114TH CONGRESS
1ST SESSION

S.

To reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

IN THE SENATE OF THE UNITED STATES

Mr. ALEXANDER (for himself and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Every Child Achieves Act of 2015”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Statement of purpose.
Sec. 5. Table of contents of the Elementary and Secondary Education Act of 1965.
TITLE I—IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

Sec. 1001. Statement of purpose.
Sec. 1002. Authorization of appropriations.
Sec. 1003. School improvement and state administration.
Sec. 1004. Basic program requirements.
Sec. 1005. Parent and family engagement.
Sec. 1006. Participation of children enrolled in private schools.
Sec. 1007. Supplement, not supplant.
Sec. 1008. Maintenance of effort.
Sec. 1009. Academic assessments.
Sec. 1010. Education of migratory children.
Sec. 1011. Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk.
Sec. 1012. General provisions.
Sec. 1014. Report on subgroup sample size.

TITLE II—HIGH-QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

Sec. 2001. Transfer of certain provisions.
Sec. 2002. Fund for the improvement of teaching and learning.
Sec. 2004. Literacy education.

TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

Sec. 3001. General provisions.
Sec. 3002. Authorization of appropriations.
Sec. 3003. English language acquisition, language enhancement, and academic achievement.
Sec. 3004. Other provisions.

TITLE IV—SAFE AND HEALTHY STUDENTS

Sec. 4001. General provisions.
Sec. 4002. Grants to States and local educational agencies.

TITLE V—EMPOWERING PARENTS AND EXPANDING OPPORTUNITY THROUGH INNOVATION

Sec. 5001. General provisions.
Sec. 5002. Public charter schools.
Sec. 5003. Magnet schools assistance.

TITLE VI—INNOVATION AND FLEXIBILITY

Sec. 6001. Purposes.
Sec. 6002. Improving academic achievement.
Sec. 6003. Rural education initiative.
Sec. 6004. General provisions.

TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION
Sec. 7001. Indian education.

**TITLE VIII—IMPACT AID**

Sec. 8001. Purpose.
Sec. 8002. Amendment to Impact Aid Improvement Act of 2012.
Sec. 8003. Payments relating to federal acquisition of real property.
Sec. 8004. Payments for eligible federally connected children.
Sec. 8005. Policies and procedures relating to children residing on Indian lands.
Sec. 8006. Application for payments under sections 8002 and 8003.
Sec. 8007. Construction.
Sec. 8008. State consideration of payments in providing State aid.
Sec. 8009. Definitions.
Sec. 8010. Authorization of appropriations.

**TITLE IX—GENERAL PROVISIONS**

Sec. 9101. Definitions.
Sec. 9102. Applicability to Bureau of Indian Education operated schools.
Sec. 9103. Consolidation of funds for local administration.
Sec. 9104. Waivers of statutory and regulatory requirements.
Sec. 9105. Plan approval process.
Sec. 9106. Participation by private school children and teachers.
Sec. 9107. Maintenance of effort.
Sec. 9108. School prayer.
Sec. 9110. Armed Forces recruiter access to students and student recruiting information.
Sec. 9111. Prohibition on federally sponsored testing.
Sec. 9112. Limitations on national testing or certification for teachers.
Sec. 9113. Consultation with Indian tribes and tribal organizations.
Sec. 9114. Evaluations.

**TITLE X—EDUCATION FOR HOMELESS CHILDREN AND YOUTHS**

Sec. 10001. Statement of policy.
Sec. 10002. Grants for State and local activities.
Sec. 10003. Local educational agency subgrants.
Sec. 10004. Secretarial responsibilities.
Sec. 10005. Definitions.
Sec. 10006. Authorization of appropriations.

1 **SEC. 3. REFERENCES.**

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

SEC. 4. STATEMENT OF PURPOSE.

The purpose of this Act is to enable States and local communities to improve and support our Nation’s public schools and ensure that every child has an opportunity to achieve.


Section 2 is amended to read as follows:

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

"Sec. 1. Short title.
"Sec. 2. Table of contents.

"TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

"Sec. 1001. Statement of purpose.
"Sec. 1002. Authorization of appropriations.
"Sec. 1003. School improvement and State administration.

"PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

"SUBPART 1—BASIC PROGRAM REQUIREMENTS

"Sec. 1111. State plans.
"Sec. 1112. Local educational agency plans.
"Sec. 1113. Eligible school attendance areas; school-wide programs; targeted assistance programs.
"Sec. 1114. School identification, interventions, and supports.
"Sec. 1115. Parent and family engagement.
"Sec. 1116. Participation of children enrolled in private schools.
"Sec. 1117. Fiscal requirements.
"Sec. 1118. Coordination requirements.

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"Sec. 1121. Grants for the outlying areas and the Secretary of the Interior.
"Sec. 1122. Allocations to States.
"Sec. 1124. Basic grants to local educational agencies.
"Sec. 1124A. Concentration grants to local educational agencies.
"Sec. 1125. Targeted grants to local educational agencies.
"Sec. 1125AA. Adequacy of funding of targeted grants to local educational agencies in fiscal years after fiscal year 2001.
"Sec. 1125A. Education finance incentive grant program.
"Sec. 1126. Special allocation procedures.
"Sec. 1127. Carryover and waiver.

"PART B—ACADEMIC ASSESSMENTS

"Sec. 1201. Grants for State assessments and related activities.
"Sec. 1202. Funding.
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"Sec. 1301. Program purpose.
"Sec. 1302. Program authorized.
"Sec. 1303. State allocations.
"Sec. 1304. State applications; services.
"Sec. 1305. Secretarial approval; peer review.
"Sec. 1306. Comprehensive needs assessment and service-delivery plan; authorized activities.
"Sec. 1307. Bypass.
"Sec. 1308. Coordination of migrant education activities.
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"PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK

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"Sec. 1402. Payments for programs under this part.

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"Sec. 1412. Allocation of funds.
"Sec. 1413. State reallocation of funds.
"Sec. 1414. State plan and State agency applications.
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"Sec. 1417. Three-year programs or projects.
"Sec. 1418. Transition services.
"Sec. 1419. Evaluation; technical assistance; annual model program.

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"Sec. 1421. Purpose.
"Sec. 1422. Programs operated by local educational agencies.
"Sec. 1423. Local educational agency applications.
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"Sec. 1425. Program requirements for correctional facilities receiving funds under this section.
"Sec. 1426. Accountability.

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"Sec. 1431. Program evaluations.
"Sec. 1432. Definitions.
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"PART A—FUND FOR THE IMPROVEMENT OF TEACHING AND LEARNING

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Sec. 2103. Local use of funds.
Sec. 2104. Reporting.
Sec. 2105. National activities of demonstrated effectiveness.
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TITLE I—IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

SEC. 1001. STATEMENT OF PURPOSE.

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

“SEC. 1001. STATEMENT OF PURPOSE.

“The purpose of this title is to ensure that all children have a fair, equitable, and significant opportunity to receive a high-quality education that prepares them for postsecondary education or the workforce, without the need for postsecondary remediation, and to close educational achievement gaps.”.

SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

Section 1002 (20 U.S.C. 6302) is amended to read as follows:

“SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

“(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A, there are authorized
to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

“(b) STATE ASSESSMENTS.—For the purpose of carrying out part B, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

“(c) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part C, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

“(d) PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK.—For the purpose of carrying out part D, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

“(e) FEDERAL ACTIVITIES.—For the purpose of carrying out evaluation activities related to title I under section 9601, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

“(f) SCHOOL INTERVENTION AND SUPPORT.—For the purpose of carrying out section 1114, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.”.
SEC. 1003. SCHOOL IMPROVEMENT AND STATE ADMINISTRATION.

The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by striking section 1003;

(2) by redesignating section 1004 as section 1003; and

(3) in section 1003, as redesignated by paragraph (2), by adding at the end the following:

"(c) TECHNICAL ASSISTANCE AND SUPPORT.—

“(1) IN GENERAL.—Each State may reserve not more than 4 percent of the amount the State receives under subpart 2 of part A for a fiscal year to carry out paragraph (2) and to carry out the State educational agency’s responsibilities under section 1114(a), including carrying out the State educational agency’s statewide system of technical assistance and support for local educational agencies.

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

“(A) shall use not less than 95 percent of such amount by allocating such sums directly to local educational agencies for activities required under section 1114; or

“(B) may, with the approval of the local educational agency, directly provide for such ac-
tivities or arrange for their provision through other entities such as school support teams, educational service agencies, or other nonprofit or for-profit organizations that use evidence-based strategies to improve student achievement, teaching, and schools.

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

“(A) serve the lowest performing elementary schools and secondary schools, as identified by the State under section 1114;

“(B) demonstrate the greatest need for such funds, as determined by the State; and

“(C) demonstrate the strongest commitment to using evidence-based interventions to enable the lowest–performing schools to improve student achievement and student outcomes.

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

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

“(B) section 1126(e).”

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

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

SEC. 1004. BASIC PROGRAM REQUIREMENTS.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended—
(1) by striking sections 1111 through 1117 and inserting the following:

“SEC. 1111. STATE PLANS.

“(a) PLANS REQUIRED.—

“(1) IN GENERAL.—For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency with timely and meaningful consultation with the Governor, local educational agencies, representatives of Indian tribes located in the State, teachers, principals, other school leaders, and paraprofessionals (including organizations representing teachers, principals, other school leaders, and paraprofessionals), specialized instructional support personnel, administrators, other staff, and parents, that—

“(A) is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Carl D. Perkins Career and Technical Education Act of 2006, the Workforce Innovation and Opportunity Act, the Head Start Act, the Child Care and Development Block Grant Act of 1990, the Education Sciences Reform Act of 2002, the McKinney-Vento Homeless Assist-
ance Act, and the Adult Education and Family Literacy Act; and

“(B) describes how the State will implement evidence-based strategies for improving student achievement under this title and disseminate that information to local educational agencies.

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

“(3) PEER REVIEW AND SECRETARIAL APPROVAL.—

“(A) IN GENERAL.—The Secretary shall—

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

“(ii) establish multidisciplinary peer review teams and appoint members of such teams that—

“(I) are representative of teachers, principals, other school leaders, specialized instructional support personnel, State educational agencies, local educational agencies, and individuals and researchers with practical experience in implementing academic
standards, assessments, or accountability systems, and meeting the needs of disadvantaged students, children with disabilities, students who are English learners, the needs of low-performing schools, and other educational needs of students;

“(II) include a balanced representation of individuals who have practical experience in the classroom, school administration, or State or local government, such as direct employees of a school, local educational agency, or State educational agency within the preceding 5 years; and

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

“(iii) make available to the public, including by such means as posting to the Department’s website, the list of peer reviewers who will review State plans under this section;

“(iv) ensure that the peer review teams are comprised of varied individuals
so that the same peer reviewers are not reviewing all of the State plans; and

“(v) deem a State plan as approved within 90 days of its submission unless the Secretary presents substantial evidence that clearly demonstrates that such State plan does not meet the requirements of this section.

“(B) Purpose of peer review.—The peer review process shall be designed to—

“(i) maximize collaboration with each State;

“(ii) promote effective implementation of the challenging State academic standards through State and local innovation; and

“(iii) provide publicly available, timely, and objective feedback to States designed to strengthen the technical and overall quality of the States’ plans.

“(C) Standard and nature of review.—Peer reviewers shall conduct an objective review of State plans in their totality and out of respect for State and local judgments, with the goal of supporting State- and local-led
innovation and providing objective feedback on the technical and overall quality of a State’s plan.

“(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as prohibiting the Secretary from appointing an individual to serve as a peer reviewer on more than one peer review team under subparagraph (A) or to review more than one State plan.

