grants. Information regarding the selections of goals and categories of entities for an upcoming grant competition will be made widely available and provide applicants with sufficient time to apply.

Section 5103(a)(3)-[Eligible Entities] Entities include a State, a high-need local educational agency, a consortium of States and a consortium of high-need local educational agencies.

Section 5103(a)(4)-[Educational Goals] The goals that will be supported through grants include: 1) Increasing the access of children from low-income families to highly rated teachers and school leaders, 2) Strengthening the availability and use of high-quality and timely data, 3) Implementing academic standards that prepare students to be college and career ready and strategies that translate such standards into classroom practice, 4) Turning around persistently low-performing schools, 5) Creating conditions for the creation, expansion, and replication of high-performing public charter and other autonomous schools, 6) Providing more equitable State and local resources to high-poverty schools, and 7) Improving school readiness by increasing enrollment of children from low-income families in high-quality early childhood education and care programs, and designing and implementing an integrated system of high-quality programs and services.

Section 5103(b)[Duration of Grants and Requirements for Additional Funding] Each grant shall be for a period of not more than 4 years. Before receiving funding for the second or any subsequent year, the eligible entity shall demonstrate to the Secretary that it is making progress in implementing the plan at a rate that the Secretary determines will result in reaching the targets and achieving the objectives of the grant on time.

Section 5104(a)-[Application Process] In general, each eligible entity that desires to receive a grant must submit an application.

Section 5104(a)(1-6) Each application must include 1) Documentation of the eligible entity's record, 2) Evidence of conditions of innovation and reform, 3) A comprehensive and coherent plan for using funds to improve performance, 4) Evidence of collaboration, and 5) Annual performance measures and targets.

Section 5104(b)(1-2)-[Criteria for Evaluating Applications and Publication of Explanation] The Secretary is required to award grants, on a competitive basis, based on the quality of the applications. The Secretary is required to publish an explanation of how the application review process will ensure an equitable, transparent, and objective evaluation.

Section 5104(c)-[Priority] In awarding grants, the Secretary will give priority to high-need rural local educational agencies, and for any grant competition for improving early childhood care and education to any eligible entity that provides a full-day kindergarten program.

Section 5105(1-2)- [Performance Measures] Each grantee must establish annual performance measures and targets for the programs and activities carried out under this part, including to track its progress in implementing its plan and making progress on any other performance measure identified by the Secretary.

Section 5106 Uses of Funds

Section 5106(a)(1)(A-B)-[Use of State Grant Funds] Each State and consortium of States that receives a grant must use not less than 50 percent of the grant funds to award subgrants under to the local educational agencies that will participate in the plan for any purpose included in the plan and use any remaining amount for any purpose included in the plan.

Section 5106(a)(2)-[Amount of Subgrants] The amount of a subgrant under paragraph for a local educational agency shall bear the same relation to its Title I Part A allocation for the most recent year for which such data is available among participating local educational agencies.

Section 5106(a)(3)(A-B)-[Exception] Each State and consortium of States that receives a grant for the goal of improving early childhood care and education, will not be subject to the requirements of paragraph (1)(A) and may use grant funds to award subgrants to public or private nonprofit agencies and organizations for activities consistent with any purpose included in its plan.

Section 5106(b)-[Use of Subgrant Funds] Each local educational agency or public or private nonprofit agency or organization that receives a subgrant under paragraph (1)(A) or (3)(B) of shall use subgrant funds for any purpose included in the eligible entity's plan, subject to any requirements of the eligible entity.

Section 5106(c)-[Use of High-need Local Educational Agency Grant Funds] Each high-need local educational agency and consortium of high-need local educational agencies that receives a grant shall use such funds for any purpose included in its plan.

Section 5106(d)-[Special Rule] Notwithstanding any other provision of this section, grant or subgrant funds under this part shall only be used to fund a program or activity that is an allowable use of funds under another section of this Act (excluding this part), except that grant or subgrant funds for the goal of improving early childhood care and education may also be used to fund a program or activity that is an allowable use of funds under section 619 or part C of the Individuals with Disabilities Education Act, the Head Start Act, or the Child Care and Development Block Grant Act of 1990.

Section 5107 Reporting

Section 5107(a)(1-2)-[Annual Report] An eligible entity that receives a grant is required to submit to the Secretary an annual report including, at a minimum, data on the eligible entity's progress in achieving the targets for the annual performance measures and targets and a description of the challenges the eligible entity has faced in implementing its program under this part.

Section 5107(b)-[Local Report] Each local educational agency and each public or private nonprofit agency or organization that receives a subgrant shall submit to the eligible entity such information as the eligible entity may require to complete its annual report.

ESEA (2011)

Investing In Innovation: Section by Section Analysis

Section 5201 amends the below ESEA sections as follows:

Part E-[Investing In Innovation]

Section 5201 [Purposes] states that the purposes of this part are to—

- (1) fund the identification, development, evaluation, and expansion of innovative, research- and evidence-based practices, programs, and strategies in order to significantly—
 - (A) increase student academic achievement and close achievement gaps;
 - (B) increase high school graduation rates;
 - (C) increase college enrollment rates and rates of college persistence;
 - (D) improve teacher and school leader effectiveness; and
 - (E) improve school readiness and strengthen collaboration and coordination among elementary schools and early childhood care and education; and
- (2) support the rapid development, expansion, adoption, and implementation of tools and resources that improve the efficiency, effectiveness, or pace of adoption of such educational practices, programs, and strategies.

Section 5202 [National Activities] permits the Secretary to reserve not more than 5 percent of funds appropriated under section 5208 for any fiscal year to carry out activities of national significance. Such activities may include capacity-building; technical assistance; dissemination of best practices developed with grant funds provided under this part; and carrying out prize awards consistent with section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719). Funds for prize awards under subsection (a)(4) shall be available until expended.

Section 5203(a-b) [Program Authorized, Length of Grants, Priorities] stipulates that the Secretary shall use funds made available to carry out this part for a fiscal year to award grants, consistent with section 5204(b), to eligible entities. Eligible entity means a local educational agency or a partnership between a nonprofit organization or an educational service agency and 1 or more local educational agencies; or a consortium of public schools. The Secretary shall award grants under this part for a period of not more than 3 years; and may extend such grants for an additional 2-year period if the grantee demonstrates to the Secretary that it is making significant progress on the program performance measures identified in section 5206.

Section 5203 (c) [Rural Set-aside] requires the Secretary to ensure that not less than 22 percent of the funds awarded under subsection (a) for any fiscal year are for projects that meet both of

the following requirements, except that the Secretary shall not be required to make such awards unless a sufficient number of otherwise eligible high quality applications are received—

(1) The eligible entity includes—

(A) a local educational agency with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

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

(C) if the applicant is a partnership, an educational service agency or a nonprofit organization with demonstrated expertise in serving students from rural areas.

(2) A majority of the schools to be served by the project are designated with a school locale code of 41, 42, or 43, or a combination of such codes, as determined by the Secretary, and—

(A) are served by a local educational agency in which 20 percent or more of the children ages 5 through 17 years old are from families with income below the poverty line;

(B) are served by a local educational agency in which the total number of students in average daily attendance at all of the schools served by the local educational agency is fewer than 600; or

(C) are served by a local educational agency located in a county that has a total population density of fewer than 10 persons per square mile.

Section 5203 (d) [Priorities] requires the Secretary, in awarding grants under this part, to give priority to an eligible entity that includes, in its application under section 5204, a plan to (1) address the needs of high-need local educational agencies; (2) improve school readiness; or (3) address the unique learning needs of students who are children with disabilities or English learners.

Section 5203 (e) [Standards of Evidence] requires the Secretary to establish standards for the quality of evidence that an applicant shall provide in order to demonstrate that the activities it proposes to carry out with funds under this part are likely to succeed in improving student outcomes, including academic achievement and graduation rates. These standards shall include the following—

(1) Strong evidence that the activities proposed by the applicant will have a statistically significant effect on student outcomes.

(2) Moderate evidence that the activities proposed by the applicant will improve outcomes.

(3) A rationale based on research findings or a reasonable hypothesis that the activities proposed by the applicant will improve student outcomes.

Section 5203 (f) [Support for New Practices, Strategies, or Programs] mandates that the Secretary ensure that not less than one-half of the funds awarded under subsection (a) for any fiscal year are for projects that only meet an evidence standard described in paragraph (2) or (3) of subsection (e).

Section 5204 [Applications]—stipulates that each eligible entity that desires to receive a grant under this part submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, each application shall—

- (1) describe the project for which the applicant is seeking a grant and how the evidence supporting that project meets the standards of evidence established by the Secretary under section 5203(e);
- (2) describe how the applicant will address at least 1 of the areas described in section 5205(a)(1);
- (3) provide an estimate of the number of children that the applicant plans to serve under the proposed project, including the percentage of those children who are from low-income families;
- (4) demonstrate that the applicant has established 1 or more partnerships with public or private organizations and that the partner or partners will provide matching funds, except that the Secretary may waive the matching funds requirement on a case-by-case basis, upon a showing of exceptional circumstances;
- (5) describe the applicant’s plan for continuing the proposed project after funding under this part ends;
- (6) if the applicant is a local educational agency—
 - (A) document the local educational agency’s record during the previous 3 years in—
 - (i) increasing student achievement, including achievement for each subgroup of students described in section 1111(b)(2)(C)(v); and
 - (ii) closing achievement gaps; and
 - (B) demonstrate how the local educational agency has made significant improvements in other outcomes, as applicable, on the performance measures described in section 5206;
- (7) if the applicant is a partnership that includes a nonprofit organization, provide evidence that the nonprofit organization has helped at least 1 school or local educational agency, during the previous 3 years, significantly—
 - (A) increase student achievement, including achievement for each subgroup of students described in section 1111(b)(2)(C)(v); and
 - (B) close achievement gaps;
- (8) provide a description of the applicant’s plan for independently evaluating the effectiveness of activities carried out with funds under this part;

(9) provide an assurance that the applicant will—

- (A) cooperate with evaluations, as requested by the Secretary;
- (B) make data available to third parties for validation and further study; and
- (C) participate in communities of practice; and

(10) if the applicant is a partnership that includes a nonprofit organization that intends to make subgrants, consistent with section 5205(b), provide an assurance that the applicant will apply paragraphs (1) through (9), as appropriate, in its selection of subgrantees and in its oversight of those subgrants.

Section 5207 (a) [Mandatory Use of Funds] requires that each eligible entity that receives a grant under this part shall carry out the following—

- (1) Use the grant funds to carry out, at a minimum, 1 of the following activities—
 - (A) Improving the effectiveness of teachers and school leaders and increasing equity in the distribution of effective teachers and school leaders.
 - (B) Strengthening the use of data to improve teaching and learning.
 - (C) Providing high-quality instruction based on college and career ready standards and measuring students' mastery of standards using high-quality assessments aligned with those standards.
 - (D) Turning around the lowest-performing schools.
 - (E) Improving school readiness for students who are low-income, English learners, and children with disabilities.
 - (F) Other areas relating to school improvement consistent with the purposes of this part, as determined by the Secretary.

(2) Use the grant funds to develop or expand strategies to improve the performance of high-need students on the performance measures described in section 5206.

Section 5207 (a-b) [Permissive Use of Funds, Authority to Subgrant]—permits each eligible entity that receives a grant under this part to use the grant funds for an independent evaluation, as required under section 5204(a)(8), of the innovative practice carried out with the grant. If an eligible entity that receives a grant under this part includes a nonprofit organization, such nonprofit organization may use the grant funds to award subgrants to other entities to provide support to 1 or more schools or local educational agencies. Each entity awarded a subgrant shall comply with the requirements of this part relating to grantees, as appropriate.

Section 5206 [Performance Measures] requires the Secretary to establish performance measures for the programs and activities carried out under this part, which shall, at a minimum, track the grantee's progress in improving outcomes for each subgroup of students described in section 1111(b)(2)(C)(v) that is served by the grantee, including, as applicable, by—

- (1) increasing student achievement and decreasing achievement gaps;
- (2) increasing high school graduation rates;
- (3) increasing college enrollment rates and rates of college persistence;
- (4) improving teacher and school leader effectiveness;
- (5) improving school readiness; and

(6) any other indicator as the Secretary or grantee may determine.

Section 5207 [Reporting] requires that an eligible entity that receives a grant under this part submit to the Secretary, at such time and in such manner as the Secretary may require, an annual report that includes, among other things, information on the entity's progress on the performance measures established under section 5206, and the data supporting that progress.

DRAFT- ESEA (2011)

Magnet Schools Assistance: Section-by-Section Analysis

Sections 5301-5307 amends the below ESEA sections as follows:

Part C- Magnet Schools Assistance

Section 5301 *Findings and Purpose*

Section 5301(a)(1-5) [Findings] describes the following findings of Congress:

- (1) Magnet schools are a significant part of the Nation's effort to achieve a voluntary desegregation in our Nation's schools.
- (2) The use of magnet schools has increased dramatically since the inception of the magnet schools assistance program under this Act, with more than 1,500,000 students nationwide attending such schools.
- (3) Magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts.
- (4) It is in the best interests of the United States—
 - (A) to continue the Federal Government's support of local educational agencies that are implementing court-ordered desegregation plans and local educational agencies that are voluntarily seeking to foster meaningful interaction among students of different racial and ethnic backgrounds, beginning at the earliest stage of such students' education;
 - (B) to ensure that all students have equitable access to a high-quality public education that will prepare them to succeed in a highly competitive economy comprised of people from many different racial and ethnic backgrounds; and
 - (C) to continue to desegregate and diversify schools by supporting magnet schools, recognizing that segregation exists between minority and nonminority students as well as among students of different minority groups.
- (5) Desegregation efforts through magnet school programs are a significant part of our Nation's effort to achieve voluntary desegregation in schools and help to ensure equal educational opportunities for all students.

Section 5301(b)(1-6) [Purpose] establishes that the purpose of this part is to assist in the desegregation of schools by providing financial assistance to eligible local educational agencies for –

- (1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students, which will assist in efforts by the United States to achieve voluntary desegregation in public schools;

- (2) the development and implementation of magnet school programs , particularly whole-school programs, that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State academic content and student academic achievement standards;
- (3) the development and design of evidence-based educational methods and practices that promote diversity and increase high-quality public educational options;
- (4) courses of instruction within magnet schools that will substantially increase the college- and career-readiness of students attending such schools;
- (5) improving the capacity of local educational agencies, including through professional development, to continue operating magnet schools at a high performance level after Federal funding for the magnet schools is terminated; and
- (6) ensuring that all students enrolled in the magnet school programs have equitable access to high quality education that will enable the students to succeed academically and continue with postsecondary education or productive employment.

Section 5302. *Definition.* The term “magnet school” is defined as a public elementary or secondary school, or public elementary or secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

Section 5303(1-2) *Program Authorized.* The Secretary is authorized to award competitive grants to eligible local educational agencies, and consortia of such agencies, to carry out the purpose of this part for magnet schools that are-

- (1) part of an approved desegregation plan; and
- (2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

Section 5304 (1-2) *Eligibility.* A local educational agency, or consortium of such agencies, is eligible to receive a grant under this part if such agency or consortium—

- (1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary schools and secondary schools of such agency; or
- (2) without having been required to do so, has adopted and is implementing, or will, if a grant is awarded to such local educational agency, or consortium of such agencies, under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

Section 5305. *Applications and Requirements.*

Section 5305(a) [Applications] provides that an eligible local educational agency, or consortium of such agencies, seeking a grant under this part must submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary requires.

Section 5305(b)(1-2) [Information and Assurances] requires that each application submitted under subsection (a) include-

- (1) A description of-
 - (A) how a grant awarded under this part will be used to—
 - (i) improve student academic achievement for all students and subgroups of students attending the magnet school program; and
 - (ii) promote desegregation, including how the proposed magnet school program will increase interaction among students of different social, economic, ethnic, and racial backgrounds, including the policies, programs, and activities aimed at increasing interaction among such students;
 - (B)
 - (i) description of the evidence that the magnet school program that the applicant proposes to implement would improve student academic achievement and reduce minority group isolation; or
 - (ii) if such evidence is not available, a rationale, based on current research findings, for how the program would improve student academic achievement and reduce minority group isolation;
 - (C) how the applicant will continue the magnet school program after assistance under this part is no longer available, and, if applicable, an explanation of why magnet schools established or supported by the applicant with grant funds under this part cannot be continued without the use of grant funds under this part;
 - (D) how grant funds under this part will be used—
 - (i) to improve student academic achievement for all students attending the magnet school programs; and
 - (ii) to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate;
 - (E) the student application process, and selection criteria, if any, to be used by the proposed magnet school program;
 - (F) how the applicant will conduct outreach and disseminate information about the proposed magnet school program, including the application and selection process, in a timely, clear, and accessible manner to all students and their parents and families

- and, to the extent practicable, in a language they can understand; and
- (G) how the applicant will assess, monitor, and evaluate the impact of the activities funded under this part on student academic achievement and integration; and
- (2) assurances that the applicant will-
- (A) use grant funds under this part for the purpose specified in section 5301(b);
 - (B) employ highly rated school leaders and teachers in the courses of instruction assisted under this part;
 - (C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in-
 - (i) the hiring, promotion, or assignment of employees of the applicant or other personnel for whom the applicant has any administrative responsibility;
 - (ii) the assignment of students to schools, or to courses of instruction within the schools, of such applicant, except to carry out the approved plan; and
 - (iii) designing or operating extracurricular activities for students;
 - (D) carry out a high-quality education program that will result in greater parent and family decision making and engagement; and
 - (E) give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate the students.

Section 5305(c) *Special Rule*. No grant will be awarded under this part unless the Assistant Secretary of Education for Civil Rights determines that the required assurances are being met.