“(4) STATE PLAN DETERMINATION, DEMONSTRATION, AND REVISION.—If the Secretary determines that the State plan does not meet the requirements of this subsection or subsection (b) or (c), the Secretary shall, prior to declining to approve a State plan—

“(A) immediately notify the State of such determination;

“(B) provide a detailed description of the specific requirements of this subsection or subsection (b) or (c) of the State plan that the Secretary determines fails to meet such requirements;

“(C) provide all peer review comments, suggestions, recommendations, or concerns in writing to the State;
“(D) offer the State an opportunity to revise and resubmit its plan within 60 days of such determination, including the chance for the State to present substantial evidence to clearly demonstrate that the State plan meets the requirements of this section;

“(E) provide technical assistance, upon request of the State, in order to assist the State to meet the requirements of this subsection or subsection (b) or (c); and

“(F) conduct a public hearing within 30 days of such resubmission, with public notice provided not less than 15 days before such hearing, unless the State declines the opportunity for such public hearing.

“(5) STATE PLAN DISAPPROVAL.—The Secretary shall have the authority to disapprove a State plan if the State has been notified and offered an opportunity to revise and submit with technical assistance under paragraph (4), and—

“(A) the State does not revise and resubmit its plan; or

“(B) the State revises and resubmits a plan that the Secretary determines does not meet the requirements of this part after a hear-
ing conducted under paragraph (4)(F), if applicable.

“(6) LIMITATIONS.—

“(A) IN GENERAL.—The Secretary shall not have the authority to require a State, as a condition of approval of the State plan or revisions or amendments to the State plan, to—

“(i) include in, or delete from, such plan 1 or more specific elements of the challenging State academic standards;

“(ii) use specific academic assessment instruments or items;

“(iii) set specific State-designed annual goals or specific timelines for such goals for all students or each of the categories of students, as defined in subsection (b)(3)(A);

“(iv) assign any specific weight or specific significance to any measures or indicators of student academic achievement or growth within State-designed accountability systems;

“(v) include in, or delete from, such a plan any criterion that specifies, defines, or prescribes—
“(I) the standards or measures that States or local educational agencies use to establish, implement, or improve challenging State academic standards, including the content of, or achievement levels within, such standards;

“(II) the specific types of academic assessments or assessment items that States and local educational agencies use to meet the requirements of this part;

“(III) any requirement that States shall measure student growth, the specific metrics used to measure student academic growth if a State chooses to measure student growth, or the specific indicators or methods to measure student readiness to enter postsecondary education or the workforce;

“(IV) any specific benchmarks, targets, goals, or metrics to measure non-academic measures or indicators;
“(V) the specific weight or specific significance of any measure or indicator of student academic achievement within State-designed accountability systems;

“(VI) the specific annual goals States establish for student academic achievement or secondary school graduation rates, as described in clauses (i) and (ii) of subsection (b)(3)(B);

“(VII) any aspect or parameter of a teacher, principal, or other school leader evaluation system within a State or local educational agency; or

“(VIII) indicators or specific measures of teacher, principal, or other school leader effectiveness or quality; or

“(vi) require data collection beyond data derived from existing Federal, State, and local reporting requirements and data sources.

“(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as authorizing, requiring, or allowing any additional re-
porting requirements, data elements, or information to be reported to the Secretary not otherwise explicitly authorized under Federal law.

“(7) PUBLIC REVIEW.—All written communications, feedback, and notifications under this subsection shall be conducted in a manner that is transparent and immediately made available to the public through the website of the Department, including—

“(A) plans submitted or resubmitted by a State;

“(B) peer review comments;

“(C) State plan determinations by the Secretary, including approvals or disapprovals; and

“(D) public hearings under this section.

“(8) DURATION OF THE PLAN.—

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

“(i) remain in effect for the duration of the State’s participation under this part or 7 years, whichever is shorter; and

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

“(B) ADDITIONAL INFORMATION.—
“(i) IN GENERAL.—If a State makes significant changes to its plan at any time, such as the adoption of new challenging State academic standards, new academic assessments, or changes to its accountability system under subsection (b)(3), such information shall be submitted to the Secretary in the form of revisions or amendments to the State plan.

“(ii) REVIEW OF REVISED PLANS.—The Secretary shall review the information submitted under clause (i) and approve or disapprove changes to the State plan within 90 days in accordance with paragraphs (4) through (6) without undertaking the peer-review process under paragraph (3).

“(iii) SPECIAL RULE FOR STANDARDS.—If a State makes changes to its challenging State academic standards, the requirements in subsection (b)(1), including the requirement that such standards need not be submitted to the Secretary pursuant to subsection (b)(1)(A), shall still apply.
“(C) RENEWAL.—A State educational agency shall submit a revised plan every 7 years subject to the peer review process under paragraph (3).

“(D) LIMITATION.—The Secretary shall not have the authority to place any new conditions, requirements, or criteria for approval of a plan submitted for renewal under subparagraph (C) that are not otherwise authorized under this part.

“(9) FAILURE TO MEET REQUIREMENTS.—If a State fails to meet any of the requirements of this section, then the Secretary may withhold funds for State administration under this part until the Secretary determines that the State has fulfilled those requirements.

“(b) CHALLENGING STATE ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY SYSTEMS.—

“(1) CHALLENGING STATE ACADEMIC STANDARDS.—

“(A) IN GENERAL.—Each State shall provide an assurance that the State has adopted challenging academic content standards and aligned academic achievement standards, which
achievement standards shall include not less than 3 levels of achievement, (referred to in this Act as ‘challenging State academic standards’ ) that will be used by the State, its local educational agencies, and its schools to carry out this part. A State shall not be required to submit such challenging State academic standards to the Secretary.

“(B) SAME STANDARDS.—Except as provided in subparagraph (E), the standards required by subparagraph (A) shall be the same standards that the State applies to all public schools and public school students in the State.

“(C) SUBJECTS.—The State shall have such standards in mathematics, reading or language arts, and science, and any other subjects as determined by the State, which shall include the same knowledge, skills, and levels of achievement expected of all public school students in the State.

“(D) ALIGNMENT.—Each State shall demonstrate that the challenging State academic standards are aligned with—

“(i) entrance requirements, without the need for academic remediation, for the
30
system of public higher education in the
State;
“(ii) relevant State career and technical education standards; and
“(iii) relevant State early learning guidelines, as required under section 658E(c)(2)(T) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e(c)(2)(T)).
“(E) ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—
“(i) IN GENERAL.—The State may, through a documented and validated standards-setting process, adopt alternate academic achievement standards for students with the most significant cognitive disabilities, provided those standards—
“(I) are aligned with the challenging State academic content standards under subparagraph (A);
“(II) promote access to the general curriculum, consistent with the purposes of the Individuals with Dis-
abilities Education Act, as stated in section 601(d) of such Act;

“(III) reflect professional judgment of the highest achievement standards attainable by those students;

“(IV) are designated in the individualized education program developed under section 614(d)(3) of the Individuals with Disabilities Education Act for each such student as the academic achievement standards that will be used for the student; and

“(V) are aligned to ensure that a student who meets the alternate academic achievement standards is on track for further education or employment.

“(ii) Prohibition on any other alternate or modified academic achievement standards.—A State shall not develop, or implement for use under this part, any alternate academic achievement standards for children with disabilities, as defined in section 602(3) of the
Individuals with Disabilities Education Act, that are not alternate academic achievement standards that meet the requirements of clause (i).

“(F) ENGLISH LANGUAGE PROFICIENCY STANDARDS.—Each State plan shall demonstrate that the State has adopted English language proficiency standards that are aligned with the challenging State academic standards under subparagraph (A). Such standards shall—

“(i) ensure proficiency in each of the domains of speaking, listening, reading, and writing;

“(ii) address the different proficiency levels of children who are English learners; and

“(iii) be aligned with the challenging State academic standards in reading or language arts, so that achieving proficiency in the State’s English language proficiency standards indicates a sufficient knowledge of English to measure validly and reliably the student’s achievement on the State’s reading or language arts standards.
“(G) Prohibitions.—

“(i) Standards review or approval.—A State shall not be required to submit any standards developed under this subsection to the Secretary for review or approval.

“(ii) Federal control.—The Secretary shall not have the authority to mandate, direct, control, coerce, or exercise any direction or supervision over any of the challenging State academic standards adopted or implemented by a State.

“(H) Existing standards.—Nothing in this part shall prohibit a State from revising, consistent with this section, any standard adopted under this part before or after the date of enactment of the Every Child Achieves Act of 2015.

“(2) Academic assessments.—

“(A) In general.—Each State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, has implemented a set of high-quality statewide academic assessments that—
“(i) includes, at a minimum, academic statewide assessments in mathematics, reading or language arts, and science; and

“(ii) meets the requirements of subparagraph (B).

“(B) REQUIREMENTS.—The assessments under subparagraph (A) shall—

“(i) except as provided in subparagraph (D), be—

“(I) the same academic assessments used to measure the achievement of all public elementary school and secondary school students in the State; and

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

“(ii) be aligned with the challenging State academic standards, and provide coherent and timely information about student attainment of such standards;

“(iii) be used for purposes for which such assessments are valid and reliable, consistent with relevant, nationally recognized professional and technical testing
standards, and objectively measure academic achievement, knowledge, and skills;

“(iv) be of adequate technical quality for each purpose required under this Act and consistent with the requirements of this section, the evidence of which is made public, including on the website of the State educational agency;

“(v)(I) measure the annual academic achievement of all students against the challenging State academic standards in, at a minimum, mathematics and reading or language arts, and be administered—

“(aa) in each of grades 3 through 8; and

“(bb) at least once in grades 9 through 12; and

“(II) measure the academic achievement of all students against the challenging State academic standards in science, and be administered not less than one time, during—

“(aa) grades 3 through 5;

“(bb) grades 6 through 9; and

“(cc) grades 10 through 12;
“(vi) involve multiple up-to-date measures of student academic achievement, including measures that assess higher-order thinking skills and understanding, which may include measures of student academic growth and may be partially delivered in the form of portfolios, projects, or extended performance tasks;

“(vii) provide for—

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

“(II) the appropriate accommodations for children with disabilities (as defined in section 602(3) of the Individuals with Disabilities Education Act), and students with a disability who are provided accommodations under another Act, necessary to measure the academic achievement of such children relative to the challenging State academic standards;

“(III) the inclusion of English learners, who shall be assessed in a valid and reliable manner and provided appropriate accommodations on
assessments administered to such students under this paragraph, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English language proficiency, as determined under paragraph (1)(F);

“(viii) at the State’s choosing—

“(I) be administered through a single summative assessment each year; or

“(II) be administered through multiple statewide assessments during the course of the year if the State can demonstrate that the results of these multiple assessments, taken in their totality, provide a summative score that provides valid and reliable information on individual student achievement or growth;

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

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

“(xi) enable results to be disaggregated within each State, local educational agency, and school, by—

“(I) each major racial and ethnic group;

“(II) economically disadvantaged students as compared to students who are not economically disadvantaged;

“(III) children with disabilities as compared to children without disabilities;

“(IV) English proficiency status;

“(V) gender; and
“(VI) migrant status;

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

“(xiii) be developed, to the extent practicable, using the principles of universal design for learning.

“(C) EXCEPTION TO DISAGGREGATION.—Notwithstanding subparagraph (B)(xi), the disaggregated results of assessments shall not be required in the case of a local educational agency or school if—

“(i) the number of students in a category described under subparagraph (B)(xi) is insufficient to yield statistically reliable information; or

“(ii) the results would reveal personally identifiable information about an individual student.
“(D) ALTERNATE ASSESSMENTS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—

“(i) ALTERNATE ASSESSMENTS ALIGNED WITH ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS.—A State may provide for alternate assessments aligned with the challenging State academic content standards and alternate academic achievement standards described in paragraph (1)(E) for students with the most significant cognitive disabilities, if the State—

“(I) ensures that for each subject, the total number of students assessed in such subject using the alternate assessments does not exceed 1 percent of the total number of all students in the State who are assessed in such subject;

“(II) establishes and monitors implementation of clear and appropriate guidelines for individualized education program teams (as defined in section 614(d)(1)(B) of the Individ-
to apply in determining, individually for each subject, when a child’s significant cognitive disability justifies assessment based on alternate academic achievement standards;

“(III) ensures that, consistent with the requirements of the Individuals with Disabilities Education Act, parents are involved in the decision to use the alternate assessment for their child;

“(IV) ensures that, consistent with the requirements of the Individuals with Disabilities Education Act, students with the most significant cognitive disabilities are involved in and make progress in the general education curriculum;

“(V) describes appropriate accommodations provided to ensure access to the alternate assessment;

“(VI) describes steps the State has taken to incorporate universal de-
sign for learning, to the extent feasible, in alternate assessments;

“(VII) ensures that general and special education teachers and other appropriate staff know how to administer assessments, including making appropriate use of accommodations, to children with disabilities;

“(VIII) develops, disseminates information on, and promotes the use of appropriate accommodations to increase the number of students with significant cognitive disabilities participating in academic instruction and assessments and increase the number of students with significant cognitive disabilities who are tested against challenging State academic achievement standards; and

“(IX) ensures that students who take alternate assessments based on alternate academic achievement standards are not precluded from attempting to complete the requirements for a regular high school diploma.
“(ii) Students with the most significant cognitive disabilities.—In determining the achievement of students in the State accountability system, a State educational agency shall include, for all schools in the State, the performance of the State’s students with the most significant cognitive disabilities on alternate assessments as described in this subparagraph in the subjects included in the State’s accountability system, consistent with the 1 percent limitation of clause (i)(I).

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

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

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

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

“(II) are applicable to all students served by each such local educational agency.

“(F) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present to a significant
extent in the participating student population of
the State and indicate the languages for which
annual student academic assessments are not
available and are needed, and such State shall
make every effort to develop such assessments
as are necessary.

“(G) ASSESSMENTS OF ENGLISH LAN-
GUAGE PROFICIENCY.—Each State plan shall
demonstrate that local educational agencies in
the State will provide for an annual assessment
of English proficiency, which is valid, reliable,
and consistent with relevant nationally recog-
nized professional and technical testing stand-
ards measuring students’ speaking, listening,
reading, and writing skills in English of all chil-
dren who are English learners in the schools
served by the State educational agency.

“(H) DEFERRAL.—A State may defer the
commencement, or suspend the administration,
but not cease the development, of the assess-
ments described in this paragraph, for 1 year
for each year for which the amount appro-
priated for grants under part B is less than
$378,000,000.
“(1) Construction.—Nothing in this paragraph shall be construed to prescribe or prohibit the use of the academic assessments described in this part for student promotion or graduation purposes.

“(3) State Accountability System.—

“(A) Category of Students.—In this paragraph, the term ‘category of students’ means—

“(i) economically disadvantaged students;

“(ii) students from major racial and ethnic groups;

“(iii) children with disabilities; and

“(iv) English learner students.

“(B) Description of System.—Each State plan shall describe a single, statewide State accountability system that will be based on the challenging State academic standards adopted by the State to ensure that all students graduate from high school prepared for postsecondary education or the workforce without the need for postsecondary remediation and at a minimum—
“(i) annually establishes State-designed goals for all students and each of the categories of students in the State that take into account the progress necessary for all students and each of the categories of students to graduate from high school prepared for postsecondary education or the workforce without the need for postsecondary remediation, that include, at a minimum—

“(I) academic achievement, which may include student growth, on the State assessments under paragraph (2); and

“(II) high school graduation rates, including—

“(aa) the 4-year adjusted cohort graduation rate; and

“(bb) at the State’s discretion, the extended-year adjusted cohort graduation rate;

“(ii) annually measures and reports on—

“(I) the academic achievement of all public school students in all public
schools and local educational agencies
in the State towards meeting the
goals described in clause (i) and the
challenging State academic standards
for all students and for each of the
categories of students using, at a min-
imum—

“(aa) student performance
on State assessments required
under paragraph (2), which may
include measures of student aca-
demic growth to such standards;
and

“(bb) one statewide measure
of a student’s readiness to enter
postsecondary education or the
workforce without the need for
postsecondary remediation, as de-
determined by the State;

“(II) high school graduation
rates of all public high school students
in all public high schools in the State
towards meeting the goals described
in clause (i), for all students and for
each of the categories of students, including—

“(aa) the 4-year adjusted cohort graduation rate; and

“(bb) at the State’s discretion, the extended-year adjusted cohort graduation rate;

“(III) English language proficiency of all English learners in all public schools and local educational agencies, which may include measures of student growth; and

“(IV) at the State’s discretion, any other valid and reliable indicators of school quality, as determined appropriate by the State that will be applied to all local educational agencies and schools consistently throughout the State for all students and for each of the categories of students), which may include measures of—

“(aa) student engagement, such as attendance rates and chronic absenteeism;
“(bb) teacher engagement, such as teacher satisfaction including working conditions within the school), teacher quality and effectiveness, and teacher absenteeism;

“(cc) results from student, parent, and educator surveys;

“(dd) school climate and safety, such as incidents of school violence, bullying, and harassment, and disciplinary rates, including rates of suspension, expulsion, referrals to law enforcement, school-based arrests, disciplinary transfers (including placements in alternative schools), and student detentions; and

“(ee) any other State-determined measures of school quality or success;

“(iii) establishes a system of annually identifying and meaningfully differen-
tiating among all public schools in the State, which shall—

“(I) be based on all indicators in the State’s accountability system for all students and for each of the categories of students; and

“(II) use the indicators described in subclauses (I) and (II) of clause (ii) as substantial factors in the annual identification of schools, and the weight of such factors shall be determined by the State;

“(iv) for public schools receiving assistance under this part, meets the requirements of section 1114;

“(v) provides a clear and understandable explanation of the method of identifying and meaningfully differentiating schools under clause (iii); and

“(vi) measures the annual progress of not less than 95 percent of all students and each of the categories of students who are enrolled in the school and are required to take the assessments under paragraph (2) and provides a clear and understand-
able explanation of how the State will factor this requirement into their State-designed accountability system determinations.

“(4) **Exception for English Learners.**—A State may choose to—

“(A) exclude the results of a recently arrived English learner who has attended school in one of the 50 States in the United States or in the District of Columbia for less than 12 months on the assessments under paragraph (2), except for the results on the English language proficiency assessments required under paragraph (2)(G), for the first year of the English learner’s enrollment in a school in the United States for the purposes of the State-determined accountability system under this subsection; and

“(B) include the results on the assessments under paragraph (2), except for results on the English language proficiency assessments required under paragraph (2)(G), of former English learners for not more than 2 years after the student is no longer identified as an English learner within the English learner
category of the categories of students, as defined in paragraph (3)(A), for the purposes of the State-determined accountability system.

“(5) PROHIBITION ON FEDERAL INTERFERENCE WITH STATE AND LOCAL DECISIONS.—

Nothing in this subsection shall be construed to permit the Secretary to establish any criterion that specifies, defines, or prescribes—

“(A) the standards or measures that States or local educational agencies use to establish, implement, or improve challenging State academic standards, including the content of, or achievement levels within, such standards;

“(B) the specific types of academic assessments or assessment items that States or local educational agencies use to meet the requirements of paragraph (2)(B) or otherwise use to measure student academic achievement or student growth;

“(C) the specific goals that States establish within State-designed accountability systems for all students and for each of the categories of students, as defined in paragraph (3)(A), for student academic achievement or
high school graduation rates, as described in subclauses (I) and (II) of paragraph (3)(B)(i);

“(D) any requirement that States shall measure student growth, the specific metrics used to measure student academic growth if a State chooses to measure student growth, or the specific indicators or methods to measure student readiness to enter postsecondary education or the workforce without the need for postsecondary remediation;

“(E) setting specific benchmarks, targets, or goals, for any other measures or indicators established by a State under subclauses (III) and (IV) of paragraph (3)(B)(ii) including progress or growth on such measures or indicators;

“(F) the specific weight or specific significance of any measures or indicators used to measure, identify, or differentiate schools in the State-determined accountability system, as described in clauses (ii) and (iii) of paragraph (3)(B);

“(G) the terms ‘meaningfully’ or ‘substantially’ as used in this part;
“(H) the specific methods used by States and local educational agencies to identify and meaningfully differentiate among public schools;

“(I) any aspect or parameter of a teacher, principal, or other school leader evaluation system within a State or local educational agency; or

“(J) indicators or measures of teacher, principal, or other school leader effectiveness or quality.

“(c) OTHER PLAN PROVISIONS.—

“(1) DESCRIPTIONS.—Each State plan shall describe—

“(A) with respect to any accountability provisions under this part that require disaggregation of information by each of the categories of students, as defined in subsection (b)(3)(A)—

“(i) the minimum number of students that the State determines are necessary to be included in each such category of students to carry out such requirements and how that number is statistically sound;

“(ii) how such minimum number of students was determined by the State, in-
cluding how the State collaborated with teachers, principals, other school leaders, parents, and other stakeholders when setting the minimum number; and

“(iii) how the State ensures that such minimum number does not reveal personally identifiable information about students;

“(B) the State educational agency’s system to monitor and evaluate the intervention and support strategies implemented by local educational agencies in schools identified as in need of intervention and support under section 1114, including the lowest-performing schools and schools identified for other reasons, including schools with categories of students, as defined in subsection (b)(3)(A), not meeting the goals described under paragraph (3)(B), and the steps the State will take to further assist local educational agencies, if such strategies are not effective;

“(C) in the case of a State that proposes to use funds under this part to offer early childhood education programs, how the State provides assistance and support to local edu-
cational agencies and individual elementary
schools that are creating, expanding, or improv-
ing such programs;

“(D) in the case of a State that proposes
to use funds under this part to support a multi-
tiered system of supports, positive behavioral
interventions and supports, or early intervening
services, how the State educational agency will
assist local educational agencies in the develop-
ment, implementation, and coordination of such
activities and services with similar activities and
services carried out under the Individuals with
Disabilities Education Act in schools served by
the local educational agency, including by pro-
viding technical assistance, training, and eval-
uation of the activities and services;

“(E) how the State educational agency will
provide support to local educational agencies for
the education of homeless children and youths,
and how the State will comply with the require-
ments of subtitle B of title VII of the McKin-
ney-Vento Homeless Assistance Act;

“(F) how low-income and minority children
enrolled in schools assisted under this part are
not served at disproportionate rates by ineffec-
tive, out of field, and inexperienced teachers, principals, or other school leaders, and the measures the State educational agency will use to evaluate and publicly report the progress of the State educational agency with respect to such description;

“(G) how the State will make public the methods or criteria the State or its local educational agencies are using to measure teacher, principal, and other school leader effectiveness for the purpose of meeting the requirements described in subparagraph (F), however nothing is this subparagraph shall be construed as requiring a State to develop or implement a teacher, principal, or other school leader evaluation system;

“(H) how the State educational agency will address school discipline issues, which may include how such agency will identify and support, including through professional development, training, and technical assistance, local educational agencies and schools that have high levels of exclusionary discipline or disproportionality in rates of exclusionary discipline;
“(I) how the State educational agency will address school climate issues, which may include providing technical assistance on effective strategies to reduce the incidence of school violence, bullying, harassment, drug and alcohol use and abuse, and rates of chronic absenteeism;

“(J) how the State determines the timelines and annual goals for progress necessary to move English learners from the lowest levels of English proficiency to the State-defined proficient level in a State-determined number of years, including an assurance that such goals will be based on students’ initial language proficiency when first identified as an English learner and may take into account the amount of time that an individual child has been enrolled in a language program and grade level;

“(K) the steps a State educational agency will take to ensure collaboration with the State agency responsible for administering the State plans under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq. and 670 et seq.) to improve the educational stability
of children or youth in foster care including an
assurance that—

“(i) any such child or youth is immedi-
dately enrolled in a school, even if the
child or youth is unable to produce records
normally required for enrollment; and

“(ii) the enrolling school shall imme-
diately contact the school last attended by
any such child or youth to obtain relevant
academic and other records; and

“(L) any other information on how the
State proposes to use funds under this part to
meet the purposes of this part, and that the
State determines appropriate to provide, which
may include how the State educational agency
will—

“(i) assist local educational agencies
in identifying and serving gifted and tal-
ented students; and

“(ii) encourage the offering of a vari-
ety of well-rounded education experiences
to students.