Section 5306. *Priority*. The Secretary must give priority to grant applicants that-

- (1) have the highest quality applications or demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out approved desegregation plans and the magnet school program for which the grant is sought;
- (2) propose to carry out new magnet school programs, significantly revise existing magnet school programs, or significantly expand magnet school programs, in a manner that—
 - (A) is aligned with other programs that have demonstrated a record of success in increasing student academic achievement and reducing minority group isolation; or
 - (B) has a strong research basis for improving student academic achievement and reducing minority group isolation;
- (3) select, or propose to select, students to attend magnet school programs solely or primarily

by lottery, rather than through academic examination or other selective enrollment methods; and

(4) propose to serve the entire student population of a school.

Section 5307. *Use of Funds.* Describes how grant funds attained through this section may be used.

Section 5307 (a)(1-7) [In General] Grant funds may be used by an eligible local educational agencies, or consortium of such agencies-

- (1) for planning, outreach, and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;
- (2) for the acquisition of books, educational technology, materials, and equipment necessary to conduct magnet school programs
- (3) for—
 - (A) the compensation, or subsidization of the compensation, of elementary and secondary school teachers, leaders, and other instructional staff who are highly rated; and
 - (B) high-quality professional development and staff capacity-building activities, including those designed to recruit, prepare, support, and retain highly rated school teachers, leaders, and other instructional staff; and
- (4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that are designed to make available the special curriculum that is offered by the magnet school program to students who are enrolled in the school but who are not enrolled in the magnet school program;
- (5) for activities, which may include the formation of partnerships with public or nonprofit organizations to help enhance the program or promote parent and family decision making and engagement that will build the recipient's capacity to operate magnet school programs once the grant period has ended;
- (6) to enable the local educational agency, or consortium of such agencies, to have more flexibility in designing magnet schools for students in all grades; and
- (7) for other operational costs that cannot be met with other State or local sources.

Section 5307(b) [Special Rule] provides that grant funds may be used for books and materials, teacher/instructional personnel compensation, or professional development only if the activities are directly related to improving student academic achievement and growth and leading to students being on track to college and career readiness.

Section 5308. *Prohibition.* Grants under this part cannot be used for transportation or any activity

that does not augment academic improvement.

Section 5309. *Limitations*

Section 5309(a) [Duration of Awards] provides that a grant must be awarded for an initial period of no more than 3 years, but may be renewed for no more than an additional 2 years if the Secretary finds that the grantee is achieving the intended outcomes, shows improvement in student achievement, and reduces minority-group isolation, and other indicators of success established by the Secretary.

Section 5309(b) [Limitation on Planning Funds] provides that a local educational agency, or a consortium of such agencies, may not expend more than 40 percent of the grant funds received for the first year on planning of the program. The grant recipient may not spend more than 10 percent of funds received during the second and third years on planning.

Section 5309(c) [Amount] restricts any local educational agency, or consortium of such agencies, from receiving more than \$4,000,000 under this part for any 1 year.

Section 5309(c) [Timing] provides that the Secretary must award grants for any fiscal year by July 1 of the applicable fiscal year.

Section 5310 [Availability of Funds for Grants to Agencies Not Previously Assisted] provides that, in any fiscal year for which the amount appropriated for the program exceeds \$75,000,000, the Secretary must give priority in using such amounts in excess of \$75,000,000 to awarding grants to local educational agencies or a consortia of agencies that did not receive a grant under this part in the preceding year.

ESEA 2011
Public Charter Schools: Section by Section Analysis

Section 5401 amends the below ESEA sections as follows:

Sec. 5411 [Public Charter Schools]

Sec. 5411 (Part B)

Sec. 5411 [Definitions] Defines the following terms: Charter School, Charter School Authorizer, Developer, Eligible Entity, Expand, High-Performance Charter School, and Replicate.

Sec. 5412 Program Authorized

Sec. 5412(a) [In General] The Secretary will award competitive grants to eligible entities to enable such eligible entities to award subgrants to developers to create, expand, or replicate 1 or more high-performing charter schools, including through conversion of an existing school into a charter school.

Sec. 5412(b) [Allocations] The Secretary will use not less than 65 percent of funds to award grants to State Educational Agencies.

Sec. 5412(c)(1-2) [Considerations] In awarding the grants, the Secretary will consider the geographic diversity of eligible entities and the number of eligible entities in a State that are receiving grants in any fiscal year.

Sec. 5412(d) – [Grant Amount]

Sec. 5412(d)(1)(A-C) In determining each grant amount, the Secretary will consider: the number of charter schools under the jurisdiction of the eligible entity; the number of students, including students on charter school waiting lists, that will be served by charter schools that receive funds under this subpart; and, the amount of funds that is needed to implement the proposed activities.

Sec. 5412(e) – [Duration]

Sec. 5412(e)(1) [In General] The Secretary will award each grant for an initial period of not more than 3 years.

Sec. 5412(e)(2) [Renewal] The Secretary may renew a grant for an additional period of not more than 2 years, if the eligible entity is achieving the objectives of the grant and has shown improvement on specified performance measures.

Sec. 5412(f) – [Limitations]

Sec. 5412(f)(1) [Grants] An eligible entity may not receive more than 1 grant at a time.

Sec. 5412(f)(2) [Subgrants] A developer may not receive more than 1 subgrant at a time.

Sec. 5412(g) – [Reservations]

Sec. 5412(g)(1) An eligible entity that receives a grant may use not more than 5 percent of grant funds for administrative expenses associated with the improvement of the eligible entity's oversight or management of charter schools.

Sec. 5412(g)(2) An authorizer that receives a grant under this subpart may use not more than 5 percent of grant funds for improvements to charter school oversight and monitoring systems.

Sec. 5412(h) – [Waiver]

Sec. 5412(h)(1-2) The Secretary may waive a statutory requirement if the waiver is requested in an approved application and the Secretary determines the waiver will promote the purpose of this subpart.

Sec. 5413 [Applications]

Sec. 5413(a) [In General] Each eligible entity seeking a grant will submit an application to the Secretary.

Sec. 5413(b) – [Contents]

Sec. 5413(b)(1)(A-K) [Eligible Entities] The application of any eligible entity must at minimum include a description of:

- (A) how the eligible entity will use the grant;
- (B) the need for the charter schools;
- (C) the performance measures used to measure outcomes;
- (D) how the eligible entity will provide clear information to parents/families/students regarding available charter school options;
- (E) how the eligible entity will coordinate grant funds;
- (F) how the eligible entity will ensure that each charter school (i) meets the requirements of the charter school definition and (ii) provides equitable access and effectively serves the needs of all students and subgroups;
- (G) how the eligible entity will award subgrants through a high-quality competition;
- (H) how the eligible entity will target subgrants to charter schools serving students who attend schools identified through the State accountability system;
- (I) the eligible entity's record;
- (J) how the eligible entity will hold charter schools accountable if such schools do not meet their performance contract objectives;
- (K) how charter school authorizers are approved and held accountable for establishing high standards, and are periodically reviewed on charter school performance, including in areas of student safety, financial management, and compliance.

Sec. 5413(b)(2)(A-C) [State Educational Agencies] Each State Educational Agency must include in its application information on:

- (A) The State's laws or policies that address: (i) how decisions are made regarding the closure of unsuccessful charter schools, and how student academic achievement and growth is a primary factor in such decisions; (ii) how charter schools are held accountable for meeting the requirements of the charter school definition and for effectively serving the needs of all students and subgroups; (iii) and how a charter school will comply with subsections (a)(5) and (e)(1)(B) of section 613 of the Individuals with Disabilities Education Act;
- (B) The eligible entity's record of funding charter schools, including facilities; and
- (C) The number of charter schools in the state that (i) have been closed in the preceding 5 years, and the reasons for such closures, (ii) have been identified through the State accountability system in the preceding 5-year period, (iii) have met performance contract objectives, and (iv) are high-performing charter schools.

Sec. 5413(b)(3)(A-C) [Local Educational Agencies] Each Local Educational Agency must include in its application information on its policies and procedures for:

- (A) Ensuring that charter schools have equitable access to school facilities;
- (B) Complying with subsections (a)(5) and (e)(1)(B) of section 613 of the Individuals with Disabilities Act; and
- (C) Supporting public school choice.

Sec. 5413(b)(4) [Charter School Authorizers] Each Authorizer must include in its application:

- (A) A demonstration that it has policies for the approval, monitoring, renewal, and closure of charter schools, that make student academic achievement, for all students and subgroups, a primary factor in such decisions;
- (B) A description of how the eligible entity will make publicly available authorizing (i) decision making criteria and procedures, and (ii) the results of such decisions; and
- (C) Information about the number of charter schools that (i) the charter school authorizer has authorized that have been closed in the preceding 5 years, and the reasons for such closures, (ii) have been identified through the State accountability system in the preceding 5-year period, (iii) have met performance contract objectives, and (iv) are high-performing charter schools.

Sec. 5413(b)(5)(A-B) [Charter Management Organizations] Each Charter Management Organization must include in its application:

- (A) The qualifications of the eligible entity's management team, and
- (B) A multi-year financial and operating model for each of the high-performing charter schools that the eligible entity intends to create, expand, or replicate under the grant.

Sec. 5413(b)(6) [Special Rule] Describes the circumstances under which the Secretary may award a grant to a developer that plans to open a charter school in a jurisdiction where no eligible entity will be awarding subgrants for the fiscal year for which the developer applies.

Sec. 5414 [Selection Criteria; Priority]

Sec. 5414(a) [Selection Criteria]

Sec. 5414(a)(1)(A-F) [In General] The Secretary will consider the following in awarding grants:

- (A) The quality of the application;
- (B) The eligible entity's record if applicable, of success in creating, expanding, replicating, managing, and overseeing high-performing charter schools;
- (C) The eligible entity's record of discontinuing funding or closing low-performing charter schools in the past and its commitment to do so in the future;
- (D) The extent to which the eligible entity demonstrates it will award subgrants to serve students at schools that have been identified through the State accountability system;
- (E) The quality of the plan for supporting subgrant recipients to (i) improve academic achievement for all students and subgroups, and (ii) promote effective outreach to and recruitment of, students with disabilities and English learners, and their parents; and
- (F) The extent to which the State provides for and enforces high-quality standards for charter school authorizers.

Sec. 5414(a)(2)(A-B) [State Educational Agencies] In reviewing applications from State Educational Agencies, the Secretary will also consider the extent to which they:

- (A) Ensure that charter schools receive equitable funding; and
- (B) Provides charter schools with equitable access to funds for facilities.

Sec. 5414(a)(3)(A-B) [Local Educational Agencies] In reviewing applications from Local Educational Agencies, the Secretary will also consider the extent to which they:

- (A) Have policies in place to ensure that (i) charter schools have equitable access to school facilities, or that (ii) chart schools are not denied access to public school facilities; and
- (B) Demonstrate support for public school choice.

Sec. 5414(a)(4)(A-B) [Charter School Authorizers] In reviewing applications from Authorizers, the Secretary will also consider their record of success in authorizing high-performing charter schools.

Sec. 5414(a)(5)(A-B) [Charter Management Organizations] In reviewing applications from Charter Management Organizations, the Secretary will also consider the quality of the eligible entity's management team and its multi-year financial and operating model.

Sec. 5414(b) Priority

Sec. 5414(b)(1) [Students from Low-Income Families] The Secretary will give priority to eligible entities that propose to create, expand, or replicate high-performing charter schools that enroll a large percentage of students from low-income families.

Sec. 5414(b)(2) [Diversity] The Secretary may give priority to eligible entities that propose to create, expand, or replicate a charter school that will have a diverse student population.

Sec. 5414(b)(3)(A-C) [State Educational Agencies] In reviewing applications from State

Educational Agencies, the Secretary will give priority to those in State that:

- (A) Do not have a law that prohibits, or effectively inhibits, increasing the number of high-performing charter schools in the State;
- (B)(i) provide for, and adequately support, 2 or more charter school authorizers, of which not less than 1 is a statewide charter school authorizer; or (ii) in States where local educational agencies are the only authorizers (I) allow for an appeals process and (II) require authorizers to indicate an affirmative interest in serving as authorizers; and
- (C) have a policy or procedure in place that ensures that charter schools are reauthorized or have their charter renewed not less than once every 5 years.

Sec. 5415. [Uses of Funds]

Section 5415(a)(1-4) [Required Uses of Funds] Each eligible entity receiving a grant:

- (1) must use grant funds to award subgrants to 1 or more developers to create, expand, or replicate 1 or more high-performing charter schools;
- (2) give priority to developers that propose to serve a large percentage of students from low-income families;
- (3)(A-C) provide developers with support and technical assistance in
 - (A) improving student academic achievement;
 - (B) effectively serving the needs of all students, including students who are children with disabilities and English learners; and
 - (C) implementing outreach and recruitment practices that includes families of students who are children with disabilities and English learners;
- (4) directly, or through a partnership with a nonprofit organization develop and implement parent, family, and student information, outreach, and recruitment programs.

Section 5415(b)(1-2) [Permissible use of Funds] Each eligible entity receiving a grant may use not more than 1 percent of grant funds to disseminate information to public schools about lessons learned to—

- (1) successfully address the education needs of all students, including students who are children with disabilities and English learners; and
- (2) replicate high-performing charter school models.

Sec. 5416. [Subgrants]

Section 5416(a) [Applications] Each developer that desires to receive a subgrant shall submit an application, which shall include the information required under subparagraphs (A) through (F) of paragraph (1) and paragraph (5) of section 5413(b).

Section 5416(b)(1-9) [Use of Funds] A developer that receives a subgrant shall use such funds to create, expand, or replicate 1 or more high-performing charter schools, which may include carrying out the following activities:

- (1) If necessary, carrying out not more than 12 months of planning and program design;
- (2) Recruiting and providing preparation, induction, and professional development for teachers, school leaders, and other staff;
- (3) Acquiring necessary equipment, supplies, and educational materials;

- (4) Professional development and implementation of systems for the delivery of appropriate services for students who are children with disabilities and English learners;
- (5) Providing transportation to students to and from the school;
- (6) Paying operational costs that cannot be met through State or local funding sources;
- (7) Directly, or through a partnership with a nonprofit organization (including a community-based organization), developing and implementing parent, family, and student information and outreach programs;
- (8) Developing and implementing effective outreach and recruitment strategies to inform families of students who are children with disabilities and students who are English learners about the charter school, its admissions process, and its plan to effectively provide appropriate educational and related services to such students.
- (9) Evaluating and disseminating information, including through technical assistance.

Section 5416(c) [Limitations] Not more than 1 percent of subgrant funds may be used to carry out the activities described in subsection (b)(9).

Sec. 5417. [Performance Measures; Reports]

Section 5417(a)(1-7) [Performance Measures and Targets] Each eligible entity receiving a grant shall establish performance measures and annual targets, approved by the Secretary, that shall include, at a minimum, in the aggregate and disaggregated by each subgroup of students:

- (1) Number of students enrolled in each charter school;
- (2) Number of students enrolled in each high-performing charter school;
- (3) Number of students enrolled in each high-performing charter school who were formerly attending a school that has been identified through the State accountability system;
- (4) student academic achievement;
- (5) student retention rates;
- (6) in the case of a public charter secondary schools, graduation rates, and rates of enrollment and persistence in institutions of higher education; and
- (7) other measures required by the Secretary.

Section 5417(b) [Reports] Each eligible entity receiving a grant will annually prepare and submit a report to the Secretary containing the information in subsection (a).

Section 5417(c) [Developers] Each developer receiving a subgrant will provide the eligible entity with the data necessary to comply with the requirements of this section.

Sec. 5418. [Federal Formula Allocation During First Year and for Successive Enrolment Expansions]

Section 5418(a) [In General] For purposes of Title I Part A and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students

enrolling in that charter school are not fully and completely determined until that charter school actually opens and expands its enrollment in any subsequent year.

Section 5418(b) [Adjustment and Late Openings]

Section 5418(b)(1) [In General] Appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, will take place in cases where the estimated or projected enrollment data use to make payment to the charter school exceeded the actual or final data.

Section 5418(b)(2) [Rule] For charter schools that first open after November 1 of any academic year, the State shall ensure that such charter schools that are eligible for the funds described in subsection (a) have the opportunity to receive those funds during their first year of operation.

Sec. 5419. [Records Transfer]

Section 5419 [Records Transfer] State and local educational agencies s receiving Title I Part A or any other Federal funds shall, in the most timely manner possible and to the extent practicable, ensure that a student's records and, if applicable, a student's individualized education program are transferred to a charter school upon the student's transfer, and vice versa.

Sec.5420. [National Activities]

Section 5420(1-6) [National Activities] The Secretary may reserve not more than 2.5 percent of the funds for national activities to carry out research, development, data collection, technical assistance, outreach, and dissemination activities, including—

(1)(A-C) research, technical assistance, and other activities to assist eligible entities in improving their capacity to—

(A) meet the needs of, and improve the outcomes for, all students, including students who are children with disabilities and English learners;

(B) support authorizers to improve quality through the adoption of research-based policies and procedures and increased capacity; and

(C) work to turn around schools that have been identified through the State accountability system;

(2) providing for the research and dissemination of information about specific charter school models and program characteristics for which there is strong evidence of a significant impact on improving student academic achievement and growth, consistent with section 1111, for all students, including students who are children with disabilities and English learners;

(3) developing and implementing activities that help parents, families, students, and the community identify and access high-performing charter schools;

(4) providing for the collection and dissemination of information regarding the financial resources available to charter schools (including access to private capital); and

(5) carrying out other related activities.

Subpart 2-Charter School Facility Acquisition, Construction, and Renovation

Sec. 5431. [Purpose]

Section 5431 [Purpose] states that the purpose of this subpart is to provide grants to eligible entities to improve access to facilities and facilities financing for high-performing charter schools and assist such schools to address the cost of acquiring, constructing, and renovating facilities.