“(2) ASSURANCES.—Each State plan shall pro-
vide an assurance that—
“(A) the State educational agency will notify local educational agencies, Indian tribes and Native organizations, schools, teachers, parents, and the public of the challenging State academic standards, academic assessments, and State accountability system, developed under this section;

“(B) the State educational agency will assist each local educational agency and school affected by the State plan to meet the requirements of this part;

“(C) the State will participate in biennial State academic assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act if the Secretary pays the costs of administering such assessments;

“(D) the State educational agency will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources in order to improve educational oppor-
tunities and reduce unnecessary fiscal and accounting requirements;

“(E) the State educational agency will support the collection and dissemination to local educational agencies and schools of effective parent and family engagement strategies, including those included in the parent and family engagement policy under section 1115;

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

“(G) the State educational agency will ensure that local educational agencies, to the extent feasible, in developing and implementing programs under this part, will work in consultation with outside intermediary organizations, such as educational service agencies, or individuals, that have practical expertise in the development or use of evidence-based strategies and programs to improve teaching, learning, and schools;
“(H) the State educational agency has appropriate procedures and safeguards in place to ensure the validity of the assessment process;

“(I) the State educational agency will ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including alternative certification requirements;

“(J) the State educational agency will coordinate activities funded under this part with other Federal activities as appropriate;

“(K) the State educational agency has involved the committee of practitioners established under section 1503(b) in developing the plan and monitoring its implementation; and

“(L) the State has professional standards for paraprofessionals working in a program supported with funds under this part, including qualifications that were in place on the day before the date of enactment of the Every Child Achieves Act of 2015.

“(d) REPORTS.—

“(1) ANNUAL STATE REPORT CARD.—
“(A) IN GENERAL.—A State that receives assistance under this part shall prepare and disseminate widely to the public an annual State report card for the State as a whole that meets the requirements of this paragraph.

“(B) IMPLEMENTATION.—

“(i) IN GENERAL.—The State report card required under this paragraph shall be—

“(I) concise;

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

“(III) widely accessible to the public, which shall include making the State report card, along with all local educational agency, and school report cards required under paragraph (2), and the annual report to the Secretary under paragraph (5), available on a single webpage of the State educational agency’s website.

“(ii) ENSURING PRIVACY.—No State report card required under this paragraph
shall include any personally identifiable in-
formation about any student. Each such
report card shall be consistent with the
privacy protections under section 444 of
the General Education Provisions Act (20
U.S.C. 1232g, commonly known as the
‘Family Educational Rights and Privacy
Act of 1974’).

“(C) MINIMUM REQUIREMENTS.—Each
State report card required under this subsection
shall include the following information:

“(i) A clear and concise description of
the State’s accountability system under
subsection (b)(3), including the goals for
all students and for each of the categories
of students, as defined in subsection
(b)(3)(A), the indicators used in the ac-
countability system to evaluate school per-
formance described in subsection
(b)(3)(B), and the weights of the indica-
tors used in the accountability system to
evaluate school performance.

“(ii) For all students and
disaggregated by each category of students
described in subsection (b)(2)(B)(xi),
homeless status, and status as a child in foster care, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student, information on student achievement on the academic assessments described in subsection (b)(2) at each level of achievement, as determined by the State under subsection (b)(1).

“(iii) For all students and disaggregated by each category of students described in subsection (b)(2)(B)(xi), the percentage of students assessed and not assessed.

“(iv) For all students and disaggregated by each of the categories of students, as defined in subsection (b)(3)(A), except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally
identifiable information about an individual student—

“(I) information on the other academic indicator under subsection (b)(3)(B)(ii)(I)(bb) used by the State in the State accountability system; and

“(II) high school graduation rates, including 4-year adjusted cohort graduation rates and, at the State’s discretion, extended-year adjusted cohort graduation rates.

“(v) Information on indicators or measures of school quality, climate and safety, and discipline, including the rates of in– and out–of–school suspensions, expulsions, school-based arrests, referrals to law enforcement, chronic absenteeism, and incidences of violence, including bullying and harassment, that the State educational agency reported to the Civil Rights Data Collection biennial survey required by the Office for Civil Rights of the Department that is the most recent to the date of the determination in the same manner that
such information is presented on such survey.

“(vi) The minimum number of students that the State determines are necessary to be included in each of the categories of students, as defined in subsection (b)(3)(A), for use in the accountability system under subsection (b)(3).

“(vii) The professional qualifications of teachers, principals, and other school leaders in the State, including information (that shall be presented in the aggregate and disaggregated by high-poverty compared to low-poverty schools which, for the purpose of this clause, means schools in each quartile based on school poverty level, and high–minority and low–minority schools in the State) on the number, percentage, and distribution of—

“(I) inexperienced teachers, principals, and other school leaders;

“(II) teachers teaching with emergency or provisional credentials;

“(III) teachers who are not teaching in the subject or field for
which the teacher is certified or licensed;

“(IV) teachers, principals, and other school leaders who are not effective, as determined by the State, using the methods or criteria under subsection (c)(1)(G); and

“(V) the annual retention rates of effective and ineffective teachers, principals, and other school leaders, as determined by the State, using the methods or criteria under subsection (c)(1)(G).

“(viii) Information on the performance of local educational agencies and schools in the State, including the number and names of each school identified for intervention and support under section 1114.

“(ix) For a State that implements a teacher, principal, and other school leader evaluation system consistent with title II, the evaluation results of teachers, principals, and other school leaders, except that such information shall not provide in-
dividually identifiable information on individual teachers, principals, or other school leaders.

“(x) The per-pupil expenditures of Federal, State, and local funds, including actual personnel expenditures and actual non-personnel expenditures of Federal, State, and local funds, disaggregated by source of funds, for each local educational agency and each school in the State for the preceding fiscal year.

“(xi) The number and percentages of students with the most significant cognitive disabilities that take an alternate assessment under subsection (b)(2)(D), by grade and subject.

“(xii) Information on the acquisition of English language proficiency by students who are English learners.

“(xiii) Information that the State reported to the Civil Rights Data Collection biennial survey required by the Office for Civil Rights of the Department that is the most recent to the date of the determination in the same manner that such infor-
information is presented on such survey that includes—

“(I) the number and percentage of—

“(aa) students enrolled in gifted and talented programs;

“(bb) students enrolled in access to rigorous coursework to earn postsecondary credit while still in high school, such as Advanced Placement and International Baccalaureate courses and examinations, and dual enrollment and early college high schools; and

“(cc) children enrolled in preschool programs;

“(II) the average class size, by grade; and

“(III) any other indicators determined by the State.

“(xiv) Results on the National Assessment of Educational Progress in grades 4 and 8 in reading and mathematics for the State, compared to the national average.
“(xv) Information on the percentage of students, including for each of the categories of students, as defined in subsection (b)(3)(A), who did not meet the annual State goals established under subsection (b)(3)(B).

“(xvi) Any additional information that the State believes will best provide parents, students, and other members of the public with information regarding the progress of each of the State’s public elementary schools and secondary schools.

“(D) RULE OF CONSTRUCTION.—

“(i) IN GENERAL.—Nothing in clause (v) or (xiii) of subparagraph (C) shall be construed as requiring a State to report any data that are not otherwise required or voluntarily submitted to the Civil Rights Data Collection biennial survey required by the Office for Civil Rights of the Department.

“(ii) CONTINUATION OF SUBMISSION TO DEPARTMENT OF INFORMATION.—If, at any time after the date of enactment of the Every Child Achieves Act of 2015, the
Civil Rights Data Collection biennial survey is no longer conducted by the Office for Civil Rights of the Department, a State educational agency shall still include the information under clauses (v) and (xiii) of subparagraph (C) in the State report card under this paragraph in the same manner that such information is presented on such survey.

“(2) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS.—

“(A) IN GENERAL.—

“(i) PREPARATION AND DISSEMINATION.—A local educational agency that receives assistance under this part shall prepare and disseminate an annual local educational agency report card that includes—

“(I) information on such agency as a whole; and

“(II) for each school served by the agency, a school report card that meets the requirements of this paragraph.

“(ii) NO PERSONALLY IDENTIFIABLE INFORMATION.—No local educational agen-
cy report card required under this para-
graph shall include any personally identifi-
able information about any student.

“(iii) CONSISTENT WITH FERPA.—

Each local educational agency report card
shall be consistent with the privacy protec-
tions under section 444 of the General
1232g, commonly known as the ‘Family
Educational Rights and Privacy Act of
1974’).

“(B) IMPLEMENTATION.—Each local edu-
cational agency report card shall be—

“(i) concise;

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

“(iii) accessible to the public, which
shall include—

“(I) placing such report card on
the website of the local educational
agency and on the website of each
school served by the agency; and
“(II) in any case in which a local educational agency or school does not operate a website, providing the information to the public in another manner determined by the local educational agency.

“(C) MINIMUM REQUIREMENTS.—Each local educational agency report card required under this paragraph shall include—

“(i) the information described in paragraph (1)(C), disaggregated in the same manner as under paragraph (1)(C), except for clause (xiv) of such paragraph, as applied to the local educational agency, and each school served by the local educational agency, including—

“(I) in the case of a local educational agency, information that shows how students served by the local educational agency achieved on the academic assessments described in subsection (b)(2) compared to students in the State as a whole; and

“(II) in the case of a school, information that shows how the school’s
students’ achievement on the academic assessments described in subsection (b)(2) compared to students served by the local educational agency and the State as a whole;

“(ii) any information required by the State under paragraph (1)(C)(xvi); and

“(iii) any other information that the local educational agency determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each public school served by the local educational agency, whether or not such information is included in the annual State report card.

“(D) PUBLIC DISSEMINATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), a local educational agency shall—

“(I) publicly disseminate the information described in this paragraph to all schools in the school district served by the local educational agency
and to all parents of students attending such schools; and

“(II) make the information widely available through public means, including through electronic means, including posting in an easily accessible manner on the local educational agency’s website, except in the case in which an agency does not operate a website, such agency shall determine how to make the information available, such as through distribution to the media, and distribution through public agencies.

“(ii) EXCEPTION.—If a local educational agency issues a report card for all students, the local educational agency may include the information described in this paragraph as part of such report.