Sec. 5432. [Definitions]

Section 5432(1) [High-Performing Charter School] Defines the term “high-performing charter school.”

Section 5432(2)(A-E) Defines the term “eligible entity.”

Section 5432(3)(A-C) [Per-Pupil Facilities Aid Program] Defines the term “per-pupil facilities aid program.”

Sec. 5433. [Grants to Eligible Entities]

Section 5433(a) [Credit Enhancement Grants] The Secretary will use not less than 65 percent of the amount available to award grants on a competitive basis to eligible entities to demonstrate innovative methods of assisting high-performing charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

Section 5433(b)(1-2) [Other Facilities Grants] The Secretary will use the remainder of the amount available to award grants on a competitive basis to eligible entities to—

(1)(A-C) improve access to facilities and facilities financing for high-performing charter schools, through methods such as —

(A) leveraging State and local facilities funds, including the cost of implementing school bond programs that include high-performing charter schools;

(B) implementing open-facilities-access programs or making available renovated or adapted space for high-performing charter schools; and

(C) assist with constructing or improving, at low cost, facilities for high-performing charter schools through innovative methods; and

(2)(A-D) support a State Educational Agency’s per-pupil facilities aid program through Federal payments that shall be not more than—

(A) 90 percent of the cost, for the first fiscal year;;

(B) 80 percent in the second such year;

(C) 60 percent in the third such year;

(D) 40 percent in the fourth such year; and

(E) 20 percent in the fifth such year.

Section 5433(c) [State Share of Per-Pupil Facilities Aid Program] A State receiving a grant under

subsection (b)(2) may partner with 1 or more organizations to provide up to 50 percent of the State share of the cost.

Section 5433(d)(1-3) [Grant Amount] In determining the amount of each grant to be awarded, the Secretary must consider:

- (1) the quality of the application;
- (2) the number of students served by high-performing charter schools that would receive assistance; and
- (3) the amount of funds needed to implement the proposed activities.

Section 5433(e) [Supplement, Not Supplant] Funds made available will be used to supplement, and not supplant, State and local public funds.

Sec. 5434. [Applications; Selection Criteria]

Section 5434(a) [In General] Each eligible entity shall submit an application to the Secretary.

Section 5434(b)(1-7) [Contents] The application will include:

- (1) a description of the proposed activities;
- (2)(A-C) a demonstration that the eligible entity will consider the quality of a charter school when determining—
 - (A) which charter schools will receive assistance;
 - (B) how much grant assistance will be provided; and
 - (C) the type of assistance that each charter school will receive.
- (3) a description of its record of successfully carrying out the proposed activities;
- (4) if applicable, its record of leveraging private-sector funding and how the proposed activities will leverage the maximum amount of private-sector financing capital;
- (5) how the eligible entity possesses sufficient expertise to evaluate the likelihood of success of a charter school for which facilities financing is sought;
- (6) in the case of an application submitted by an eligible entity that includes 1 or more State or local educational agencies, a description of the agency's policies and procedures for ensuring that charter schools have equitable access to school facilities; and
- (7) other information the Secretary may require.

Section 5434(c)(1-4) [Selection Criteria] In awarding grants, the Secretary will consider:

- (1) the quality of the application;
- (2) the extent to which the eligible entity proposes to support high-performing charter schools that plan to enroll a large percentage of students from low-income families;
- (3) geographic diversity, including the distribution of grants between urban and rural areas; and
- (4) the number of eligible entities in a State that are receiving grants in any fiscal year.

Sec. 5435. [Reserve Account]

Section 5435(a)(1-4) [Use of Funds] To assist charter schools with addressing the cost of acquiring, constructing, and renovating facilities and accessing facilities and facilities financing, as described in section 5433(a), an eligible entity will, in accordance with State and local law,

directly or indirectly, alone or in collaboration with others, deposit the funds in a reserve account that shall be used by the eligible entity for 1 or more of the following purposes:

- (1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, for an objective described in subsection (a) of section 5433.
- (2) Guaranteeing and insuring leases of personal and real property for an objective described in subsection (a) of section 5433.
- (3) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.
- (4) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance.

Section 5435(b) [Investment] Funds deposited in the reserve account established will be invested in obligations issues or guaranteed by the United States or a State, or in other low-risk securities.

Section 5435(c) [Reinvestment of Earnings] Earnings on funds shall be deposited in the reserve account established under subsection (a) and used accordingly.

Sec.5436. [Limitation on Administrative Costs]

Section 5436 [Limitation on Administrative Costs] An eligible entity may use not more than 2.5 percent of the funds for administrative costs.

Sec. 5437. [Audits and Reports]

Section 5437(a) [Financial Record Maintenance and Audit] The financial records of each eligible entity will be maintained in accordance with generally accepted accounting principles and be subject to an annual audit by an independent public accountant.

Section 5437(b) [Reports]

Section 5437(b)(1) [Grantee Annual Reports] Each eligible entity receiving a grant will submit to the Secretary a report of its operations and activities.

Section 5437(b)(2)(A-E) [Contents] Each annual report submitted will include-

- (A) a copy of the most recent financial statements;
- (B) a copy of any report made on an audit of the financial records of the eligible entity;
- (C) if applicable, an evaluation by the eligible entity of the effectiveness in leveraging private funds;
- (D) a listing and description of the charter schools served during the reporting period and their performance in increasing student achievement;
- (E) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken, if applicable.

Section 5473(b)(3) [Secretarial Report] The Secretary will review the reports and provide a

comprehensive annual report to Congress.

Sec. 5438. [No Full Faith and Credit for Grantee Obligations]

Section 5438 [No Full Faith and Credit for Grantee Obligations] No financial obligation of an eligible entity shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity.

Sec. 5439. [Recovery of Funds]

Section 5439(a)(1-2) [In General] The Secretary will collect-

- (1) all of the funds in a reserve account established by an eligible entity under section 5435(a) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds, that the eligible entity has failed to make substantial progress in carrying out the purposes described in section 5435(a); or
- (2) all or a portion of the funds in a reserve account established by an eligible entity under section 5435(a) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in section 5435(a).

Section 5439(b) [Exercise of Authority] The Secretary will not exercise the authority provided in subsection (a) to collect from any eligible entity any funds that are being properly used.

Section 5439(c) [Procedures] The provisions of sections 451, 454, and 458 of the General Education Provisions Act shall apply to the recovery of funds under subsection (a).

Section 5439(d) [Construction] This section shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act.

ESEA (2011)

Voluntary Public School Choice Programs: Section by Section Analysis

Sections 5501 amends the below ESEA sections as follows:

Subpart 3 of part B of title V

Sec. 5501. [Grants] The Secretary will award competitive grants to eligible entities to establish or expand public school choice program. Grants may be awarded for a period of 3 years and may be renewed by the Secretary for no more than 2 years.

Sec. 5502. [Uses of Funds] Any entity that receives a grant must use the funds to establish or expand inter- or intra- district public school choice programs for students attending the lowest-performing schools to attend high-quality public schools. Grant recipients may use the funds (1) to plan or design a program, (2) for transportation services, (3) to improve public school finance systems, (4) to increase capacity at high-quality schools, (5) to educate parents and recruit students for the program, and (6) for other costs of program implementation. The funds may not be used for school construction, and no more than 5% of the funds may be used for administrative expenses.

Sec 5503. [Applications] To receive a grant, an eligible entity must submit an application to the Secretary that includes a full description of: the activities to be carried out; how activities will increase access, student achievement and growth, and diversity; the selection process; how the grant money will be used in conjunction with other funds and how the plan will be implemented after grant funds expire, and information about partners, if applicable. The Secretary will consider the quality of the plan, the extent to which the applicant can demonstrate academic achievement and growth, and the extent to which the application can demonstrate public awareness of the program.

Sec. 5504. [Priorities] The Secretary will also give priority to programs that will serve low-income families and increase diversity.

Sec. 5505. [Requirements and Voluntary Participation] An eligible entity must develop and carry out the program with the involvement of parents, administrators, teachers, and other stakeholders. They may choose to partner with a public or other nonprofit organization to disseminate information to parents and provide parent education about the program. If more students voluntarily apply to the program than can be accommodated, the entity must use a lottery system to select students. Student participation in a program is voluntary. Each grant recipient must establish performance measures and targets that will be reported annually to the Secretary in both an aggregate and disaggregated form.

Sec. 5506. [Evaluations] Evaluations carried out by the Secretary must address how well the program promotes educational equity and excellence, the characteristics of the participating students, and the effect of the program on academic achievement and growth.

Sec. 5507. [Definitions] This section defines the terms “charter school,” “eligible entity,” and “lowest-performing school.”

ESEA (2011)

Promoting Flexibility; Rural Education (Title VI): Section by Section Analysis

Section 6101 amends the below ESEA section as follows:

Part A

Sec. 6101 [Promoting Flexibility]

Sec. 6101 [Promoting Flexibility] changes the title to Promoting flexibility; Rural education

Sec. 6101 (a)(1). [Transferability of Funds] Except for any funds that originate in Titles I, III, VII and VIII, a State may transfer all of their funds allotted for State-level activities as part of a formula grant.

Sec. 6101 (a)(2). [Prohibition against transferring funds out certain titles] A state may not transfer any funds that originate from Title I (Ensuring College and Career Readiness for All Students), Title III (Improving the Academic Achievement of English Learners and Immigrant Students), Title VII (Indian, Native Hawaiian, and Alaska Native Education) or Title VIII (Impact Aid)

Sec. 6101(b)(1-2). [Transfers by Local Education Agencies] Except for funds that originate in in Titles I, III, VII and VIII, a LEA may not 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. The same prohibitions against transferring funds from Titles I, III, VII and VIII.

Sec. 6101(c)(1)(A-C). [State Transfers] States must modify state plans and submit a copy of the modified plan or application to the Secretary within 30 days and notify the Secretary no later than 30 days before the effective date of the transfer.

Sec. 6101(c)(2)(A-C). [Local Transfers] LEAs must modify state plans and submit a copy of the modified plan or application to the State within 30 days and notify the State no later than 30 days before the effective date of the transfer.

Sec. 6101(d)(1). [Applicable Rules] [In General] All funds transferred are subject to the rules and requirements under the provision where the funds are being transferred and from where the funds are coming from.

Sec. 6101 (d)(2). [Consultation] If you transfer funds you must conduct consultations if the transfer provides for the participation of students, teachers, or other education personnel from private schools.

Identifies public schools in the State that are achievement gap schools and persistently low-achieving schools, the school improvement strategies or other consequences to be used for such schools, and the implementation of the State-designed accountability program as described in section 1111(a)(3).

Sec. 6102(a)(2)(B) [Review and Approval] specifies that the State shall include information describing the school accountability and improvement system in the state plan, which shall be subject to a peer review and approval by the Secretary as part of that State plan.

Sec. 6102 (b) Achievement Gap Schools

Sec. 6102(b)(1)(A)(i-ii) [Identification of Achievement Gap Schools] Each State must define the category of achievement gap schools as part of its State plan and to identify annually, beginning in the 2013-2014 school year, the schools in the category. A State must include in its achievement gap schools: the 5 percent of public high schools in the State, and the 5 percent of public elementary schools and secondary schools in the State that are not high schools, that have the largest achievement gap among any of the categories of students described in subparagraph (B), or that have the lowest performance by students in such categories in the State, with respect to

- (i) being on track to career and college readiness in the subjects included in the State accountability system under section 1111(a)(3); and
- (ii) in the case of high schools, the graduation rate.

Sec. 6102(b)(1)(B) [Categories of Students] The categories of students must be disaggregated by students enrolled in a school by each major racial and ethnic group, by English proficiency status, by status as a child with a disability, and by economically disadvantaged status.

Sec. 6102(b)(2) [State and Local Improvement Strategies] requires the local educational agency for each achievement gap school to develop and implement a measureable correction plan to improve the performance of low-achieving subgroups in the school and provides that any local educational agency serving an achievement gap school that has been identified as such for more than 3 consecutive years shall not be eligible for any priority, preference, or special consideration for any grant, subgrant or other program funded under this Act.

Sec. 6102(c) – [Persistently Low-Achieving Schools]

Sec. 6102(c)(1)(i-ii) [Lowest-achieving Schools in the State] requires, beginning in the 2013-2014 school year, that each State annually determine the lowest-achieving schools in the state, which shall include

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

- (I) student performance on the State academic assessments in reading/language arts and math, including student absolute performance and, for a State described in Section 1111(b)(1)(B), growth;
 - (II) in the case of high schools, graduation rates, and
 - (III) if the State chooses, (aa) schoolwide gains and (bb) absolute student performance and, in the case of a State described in Section 1111(b)(1)(B), student growth, on other statewide assessments and
- (ii) the public high schools in the States that have less than a 60 percent graduation rate.

Sec. 6102(c)(1)(B)(i-ii) [Data Rule] specifies that the State shall (i) use data for the most recent year for which data are available or (ii) average data for the most recent 2 to 3 year period for which data are available in identifying the lowest-achieving.

Sec. 6102(c)(1)(C) [Parental Notification] requires that each year a State shall, in a timely manner, notify all parents of students enrolled in a school identified under subparagraph (A) that the school is one of the State's lowest-achieving schools.

Sec. 6102(c)(1)(D)(i-iv) [List of Targeted Low-achieving Schools] requires that each year the State shall

- (i) compile a list of the schools identified as the State's lowest-achieving schools that
 - (I) receive assistance under this part,
 - (II) are public high schools for which 50 percent or more of each school's students are from low-income families as determined by the LEA under section 1113, or
 - (III) are public high schools that have less than a 60 percent graduation rate.
- (ii) submit the list to the Secretary,
- (iii) distribute the list to the local educational agencies, elementary schools, and secondary schools in the State, and
- (iv) make the list publicly available through the internet and other means.

Sec. 6102(c)(2)(A) [Identification as Persistently Low-achieving] provides that for the 2013-2014 school year, each State shall identify each school included on the list under paragraph (1)(D)(i) for the preceding school year as a persistently low-achieving school. For the 2014–2015 school year, and each subsequent school year, each school that has been on the list for the 2 preceding consecutive school years shall be identified as a persistently low-achieving school.

Sec. 6102(c)(2)(B) [5-year Period] provides that each school which has been identified as persistently low-achieving shall be a persistently low-achieving school for the 5-year period following the identification, except as provided in paragraph 7.

Sec. 6102(c)(3) [State Waiver] provides that the State may apply to the Secretary to waive the requirements of this section for a school that is performing at a satisfactory level but which

would otherwise be considered to be in the lowest-achieving 5 percent of schools under paragraph (1)(A)(i).

Sec. 6102(c)(4) [Needs Analysis] requires that local education agencies conduct a data-driven analysis of each persistently low-achieving school which shall include a review of data related to students and instructional staff, and an analysis of the school governance, curriculum, instruction, school supports, and student resources. The needs analysis will include

- (A) a diagnostic review of data related to students and instructional staff;
- (B) an analysis of school governance, curriculum, instruction, student supports, conditions for learning, and parent and family engagement practices; and
- (C) the resources to meet student needs and support improved student achievement and the implementation of any school improvement strategy.

Sec. 6102(c)(5)(A-B) [State and Local Responsibilities] requires the State to ensure that local educational agencies carry out the following requirements related to identifying persistently low-achieving schools

- (1) establish a process for selecting an improvement strategy;
- (2) select and implement an improvement strategy;
- (3) develop a budget;
- (4) select and implement a school improvement strategy at the school in accordance with the requirements in paragraph (6);
- (5) monitor the effectiveness of the implementation of the improvement plan,
- (6) select turnaround partners;
- (7) align other government resources with the improvement strategy;
- (8) provide the school with operational flexibility;
- (9) collect and use data on an on-going basis to adjust the improvement strategy;
- (10) provide assurance that the strategy addresses the needs of all students;
- (11) take steps to sustain successful reforms; and
- (12) provide technical assistance and other supports to ensure effective implementation of the school improvement strategy which may include assistance in
 - (I) data collection and analysis
 - (II) recruiting and retaining staff
 - (III) teacher and principal evaluation
 - (IV) professional development
 - (V) parent and family engagement
 - (VI) coordination of early childhood education and care services
 - (VII) coordination of services to address students' social, emotional, and health needs; and
 - (VIII) monitoring the implementation of the school improvement strategy selected under paragraph (6).

Sec. 6102(c)(5)(C) [State as Local Educational Agency] A state may take over a persistently low-achieving school and act as the LEA for the purposes of this subsection, if permitted by state law.

Sec. 6102(c)(6) -- [School Improvement Strategies]

Sec. 6102(c)(6)(A) [Required Activities for All School Improvement Strategies] An LEA implementing school improvement strategies is required to

- (i) provide ongoing professional development for staff;
- (ii) conduct regular evaluations of teachers and principals consistent with Section 2123(b);
- (iii) provide time for collaboration among instructional staff;
- (iv) provide the school with sufficient operational flexibility in staffing, budgeting and time to fully implement a comprehensive strategy to improve student achievement and, in applicable, graduation rates;
- (v) provide instructional staff with timely access to student data;
- (vi) collaborate with parents, community members, teachers, and other school personnel on the selection of the school improvement strategy;
- (vii) use data to identify and implement research-based instructional programs that:
 - (I) analyze student progress and performance and develops appropriate interventions for students not making adequate progress; and
 - (II) provides differentiated instruction and related instructional supports;
- (viii) in the case of elementary schools with kindergarten entry, consider the issue of school readiness by
 - (I) examining factors contributing to school readiness as part of the needs assessment in paragraph (4); and
 - (II) if school readiness is a need
 - (aa) coordinate with appropriate early childhood programs under the Child Care Development and Block Grant Act, the Head Start Act, prekindergarten programs, and other similar Federal, State, and local programs in order to align instruction to better prepare students for elementary school; and
 - (bb) developing a plan to improve or expand early childhood options which may include the use of funds under this part for such purposes
- (ix) provide on-going mechanisms for parent and family engagement;
- (x) provide appropriate services and supports for students as identified in the school's needs assessment; and
- (xi) ensure that the school receives ongoing, intensive technical assistance and related support from the SEA, LEA and turnaround partner.

Sec. 6102(c)(6)(B) [Strategies] requires that a local educational agency shall identify a school improvement strategy for a school described in paragraph (5)(A) from among the strategies laid out in Sections 1116(c)(6)(B)(i-vi).

Sec. 6102(c)(6)(B)(i) [Transformation Strategy] establishes the transformation strategy such that a local educational agency shall—(I) replace the principal if he/she has served more than 2 years; (II) require all teachers and leaders to reapply for their positions; (III) require that all staff are hired through mutual consent; and (IV) ensure that other schools in the LEA are not forced to accept teachers not rehired at the school

Sec. 6102(c)(6)(B)(ii) [Strategic Staffing Strategy] establishes the strategic staffing strategy such that a local educational agency shall: (I) replace the principal if he/she has served more than 2 years; (II) allow the principal to staff the school with a turnaround team of his/her choosing and in an elementary school not more than 5 teachers and in a high school not more than 20 teachers; (III) provide teacher and principal incentives.

Sec. 6102(c)(6)(B)(iii) [Turnaround Strategy] establishes the turnaround strategy such that a local educational agency implementing a turnaround model shall (I) replace the principal and (II) screen all teachers in the school and retain not more than 65 percent of them.

Sec. 6102(c)(6)(B)(iv) [Whole School Reform Strategy] establishes a whole school reform strategy such that implements an evidence-based strategy that ensures whole school reform. The strategy shall include a partnership with a strategy developer offering a school reform program based on at least a moderate level of evidence that the program will have a statistically significant effect on student outcomes, which includes more than 1 well-designed or well-implemented experimental or quasi-experimental study.

Sec. 6102(c)(6)(B)(v)(I-II) [Restart Strategy] establishes a restart strategy that requires a local education agency to choose from two approaches (I) (aa) convert the school into a public charter school with a partner with a proven record of improving student achievement or (bb) convert the school to a magnet school or create a new, innovative school or (II) open a new school that (aa) serves the same grade levels as the original school and (bb) enrolls any former student of the original school who requests to attend the new school and admits additional students, using a random lottery system.

Sec. 6102(c)(6)(B)(vi)(I-II) [SCHOOL CLOSURE STRATEGY].—A local educational agency implementing a school closure strategy for a school—

- (I) shall close the school and enroll the students who attended the school in other schools, including charter schools, served by the local educational agency that are within reasonable proximity to the closed school, as determined by the local education agency, and that are higher-performing than the school that is being closed;
- (II) shall provide transportation, or pay for the provision of transportation, for each such student to the student's new school consistent with State law;

- (III) establishes a school closure strategy that requires a local educational agency to provide information about high-quality educational options, as well as transition and support services to students, who attended the closed school and the students' parents; and
- (IV) establishes a school closure strategy that allows a local educational agency to use school improvement funds provided under subsection (d) to pay for the expenses of (aa) transitioning students from the school that is being closed to the new school; (bb) supporting the new school; and (cc) expanding student supports within the new school.

Sec. 6012(c)(6)(C) [Rural Flexibility] Notwithstanding any other provision of this paragraph, a local educational agency that is eligible for services under subpart 1 or 2 of title VI, as determined by the Secretary, may modify not more than 1 of the elements or activities required under subparagraph (A) of a school improvement strategy selected for a school described in paragraph (5)(A), in order to better meet the needs of students in such school.

Sec. 6102(c)(7)(A-B) [Improvement] provides that if, at any time during the 5-year period for which a school is identified as a persistently low-achieving school, the State determines that the school is no longer one of the State's persistently low-achieving schools, then the State shall no longer identify the school as a persistently low-achieving school. If the local educational agency was receiving school improvement funds for such school, the local educational agency shall continue to receive such grant funds to be used to carry out the grant activities in such school, for the full period of the grant.

Sec. 6102(c)(8) [Repeated Classification as Persistently Low-achieving] provides that for each school identified as persistently low-achieving for any portion of the 5-year period and then reidentified for the subsequent time period, the local educational agency shall implement the restart strategy or the school closure strategy.

Sec. 6102(d) – [School Improvement Funds]

Sec. 6102(d)(1) [Definitions] defines “eligible entity” as a local educational agency that receives funds under this part and serves at least 1 eligible school; a consortium of such local educational agencies; or an educational service agency that serves at least 1 local educational agency that receives funds under this part and serves at least 1 eligible school. This section defines “eligible school” as a school identified under subsection (b) or paragraph (1) or (2) of subsection (c).

Sec. 6102(d)(2)(A) [Allotments to States In General] From the funds made available to carry out this subsection under section [1002(a)(2)] for a fiscal year, the Secretary shall provide States that submit an application described in paragraph (3) with school improvement funds through an allotment, as determined under subparagraph (B) and in addition to the amounts made available to States under subpart 2, to enable the States to award subgrants and carry out the activities described in this subsection to assist eligible schools.

Sec. 6102(d)(2)(B) [ALLOTMENTS TO STATES] From the funds made available to carry out this subsection under [section 1002(a)(2)] for a fiscal year, the Secretary shall allot to each State with an approved application an amount that bears the same relation to such funds as the amount that the State received under subpart 2 for the preceding fiscal year bears to the amount that all States receive under such subpart for such fiscal year.

Sec. 6102(d)(3)(A-F) [State Application] provides that a State that desires to receive school improvement funds submit an application to the Secretary that includes

- (A) the process and criteria that the State will use to award subgrants under paragraph (5)(A)(i);
- (B) the process and criteria the State will use to determine whether the eligible entity's proposal for each eligible school meets the requirements of paragraphs (4), (5)(B), and (6) of subsection (c);
- (C) how the State will ensure geographic diversity in making subgrants;
- (D) how the State will set priorities in awarding subgrants to eligible entities approved to serve schools identified under subsection (b), if funds are available;
- (E) how the State will monitor and evaluate the implementation of school improvement strategies by eligible entities, including how the State will use the results of the evaluation to improve State strategies for supporting schools identified under subsection (b) or (c); and
- (F) how the State will reduce barriers for schools in the implementation of school improvement strategies, including operational flexibility.

Sec. 6102(d)(4) [State Administration and Technical Assistance] provides that a State that receives an allotment under this subsection may reserve not more than a total of 5 percent of such allotment for the administration of this subsection.

Sec. 6102(d)(5)(A) [School Improvement Activities—In General] provides that a State that receives school improvement funds under this subsection shall use not less than 95 percent of such allotment to carry out school improvement activities for eligible schools by

- (i) awarding subgrants, on a competitive basis, to eligible entities to carry out the activities described in subparagraph (D); or
- (ii) to directly provide the activities described in clauses (1) through (iii) of subparagraph (D).

Sec. 6102(d)(5)(B) [Priority] provides that in distributing grant funds under this paragraph, a State shall assist the schools identified under subsection (c)(2), before assisting eligible schools that are identified under subsection (b).

Sec. 6102(d)(5)(C)(i) [Subgrant Applications] provides that an eligible entity that desires a subgrant under this paragraph shall submit an application to the State which shall include a

description of how the eligible entity will carry out the requirements of paragraphs (4), (5)(B), and (6) of subsection (c) for each eligible school to be served by the grant.

Sec. 6102(d)(5)(C)(ii) [Demonstration of Additional Responsibilities] provides that each eligible entity that desires a subgrant under this paragraph shall demonstrate in its application that the eligible entity has

- (I) adopted human resource policies that prioritize the recruitment, retention, and placement of effective staff in eligible schools;
- (II) ensured that eligible schools have access to resources to implement school improvement strategies;
- (III) identified opportunities to increase efficiency and assist eligible schools in complying with reporting requirements of State and Federal programs;
- (IV) developed an early warning indicator system that monitors school-level data, and alerts the eligible school when a student indicates slowed progress toward high school graduation, so that the school can provide appropriate student interventions; and
- (V) facilitated alignment and coordination between early childhood education and care programs and services serving students who will attend eligible schools that are elementary schools, and teachers and principals of such eligible schools.

Sec. 6102(d)(5)(C)(iii) [Subgrant Size] provides that a state shall award subgrants of sufficient size to enable subgrant recipients to effectively implement the selected school improvement strategies.

Sec. 6102(d)(5)(C)(iv) [Subgrant Period] provides that each subgrant shall be awarded for a 5-year period.

Sec. 6102(d)(5)(C)(v) [Withholding Final Funding] provides that an eligible entity must demonstrate that the schools receiving funds have made significant progress on the leading indicators, as defined in section 1110, in order to receive subgrant funds for the final 2 years of the subgrant cycle.

Sec. 6102(d)(5)(D)(i-iii) [Use of Subgrant Funds] requires that an eligible entity that receives a subgrant under this paragraph shall use the subgrant funds to

- (i) carry out the requirements of paragraphs (4), (5)(B), and (6) of subsection (c) in an eligible school that has been identified under subsection (c)(2) as of the date of the grant award, which may include a maximum 1-year planning period;
- (ii) In the case that all eligible schools identified under subsection (c)(2) in the State have received funds under this subsection, apply, and carry out, the requirements of such paragraphs at other eligible schools as if such schools had been identified under subsection (c)(2). An eligible entity shall also use the subgrant funds to;

- (iii) carry out activities at the local educational agency level that directly support such implementation, such as
 - (I) assistance in data collection and analysis;
 - (II) recruiting and retaining staff;
 - (III) teacher and principal evaluation;
 - (IV) professional development;
 - (V) coordination of services to address students' social, emotional, and health needs; and
 - (VI) progress monitoring.

Sec. 6102(d)(5)(E) [Supplement, Not Supplant] requires that an eligible entity or State shall use Federal funds received under this subsection only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs funded under this subsection.

Sec. 6102(d)(5)(F) [Intervention by State] provides that in the case of a State educational agency that has taken over a school or local educational agency, the State may use an amount of funds under this subsection, similar to the amount that the school or local educational agency would receive under this subsection, in order to carry out the activities described in clauses (i) through (iii) of subparagraph (D).

Sec. 6102(d)(6) [National Activities] provides that the Secretary shall carry out the national activities in Sections 1116 (d)(6)(A-D) from the amounts appropriated and reserved for this paragraph under section 1002(a)(2)

Sec. 6102(d)(6)(A) Activities focused on building State and local educational agency capacity to turn around schools identified under subsection (c)(2) and schools in rural areas through activities such as

- (i) identifying and disseminating effective school improvement strategies;
- (ii) making available targeted technical assistance; and
- (iii) expanding the availability of [turnaround partners] capable of assisting in turning around schools identified under subsection (c)(2).

Sec. 6102(d)(6)(B) Activities focused on building capacity to turn around schools identified under subsection (c)(2), including in rural areas.

Sec. 6102(d)(6)(C) The use of data, research, and evaluation to— (i) identify schools that are implementing school improvement strategies effectively; (ii) identify effective school improvement strategies; and (iii) collect and disseminate that information to States and local educational agencies in a manner that facilitates replication of effective practices.

Sec. 6102(d)(6)(D) Other activities designed to support State and local efforts to improve eligible schools.

Sec. 6102(d)(7) [Evaluation] requires that the Director of the Institute of Education Sciences include conduct and evaluation of the programs.

Sec. 6102(e) [State Responsibilities] provides that a State educational agency receiving assistance under this part shall provide support for the improvement of all schools that are not identified under subsection (b) or (c)(2) but are low-performing or have low-performing categories of students described in subsection (b)(1)(B), consistent with section 1111(a)(3)(A)(iv).

Sec. 6102(f) [Construction] provides that nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

ESEA (2011)

Rural Education Initiative: Section by Section Analysis

Section 6101 amends the below ESEA sections as follows:

Part B- Rural Education Initiative

Sec. 6201 [Short title] States that Part B of Title VI may be cited as the “Rural Education Achievement Program.”

Sec. 6202 [Purpose] The purpose of this part is to address the unique needs of rural school districts that lack personnel and resources compete effectively for Federal competitive grants and receive formula grant allocations in amounts too small to be effective in meeting their intended purposes.

Subpart 1- Small, Rural School Achievement Program

Sec. 6211 [Program authorized] This section authorizes rural educational agencies with an average daily attendance of 600 students or fewer or with a school located in a county or locale with a total population density of fewer than 10 persons per square mile, and that is designated with a school locale code of 33, 41, 42, or 43 to consolidate the funds they receive under formula grants provided under this Act in a manner consistent with the transferability provisions under section 6101(b). It requires that the Secretary award a grant to an eligible local educational agency in a fiscal year in an amount equal to \$100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus \$20,000, except that the initial amount may not exceed \$60,000, minus the total formula awards received by the LEA under this act in that fiscal year. If the appropriation for this part is more than \$211,723,832, a grant under this part will not be less than \$25,000, and the initial amount may not exceed \$80,000. Provides that a local educational agency that is eligible to receive a grant under this subpart for a fiscal year is eligible to receive funds under subpart 2, but may not receive both. If eligible to receive a grant under subpart 1 or subpart 2, a local educational agency may choose which grant to receive.

Sec. 6212 [Academic Achievement Assessments] requires that each local educational agency that uses or receives funds under this subpart administer assessments that are consistent with section 1111(a)(2).

Subpart 2- Rural and Low-Income School Program

Sec. 6221 [Program Authorized] This section authorizes the Secretary of Education to award grants to State educational agencies to enable them to award subgrants to local educational agencies that are located in rural communities and that have student populations of which 20 percent or more come from families with incomes below the poverty line and in which all the schools served by the agency are designated with a school locale code of 33,41,42, or 43, and which do not receive funding under subpart 1. It requires a State educational agency to award

grants to local educational agencies on a competitive basis. It requires the Secretary to reserve funds for the Bureau of Indian Education and the outlying areas.

Sec. 6222. [Use of Funds] This section requires that grant funds awarded to local educational agencies under subpart 2 be used to carry out local-level activities consistent with the transferability provisions of section 6101(b), and requires that a State educational agency receiving a grant under this subpart not use more than 5 percent of the amount of the grant for State administrative costs and to provide technical assistance to eligible local educational agencies.

Sec. 6223. [Applications.] This section requires State educational agencies applying for a grant under subpart 2 to include in their application information on specific measurable goals and objectives to be achieved through the activities carried out through the grant.

Sec. 6224. [Accountability.] This section requires that each State educational agency and specially qualified agency that receives a grant under subpart 2 to submit an annual report to the Secretary and describes the required report elements. It requires the Secretary to submit a biennial report to the authorizing committees and describes the required report requirements. It requires any local educational or specially qualified agency that receives a grant under this subpart to administer the assessments that are consistent with section 1111(a)(2).

Subpart 3- General Provisions.

Sec. 6241. [Choice of Participation] allows a local educational agency that is eligible for funding under subpart 1 and subpart 2 of this part to choose whether to participate in either subpart 1 or subpart 2.

Sec. 6232. [Annual Average Daily Attendance Determination.] This section requires that each local educational agency seeking a grant under section 6211 and each local educational or specially qualified agency seeking a grant under subpart 2 must conduct a census to determine the number of students in average daily attendance in kindergarten through grade 12 at the schools served by the agency before December 1 of each year; and submit the number to the Secretary (and to the State educational agency, in the case of a local educational agency seeking a grant under subpart (2)) before March 1 of each year. Requires the Secretary to issue a fine to any local educational or specially qualified agency that knowingly submits false average daily attendance information.

Sec. 6233. [Supplement, Not Supplant.] This section requires that funds available under this part be used to supplement, not supplant, any other Federal, State or local education funds.

Sec. 6234. [Rule of Construction.] This section states that nothing in this part can be construed to prohibit a local educational agency that enters into arrangements with other local educational agencies for the provision of special, compensatory, or other education services, pursuant to State law or a written agreement, from entering into similar arrangements for the use, or the coordination of the use, of the funds made available under this part.

DRAFT—ESEA (2011)

Indian, Native Hawaiian and Alaska Native Education (Title VII): Section by Section Analysis

Section 7101-7212 amends the below ESEA sections as follows:

Part A-Indian Education

Sec. 7101 – [Statement of Policy]

Sec. 7101 [State of Policy] states that is the policy of the United States to fulfill the Federal Government’s unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children. The Federal Government will continue to work with local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities toward the goal of ensuring that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children.

Sec. 7102 – [Purpose]

Section 7102(1-3) [Purpose] states that it is the purpose this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

- (1) to ensure the academic achievement of Indian and Alaska Native students by meeting their unique cultural, language, and educational needs, consistent with section 1111(a);
- (2) to ensure that Indian and Alaska Native students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and
- (3) to ensure that principals, teachers, and other staff who serve Indian and Alaska Native students have the ability to provide culturally appropriate and effective instruction to such students.

Subpart 1-Formula Grants to Local Educational Agencies

Sec.7111 – [Purpose]

Sec.7111(1-2) [Purpose] states that it is the purpose of this subpart to support local educational agencies in developing elementary school and secondary school programs that are designed to—

- (1) meet the unique cultural, language, and educational needs of Indian students; and
- (2) ensure that all students meet the college and career ready student academic achievement standards adopted under section 1111(a)(1).

Sec. 7112 – [Grants to Local Educational Agencies and Tribes]

Sec.7112(a) [In General] the Secretary may make grants, from allocations made under section

7113, to local educational agencies Indian tribes, and tribal organizations, in accordance with this section and section 7113.