“(3) PREEXISTING REPORT CARDS.—A State educational agency or local educational agency that was providing public report cards on the performance of students, schools, local educational agencies, or the State prior to the date of enactment of the Every Child Achieves Act of 2015, may use such re-
report cards for the purpose of disseminating information under this subsection if the report card is modified, as may be needed, to contain the information required by this subsection.

“(4) Cost reduction.—Each State educational agency and local educational agency receiving assistance under this part shall, wherever possible, take steps to reduce data collection costs and duplication of effort by obtaining the information required under this subsection through existing data collection efforts.

“(5) Annual State report to the Secretary.—Each State educational agency receiving assistance under this part shall report annually to the Secretary, and make widely available within the State—

“(A) information on student achievement on the academic assessments described in subsection (b)(2) for all students and disaggregated by each of the categories of students, as defined in subsection (b)(3)(A), including—

“(i) the percentage of students who achieved at each level of achievement the State has set in subsection (b)(1);
“(ii) the percentage of students who did not meet the annual State goals set in subsection (b)(3); and

“(iii) if applicable, the percent increase in student academic growth over the school year, as determined by the State;

“(B) the percentage of students assessed and not assessed on the academic assessments described in subsection (b)(2) for all students and disaggregated by each category of students described in subsection (b)(2)(B)(xi);

“(C) for all students and disaggregated by each of the categories of students, as defined in subsection (b)(3)(A)—

“(i) information about student performance on the measure of a student’s readiness to enter postsecondary education or the workforce without the need for postsecondary remediation used by the State under subsection (b)(3); and

“(ii) high school graduation rates, including 4-year adjusted cohort graduation rates and, at the State’s discretion, extended-year adjusted cohort graduation rates;
“(D) information on the acquisition of English language proficiency by students who are English learners;

“(E) the per-pupil expenditures of Federal, State, and local funds, including actual staff personnel expenditures and actual non-personnel expenditures, disaggregated by source of funds for each school served by the agency for the preceding fiscal year;

“(F) the number and percentage of students with the most significant cognitive disabilities that take an alternate assessment under subsection (b)(2)(D), by grade and subject;

“(G) the number and names of the schools identified under section 1114, and the school intervention and support strategies developed and implemented by the local educational agency under section 1114(b) to address the needs of students in each school;

“(H) the number of students and schools that participated in public school choice under this title;

“(I) information on the quality and effectiveness of teachers for each quartile of schools
based on the school’s poverty level and high–minority and low–minority schools in the local educational agencies in the State, including the number, percentage, and distribution of—

“(i) inexperienced teachers;

“(ii) teachers who are not teaching in the subject or field for which the teacher is certified or licensed; and

“(iii) teachers who are not effective, as determined by the State if the State has a statewide teacher, principal, or other school leader evaluation system; and

“(J) if the State has a statewide teacher, principal, or other school leader evaluation system, information on the results of such teacher, principal, or other school leader evaluation systems that does not reveal personally identifiable information.

“(6) Presentation of data.—

“(A) In general.—A State educational agency or local educational agency shall only include in its annual report card described under paragraphs (1) and (2) data that are sufficient to yield statistically reliable information, and that do not reveal personally identifiable infor-
mation about an individual student, teacher, principal, or other school leader.

“(B) Student privacy.—In carrying out this subsection, student education records shall not be released without written consent consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the ‘Family Educational Rights and Privacy Act of 1974’).

“(7) Report to Congress.—The Secretary shall transmit annually to 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 provides national and State level data on the information collected under paragraph (5). Such report shall be submitted through electronic means only.

“(8) Secretary’s report card.—

“(A) In general.—Not later than July 1, 2017, and annually thereafter, the Secretary, acting through the Director of the Institute of Education Sciences, shall transmit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Rep-
resentatives 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 Indi-
viduals with Disabilities Education Act,
and the Carl D. Perkins Career and Tech-
nical Education Act of 2006, and summa-
rire major findings from such reports;

“(ii) analyze data from the National
Assessment of Educational Progress and
comparable international assessments;

“(iii) identify trends in student
achievement and high school graduation
rates (including 4-year adjusted cohort
graduation rates and extended-year ad-
justed cohort graduation rates), by ana-
lyzing and reporting on the status and per-
formance of students, disaggregated by
achievement level and by each of the cat-
egories of students, as defined in sub-
section (b)(3)(A);

“(iv) analyze data on Federal, State,
and local expenditures on education, in-
cluding per-pupil spending, teacher sala-
ries, school level spending, and other financial data publicly available, and report on current trends and major findings; and

“(v) analyze information on the teaching, principal, and other school leader professions, including education and training, retention and mobility, and effectiveness in improving student achievement.

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

“(C) PUBLIC RECOGNITION.—The Secretary may identify and publicly recognize States, local educational agencies, schools, programs, and individuals for exemplary performance.

“(e) VOLUNTARY PARTNERSHIPS.—
“(1) IN GENERAL.—Nothing in this section shall be construed to prohibit a State from entering into a voluntary partnership with another State to develop and implement the academic assessments, challenging State academic standards, and accountability systems required under this section.

“(2) PROHIBITION.—The Secretary shall be prohibited from requiring or coercing a State to enter into a voluntary partnership described in paragraph (1), including—

“(A) as a condition of approval of a State plan under this section;

“(B) as a condition of an award of Federal funds under any grant, contract, or cooperative agreement;

“(C) as a condition of approval of a waiver under section 9401; or

“(D) by providing any priority, preference, or special consideration during the application process under any grant, contract, or cooperative agreement.

“(f) SPECIAL RULE WITH RESPECT TO BUREAU-FUNDED SCHOOLS.—In determining the assessments to be used by each school operated or funded by the Bureau of Indian Education of the Department of the Interior
that receives funds under this part, the following shall apply:

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

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

“(3) Each such school that is accredited by a tribal accrediting agency or tribal division of education shall use an assessment developed by such agency or division, except that the Secretary of the Interior shall ensure that such assessment meets the requirements of this section.

“SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

“(a) PLANS REQUIRED.—

“(1) SUBGRANTS.—A local educational agency may receive a subgrant under this part for any fiscal
year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that is developed with timely and meaningful consultation with teachers, principals, other school leaders, and paraprofessionals (including organizations representing teachers, principals, other school leaders, and paraprofessionals), administrators (including administrators of programs described in other parts of this title), other appropriate school personnel, and with parents of children in schools served under this part, that satisfies the requirements of this section and, as appropriate, that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Workforce Innovation and Opportunity Act, the Rehabilitation Act of 1973, the Carl D. Perkins Career and Technical Education Act of 2006, the Head Start Act, the Adult Education and Family Literacy Act, and the McKinney-Vento Homeless Assistance Act.

“(2) Consolidated Application.—The plan may be submitted as part of a consolidated application under section 9305.

“(3) State review and approval.—
“(A) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

“(B) APPROVAL.—The State educational agency shall approve a local educational agency’s plan only if the State educational agency determines that the local educational agency’s plan meets the requirements of this part and enables children served under this part to meet the challenging State academic standards described in section 1111(b)(1).

“(4) DURATION.—Each local educational agency plan shall be submitted for the first year for which this part is in effect following the date of enactment of the Every Child Achieves Act of 2015 and shall remain in effect for the duration of the agency’s participation under this part.

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

“(6) RENEWAL.—A local educational agency that desires to continue participating in a program under this part shall submit a renewed plan on a periodic basis, as determined by the State.
“(b) PLAN PROVISIONS.—To ensure that all children receive a high-quality education that prepares them for postsecondary education or the workforce without the need for postsecondary remediation, and to close the achievement gap between children meeting the challenging State academic standards and those who are not, each local educational agency plan shall describe—

“(1) how the local educational agency will work with each of the schools served by the agency so that students meet the challenging State academic standards by—

“(A) developing and implementing a comprehensive program of instruction to meet the academic needs of all students;

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

“(C) providing additional educational assistance to individual students determined as needing help in meeting the challenging State academic standards;

“(D) identifying significant gaps in student academic achievement and graduation rates between each of the categories of students, as defined in section 1111(b)(3)(A) and
developing strategies to reduce such gaps in achievement and graduation rates; and

“(E) identifying and implementing evidence-based methods and instructional strategies intended to strengthen the academic program of the school and improve school climate;

“(2) how the local educational agency will monitor and evaluate the effectiveness of school programs in improving student academic achievement and academic growth, if applicable, especially for students not meeting the challenging State academic standards;

“(3) how the local educational agency will—

“(A) ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including alternative certification requirements; and

“(B) identify and address, as required under State plans as described in section 1111(c)(1)(F), any disparities that result in low-income students and minority students being taught at higher rates than other stu-
students by ineffective, inexperienced, and out-of-field teachers;

“(4) the actions the local educational agency will take to assist schools identified under section 1114(a)(1)(B), including the lowest-performing schools in the local educational agency, and schools identified for other reasons, including schools with categories of students described in section 1111(b)(3)(A) not meeting the goals described in section 1111(b)(3)(B), to improve student academic achievement, the funds used to conduct such actions, and how such agency will monitor such actions;

“(5) the poverty criteria that will be used to select school attendance areas under section 1113;

“(6) the programs to be conducted by such agency’s schools under section 1113, and where appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs;

“(7) the services the local educational agency will provide homeless children, including services provided with funds reserved under section 1113(a)(4)(A)(i);
“(8) the strategy the local educational agency will use to implement effective parent and family engagement under section 1115;

“(9) if applicable, how the local educational agency will coordinate and integrate services provided under this part with preschool educational services at the local educational agency or individual school level, such as Head Start programs, the literacy program under part D of title II, State-funded preschool programs, and other community-based early childhood education and preschool programs, including plans for the transition of participants in such programs to local elementary school programs;

“(10) how the local educational agency will coordinate programs and integrate services under this part with other Federal, State, tribal, 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 Child Care and Development Block Grant Act of 1990, the Workforce Innovation and Opportunity Act, the McKinney-Vento Homeless Assistance Act, the Education Sciences Reform Act of 2002, violence preven-
tion programs, nutrition programs, and housing pro-
grams;

“(11) how teachers, in consultation with par-
ents, administrators, and specialized instructional
support personnel, in targeted assistance schools
under section 1113, will identify the eligible children
most in need of services under this part;

“(12) in the case of a local educational agency
that proposes to use funds under this part to sup-
port a multi-tiered system of supports, positive be-
havioral interventions and supports or early inter-
vening services, how the local educational agency will
provide such activities and services and coordinate
them with similar activities and services carried out
under the Individuals with Disabilities Education
Act in schools served by the local educational agen-
cy, including by providing technical assistance, train-
ing, and evaluation of the activities and services;

“(13) how the local educational agency will pro-
vide opportunities for the enrollment, attendance,
and success of homeless children and youths con-
sistent with the requirements of the McKinney-
Vento Homeless Assistance Act and the services the
local educational agency will provide homeless chil-
dren and youths;
“(14) how the local educational agency will implement strategies to facilitate effective transitions for students from middle school to high school and from high school to postsecondary education;

“(15) how the local educational agency will address school discipline issues, which may include identifying and supporting schools with significant discipline disparities, or high rates of discipline, disaggregated by each of the categories of students, as defined in section 1111(b)(3)(A), including by providing technical assistance on effective strategies to reduce such disparities and high rates;

“(16) how the local educational agency will address school climate issues, which may include identifying and improving performance on school climate indicators related to student achievement and providing technical assistance to schools; and

“(17) any other information on how the local educational agency proposes to use funds to meet the purposes of this part, and that the local educational agency determines appropriate to provide, which may include how the local educational agency will—

“(A) assist schools in identifying and serving gifted and talented students; and
“(B) encourage the offering of a variety of well-rounded education experiences to students.