Sec. 7112(b) [Local Educational Agencies]

Sec. 7112(b)(1)(A-B) [Enrollment Requirements] requires that a local educational agency be eligible for a grant under this subpart for any fiscal year if the number of Indian children eligible under section 7117 who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

(A) was at least 10; or

(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

Sec. 7112(b)(2) [Exclusion] provides that the requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, an Indian reservation.

Sec. 7112(c) [Indian Tribes and Tribal Organizations]

Sec. 7112(c)(1) [In General] if a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 7114(c)(5) for such grant, an Indian tribe, a tribal organization (as defined for purposes of this title by section 4 of the Indian Self Determination and Education Act (25 U.S.C. 450b)), or a consortium of such entities that represents not less than $\frac{1}{3}$ of the eligible Indian children who are served by such local educational agency may apply for such grant.

Sec. 7112(c)(2) [Special Rule]

Sec. 7112(c)(2)(A) [In General] requires that the Secretary treat each Indian tribe, tribal organization, or consortium of such entities applying for a grant pursuant to paragraph (1) as if such entity were a local educational agency for purposes of this subpart.

Sec. 7112(c)(2)(B) [Exceptions] notes that notwithstanding subparagraph (A), such Indian tribe, tribal organization, or consortium shall not be subject to the requirements of subsections (b)(9) or (c)(5) of section 7114 or section 7118(c).

Sec. 7112(c)(3) [Eligibility] provides that if more than 1 Indian tribe, tribal organization, or consortium of such entities qualify to apply for a grant under paragraph (1), the entity that represents the most eligible Indian children who are served by the local educational agency shall be eligible to receive the grant.

Sec. 7112(c)(4) [Unaffiliated Indian Tribes] describes that an Indian tribe that operates a school and is not affiliated with either the local educational agency or the Bureau of Indian Education, is eligible to apply for a grant under this subpart.

Sec. 7112(c)(5) [Assurance to Serve all Indian Children] requires that an Indian tribe, tribal organization, or consortium of such entities that qualifies to apply for a grant under paragraph (1) provide an assurance that the entity will use the grant funds to provide services to all Indian students served by the local educational agency.

Sec. 7113 – [Amount of Grants]

Sec. 7113(a)(1)(A-B) [In General] except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency that has an approved application under this subpart an amount equal to the product of—

(A) the number of Indian children who are eligible under section 7117 and served by such agency; and

(B) the greater of—

(i) the average per pupil expenditure of the State in which such agency is located; or

(ii) 80 percent of the average per pupil expenditure of all the States.

Sec. 7113(a)(2) [Reduction] requires that the Secretary reduce the amount of each allocation otherwise determined under this section in accordance with subsection (e).

Sec. 7113(b) – [Minimum Grant]

Sec. 7113(b)(1) [In General] notwithstanding subsection (e), an entity that is eligible for a grant under section 7112, and a school that is operated or supported by the Bureau of Indian Education that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than \$3,000.

Sec. 7113(b)(2) [Consortia] states that local educational agencies may form a consortium with other local education agencies, Indian tribes, or tribal organizations for the purpose of obtaining grants and operating programs under this subpart.

Sec. 7113(b)(3) [Increase] states that the Secretary has the ability to increase the minimum grant under paragraph (1) to not more than \$4,000 for all grantees if the Secretary determines such increase is necessary to ensure the quality of the programs provided.

Sec. 7113(c)(1-2) [Definition] defines that for the purpose of this section, the term “average per pupil expenditure”, used with respect to a State, means an amount equal to—

(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

(2) the aggregate number of children who were included in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

Sec. 7113(d) [Schools Operated or Supported by the Bureau of Indian Education]

Sec. 7113(d)(1)(A-B) [In General] subject to subsection (e), in addition to the grants awarded under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

- (A) the total number of Indian children enrolled in schools that are operated by—
 - (i) the Bureau of Indian education; or
 - (ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988; and
- (B) the greater of—
 - (i) the average per pupil expenditure of the State in which the school is located; or
 - (ii) 80 percent of the average per pupil expenditure of all the States.

Sec. 7113(d)(2) [Special Rule] provides that any school described in paragraph (1)(A) that wishes to receive an allocation under this subpart shall submit an application in accordance with section 7114, and shall otherwise be treated as a local educational agency for the purpose of this subpart, except that such school shall not be subject to section 7114(c)(5), section 7118(c), or section 7119.

Sec. 7113(e) [Ratable Reductions] requires that if the sums appropriated for any fiscal year under section 7152(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts will be ratably reduced.

Sec. 7114 – [Applications]

Section 7114(a) [Application Required] requires that each local educational agency that desires to receive a grant under this subpart submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

Sec. 7114(b)(1-9) [Comprehensive Program Required] requires that each application submitted under subsection (a) include a description of a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

- (1) describes how the comprehensive program will offer programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

- (2)(A) supports the State, tribal, and local plans submitted under other provisions of this Act; and

- (B) includes academic content and student academic achievement goals for such children, and benchmarks for attaining such goals, to ensure such students meet the same challenging student academic achievement standards adopted under title I for all children;

- (3) explains how the local educational agency will use the funds made available under this subpart to supplement other Federal, State, and local programs that meet the needs of such students;

- (4) demonstrates how funds made available under this subpart will be used for activities described in section 7115;

- (5) describes the professional development opportunities that will be provided, as needed,

to ensure that—

(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs;

(6) describes how the local educational agency—

(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

(B) will provide the results of each assessment referred to in subparagraph (A) to—

(i) the committee described in subsection (c)(5); and

(ii) the Indian tribes whose children are served by the local educational agency; and

(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A); and

(7) provides an assurance that the local educational agency will coordinate activities under this title with other Federal programs supporting educational and related services administered by such agency;

(8) provides an assurance that the local educational agency conducted outreach to parents and family members to meet the requirements under subsection (c)(5);

(9) describes—

(A) the formal process the local educational agency used to collaborate with Indian tribes located in the community in the development of the comprehensive programs; and

(B) the actions taken as a result of the collaboration.

Sec. 7114(c)(1-5) [Assurances] requires that each application submitted under subsection (a) include assurances that—

(1) the local educational agency will use funds received under this subpart only to supplement the funds that, in the absence of the Federal funds made available under this subpart, such agency would make available for services and activities consistent with those described in this subpart, and not to supplant such funds;

(2) the local educational agency will use funds received under this subpart only for activities described and authorized under this subpart;

(3) the local educational agency will prepare and submit to the Secretary such reports, in such form and containing such information, as the Secretary may require to—

(A) carry out the functions of the Secretary under this subpart; and

(B) determine the extent to which activities carried out with funds provided to the local educational agency under this subpart are effective, as measured by the State

academic assessments required under section 1111(a)(2), high school graduation rates, and other academic outcomes as appropriate, in improving the educational achievement of Indian students served by such agency;

(4) the program for which assistance is sought—

(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;

(B) will use the best available talents and resources, including individuals from the Indian community;

(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including through public hearings held by such agency to provide to the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

(5) the local educational agency developed the program with the participation and written approval of a committee—

(A) that is composed of, and selected by—

(i) parents and family members of Indian children in the local educational agency's schools;

(ii) teachers in the schools; and

(iii) if appropriate, Indian students attending secondary schools of the agency;

(B) a majority of whose members are parents and family members of Indian children;

(C) that has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents and family members of the children, and representatives of the area, to be served;

(D) with respect to an application describing a schoolwide program in accordance with section 7115(c), that has—

(i) reviewed in a timely fashion the program; and

(ii) determined that the program will not diminish the availability of culturally related activities for American Indian and Alaska Native students;

(E) that has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws; and

(F) that shall determine the extent to which the activities of the local educational agency will address the unique cultural, language, and education needs of Indian students; and

(G) that shall determine the extent to which grant funds will directly enhance the

educational experiences of American Indian students.

Sec. 7115 – [Authorized Services and Activities]

Sec. 7115(a)(1-3) [General Requirements] requires that each local educational agency that receives a grant under this subpart use the grant funds, in a manner consistent with the purpose specified in section 7111, for services and activities that—

(1) are designed to carry out the comprehensive program of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 7114(a) solely for the services and activities described in such application;

(2) are designed with special regard for the language and cultural needs of the Indian students; and

(3) supplement and enrich the regular school program of such agency.

Sec. 7115(b)(1-13) [Particular Activities] provides that the services and activities referred to in subsection (a) may include-

(1) activities that support Native American language immersion programs and Native American language restoration programs, which may be taught by traditional leaders;

(2) culturally related activities that support the program described in the application submitted by the local educational agency;

(3) high-quality care and education and family programs that emphasize school readiness;

(4) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State academic content and student academic achievement standards;

(5) programs that promote parent, family, and tribal engagement to meet the unique needs of Indian and Alaska Native children;

(6) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Career and Technical Education Act of 2006, including programs for tech-prep education, mentoring, and apprenticeship;

(7) activities to educate individuals so as to prevent violence, suicide, and substance abuse;

(8) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 7111;

(9) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

(10) activities that incorporate culturally and linguistically relevant curriculum content into classroom instruction that is responsive to the unique learning styles of Indian and Alaska Native children to ensure that such children are better able to meet the student academic achievement standards, consistent with section 1111(a);

- (11) family literacy services;
- (12) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately traditional leaders; and
- (13) dropout prevention strategies, and strategies—
 - (A) to meet the educational needs of at-risk Indian students in correctional facilities; and
 - (B) to support Indian students who are transitioning between local educational agencies and such facilities—from such facilities to schools served by local educational agencies.

Sec. 7115(c)(1-2) [Schoolwide Programs] provides that notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 1114 if—

- (1) the committee established pursuant to section 7114(c)(5) approves the use of the funds for the schoolwide program; and
- (2) the schoolwide program is consistent with the purpose described in section 7111.

Sec. 7115(d) [Limitation on Administrative Costs] provides that not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

Sec. 7115(e) [Limitation on Use of Funds] provides that funds provided to a grantee under this subpart may not be used for long-distance travel expenses for training activities available locally or regionally.

Sec. 7116 – [Integration of Services Authorized]

Sec. 7116(a) [Plan] states that an entity receiving funds under this subpart may submit a plan to the Secretary for the integration of education and related services provided to Indian students.

Sec. 7116(b) [Consolidation of Programs] provides that upon the receipt of an acceptable plan under subsection (a), the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the entity, shall authorize the entity to consolidate, in accordance with such plan, the federally funded education and related services programs of the entity and the Federal programs, or portions of the programs, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

Sec. 7116(c) [Programs Affected] provides that the funds that may be consolidated in a demonstration project under any such plan referred to in subsection (a) shall include funds for any Federal program exclusively serving Indian children, or the funds reserved under any Federal program to exclusively serve Indian children, under which the entity is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services that would be used to serve Indian students.

Sec. 7116(d)(1-9) [Plan Requirements] provides that for a plan to be acceptable pursuant to subsection (b), the plan shall—

- (1) identify the programs or funding sources to be consolidated;
- (2) be consistent with the objectives of this section concerning authorizing the services to be integrated in a demonstration project;
- (3) describe a comprehensive strategy that identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the objectives set forth in this subpart;
- (4) describe the way in which services are to be integrated and delivered and the results expected from the plan;
- (5) identify the projected expenditures under the plan in a single budget;
- (6) identify the State, tribal, or local agency or agencies to be involved in the delivery of the services integrated under the plan;
- (7) identify any statutory provisions, regulations, policies, or procedures that the entity believes need to be waived in order to implement the plan;
- (8) set forth measures for academic content and student academic achievement goals designed to be met within a specific period of time; and
- (9) be approved by a committee formed in accordance with section 7114(c)(5), if such a committee exists.

Sec. 7116(e) [Plan Review] provides that upon receipt of the plan from an eligible entity, the Secretary shall consult with the Secretary of each Federal department providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal departmental regulations, policies, or procedures necessary to enable the entity to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected department shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by the entity or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the objectives of this subpart or those provisions of the statute from which the program involved derives authority that are specifically applicable to Indian students.

Sec. 7116(f) [Plan Approval] requires that within 90 days after the receipt of an entity's plan by the Secretary, the Secretary must inform the entity, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the entity shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend the plan or to petition the Secretary to reconsider such disapproval.

Sec. 7116(g)(1-2) [Responsibilities of Department of Education] requires that not later than 180 days after the date of enactment of the [short title to be supplied], the Secretary of Education, the Secretary of the Interior, the Secretary of Health and Human Services, and the head of any other Federal department or agency identified by the Secretary of Education, shall enter into an interdepartmental memorandum of agreement providing for the implementation and coordination of the demonstration projects authorized under this section. The lead agency head for a demonstration project under this section shall be—

- (1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

(2) the Secretary of Education, in the case of any other entity.

Section 7116(h)(1-4) [Responsibilities of Lead Agency] requires that the responsibilities of the lead agency must include-

(1) the use of a single report format related to the plan for the individual project, which shall be used by an eligible entity to report on the activities undertaken under the project;

(2) the use of a single report format related to the projected expenditures for the individual project which shall be used by an eligible entity to report on all project expenditures;

(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

Sec. 7116(i) [Report Requirements] requires that a single report format be developed by the Secretary, consistent with the requirements of this section. Such report format shall require that reports described in subsection (h), together with records maintained on the consolidated program at the local level, shall contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in its approved plan, including making a demonstration of student academic achievement, and will provide assurances to each Secretary that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

Sec. 7116(j) [No Reduction Amounts] states that in no case shall the amount of Federal funds available to an eligible entity involved in any demonstration project be reduced as a result of the enactment of this section.

Sec. 7116(k) [Interagency Fund Transfers Authorized] authorizes the Secretary to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the objectives of this section.

Sec. 7116(l) – [Administration of Funds]

Sec. 7116(l)(1) [In General] program funds for the consolidated programs shall be administered in such a manner as to allow for a determination that funds from a specific program are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds granted that shall be allocated to such program.

Sec. 7116(l)(2) [Separate Records not Required] states that nothing in this section be construed as requiring the eligible entity to maintain separate records tracing any services or activities conducted under the approved plan to the individual programs under which funds were authorized for the services or activities, nor shall the eligible entity be required to allocate expenditures among such individual programs.

Sec. 7116(m) [Overage] provides that the eligible may entity commingle all administrative funds from the consolidated programs and shall be entitled to the full amount of such funds (under each

program's or agency's regulations). The overage (defined as the difference between the amount of the commingled funds and the actual administrative cost of the programs) shall be considered to be properly spent for Federal audit purposes, if the overage is used for the purposes provided for under this section.

Sec. 7116(n) [Fiscal Accountability] requires that nothing in this part be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code.

Sec. 7116(o) [Report on Statutory Obstacles to, and Best Practices for, Program Integration]

Sec. 7116(o)(1) [In General] not later than 3 years after the date of enactment of the [short title], the Secretary of Education shall submit a report to the authorizing committees, the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives on the results of the implementation of the demonstration projects authorized under this section.

Sec. 7116(o)(2)(A-B) [Contents] requires that the report identify-

(A) statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the objectives of this section; and

(B) the best practices for program integration that result in increased student proficiency, graduation rates, and other relevant academic outcomes for Indian and Alaska Native students.

Sec. 7117 –[Student Eligibility Forms]

Sec. 7117(a) [In General] states that the Secretary requires that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this subpart, and that otherwise meets the requirements of subsection (b).

Sec. 7117(b)(1-5) [Forms] requires that the forms described in subsection (a) include-

(1) either—

(A)(i) the name of the tribe or band of Indians (as defined in section 7151) with respect to which the child claims membership;

(ii) the enrollment or membership number establishing the membership of the child (if readily available); and

(iii) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

(B) the name, the enrollment or membership number (if readily available), and the name and address of the organization responsible for maintaining updated and accurate membership data, of any parent or grandparent of the child from whom the child claims eligibility under this subpart, if the child is not a member of the tribe or band of Indians (as so defined);

(2) a statement of whether the tribe or band of Indians (as so defined), with respect to which the child, or parent or grandparent of the child, claims membership, is federally recognized;

(3) the name and address of the parent or legal guardian of the child;

(4) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

(5) any other information that the Secretary considers necessary to provide an accurate program profile.

Sec. 7117(c) [Statutory Construction] requires that nothing in this section be construed to affect a definition contained in section 7151.

Sec. 7117(d) [Forms and Standards of Proof]

Sec. 7117(d)(1) [Types of Proof] states that for the purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 7113, the membership of the child, or any parent or grandparent of the child, in a tribe or tribal organization may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or tribal organization.

Sec. 7117(d)(2) [Previously Filed Forms] provides that an Indian student eligibility form that was on file as required by this section on the day before the date of enactment of the [short title to be supplied] and that met the requirements of this section, as this section was in effect on the day before the date of enactment of such Act, shall remain valid for such Indian student.

Sec. 7117(e) – [Monitoring and Evaluation Review]

Sec. 7117(e)(1) – [In General]

Sec. 7117(e)(1)(A) [Review] states that for each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this subpart, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this subpart. The sampling conducted under this subparagraph shall take into account the size of and the geographic location of each local educational agency.

Sec. 7117(e)(1)(B) [Exception] states that a local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for an entitlement under the Indian Elementary and Secondary School Assistance Act.

Sec. 7117(f) [Technical Assistance] requires that the Secretary either directly or through a contract provide technical assistance to a local educational agency upon request, in addition to any technical assistance available under section 1116 or available through the Institute of Education Sciences, to support the services and activities described under this section, including for the—

- (1) development of applications under this section;
- (2) improvement in the quality of implementation, content of activities, and evaluation of activities supported under this subpart;
- (3) integration of activities under this title with other educational activities established by the local educational agency; and
- (4) coordination of activities under this title with programs administered by each Federal agency providing grants for the provision of educational and related services.”; and

Sec. 7117(f)(2)(A-B) [False Information] requires that any local educational agency that provides false information in an application for a grant under this subpart-

- (A) be ineligible to apply for any other grant under this subpart; and
- (B) be liable to the United States for any funds from the grant that have not been expended.