“(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

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

“(2) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1116, and timely and meaningful consultation with private school officials regarding such services;

“(3) participate, if selected, in the National Assessment of Educational Progress in 4th and 8th grade reading and mathematics carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act; and

“(4) coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as services for English learners, children with disabilities, migratory children, American In-
dian, Alaska Native, and Native Hawaiian children, and homeless children, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program.

“(d) PARENTS RIGHT-TO-KNOW.—

“(1) TEACHER QUALIFICATIONS.—

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

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

“(ii) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.
“(iii) The field of discipline of the certification of the teacher.

“(iv) Whether the child is provided services by paraprofessionals and, if so, their qualifications.

“(B) ADDITIONAL INFORMATION.—In addition to the information that parents may request under subparagraph (A), a school that receives funds under this part shall provide to each individual parent of a child who is a student in such school, with respect to such student—

“(i) information on the level of achievement and academic growth of the student, if applicable and available, on each of the State academic assessments required under this part; and

“(ii) timely notice that the student has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

“(2) LANGUAGE INSTRUCTION.—
“(A) NOTICE.—Each local educational agency using funds under this part or title III to provide a language instruction educational program as determined under title III shall, not later than 30 days after the beginning of the school year, inform a parent or parents of a child who is an English learner 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 children who are English learners, and the expected rate of graduation from high school (including 4-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such program) if funds under this part are used for children in high 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, as described in section
614(a)(1)(D) of the Individuals with Disabilities Education Act; and

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

“(I) detailing the right that parents have to have their child immediately removed from such program upon their request;

“(II) detailing 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

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

“(B) SPECIAL RULE APPLICABLE DURING THE SCHOOL YEAR.—For those children who have not been identified as English learners prior to the beginning of the school year but are identified as English learners during such school year, the local educational agency shall
notify the children’s parents during the first 2 weeks of the child being placed in a language instruction educational program consistent with subparagraph (A).

“(C) PARENTAL PARTICIPATION.—Each local educational agency receiving funds under this part and title III shall implement an effective means of outreach to parents of children who are English learners to inform the parents regarding how the parents can be involved in the education of their children, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet the challenging State academic standards expected of all students, including holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this part and title III.

“(D) BASIS FOR ADMISSION OR EXCLUSION.—A student shall not be admitted to, or excluded from, any Federally assisted education program on the basis of a surname or language-minority status.
“(3) NOTICE AND FORMAT.—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. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS; SCHOOLWIDE PROGRAMS; TARGETED ASSISTANCE PROGRAMS.

“(a) Eligible School Attendance Areas.—

“(1) Determination.—

“(A) In general.—A local educational agency shall use funds received under this part only in eligible school attendance areas.

“(B) Eligible school attendance areas.—In this part—

“(i) 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

“(ii) 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.

“(C) RANKING ORDER.—

“(i) IN GENERAL.—Except as provided in clause (ii), if funds allocated in accordance with paragraph (3) 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.

“(ii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed as requiring a local educational agency to reduce, in order to comply with clause (i), 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 en-
actment of the Every Child Achieves Act of
2015 in order to provide funding under
this part to high schools pursuant to clause
(i).

“(D) REMAINING FUNDS.—If funds remain
after serving all eligible school attendance areas
under subparagraph (C), a local educational
to
agency shall—

“(i) annually rank such agency’s re-
main ing eligible school attendance areas
from highest to lowest either by grade
span or for the entire local educational
agency according to the percentage of chil-
dren from low-income families; and

“(ii) serve such eligible school attend-
ance areas in rank order either within each
grade-span grouping or within the local
educational agency as a whole.

“(E) MEASURES.—

“(i) IN GENERAL.—Except as pro-
vided in clause (ii), a local educational
agency shall use the same measure of poverty, which measure shall be the number of children aged 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for a free or reduced priced lunch 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 paragraph (3).

“(ii) Secondary schools.—For measuring the number of students in low-
income families in secondary schools, the
local educational agency shall use the same
measure of poverty, which shall be the:

“(I) the calculation described
under clause (i); or

“(II) 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 at-
tendance areas as calculated under
clause (i) that feed into the secondary
school to the number of students en-
rolled in such school.

“(F) EXCEPTION.—This subsection shall
not apply to a local educational agency with a
total enrollment of less than 1,000 children.

“(G) WAIVER FOR DESEGREGATION
PLANS.—The Secretary may approve a local
educational agency’s written request for a waiv-
er of the requirements of this paragraph and
paragraph (3) and permit such agency to treat
as eligible, and serve, any school that children
attend with a State-ordered, court-ordered
school desegregation plan or a plan that continues to be implemented in accordance with a State-ordered or court-ordered desegregation plan, if—

“(i) the number of economically disadvantaged children enrolled in the school is at least 25 percent of the school’s total enrollment; and

“(ii) the Secretary determines on the basis of a written request from such agency and in accordance with such criteria as the Secretary establishes, that approval of that request would further the purposes of this part.

“(2) LOCAL EDUCATIONAL AGENCY DISCRETION.—

“(A) IN GENERAL.—Notwithstanding paragraph (1)(B), a local educational agency may—

“(i) designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families;

“(ii) 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;

“(iii) 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

“(iv) 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 1117(c);

“(II) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of this section;

and

“(III) the funds expended from such other sources equal or exceed the
amount that would be provided under this part.

“(B) SPECIAL RULE.—Notwithstanding subparagraph (A)(iv), the number of children attending private elementary schools and secondary schools who are to receive services, and the assistance such children are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is assisted under subparagraph (A).

“(3) ALLOCATIONS.—

“(A) IN GENERAL.—A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools, identified under paragraphs (1) and (2) in rank order, on the basis of the total number of children from low-income families in each area or school.

“(B) SPECIAL RULE.—

“(i) IN GENERAL.—Except as provided in clause (ii), the per-pupil amount of funds allocated to each school attendance area or school under subparagraph (A) shall be at least 125 percent of the
per-pupil amount of funds a local educational agency received for that year under the poverty criteria described by the local educational agency in the plan submitted under section 1112, except that this clause shall not apply to a local educational agency that only serves schools in which the percentage of such children is 35 percent or greater.

“(ii) EXCEPTION.—A local educational agency may reduce the amount of funds allocated under clause (i) for a school attendance area or school by the amount of any supplemental State and local funds expended in that school attendance area or school for programs that meet the requirements of this section.

“(4) RESERVATION OF FUNDS.—

“(A) IN GENERAL.—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

“(i) homeless children, including pro-
ices to children in shelters and other locations where children may live;

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

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

“(B) Homeless children and youth.—Funds reserved under subparagraph (A)(i) may be—

“(i) determined based on a needs assessment of homeless children and youths in the local educational agency, as conducted under section 723(b)(1) of the McKinney-Vento Homeless Assistance Act; and

“(ii) used to provide homeless children and youths with services not ordinarily provided to other students under this part, including providing—

“(I) funding for the liaison designated pursuant to section 722(g)(1)(J)(ii) of such Act; and
“(II) transportation pursuant to section 722(g)(1)(J)(iii) of such Act.

“(5) EARLY CHILDHOOD EDUCATION.—A local educational agency may reserve funds made available to carry out this section for early childhood education in eligible school attendance areas.

“(b) SCHOOLWIDE PROGRAMS AND TARGETED ASSISTANCE SCHOOLS.—

“(1) IN GENERAL.—For each school that will receive funds under this part, the local educational agency shall determine whether the school shall operate a schoolwide program consistent with subsection (c) or a targeted assistance school program consistent with subsection (d).

“(2) NEEDS ASSESSMENT.—The determination under paragraph (1) shall be—

“(A) based on a comprehensive needs assessment of the entire school that takes into account information on the academic achievement of children in relation to the challenging State academic standards under section 1111(b)(1), particularly the needs of those children failing or are at-risk of failing to meet the challenging State academic standards and any other factors
as determined by the local educational agency; and

“(B) conducted with the participation of individuals who would carry out the schoolwide plan, including those individuals under subsection (c)(2).

“(3) COORDINATION.—The needs assessment under paragraph (2) may be undertaken as part of other related needs assessments under this Act.

“(c) SCHOOLWIDE PROGRAMS.—

“(1) IN GENERAL.—

“(A) ELIGIBILITY.—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.

“(B) EXCEPTION.—A school that serves an eligible school attendance area in which less than 40 percent of the children are from low-income families, or less than 40 percent of the
children enrolled in the school are from such families may operate a schoolwide program under this section if—

“(i) the local educational agency in which the school is located allows such school to do so; and

“(ii) the results of the comprehensive needs assessment conducted under subsection (b)(2) determine a schoolwide program will best serve the needs of the students in the school in improving academic achievement and other factors.

“(2) SCHOOLWIDE PROGRAM PLAN.—An eligible school operating a schoolwide program shall develop a comprehensive plan, in consultation with the local educational agency, tribes, and Native organizations present in the community, and other individuals as determined by the school, that—

“(A) is developed during a 1-year period, unless—

“(i) the local educational agency determines in consultation with the school that less time is needed to develop and implement the schoolwide program; or
“(ii) the school is operating a schoolwide program on the day before the date of enactment of the Every Child Achieves Act of 2015, 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;

“(B) is 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, other school leaders, paraprofessionals present in the school, and administrators (including administrators of programs described in other parts of this title), and, if appropriate, specialized instructional support personnel, technical assistance providers, school staff, and students;

“(C) remains in effect for the duration of the school’s participation under this part, except that the plan and the implementation of, and results achieved by, the schoolwide program shall be regularly monitored and revised as nec-
necessary to ensure students are meeting the challenging State academic standards;

“(D) is 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;

“(E) if appropriate and applicable, developed in coordination and integration with other Federal, State, and local services, resources, and programs, such as programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and interventions and supports for schools identified as in need of assistance under section 1114; and

“(F) includes a description of—

“(i) the results of the comprehensive needs assessments of the entire school required under subsection (b)(2);

“(ii) the strategies that the school will be implementing to address school needs,
including a description of how such strategies will—

“(I) provide opportunities for all children, including each of the categories of students, as defined in section 1111(b)(3)(A), to meet the challenging State academic standards under section 1111(b);

“(II) use evidence-based methods and instructional strategies that strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum;

“(III) address the needs of all children in the school, but particularly the needs of those at risk of not meeting the challenging State academic standards, which may include—

“(aa) counseling, specialized instructional support services, and mentoring services;

“(bb) preparation for and awareness of opportunities for
postsecondary education and the workforce, including career and technical education programs;

“(cc) implementation of a schoolwide multi-tiered system of supports, including positive behavioral interventions and supports and early intervening services, including through coordination with such activities and services carried out under the Individuals with Disabilities Education Act;

“(dd) implementation of supports for teachers and other school personnel, which may include professional development and other activities to improve instruction, activities to recruit and retain effective teachers, particularly in high-need schools, and using data from academic assessments under section 1111(b)(2) and other formative
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and summative assessments to
improve instruction;
“(ee) programs, activities,
and courses in the core academic
subjects to assist children in
meeting the challenging State
academic standards; and
“(ff) other strategies to im-
prove student’s academic and
non-academic skills essential for
success; and
“(IV) be monitored and improved
over time based on student needs, in-
cluding increased supports for those
students who are lowest-achieving;
“(iii) if programs are consolidated, a
list of State educational agency and local
educational agency programs and other
Federal programs that will be consolidated
in the schoolwide program; and
“(iv) if appropriate, how funds will be
used to establish or enhance preschool pro-
grams for children who are aged 5 or
younger, including how programs will help
transition such children to local elementary school programs.