Sec. 7117(f)(3) [Excluded Children] requires that a student who provides false information for the form required under subsection (a) cannot be counted for the purpose of computing the amount of a grant under section 7113.

Sec. 7117(g)(1-2) [Tribal Grant and Contract Schools] requires that notwithstanding any other provision of this section, in calculating the amount of a grant under this subpart to a tribal school that receives a grant or contract from the Bureau of Indian Affairs, the Secretary use only one of the following, as selected by the school:

- (1) A count of the number of students in the schools certified by the Bureau.
- (2) A count of the number of students for whom the school has eligibility forms that comply with this section.

Sec. 7117(h)(1-2) [Timing of Child Counts] states that for the purposes of determining the number of children to be counted in calculating the amount of a local educational agency’s grant under this subpart (other than in the case described in subsection (g)(1)), the local educational agency shall—

- (1) establish a date on, or a period not longer than 31 consecutive days during, which the agency counts those children, if that date or period occurs before the deadline established by the Secretary for submitting an application under section 7114; and
- (2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

Sec. 7118 – [Payments]

Sec. 7118(a) [In General] requires that, subject to subsections (b) and (c), the Secretary pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount determined under section 7113. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

Sec. 7118(b) [Payments Taken into Account by the State] states that the Secretary cannot make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this chapter in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

Sec. 7118(c) [Reduction of Payment for Failure to Maintain Fiscal Effort]

Sec. 7118(c)(1) [In General] provides that the Secretary cannot pay a local educational agency the full amount of a grant award determined under section 7113 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that with respect to the provision of free public education by the local educational agency for the preceding fiscal year, the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis, was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

Sec. 7118(c)(2)(A-B) [Failure to Maintain Effort] requires that if for the preceding fiscal year, the Secretary determines that a local educational agency and State failed to maintain the combined fiscal effort for such agency at the level specified in paragraph (1), the Secretary shall—

(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of the failure to maintain the fiscal effort at such level; and

(B) not use the reduced amount of the agency and State expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

Sec. 7118(c)(3) – [Waiver]

Sec. 7118(c)(3)(A) [In General] the Secretary can waive the requirement of paragraph (1) for a local educational agency, for not more than 1 year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

Sec. 7118(c)(3)(B) [Future Determinations] requires that the Secretary not use the reduced amount of the agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

Sec. 7118(d)(1-2) [Reallocations] provides that the Secretary can reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or

(2) otherwise become available for reallocation under this subpart.

Sec. 7119 – [State Educational Agency Review]

Sec. 7119 [State Educational Agency Review] provides that before submitting an application to the Secretary under section 7114, a local educational agency shall submit the application to the State educational agency, which may comment on such application. If the State educational agency comments on the application, the agency shall comment on all applications submitted by local educational agencies in the State and shall provide those comments to the respective local educational agencies, with an opportunity to respond.

Subpart 2-Special Programs and Projects To Improve Educational Opportunities for Indian Children

Sec. 7121 – [Improvement of Educational Opportunities for Indian Children and Youth]

Sec. 7121(a) -- [Purpose]

Sec. 7121(a)(1) [In General] it is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children and youth.

Sec. 7121(a)(2)(A-B) [Coordination] requires that the Secretary take the necessary actions to achieve the coordination of activities assisted under this subpart with—

(A) other programs funded under this Act; and

(B) other Federal programs operated for the benefit of American Indian and Alaska Native children and youth.

Sec. 7121(b) [Eligible Entities] defines the term “eligible entity” as a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, Indian institution (including an Indian institution of higher education), or a consortium of such entities.

Sec. 7121(c) -- [Grants Authorized]

Sec. 7121(c)(1)(A-N) [In General] requires that the Secretary award grants to eligible entities to enable such entities to carry out activities that meet the purpose of this section, including—

(A) innovative programs related to the educational needs of educationally disadvantaged children and youth;

(B) educational services that are not available to such children and youth in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;

(C) bilingual and bicultural programs and projects;

(D) special health and nutrition services, and other related activities, that address the special health, social, emotional and psychological problems of Indian children;

(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of high school graduation for Indian children;

(F) comprehensive guidance, counseling, and testing services;

(G) high-quality early childhood education and care programs that are effective in preparing young children to be on track for college and career readiness by the end of grade 3, including kindergarten and prekindergarten programs, family-based preschool programs that emphasize school readiness, screening and referral, and the provision of services to Indian children and youth with disabilities;

(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary to postsecondary education;

(I) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill, high-wage career;

(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;

(K) family literacy services;

(L) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately traditional leaders; or

(M) other services that meet the purpose described in this section.

Sec. 7121(c)(2) [Professional Development] provides that high-quality professional development of teaching professionals and paraprofessionals may be a part of any program assisted under this section.

Sec. 7121(d) -- [Grant Requirements and Applications]

Sec. 7121(d)(1) -- [Grant Requirements]

Sec. 7121(d)(1)(A) [In General] requires that the Secretary make multiyear grants under subsection (c) for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.

Sec. 7121(d)(1)(B) [Priority] stipulates that when making multiyear grants, the Secretary shall give priority to entities submitting applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.

Sec. 7121(d)(1)(C) [Progress] requires the Secretary to make a grant payment for a grant period described in this paragraph to an eligible entity after the initial year of the multiyear grant only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (3) and any subsequent modifications to such application.

Sec. 7121(2) [Dissemination Grants] stipulates that in addition to awarding the multiyear grants described in paragraph (1), the Secretary may award grants under subsection (c) to eligible entities for the dissemination of exemplary materials or programs assisted under this section. Such determination shall be made once the Secretary has identified that the material or program

to be disseminated has been reviewed; has demonstrated educational merit; and can be replicated.

Sec. 7121(3) [Application] an eligible entity that desires a grant under this subsection is required to submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. The application shall contain—

- (i) a description of how family members of Indian children and youth and official representatives designated by the Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;
- (ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;
- (iii) evidence demonstrating that the proposed program for the activities is a evidence based research program, where applicable, which may include a program that has been modified to be culturally appropriate for students who will be served;
- (iv) a description of how the applicant will incorporate the proposed activities into the ongoing school program involved once the grant period is over; and
- (v) such other assurances and information as the Secretary may reasonably require.

Sec. 7121(3)(e) [Administrative Costs] establishes that not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

Sec. 7121(3)(f) [Continuation] states that notwithstanding any other provision of this section, a grantee carrying out activities under this section prior to enactment of the Elementary and Secondary Education Reauthorization Act of 2011 may continue to carry out such activities under such grant in accordance with the terms of that grant.

Sec. 7122 – [Professional Development for Teachers and Educational Professionals]

Sec. 7122 (a)(1-3) [Purposes] stipulates that the purposes of this section are—

- (1) to increase the number of qualified Indian teachers and administrators serving Indian students;
- (2) to recruit and provide training and support to qualified Indian individuals to enable such individuals to become highly rated teachers or administrators; and
- (3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

Sec. 7122 (b)(1-4) [Eligible Entities] For the purpose of this section, the term eligible entity' means —

- (1) an institution of higher education, including an Indian institution of higher education;
 - (2) a State educational agency or local educational agency, in consortium with an institution of higher education;
 - (3) an Indian tribe or organization, in consortium with an institution of higher education;
- and

(4) a Bureau-funded school (as defined in section 1146 of the Education Amendments of 1978).

Sec. 7122 (c) [Program Authorized] the Secretary is authorized to award grants to eligible entities having applications approved under this section to enable those entities to carry out the activities described in subsection (d).

Sec. 7122 (d) [Authorized Activities] grant funds under this section shall be used for activities to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include continuing programs, symposia, workshops, conferences, and direct financial support, and may include programs designed to train tribal elders and seniors. For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training. For individuals who are being trained to enter any field other than teaching, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree. Notwithstanding any other provision of this section, a grantee that is carrying out activities pursuant to a grant awarded under this section prior to the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011 may continue to carry out such activities under such grant in accordance with the terms of that award.

Sec. 7122 (e-g) [Application] each eligible entity desiring a grant under this section is required to (e) submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require, including how the eligible entity will recruit qualified Indian individual. (f) In awarding grants under this section, the Secretary shall consider the prior performance of the eligible entity; and may not limit eligibility to receive a grant under this section on the basis of the number of previous grants the Secretary has awarded such entity; or the length of any period during which such entity received such grants. (g) Each grant under this section shall be awarded for a period of not more than 3 years. Grants may be renewed for an additional 2 years if the Secretary finds that the grantee is achieving the objectives of the grant.

Sec. 7122 (h) [Service Obligation] the Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section perform work related to the training received under this section; and in a local educational agency that serves a high portion of Indian students; or repay all or a prorated part of the assistance received. The Secretary is required to establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning compliance with the work requirement under paragraph (1).

Sec. 7131 – [National Activities]

Sec. 7131(a)(1-4) [National Activities] authorizes the Secretary to use funds made available under section 7152(b) for each fiscal year to —

- (1) conduct research related to effective approaches for improving the academic achievement and development of Indian children and adults;

- (2) collect and analyze data on the educational status and needs of Indian students;
- (3) provide technical assistance and logistical support to grantees under this subpart; and
- (4) carry out other activities that are consistent with the purpose of this part.

Sec. 7131(a-b) [Eligibility and Coordination]—permits the Secretary to carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions. Authorizes research activities supported under this section, which shall be coordinated with the appropriate offices within the Department; may include collaborative research activities that are jointly funded and carried out by the Bureau of Indian Education and the Institute of Education Sciences.

Sec. 7132 – [Improvement of Academic Success for Students Through Native American Language]

Sec. 7132(a) [Purpose] stipulates that it is the purpose of this section to improve educational opportunities and academic achievement of Indian and Alaska Native students through Native American language programs and to foster the acquisition of Native American language.

Sec. 7132(b) [Eligible Entities] in this section, the term ‘eligible entity’ means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, Indian institution (including an Indian institution of higher education), or a consortium of such entities.

Section 7132(c)(1-2) [Grants Authorized] the Secretary is required to award grants to eligible entities to enable such entities to carry out the following activities—

(1) Native American language programs that—

(A) provide instruction through the use of a Native American language for not less than 10 children for an average of not less than 500 hours per year per student;

(B) provide for the involvement of parents, caregivers, and families of students enrolled in the program;

(C) utilize, and may include the development of instructional courses and materials for learning Native American languages and for instruction through the use of Native American languages;

(D) provide support for professional development activities; and

(E) include a goal of all students achieving—

(i) fluency in a Native American language; and

(ii) academic proficiency in mathematics, English, reading or language arts, and science.

(2) Native American language restoration programs that—

(A) provide instruction in not less than 1 Native language;

(B) provide support for professional development activities for teachers of Native American languages;

(C) develop instructional materials for the programs; and

(D) include the goal of increasing proficiency and fluency in not less than 1 Native American language.

Sec. 7132(d) [Application] requires that an eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. An eligible entity that submits an application for a grant to carry out the activity specified in subsection (c)(1), shall include in such application a certification that assures that such entity has experience and a demonstrated record of effectiveness in operating and administering a Native American language program or any other educational program in which instruction is conducted in a Native American language.

Sec. 7132(e) [Grants Duration] requires the Secretary to make grants under this section only on a multi-year basis for a period not to exceed 5 years.

Sec. 7132(f) [Definition] in this section, the term ‘average’ means the aggregate number of hours of instruction through the use of a Native American language to all students enrolled in a Native language program during a school year divided by the total number of students enrolled in the program.

Sec. 7132(g) [Administrative Costs] stipulates that except as provided in paragraph (2), not more than 5 percent of the funds provided to a grantee under this section for any fiscal year may be used for administrative purposes. An elementary school or secondary school for Indian students that receives funds from a recipient of a grant under subsection (c) for any fiscal year may use not more than 10 percent of the funds for administrative purposes.

Sec. 7133 – [Improving State and Tribal Educational Agency Collaboration]

Sec. 7133 [Improving State and Tribal Educational Agency Collaboration] directs the Secretary, in consultation with the Director of the Bureau of Indian Education, shall conduct a study of the relationship among State educational agencies, local educational agencies, and other relevant State and local agencies, and tribes or tribal representatives to—

(1) identify examples of best practices in collaboration among those entities that result in the provision of better services to Indian students; and

(2) provide recommendations on—

(A) State educational agency functions that tribal educational agencies could perform;

(B) areas and agency functions in which greater State educational agency and tribal educational agency collaboration is needed; and

(C) other steps to reducing barriers to serving Indian students, especially such students who are at risk of academic failure.”.

Sec. 7133 – [Improving State and Tribal Agency Collaboration]

Sec. 7133[Improving State and Tribal Agency Collaboration] directs the Secretary, in consultation with the Director of the Bureau of Indian Education to conduct a study of the relationship among State educational agencies, local educational agencies, and other relevant

State and local agencies, and tribes or tribal representatives to—

- (1) identify examples of best practices in collaboration among those entities that result in the provision of better services to Indian students; and
- (2) provide recommendations on—
 - (A) State educational agency functions that tribal educational agencies could perform;
 - (B) areas and agency functions in which greater State educational agency and tribal educational agency collaboration is needed; and
 - (C) other steps to reducing barriers to serving Indian students, especially such students who are at risk of academic failure.

Subpart 4-Federal Administration

Sec. 7141 – [National Advisory Council on Indian Education]

Sec. 7141 (a-b) [National Advisory Council on Indian Education] requires the establishment of a National Advisory Council on Indian Education (hereafter in this section referred to as the Council'), which shall consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and represent different geographic areas of the United States. The Council shall advise the Secretary and the Secretary of the Interior concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part with respect to which the Secretary has jurisdiction; and that includes Indian children or adults as participants; or that may benefit Indian children or adults; make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and submit to Congress, not later than June 30 of each year, a report on the activities of the Council, including any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and recommendations concerning the funding of any program described in subparagraph (A).

Sec. 7142 [Peer Review] permits the Secretary to use a peer review process to review applications submitted to the Secretary under subpart 2 or subpart 3.

Sec. 7143 [Preference for Indian Applicants] requires the Secretary to give preference, when making grants and entering into contracts or cooperative agreements under subpart 2 or subpart 3, the Secretary to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants, contracts, or cooperative agreements.

Sec. 7141 [Minimum Grant Criteria] stipulates that the Secretary may not approve an application for a grant, contract, or cooperative agreement under subpart 2 or subpart 3 unless the application is for a grant, contract, or cooperative agreement that is of sufficient size, scope, and quality to

achieve the purpose or objectives of such grant, contract, or cooperative agreement; and based on relevant research findings.

Subpart 4-Definitions, Authorizations of Appropriations

Sec. 7151 [Definitions] For the purposes of this part—

(1) ADULT- The term adult' means an individual who —

- (A) has attained the age of 16 years; or
- (B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

(2) INDIAN- The term Indian' means an individual who is —

- (A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including —
 - (i) any tribe or band terminated since 1940; and
 - (ii) any tribe or band recognized by the State in which the tribe or band resides;
- (B) a descendant, in the first or second degree, of an individual described in subparagraph (A);
- (C) considered by the Secretary of the Interior to be an Indian for any purpose;
- (D) an Eskimo, Aleut, or other Alaska Native; or
- (E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding the date of enactment of the Improving America's Schools Act of 1994.

(3) TRADITIONAL LEADER- The term Traditional Leader has the meaning given the term in the Native American Languages Act of 1990 (U.S.C. 2902).

Sec. 7152 [Authorization of Appropriations] For the purpose of carrying out subpart 1, there are authorized to be appropriated \$104,331,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years. For the purpose of carrying out subparts 2 and 3, there are authorized to be appropriated \$22,351,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.

PART B—NATIVE HAWAIIAN EDUCATION; ALASKA NATIVE EDUCATION

Part B-Native Hawaiian Education; Alaska Native Education

Sec. 7202 – [Native Hawaiian Education; Alaska Native Education]

Sec. 7202 (1-7) [Findings] Congress finds the following—

- (1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was

organized as a nation and internationally recognized as a nation by the United States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

(2) The United States has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

(E) the aboriginal, indigenous people of the United States have—

(i) a continuing right to autonomy in their internal affairs; and

(ii) an ongoing right of self-determination and self-governance that has never been extinguished.

(3) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in—

(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

(H) the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

(4) In 1993, 2005, and 2009 the Kamehameha Schools Bishop Estate released an updated findings of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still existed for Native Hawaiians. Subsequent reports by the

Kamehameha Schools Bishop Estate and other organizations have generally confirmed those findings. For example—

(A) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

(B) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

(C) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

(D) Native Hawaiian students continue to be overrepresented among students qualifying for special education programs provided to students with learning disabilities, mild mental retardation, emotional impairment, and other such disabilities;

(E) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed 4 or more years of college; and

(F) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics indicative of special educational needs.

(5) Native Hawaiian students served by the State of Hawaii Department of Education has risen from 20 percent in 1980 to 26 percent in 2008, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

(6) Despite the consequences of more than 100 years of nonindigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

(7) The State of Hawaii, in the constitution and statutes of the State of Hawaii—

(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language;

(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawaii, which may be used as the language of instruction for all subjects and grades in the public school system; and

(C) promotes the study of the Hawaiian culture, language, and history by providing a Hawaiian education program and using community expertise as a suitable and essential means to further the program.