“(3) IDENTIFICATION OF STUDENTS NOT REQUIRED.—

“(A) IN GENERAL.—No school participating in a schoolwide program shall be required to identify—

“(i) particular children under this part as eligible to participate in a schoolwide program; or

“(ii) individual services as supplementary.

“(B) SUPPLEMENTAL FUNDS.—In accordance with the method of determination described in section 1117, a school participating in a schoolwide program shall use funds available to carry out this paragraph only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children who are English learners.
“(4) Exemption from statutory and regulatory requirements.—

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

“(B) Requirements.—A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, student and parental participation and involvement, services to private school children, comparability of services, maintenance of effort, uses of Federal funds to supplement, not supplant non-Federal funds (in accordance with the method of determination described in section 1117), or the dis-
distribution of funds to State educational agencies or local educational agencies that apply to the receipt of funds from such programs.

“(C) RECORDS.—A school that chooses to consolidate and use funds from different Federal programs under this paragraph 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.

“(5) PRESCHOOL PROGRAMS.—A school that operates a schoolwide program under this subsection may use funds made available under this part to establish, expand, or enhance preschool programs for children aged 5 or younger.

“(d) TARGETED ASSISTANCE SCHOOL PROGRAMS.—“(1) IN GENERAL.—Each school selected to receive funds under subsection (a)(3) for which the local educational agency serving such school, based on the results of the comprehensive needs assess-
section (b)(2), determines
the school shall operate a targeted assistance school
program, may use funds received under this part
only for programs that provide services to eligible
children under subparagraph (B) who are identified
as having the greatest need for special assistance.

“(2) TARGETED ASSISTANCE SCHOOL PRO-
GRAM.—Each school operating a targeted assistance
school program shall develop a plan, in consultation
with the local educational agency and other individ-
uals as determined by the school, that includes—

“(A) a description of the results of the
comprehensive needs assessments of the entire
school required under subsection (b)(2);

“(B) a description of the process for deter-
mining which students will be served and the
students to be served;

“(C) a description of how the activities
supported under this part will be coordinated
with and incorporated into the regular edu-
cation program of the school;

“(D) a description of how the program will
serve participating students identified under
subparagraph (B), including by—
“(i) using resources under this part, such as support for programs, activities and courses in core academic subjects to help participating children meet the State’s challenging academic standards;

“(ii) using methods and instructional strategies that are evidence based to strengthen the core academic program of the school and that may include—

“(I) expanded learning time, before- and after-school programs, and summer programs and opportunities; or

“(II) a multi-tiered system of supports, positive behavioral interventions and supports, and early intervening services;

“(iii) coordinating with and supporting the regular education program, which may include services to assist preschool children in the transition from early childhood programs such as Head Start, the literacy program under part D of title II, or State-run preschool programs to elementary school programs;
“(iv) supporting effective teachers, principals, paraprofessionals, and if appropriate, specialized instructional support personnel, and other school personnel who work with participating children in programs under this subsection or in the regular education program with resources provided under this part, and, to the extent practicable, from other sources, through professional development;

“(v) providing strategies to increase parental involvement of parents of participating children in accordance with section 1115; and

“(vi) if applicable, coordinating and integrating Federal, State, and local services and programs, such as programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education, and intervention and supports in schools identified under section 1114; and

“(E) assurances that the school will—
“(i) help provide an accelerated, high-quality curriculum;

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

“(iii) on an ongoing basis, review the progress of participating children and revise the plan under this section, if necessary, to provide additional assistance to enable such children to meet the challenging State academic standards.

“(3) ELIGIBLE CHILDREN.—

“(A) ELIGIBLE POPULATION.—

“(i) IN GENERAL.—The eligible population for services under this subsection shall be—

“(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.
“(ii) Eligible children from eligible population.—From the population described in clause (i), eligible children are children identified by the school as failing, or most at risk of failing, to meet the challenging State academic standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade 2 shall be selected solely on the basis of criteria, including objective criteria, established by the local educational agency and supplemented by the school.

“(B) Children included.—

“(i) In general.—Children who are economically disadvantaged, children with disabilities, migrant children, or children who are English learners, are eligible for services under this subsection on the same basis as other children selected to receive services under this subsection.

“(ii) Head start and preschool children.—A child who, at any time in the 2 years preceding the year for which
the determination is made, participated in a Head Start program, the literacy program under part D of title II, or in preschool services under this title, is eligible for services under this subsection.

“(iii) MIGRANT CHILDREN.—A child who, at any time in the 2 years preceding the year for which the determination is made, received services under part C is eligible for services under this subsection.

“(iv) NEGLECTED OR DELINQUENT CHILDREN.—A child in a local institution for neglected or delinquent children and youth or attending a community day program for such children is eligible for services under this subsection.

“(v) HOMELESS CHILDREN.—A child who is homeless and attending any school served by the local educational agency is eligible for services under this subsection.

“(C) SPECIAL RULE.—Funds received under this subsection may not be used to provide services that are otherwise required by law to be made available to children described in
paragraph (B) but may be used to coordinate or supplement such services.

“(4) Integration of Professional Development.—To promote the integration of staff supported with funds under this subsection into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this subsection may—

“(A) participate in general professional development and school planning activities; and

“(B) 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.

“(5) Special Rules.—

“(A) Simultaneous Service.—Nothing in this subsection shall be construed to prohibit a school from serving students under this subsection simultaneously with students with simi-
lar educational needs, in the same educational settings where appropriate.

“(B) Comprehensive services.—If health, nutrition, and other social services are not otherwise available to eligible children in a school operating a targeted assistance school program and such school, if appropriate, has established a collaborative partnership with local service providers and funds are not reasonably available from other public or private sources to provide such services, then a portion of the funds provided under this subsection may be used to provide such services, including through—

“(i) the provision of basic medical equipment and services, such as eyeglasses and hearing aids;

“(ii) compensation of a coordinator;

“(iii) family support and engagement services;

“(iv) health care services and integrated student supports to address the physical, mental, and emotional well-being of children; and
“(v) professional development necessary to assist teachers, specialized instructional support personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.

“(e) PROHIBITION.—Nothing in this section shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to require a local educational agency or school to submit the results of a comprehensive needs assessment under subsection (b)(2) or a plan under subsection (c) or (d) for review or approval by the Secretary.

“SEC. 1114. SCHOOL IDENTIFICATION, INTERVENTIONS, AND SUPPORTS.

“(a) STATE REVIEW AND RESPONSIBILITIES.—

“(1) IN GENERAL.—Each State educational agency receiving funds under this part shall use a system designed by the State in accordance with section 1111(b)(3) to annually—

“(A) review the performance of each public school in the State towards meeting the challenging State academic standards, and identify the public schools that receive funds under this part and are in need of intervention and sup-
port using the method established by the State in section 1111(b)(3)(B)(iii), which shall—

“(i) be based on all indicators in the State’s accountability system for all students and for each of the categories of students, as defined in section 1111(b)(3)(A); and

“(ii) use indicators as described in subclauses (I) and (II) of section 1111(b)(3)(B)(ii) as substantial factors in the annual identification of schools, and the weight of such factors shall be determined by the State;

“(B) require for inclusion—

“(i) on each local educational agency report card required under section 1111(d), the names of schools served by the agency identified under subparagraph (A); and

“(ii) on each school report card required under section 1111(d), whether the school was identified under subparagraph (A);

“(C) ensure that all public schools that receive funds under this part and are identified as
in need of intervention or support under subparagraph (B), implement an intervention or support strategy designed by the State or local educational agency described in subparagraph (A) or (B) of subsection (b)(3)

“(D) prioritize intervention and supports in the identified schools most in need of intervention and supports, as determined by the State, using the results of the accountability system under 1111(b)(3)(B)(iii); and

“(E) monitor and evaluate the implementation of school intervention and support strategies by local educational agencies, including in the lowest-performing elementary schools and secondary schools in the State, and use the results of the evaluation to take appropriate steps to change or improve interventions or support strategies as necessary.

“(2) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—

“(A) make technical assistance available to local educational agencies that serve schools identified under paragraph (1)(B);

“(B) if the State educational agency determines that a local educational agency failed to
carry out its responsibilities under this section,
take such actions as the State educational agen-
cy determines to be appropriate and in compli-
ance with State law to assist the local edu-
cational agency and ensure that such local edu-
cational agency is carrying out its responsibil-
ities;

“(C) inform local educational agencies of
schools identified under paragraph (1)(B) in a
timely and easily accessible manner that is be-
fore the beginning of the school year; and

“(D) publicize and disseminate to the pub-
lic, including teachers, principals and other
school leaders, and parents, the results of the
State review under paragraph (1).

“(b) LOCAL EDUCATIONAL AGENCY REVIEW AND
RESPONSIBILITIES.—

“(1) IN GENERAL.—Each local educational
agency with a school identified under subsection
(a)(1)(B) shall, in consultation with teachers, prin-
cipals and other school leaders, school personnel,
parents, and community members—

“(A) conduct a review of such school, in-
cluding by examining the indicators and meas-
ures included in the State-determined account-
ability system described under section 1111(b)(3)(B) to determine the factors that led to such identification;

“(B) conduct a review of the policies, procedures, personnel decisions, and budgetary decisions of the local educational agency, including the measures under section 1111(d) that impact the school and could have contributed to the identification of the school;

“(C) develop and implement appropriate intervention and support strategies, as described under paragraph (3), that are proportional to the identified needs of the school, for assisting the identified school;

“(D) develop a rigorous comprehensive plan that will be publicly available and provided to parents, for ensuring the successful implementation of the intervention and support strategies described in paragraph (3) in identified schools, which may include—

“(i) technical assistance that will be provided to the school;

“(ii) improved delivery of services to be provided by the local educational agency;
“(iii) increased support for stronger curriculum, program of instruction, wrap-around services, or other resources provided to students in the school;

“(iv) any changes to personnel necessary to improve educational opportunities for children in the school;

“(v) redesigning how time for student learning or teacher collaboration is used within the school;

“(vi) using data to inform instruction for continuous improvement;

“(vii) providing increased coaching or support for principals and other school leaders and teachers;

“(viii) improving school climate and safety;

“(ix) providing ongoing mechanisms for family and community engagement; and

“(x) establishing partnerships with entities, including private entities with a demonstrated record of improving student achievement, that will assist the local edu-
cational agency in fulfilling its responsibilities under this section; and

“(E) collect and use data on an ongoing basis to monitor the results of the intervention and support strategies and adjust such strategies as necessary during implementation in order to improve student academic achievement.

“(2) NOTICE TO PARENTS.—A local educational agency shall promptly provide to a parent or parents of each student enrolled in a school identified under subsection (a)(1)(B) in an easily accessible and understandable form and, to the extent practicable, in a language that parents can understand—

“(A) an explanation of what the identification means, and how the school compares in terms of academic achievement and other measures in the State accountability system under section 1111(b)(3)(B) to other schools served by the local educational agency and the State educational agency involved;

“(B) the reasons for the identification;

“(C) an explanation of what the local educational agency or State educational agency is doing to help the school address student academic achievement and other measures, includ-
ing a description of the intervention and sup-
port strategies developed under paragraph
(1)(C) that will be implemented in the school;
“(D) an explanation of how the parents
can become involved in addressing academic
achievement and other measures that caused
the school to be identified; and
“(E) an explanation of the parents’ option
to transfer their child to another public school
under paragraph (4), if applicable.
“(3) SCHOOL INTERVENTION AND SUPPORT
STRATEGIES.—
“(A) IN GENERAL.—Consistent with sub-
section (a)(1) and paragraph (1), a local edu-
cational agency shall develop and implement
evidence-based intervention and support strate-
gies for an identified school that the local edu-
cational agency determines appropriate to ad-
dress the needs of students in such identified
school, which shall—
“(i) be designed to address the spe-
cific reasons for identification, as described
in subparagraphs (A) and (B) of para-
graph (1);
“(ii) be implemented, at a minimum, in a manner that is proportional to the specific reasons for identification, as described in subparagraphs (A) and (B) of paragraph (1); and

“(iii) distinguish between the lowest-performing schools and other schools identified as in need of intervention and support for other reasons, including schools with categories of students, as defined in section 1111(b)(3)(A), not meeting the goals described in section 1111(b)(3)(B)(i), as determined by the review in subparagraphs (A) and (B) of paragraph (1).