Sec. 7203(1-3) [Purposes] The purposes of this subpart are to—

(1) develop, implement, assess, expand, and evaluate innovative educational programs, Native Hawaiian language medium programs, Native Hawaiian culture-based education programs, and other education programs to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs to help such students meet challenging State academic content standards and challenging State student academic achievement standards;

(2) provide guidance to appropriate Federal, State, and local agencies to more effectively

and efficiently focus resources, including resources made available under this subpart, on the development and implementation of—

- (A) innovative educational programs for Native Hawaiian students;
- (B) rigorous and substantive Native Hawaiian language programs; and
- (C) Native Hawaiian culture-based educational programs; and

(3) create a system by which information from programs funded under this subpart will be collected, analyzed, evaluated, reported, and used in decision making activities with respect to the types of grants awarded under this subpart.”.

Sec. 7204 (a)[Establishment of Native Hawaiian Education Council] stipulates that in order to better effectuate the purposes of this subpart through the coordination of educational and related services and programs available to Native Hawaiian students, including those programs receiving funding under this subpart, the Secretary shall establish a Native Hawaiian Education Council

Sec. 7204 (b)(A-O) [Composition] requires the Education Council to consist of 15 members of whom—

- (A) 1 shall be the President of the University of Hawaii (or a designee);
- (B) 1 shall be the Governor of the State of Hawaii (or a designee);
- (C) 1 shall be the Superintendent of the State of Hawaii Department of Education (or a designee);
- (D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);
- (E) 1 shall be the chief executive director of Hawaii’s Charter School Network (or a designee);
- (F) 1 shall be the chief executive officer of the Kamehameha Schools (or a designee);
- (G) 1 shall be the chairperson of the Queen Liliuokalani Trust (or a designee);
- (H) 1 shall be a member, selected by the other members of the Education Council, who represents a private grant making entity (or a designee);
- (I) 1 shall be the mayor of the County of Hawaii (or a designee);
- (J) 1 shall be the Mayor of Maui County (or a designee from the Island of Maui);
- (K) 1 shall be the Mayor of the County of Kauai (or a designee);
- (L) 1 shall be appointed by the Mayor of Maui County from the Island of either Molokai or Lanai;
- (M) 1 shall be the Mayor of the City and County of Honolulu (or a designee);
- (N) 1 shall be the Chairperson the Hawaiian Homes Commission; and
- (O) 1 shall be the Chairperson of the Hawaii Workforce Development Council (or a designee representing the private sector).

Sec. 7204 (c)(1-2)[Chair, Vice Chair] requires that the Education Council shall select a Chair and Vice Chair from among the members of the Education Council, who shall each serve for one 2-year term.

Sec. 7204 (d)(1-5) [Native Hawaiian Education Council Grant] requires the Secretary to make a grant to the Education Council to carry out the following activities—

- (1) Coordinate the educational and related services and programs available to Native Hawaiian students, including the programs assisted under this subpart.
- (2) Assess the extent to which such services and programs meet the needs of Native Hawaiians, and collect data on the status of Native Hawaiian education.
- (3) Provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this subpart, relating to Native Hawaiian student education, and serve, where appropriate, in an advisory capacity.
- (4) Make direct grants and subgrants, if such grants and subgrants would enable the Education Council to carry out the duties of the Education Council, as described in paragraphs (1) through (3).
- (5) Hire an executive director who shall execute the duties and powers of the Education Council as described in subsection (e).

Sec. 7204 (e)(1-7) [Duties and Powers of the Education Council] stipulates that the Education Council shall—

- (1) obtain from the Secretary information regarding grants awarded under this subpart;
- (2) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this subpart;
- (3) assess and define the educational needs of Native Hawaiian students;
- (4) assess the programs and services currently available to address the educational needs of Native Hawaiian students;
- (5) assess and evaluate the individual and aggregate impact achieved by grantees in improving Native Hawaiian educational performance and meeting the goals of this subpart;
- (6) prepare and submit to the Secretary, before the end of each calendar year, annual reports that contain—
 - (A) a description of the activities of the Education Council during the preceding calendar year;
 - (B) recommendations of the Education Council, if any, regarding priorities established under section 7205(b);
 - (C) significant barriers to achieving the goals under this part;
 - (D) a summary of each community consultation session, as described in subsection (f);
 - (E) recommendations to establish funding priorities based on an assessment of—
 - (i) the educational needs of Native Hawaiians;
 - (ii) programs and services currently available to address such needs, including the effectiveness of such programs in improving educational performance of Native Hawaiians; and

(iii) priorities for funding in specific geographic communities; and

(7) hold annual community consultations as described in subsection (f).

Sec. 7204 (f) [Community Consultations] requires the Education Council to hold not less than 1 community consultation each year on each of the Islands of Hawaii, Maui, Mololceii, Lancii, Oahu, and Kauai of which not less than 3 members of the Education Council shall attend; at which the Education Council shall gather community input regarding (i) current grantees; (ii) priorities and needs; (iii) other Native Hawaiian educational issues; and at which the Education Council shall report to the community on the outcomes of the grants awarded under this part. The Education Council may, from funds made available under section 7205(i)(2), provide such financial support to the community consultations described in paragraph (1) as the Education Council determines to be appropriate.

Sec. 7204 (g) [Administrative Provisions Relating to Education Council] the Education Council shall meet at the call of the Chair of the Council, or upon request by a majority of the members of the Education Council, but in any event not less often than every 120 days.

Sec. 7204 (h) [Funding] stipulates that for each fiscal year, the Secretary shall provide to the Education Council (including through grants and contracts) the amount described in section 7205(i)(2), to remain available until expended. Each member of the Education Council, and each member of a community consultation, Kupuna council, or other working group established by the Education Council, shall serve without compensation.

Sec. 7204 (i)(1-3) [Report] requires that no later than 2 years after the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, the Secretary shall prepare and submit to the Committee on Indian Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, a report that—

- (1) summarizes the annual reports of the Education Council;
- (2) describes the allocation and use of funds under this subpart and the information gathered since the first annual report submitted by the Education Council to the Secretary under this section; and
- (3) contains recommendations for changes in Federal, State, and local policy to advance the purposes of this subpart.

Sec. 7204 (j) [Federal Advisory Committee Act Applicability] stipulates that the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Education Council, except that section 14 of such Act shall not apply.

Sec. 7204 (k) [Termination] requires the Education Council to terminate on the date that is the expiration of the 10-year period following the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011.

Sec. 7205(a)(1-5) [Program Authorized] stipulates that in order to carry out programs that meet the purposes of this subpart, the Secretary is authorized to award grants to, or enter into contracts with—

- (1) Native Hawaiian educational organizations;
- (2) Native Hawaiian community-based organizations;

(3) public and private nonprofit organizations, agencies, and institutions with experience in successfully developing or operating Native Hawaiian education and workforce development programs or programs of instruction in the Native Hawaiian language;

(4) charter schools; and

(5) consortia of the organizations, agencies, and institutions described in paragraphs (1) through (4).

Sec. 7205 (b)(1-4) [Priority] requires that when providing grants and entering into contracts under this subpart, the Secretary give priority to—

(1) programs that meet the educational priorities established by the Education Council under section 7204(e)(6);

(2) programs designed to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs in order to help such students meet challenging State academic content standards and challenging State student academic achievement standards, including activities relating to—

(A) achieving competence in reading, literacy, mathematics, and science for students in preschool through grade 3;

(B) the educational needs of at-risk children and youth;

(C) professional development for teachers and administrators;

(D) the use of Native Hawaiian language and preservation or reclamation of Native Hawaiian culture-based educational practices;

(E) preparation for employment in fields in which Native Hawaiians are underemployed or underrepresented; and

(F) other programs relating to the activities described in this subpart; and

(3) programs in which a State educational agency, local educational agency, institution of higher education, or a State educational agency or local educational agency in partnership with an institution of higher education apply for a grant or contract under this part as part of a partnership or consortium involving—

(A) a Native Hawaiian community-based organization;

(B) a Native Hawaiian education organization;

(C) a Native Hawaiian focused public charter school; or

(4) a Native Hawaiian organization.

Sec. 7205 (c) [Authorized Activities] stipulates that activities provided through programs carried out under this subpart may include—

(1) the development and maintenance of a statewide Native Hawaiian early childhood education and care system to provide a continuum of high-quality services for Native Hawaiian children from the prenatal period through the age of kindergarten entry;

(2) the operation of family-based education centers that provide such services as—

(A) programs for Native Hawaiian parents and their infants from the prenatal

- period of infancy through age 3;
 - (B) preschool programs for Native Hawaiian children; and
 - (C) research on, and development and assessment of, family-based early care and education and preschool programs for Native Hawaiians;
- (3) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through third grade and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in fifth and sixth grade;
- (4) activities to meet the special needs of Native Hawaiian students with disabilities, including—
- (A) the identification of such students and their needs;
 - (B) the provision of support services to the families of those students; and
 - (C) other activities consistent with the requirements of the Individuals with Disabilities Education Act;
- (5) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—
- (A) educational, psychological, social, emotional, and developmental activities designed to assist in the educational progress of such students; and
 - (B) activities that involve the parents of such students in a manner designed to assist in the students' educational progress;
- (6) the development of academic and vocational curricula to address the needs of Native Hawaiian children, youth, and adults, including curriculum materials in the Hawaiian language, mathematics, science, engineering, and technology curricula that incorporate Native Hawaiian tradition and culture;
- (7) professional development activities for educators, including—
- (A) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;
 - (B) in-service programs to improve the ability of teachers who teach in schools with concentrations of Native Hawaiian students to meet those students' unique needs; and
 - (C) the recruitment and preparation of Native Hawaiian individuals, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers or leaders;
- (8) the operation of community-based learning centers that address the needs of Native Hawaiian families and communities through the coordination of public and private programs and services, including—
- (A) early care and education programs, including preschool programs;
 - (B) before- and after-school programs and Saturday academies;

- (C) career and technical and adult education programs; and
- (D) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children and youth and incorporate appropriately qualified Native Hawaiian elders and seniors;

(9) activities, including program co-location, to enable Native Hawaiian individuals to enter and complete programs of postsecondary education, including—

(A) provision of full or partial scholarships for undergraduate or graduate study that are awarded to students based on their academic promise and financial need, with a priority, at the graduate level, given to Native Hawaiian students entering professions in which Native Hawaiians are underrepresented;

(B) family literacy services;

(C) counseling and support services for students receiving scholarship assistance;

(D) counseling and guidance for Native Hawaiian secondary students who have the potential to receive scholarships;

(E) assistance with completing the college admissions and financial aid application process; and

(F) faculty development activities designed to promote the matriculation of Native Hawaiian students;

(10) activities that recognize and supports the unique needs of Native Hawaiian youth to complete quality workforce preparation and training programs and activities, including apprenticeship programs;

(11) research and data collection activities to determine the educational status and needs of Native Hawaiian children and youth;

(12) other research and evaluation activities related to programs carried out under this subpart; and

(13) other activities, consistent with the purposes of this subpart, to meet the educational needs of Native Hawaiian children and youth.

Sec. 7205 (d) [Additional Activities] requires that funds made available to carry out this section are used to support the following—

(1) Development of a body of Native Hawaiian law.

(2) Repair and renovation of public schools that serve high concentrations of Native Hawaiian students.

(3) Informal education programs that present traditional Hawaiian knowledge, science, astronomy, and the environment through State museums or learning centers.

Sec. 7205 (e) [Special Rule and Conditions] prohibits the Secretary from establishing a policy under this section that prevents a Native Hawaiian student enrolled at a 2- or 4-year degree granting institution of higher education outside of the State of Hawaii from receiving a scholarship pursuant to subsection (c)(9)(A) and requires the Secretary shall establish conditions for receipt of a scholarship awarded under subsection (c)(9)(A), including the requirement that an

individual seeking such a scholarship enter into a contract to provide professional services, either during the scholarship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.

Sec. 7205 (f) [Treatment of Funds] stipulates that except as provided in paragraph (2), funds made available under this subpart shall be used to supplement, and not supplant, any State or local funds used to achieve the purposes of this subpart. Paragraph (1) shall not apply to any nonprofit entity or Native Hawaiian community-based organization that receives a grant or other funds under this subpart.

Sec. 7205 (g) [Administrative Costs] stipulates that except as provided in paragraph (2), not more than 5 percent of funds provided to a recipient of a grant or contract under subsection (a) for any fiscal year may be used for administrative purposes. Not more than 10 percent of funds provided under subsection (a) for any fiscal year to a nonprofit entity serving the Native Hawaiian community may be used for administrative purposes.

Sec. 7205 (h) [Supplement Not Supplant] requires funds made available under this section to be used to supplement, and not supplant, any State or local funds used to achieve the purposes of this subpart.

Sec. 7205 (i) [Authorization of Appropriations] stipulates that there are authorized to be appropriated to carry out this section and section 7204 such sums as may be necessary for fiscal year 2012 and each of the 5 succeeding fiscal years. Of the funds appropriated under this subsection, the Secretary shall reserve, for each of fiscal years 2012 through 2017 not less than \$500,000 for the Education Council. Funds appropriated under this subsection shall remain available until expended.

Sec. 7206 (a-b) [Administrative Provisions] stipulates that no grant may be made under this subpart, and no contract may be entered into under this subpart, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this subpart. Applications submitted under this subpart to carry out projects and activities that are academic in nature shall describe the criteria that will be used to ensure that such projects and activities use evidence-based strategies and methods; and the process through which the applicant will monitor and report such activities, including the achievement of identified objectives. The Secretary shall provide to the Education Council a copy of each grant or contract application submitted under this subpart.

Sec. 7206 (c) [Annual Report] requires each entity that receives a grant under this subpart to submit to the Secretary an annual report, in such form and containing such information as the Secretary may require that determines the extent to which activities carried out with funds provided under this subpart are effective in improving the educational achievement of Native Hawaiian students served by such funds. As a part of the information reported, each entity that receives a grant under this subpart shall provide data, using information from the most recent year for which data are available, on the academic achievement of the Native Hawaiian students the entity serves, as measured by the State assessments required under section 1111(a) and the high school graduation and college-going rates of those students; and such other measures as the Secretary may prescribe.

Sec. 7207 [Definitions] defines the following terms: Community Consultation, Native Hawaiian,

Native Hawaiian Educational Organization, Native Hawaiian Language, Native Hawaiian Organization, Office of Hawaiian Affairs.

Subpart 2—Alaska Native Student Education

Sec. 7211 – [Alaska Native Education]

Sec. 7211 [Findings] describes the following findings—

- (1) The attainment of educational success is critical to the betterment of the conditions, long-term well-being, and preservation of the culture of Alaska Natives.
- (2) It is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs.
- (3) Alaska Native children enter and exit school with serious educational handicaps.
- (4) The educational achievement of Alaska Native children is far below national norms. Native performance on standardized tests is low, Native student dropout rates are high, and Natives are significantly underrepresented among holders of baccalaureate degrees in the State of Alaska. As a result, Native students are being denied their opportunity to become full participants in society by grade school and high school educations that are condemning an entire generation to an underclass status and a life of limited choices.
- (5) The programs authorized in this part, combined with expanded Head Start, infant learning, and early childhood education programs, and parent education programs, are essential if educational handicaps are to be overcome.
- (6) The sheer magnitude of the geographic barriers to be overcome in delivering educational services in rural Alaska and Alaska villages should be addressed through the development and implementation of innovative, model programs in a variety of areas.
- (7) Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers. The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

Sec. 7211 [Purposes] describes the following purposes—

- (1) To recognize the unique educational needs of Alaska Natives.
- (2) To authorize the development of supplemental educational programs to benefit Alaska Natives.
- (3) To supplement existing programs and authorities in the area of education to further the purposes of this subpart.
- (4) To provide direction and guidance to appropriate Federal, State and local agencies to focus resources, including resources made available under this subpart, on meeting the educational needs of Alaska Natives.

Sec. 7211 [Program Authorized] directs the Secretary to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or

operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, cultural and community-based organizations with experience in developing or operating programs to benefit Alaska Natives, and consortia of organizations and entities described in this paragraph to carry out programs that meet the purposes of this subpart. Including the following permissible activities—

- (1) The development and implementation of plans, methods, and strategies to improve the education of Alaska Natives.
- (2) The development of curricula and educational programs that address the educational needs of Alaska Native students, including the following—
 - (A) Curriculum materials that reflect the cultural diversity or the contributions of Alaska Natives.
 - (B) Instructional programs that make use of Native Alaskan languages.
 - (C) Networks that introduce successful programs, materials, and techniques to urban and rural schools.
- (3) Professional development activities for educators, including the following—
 - (A) Programs to prepare teachers to address the cultural diversity and unique needs of Alaska Native students.
 - (B) In-service programs to improve the ability of teachers to meet the unique needs of Alaska Native students.
 - (C) Recruitment and preparation of teachers who are Alaska Native, reside in communities with high concentrations of Alaska Native students, or are likely to succeed as teachers in isolated, rural communities and engage in cross-cultural instruction in Alaska.
- (4) The development and operation of high-quality early care and education programs, including home visiting and home-based programs for Alaska Native preschool children, that ensure the active involvement of families and communities in their children's education from the earliest ages instruction programs for Alaska Native preschool children, to ensure the active involvement of parents in their children's education from the earliest ages.
- (5) Family literacy services.
- (6) The development and operation of student enrichment programs in science, technology, engineering, and mathematics that —
 - (A) are designed to prepare Alaska Native students from rural areas, who are preparing to enter secondary school, to excel in science and math;
 - (B) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the programs; and
 - (C) may include activities that recognize and support the unique cultural, linguistic, and educational needs of Alaska Native children, and incorporate appropriately qualified Alaska Native elders and seniors.
- (7) Research and data collection activities to determine the educational status and needs of Alaska Native children and youth and adults.
- (8) Other research and evaluation activities related to programs carried out under this part.

- (9) Remedial and enrichment programs to assist Alaska Native students in performing at a high level on standardized tests and in becoming on track to college and career readiness.
- (10) Education and training of Alaska Native students, such as students who may not be of traditional college age, enrolled in a degree program that will lead to certification or licensing as teachers.
- (11) Parenting education for parents, caregivers, and families of Alaska Native children to improve parenting and caregiving skills (including skills relating to nurturing positive social and emotional development, discipline and cognitive development), including parenting education provided through in-home visitation of new mothers.
- (12) Cultural education programs operated by the Alaska Native Heritage Center and designed to share the Alaska Native culture with students.
- (13) Cultural exchange programs designed to share Alaska Native culture that place urban students in rural settings.
- (14) Activities carried out through Even Start programs carried out under subpart 3 of part B of title I and Head Start programs carried out under the Head Start Act, including the training of teachers for programs described in this subparagraph.
- (15) Other high quality early care and education programs, including high-quality preschool programs.
- (16) Dropout prevention programs such as the Cook Inlet Tribal Council's Partners for Success program.
- (17) An Alaska Initiative for Community Engagement program.
- (18) Career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment with opportunities for advancement and economic self-sufficiency, including programs providing tech-prep, mentoring, training, and apprenticeship and pre-apprenticeship programs and activities.
- (19) Provision of operational support and purchasing of equipment, to develop regional area career and technical schools in rural areas of Alaska, including boarding schools, for Alaska Native students in grades 9 through 12, or at higher levels of education, to provide the students with necessary resources to prepare for skilled employment opportunities.
- (20) Other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and youth, and adults, including as appropriate, other activities authorized under this Act.

Sec. 7211 [Home Instruction Programs] stipulates that home-based early care and education programs for Alaska native preschool children carried out under this subpart may include programs for families and their infants, from the prenatal period through age 3; high-quality preschool programs focused on school readiness; professional development, education, and support for parents in such areas as high quality literacy instruction, storytelling, social and emotional development, numeracy, technology, and critical thinking.

Sec. 7211 [Limitations on Administrative Costs and Priorities] requires that not more than 5 percent of funds provided to a grantee under this section for any fiscal year may be used for administrative purposes. In awarding grants or contracts to carry out activities described in

subsection (a)(2), except for activities listed in subsection (d)(2), the Secretary shall give priority to applications from Alaska Native regional nonprofit organizations, or consortia that include at least one Alaska Native regional nonprofit organization.

Sec. 7211 [Authorization of Appropriations] stipulates that there are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2012 and each of the 5 succeeding fiscal years.

DRAFT- ESEA (2011)

Title VIII: Section by Section Analysis

Section 8001-8007 amends the below ESEA sections as follows:

Section 8001 [*Purpose*] specifies that the purpose of the program is to provide financial assistance to local educational agencies to assist in the provision of services to federally connected children to help them meet college and career ready State Academic content and student academic achievement standards.

Section 8002- Payments Relating to Federal Acquisition of Real Property

Section 8002(b) [*Amount*] provides that in calculating the amount that a local educational agency is eligible to receive for a fiscal year, the Secretary must apply the current levied real property tax rate for current expenditures levied by fiscally independent local educational agencies, or imputed for fiscally dependent local educational agencies, to the current annually determined estimated taxable value of the acquired Federal property.

In determining the total taxable value of such acquired Federal property for fiscal year 2011 and each succeeding fiscal year, the Secretary must:

- (1) 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 the local educational agency;
- (2) then determine the per acre value of the eligible Federal property by dividing the total taxable value 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;
- (3) then multiply the per acre value by the number of eligible Federal acres.

When 2 or more local educational agencies share eligible Federal property, a local educational agency can ask the Secretary to calculate the per acre value of each local educational agency and apply the average of these per acre values to the acres of the Federal property in that agency.

Section 8002(g) [*Former Districts*] provides that for fiscal year 2006 and all succeeding fiscal years, if an eligible local educational agency is formed at any time after 1938 by the consolidation of 2 or more former school districts, the local educational agency can choose to have the Secretary determine its eligibility and any amount for which it is eligible for any fiscal year on the basis of one or more of those former districts, as designated by the local educational agency. Eligible local educational agencies include

- (1) any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied, and was determined to be eligible under Public Law 874, 81st Congress; or
- (2) a local educational agency formed by the consolidation of 2 or more districts, at least one of which was eligible for assistance for the fiscal year proceeding the year of consolidation, if-

- (a) for fiscal years 2006 through 2011, the local educational agency had notified the Secretary of the designation not later than 30 days after the enactment of this Act; and
- (b) for fiscal year 2012, and any subsequent fiscal year, the local educational agency includes the designation in its application.

Section 8002(h) [*Payments with Respect to Fiscal Years in Which Insufficient Funds are Appropriated*] requires the Secretary to first make a foundation payment to each local educational agency that was eligible to receive a payment for fiscal year 2007. The amount of this payment must be equal to 90 percent of the payment the local educational agency received in 2006. If the amount appropriated for the Impact Aid program is insufficient to pay the full amount for all eligible local educational agencies for the fiscal year, then the Secretary must ratably reduce the payment.

From the amount that is left over, the Secretary must make payments to each local educational agency that the Secretary determines eligible for a payment for a fiscal year after 2007, for the fiscal year for which such agency was determined eligible for the payment. The amount of the local educational agency's foundation payment must be equal to its foundation payment for the first fiscal year for any succeeding fiscal year. For local educational agencies determined to be eligible after 2007, the payment must be calculated by:

- (1) Calculating the local educational agency's maximum payment;
- (2) Calculating the percentage that the amount appropriated for the Impact Aid program for the most recent fiscal year for which the Secretary has completed making payments is of the total maximum payments for that fiscal year for all local educational agencies eligible for a payment relating to federal acquisition of real property and multiply the agency's maximum payment by that percentage; and
- (3) Multiplying the amount by 90 percent.

From any funds remaining after making all foundation payments for the fiscal year involved, the Secretary must make a payment to each local educational agency that received a foundation payment in an amount that bears the same relation to the remainder as a percentage share determined for the local educational agency bears to the percentage share for all local educational agencies eligible to receive a payment for the fiscal year involved, except that data from the most current fiscal year must be used.

Section 8002(m) [*Records*] allows the Secretary to base a determination of eligibility on original records (including reproductions of those records) documenting the assessed value of real property, prepared by a legally authorized official as of the time of the Federal acquisition, or other records that the Secretary determines to be appropriate and reliable, including Federal agency records or local historical records.

Section 8003- Payments for Eligible Federally Connected Children

Section 8003(a)(1) [*Computation of Payment- In General*] specifies that for the purpose of computing the amount an agency is eligible to receive as a basic support payment for its federally connected children or for students with disabilities, the Secretary must determine the number of federally connected children who were in average daily attendance (including children

enrolled in a State that has an open enrollment policy, but not including children enrolled in a distance learning program who are not residing within the agencies geographic boundaries.

Section 8003(a)(4) [*Computation of Payment- Military Installation and Indian Housing Undergoing Renovation or Rebuilding*] counts children as federally connected even if they did not reside on federal property because said property was undergoing renovation or rebuilding, or was authorized for demolition. It specifies that children can only be so counted for 4 years.

Section 8003(a)(5) [*Computation of Payment- Military “Build to Lease” Program Housing*] requires the Secretary, in computing the amount of payment for a local educational agency for federally connected children, to consider children residing in housing initially acquired or constructed under the “Build to Lease” program, or under lease of off-base property to reside on federal property.

Section 8003(b)(2)(B) [*Eligibility for Heavily Impacted Local Educational Agencies*] provides that a heavily impacted local educational agency is eligible to receive a basic support payment if it:

- (1) is a local educational agency whose boundaries are the same as a Federal military installation, or whose boundaries are the same as island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government, and that has no taxing authority;
- (2) is a local educational agency that—
 - a. has an enrollment of federally connected children that constitutes a percentage of the total student enrollment of the agency that is not less than 45 percent;
 - b. has a per-pupil expenditure that is less than—
 - i. for an agency that has a total student enrollment of 500 or more students, 125 percent of the average per-pupil expenditure of the State in which the agency is located; or
 - ii. for an agency that has a total student enrollment of less than 500 students, 150 percent of the average per-pupil expenditure of the State in which the agency is located, or the average per-pupil expenditure of 3 or more comparable local educational agencies in the State in which the agency is located; and
 - c. is an agency that—
 - i. has a tax rate for general fund purposes that is not less than 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or
 - ii. was eligible to receive a payment under this subsection for fiscal year 2012 and is located in a State that by State law has eliminated ad valorem tax as a revenue source for local educational agencies; or
- (3) is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children federally connected and not less than 5,500 of such children resided on federal property with a parent employment on federal property within the local educational agency’s school district boundaries or resided on federal property with a parent who is on active duty.

Generally, a heavily impacted local educational agency that met these requirements is ineligible to receive a basic support payment if the agency fails to meet the requirements for the subsequent fiscal year except that it will continue to receive a basic support payment for the fiscal year for which the ineligibility determination is made. However, a local educational agency with an enrollment of federally connected children that is at least 35 percent of total enrollment and that was also eligible in 2001 retains its eligibility. A local educational agency that is eligible for basic support payments, but whose tax rate for general fund purposes falls below 95 percent of the average tax rate for general fund purposes of local educational agencies in the State for two consecutive years loses its eligibility.

A heavily impacted local educational agency that becomes ineligible for at least 1 fiscal year can resume eligibility for a basic support payment for a subsequent fiscal year if it meets the requirements. However, it cannot receive a payment until the fiscal year after the eligibility determination.

Section 8003(b)(2)(C) [*Maximum Amount for Heavily Impacted Local Educational Agencies*] provides that the maximum amount that a heavily impacted local educational agency is eligible to receive for any fiscal year is the sum of the total weighted student units, multiplied by the greater of (1) four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or (2) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

The section also creates special calculations for certain local educational agencies, including those with large and small numbers of certain eligible children.

Section 8003(b)(2)(D) [*Maximum Amount for Large Heavily Impacted Local Educational Agencies*] provides that the maximum amount that a heavily impacted local educational agency is eligible to receive for any fiscal year must be determined using the formula for the maximum amount of basic support payments. For purposes of calculating the maximum amount, this section specifies that the factor used in determining the weighted student units is 1.35. It defines a heavily impacted local educational agency as a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are federally connected and not less than 5,500 of such children reside on federal property with a parent that is either employed on federal property or on active duty.

(ii) Factor.—

Section 8003(b)(2)(E) [*Data*] requires the Secretary to use student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance.

Section 8003(b)(2)(G) [*Eligibility for Heavily Impacted Local Educational Agencies Affected by Privatization of Military Housing*] deems eligible for payment, heavily impacted local educational agencies who are ineligible due to conversion of military housing units to private housing, or as the direct result of base realignment and closure or modularization as determined by the Secretary of Defense, force structure change, or force relocation.

Section 8003(b)(3)(B) [Learning Opportunity Threshold...] requires the Secretary to disregard children in distance learning program who do not reside within the geographic boundaries of the local educational agency from its total enrollment when calculating the agency's learning opportunity threshold percentage.

Section 8003(b)(3)(B) [Ratable Distribution] sets a formula the Secretary must use for each fiscal year in which there are insufficient funds to make the total payments for federally connected children, but for which the funds appropriated exceed the amount required to pay each local educational agency 100 percent of the local educational agency's learning opportunity threshold payment.

8003(c) [*Prior Year Data*] provides an exception to the requirement that calculations for distribution of payments for federally connected children be based on prior year data.

8003(e) [*Hold Harmless*] requires the Secretary to pay local educational agencies, in 2012, 90 percent of the basic support payment it received in 2011, in 2013, 85 percent of the basic support payment it received in 2012, and in 2014, 80 percent of the basic support payment it received in 2013.

Section 8007- Construction

Section 8007(a) [*Construction Payments Authorized*] authorizes construction payments to each local educational agency that receives a basic support payment for federally connected children for that fiscal year. The local educational agency must also meet one of the following requirements:

- (1) The number of children who are federally connected because they resided on Indian lands for the preceding school year constituted at least 50 percent of the total student enrollment in the schools of the agency during the preceding school year;
- (2) The number of children who are federally connected because they (a) lived on federal property and had a parent on active-duty or (b) did not live on federal property, but had a parent on active duty, for the preceding school year constituted at least 50 percent of the total student enrollment in the schools of the agency during the preceding school year; or
- (3) The agency is heavily impacted or has lost eligibility but is receiving a basic support payment for the year in which the eligibility determination is made.

Section 8010- Federal Administration

Section 8010(d) [*Timely Payments*] requires the Secretary to pay a local educational agency the full amount that the agency is eligible to receive (or, if applicable, the amount that is available to pay the agency) for a fiscal year by September 30 of the second fiscal year following the fiscal year for which the amount has been appropriated if the local educational agency submits the necessary information to the Secretary not later than 1 calendar year following the fiscal year in which the amount has been appropriated.

Section 8013- Definitions

Section 8013 [*Definitions*] changes the definition of "Armed Forces" to include the Coast Guard.

ESEA 2011

Title IX: General Provisions

Section 9101-9106 amends the below ESEA sections as follows:

Section 9101: Definitions

9101(a) Definitions for the following terms are included in this section:

- (1) High School cohorts, including: Adjusted cohort, entering cohort, transferred into, and transferred out; in addition, the definitions of how students are considered to be a member of these cohorts and how they are moved to other cohorts are included
- (2) Advanced placement and International Baccalaureate course
- (3) Advanced placement or international baccalaureate examination
- (4) Authorizing committees
- (5) Average daily attendance, with specific definitions regarding conversion and a special rule regarding LEA payment of tuition to other LEAs
- (6) Average per-pupil expenditure
- (7) Charter management organization
- (8) Charter school authorizer
- (9) Child
- (10) Child with a disability
- (11) Conditions for learning
- (12) Conditions for learning measurement system
- (13) Consolidated local application
- (14) Consolidated local plan
- (15) Consolidated state application
- (16) Consolidated state plan
- (17) Covered program
- (18) Current expenditures
- (19) Department
- (20) Developmental delay
- (21) Distance learning
- (22) Educational service agency
- (23) Elementary school
- (24) Eligible subgrantee
- (25) English learner
- (26) Evidence-based
- (27) Exemplary teacher
- (28) Expanded learning time
- (29) Family literacy activities
- (30) Family member

- (31)Free public education
- (32)Gifted and talented
- (33)Graduation rates
- (34)High school
- (35)Highly qualified teacher
- (36)High need local educational agency
- (37)High-need school
- (38)Institution of higher education
- (39)Leading indicators
- (40)Local contribution percentage
- (41)Local educational agency
- (42)Magnet school
- (43)Modernization
- (44)Mutual consent
- (45)Native American and Native American Language
- (46)On track to college and career readiness
- (47)Outlying area
- (48)Parent
- (49)Positive behavioral interventions and supports
- (50)Poverty line
- (51)Professional development
- (52)Pupil services
- (53)Regular secondary school diploma
- (54)Revenue derived from local sources
- (55)School facilities
- (56)School of origin
- (57)Scientifically based research
- (58)Scientifically valid research
- (59)secondary school
- (60)Secretary
- (61)State
- (62)State advisory council on early childhood education and care
- (63)State educational agency
- (64)Student growth
- (65)Teacher mentoring
- (66)Turnaround partner
- (67)Universal design for learning

9101(b): Contains conforming amendments related to language to change from “the Committee on Health, Education, Labor and Pensions” of the Senate and “Committee on Education and the Workforce” of the House of Representatives to “the authorizing committees.”

9102. Unsafe School Choice Option: A student who is threatened with or becomes a victim of a crime in or on the grounds of a school may attend another school in the LEA.

9103. Evaluation Authority: The Secretary may not reserve more than 3 percent of any allocation other than in Titles I for evaluation purposes. The Secretary may not reserve more than 1 percent of allocations for Title for evaluation purposes. The Secretary is also required to create an evaluation plan for the Act. The Secretary must also use not less than 30 percent of evaluation funds for impact evaluations.

ESEA (2011)

Evaluation Authority: Section by Section Analysis

Section 9103 amends the below ESEA sections as follows:

Sec. 9601. Evaluation Authority.

Sec. 9601(a) Reservation of Funds.

Section 9601(a)[Reservation of Funds] The Secretary must not reserve more than 3% of the amount appropriated to conduct each program and demonstration project authorized under this Act, except as provided in subsection (b). These reserved funds are to be used by the Secretary for the following:

- (1) To conduct comprehensive, high-quality evaluations of the program or project that support program improvement and high-quality impact evaluations;
- (2) To provide technical assistance to grant recipients in conducting evaluations and collecting and reporting performance data;
- (3) To evaluate the overall short- and long-term effects and costs across Federal programs covered under this Act and related preschool, elementary and secondary programs under any other Federal law;
- (4) To increase the usefulness of evaluations of grant recipients to improve program performance; and
- (5) To identify and disseminate research and best practices related to the programs and projects authorized under this Act.

Sec. 9601(b) – Title I.

Section 9601(b) The Secretary cannot reserve under subsection (a) more than 1 percent of the funds appropriated to carry out title I.

Sec. 9601(c) – Evaluation Plan.

Section 9601(c)(1-3)[Evaluation plan] Within one year of the enactment of this Act, the Secretary is required to annually develop and submit to Congress a plan for evaluations of the programs and projects authorized under this Act that describes the timeline, evaluation activities and allocation of funds for the activities described.

Sec. 9601(d) – Evaluation Activities Authorized Elsewhere.

Section 9601(d)[Evaluation activities authorized elsewhere] Under any other provision of this Act other than title I, where funds are authorized to be reserved for evaluation activities for that program, the Secretary may not reserve further funds under this section for that program.

Sec. 9601(e) – Special Rule Regarding Allocation for Impact Evaluations.

Section 9601(e)[Special rule regarding allocation for impact evaluations] The Secretary cannot use less than 30% of the funds reserved under this section for each of the fiscal years 2012-2017, in the aggregate, for impact evaluations that meet the requirements of section 9602(1).