“(B) State determined strategies.—Consistent with State law, a State educational agency may establish alternative evidence-based State determined strategies that can be used by local educational agencies to assist a school identified under subsection (a)(1)(B), in addition to the assistance strategies developed by a local educational agency under subparagraph (A).

“(4) Public school choice.—
“(A) IN GENERAL.—A local educational agency may provide all students enrolled in an identified school with the option to transfer to another public school served by the local educational agency, unless such an option is prohibited by State law.

“(B) PRIORITY.—In providing students the option to transfer to another public school, the local educational agency shall give priority to the lowest achieving children from low-income families, as determined by the local educational agency for the purposes of allocating funds to schools under section 1113(a)(3).

“(C) TREATMENT.—Students who use the option to transfer to another public school shall be enrolled in classes and other activities in the public school to which the students transfer in the same manner as all other children at the public school.

“(D) SPECIAL RULE.—A local educational agency shall permit a child who transfers to another public school under this paragraph to remain in that school until the child has completed the highest grade in that school.
“(E) Funding for Transportation.—A local educational agency may spend an amount equal to not more than 5 percent of its allocation under subpart 2 to pay for the provision of transportation for students who transfer under this paragraph to the public schools to which the students transfer.

“(5) Prohibitions on Federal Interference with State and Local Decisions.—Nothing in this section shall be construed to authorize or permit the Secretary to establish any criterion that specifies, defines, or prescribes—

“(A) any school intervention or support strategy that States or local educational agencies shall use to assist schools identified as in need of assistance under this section; or

“(B) the weight of any indicator or measure that a State shall use to identify schools under subsection (a).

“(c) Funds for Local School Interventions and Supports.—

“(1) In General.—

“(A) Grants Authorized.—From the total amount appropriated under section 1002(f) for a fiscal year, the Secretary shall
award grants to States, the Bureau of Indian Education of the Department of the Interior, and outlying areas through an allotment as determined under subparagraph (B) to carry out the activities described in this subsection.

“(B) ALLOTMENTS.—From the total amount appropriated under section 1002(f) for a fiscal year, the Secretary shall allot to each State, the Bureau of Indian Education of the Department of the Interior, and each outlying area for such fiscal year with an approved application, an amount that bears the same relationship to such total amount as the amount such State, the Bureau of Indian Education of the Department of the Interior, or such outlying area received under parts A, C, and D of this title for the most recent preceding fiscal year for which the data are available bears to the amount received by all such States, the Bureau of Indian Education of the Department of the Interior, and all such outlying areas under parts A, C, and D of this title for such most recent preceding fiscal year.

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

“(A) the process and the criteria that the State will use to award subgrants under paragraph (4)(A), including how the subgrants will benefit schools identified by the State as the lowest–performing schools under subsection (a);

“(B) the process and the criteria the State will use to determine whether the local educational agency’s proposal for serving each identified school meets the requirements of paragraph (6) and other provisions of this section;

“(C) how the State will ensure that local educational agencies conduct a comprehensive review of each identified school as required under subsection (b) to identify evidence-based school intervention and support strategies that are likely to be successful in each particular school;

“(D) how the State will ensure geographic diversity in making subgrants;
“(E) how the State will set priorities in awarding subgrants to local educational agencies, including how the State will prioritize local educational agencies serving elementary schools and secondary schools identified as the lowest-performing schools under subsection (a);

“(F) how the State will monitor and evaluate the implementation of school intervention and support strategies supported by funds under this subsection; and

“(G) how the State will reduce barriers for schools in the implementation of school intervention and support strategies, including by providing operational flexibility that would enable complete implementation of the selected school improvement strategy.

“(3) STATE ADMINISTRATION; TECHNICAL ASSISTANCE; EXCEPTION.—

“(A) IN GENERAL.—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 to carry out its responsibilities under subsection (a)(2) to support school and local educational agency interventions and supports, which may
include activities aimed at building State capacity to support and monitor the local educational agency and school intervention and supports.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), a State educational agency may reserve from the amount allotted under this subsection additional funds to meet its responsibilities under subsection (a)(2)(B) if a local educational agency fails to carry out its responsibilities under subsection (b), but shall not reserve more than necessary to meet such State responsibilities.

“(4) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

“(A) IN GENERAL.—From the amounts awarded to a State under this subsection, the State educational agency shall allocate not less than 95 percent to make subgrants to local educational agencies, on a competitive basis, to serve schools identified under subsection (a)(1)(B).

“(B) DURATION.—The State educational agency shall award subgrants under this paragraph for a period of not more than 5 years, which period may include a planning year.
“(C) CRITERIA.—Subgrants awarded under this section shall be of sufficient size to enable a local educational agency to effectively implement the selected intervention and support strategy.

“(D) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting a State from allocating subgrants under this subsection to a statewide school district, consortium of local educational agencies, or an educational service agency that serves schools identified under this section, if such entities are legally constituted or recognized as local educational agencies in the State.

“(5) APPLICATION.—In order to receive a subgrant under this subsection, a local educational agency shall submit an application to the State educational agency at such time, in such form, and including such information as the State educational agency may require. Each application shall include, at a minimum—

“(A) a description of the process the local educational agency has used for selecting an appropriate school intervention and support strategy for each school to be served, including how
the local educational agency has analyzed the needs of each such school in accordance with subsection (b)(1) and meaningfully consulted with teachers, principals, and school leaders in selecting such intervention and support strategy;

“(B) the specific school interventions and supports to be used in each school to be served and how these interventions will address the needs identified in the review under subsection (b)(1) and the timeline for implementing such school interventions and supports in each school to be served;

“(C) a detailed budget covering the grant period, including planned expenditures at the school level for activities supporting full and effective implementation of the selected school intervention and support strategy;

“(D) a description of how the local educational agency will—

“(i) design and implement the selected school intervention and support strategy, in accordance with the requirements under subsection (b)(1)(C), including the use of
appropriate measures to monitor the effectiveness of implementation;

“(ii) use a rigorous review process to recruit, screen, select, and evaluate any external partners with whom the local educational agency will partner;

“(iii) align other Federal, State, and local resources with the intervention and support strategy to reduce duplication, increase efficiency, and assist identified schools in complying with reporting requirements of State and Federal programs;

“(iv) modify practices and policies, if necessary, to provide operational flexibility that enables full and effective implementation of the selected school intervention and support strategy;

“(v) collect and use data on an ongoing basis to adjust the intervention and support strategy during implementation, and if necessary, modify or implement a different strategy if implementation is not effective, in order to improve student academic achievement;
“(vi) ensure that the implementation of the intervention and support strategy meets the needs of each of the categories of students, as defined in section 1111(b)(3)(A);

“(vii) provide information to parents, guardians, teachers, and other stakeholders about the effectiveness of implementation to the extent practical, in a language that the parents can understand; and

“(viii) sustain successful reforms and practices after the funding period ends;

“(E) a description of the technical assistance and other support that the local educational agency will provide to ensure effective implementation of school intervention and support strategies in identified schools, in accordance with subsection (b)(1)(D), such as ensuring identified schools have access to resources like facilities, professional development, and technology and adopting human resource policies that prioritize recruitment, retention, and placement of effective staff in identified schools; and
“(F) an assurance that each school the local educational agency proposes to serve will receive all of the State and local funds it would have received in the absence of funds received under this paragraph.

“(6) LOCAL ACTIVITIES.—A local educational agency that receives a subgrant under this section—

“(A) shall use the subgrant funds to implement school intervention and support strategies in schools identified under subsection (a)(1)(B); and

“(B) may use the subgrant funds to carry out eligible entity-level activities that directly support the implementation of the intervention and support strategies such as—

“(i) assistance in data collection and analysis;

“(ii) recruiting and retaining staff;

“(iii) high-quality, evidence-based professional development;

“(iv) coordination of services to address students’ non-academic needs; and

“(v) progress monitoring.

“(7) REPORTING.—A State that receives funds under this subsection shall report to the Secretary a
list of all the local educational agencies that received
a subgrant under this subsection and for each local
educational agency that received a subgrant, a list of
all the schools that were served, the amount of funds
each school received, and the intervention and sup-
port strategies implemented in each school.

“(8) SUPPLEMENT NOT SUPPLANT.—A local
educational agency 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.

“(9) RULE OF CONSTRUCTION.—Nothing in
this section shall be construed to alter or otherwise
affect the rights, remedies, and procedures afforded
school or school district employees under Federal,
State, or local laws (including applicable regulations
or court orders) or under the terms of collective bar-
gaining agreements, memoranda of understanding,
or other agreements between such employees and
their employers.”;

(2) by striking section 1119; and
(3) by redesignating sections 1118, 1120, 1120A, and 1120B, as sections 1115, 1116, 1117, and 1118, respectively.

SEC. 1005. PARENT AND FAMILY ENGAGEMENT.

Section 1115, as redesignated by section 1004(3), is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “conducts outreach to all parents and family members and” after “only if such agency”; and

(ii) by inserting “and family members” after “and procedures for the involvement of parents”; and

(B) in paragraph (2)—

(i) by inserting “and family members” after “, and distribute to, parents”; and

(ii) by striking “written parent involvement policy” and inserting “written parent and family engagement policy”; and

(iii) by striking “expectations for parent involvement” and inserting “expectations and objectives for meaningful parent and family involvement”; and
(iv) by striking subparagraphs (A) through (F) and inserting the following:

“(A) involve parents and family members in jointly developing a parent and family engagement policy under section 1112(d), and the process of school review and improvement under section 1114;

“(B) provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the local educational agency in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders and philanthropic organization, or individuals with expertise in effectively engaging parents and family members in education;

“(C) coordinate and integrate parental involvement strategies under this part with parental involvement strategies, to the extent feasible and appropriate, with other relevant Federal, State, and local laws and programs;
“(D) conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all schools served under this part, including identifying—

“(i) barriers to greater participation by parents in activities authorized by this section (with particular attention to parents who are economically disadvantaged, are disabled, are English learners, have limited literacy, or are of any racial or ethnic minority background);

“(ii) the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and

“(iii) strategies to support successful school and family interactions;

“(E) use the findings of such evaluation in subparagraph (D) to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the parental involvement policies described in this section; and
“(F) involve parents in the activities of the
schools served under this part, which may in-
clude establishing a parent advisory board com-
prised of a sufficient number and representative
group of parents or family members served by
the local educational agency to adequately rep-
resent the needs of the population served by
such agency for the purposes of developing, re-
vising, and reviewing the parent and family en-
gagement policy.”; and

(C) in paragraph (3)—

(i) in subparagraph (A), by striking
“to carry out this section, including pro-
moting family literacy and parenting
skills,” and insert “to assist schools to
carry out the activities described in this
section,”;

(ii) in subparagraph (B), by striking
“(B) PARENTAL INPUT.—Parents of chil-
dren” and inserting “(B) PARENT AND
FAMILY MEMBER INPUT.—Parents and
family members of children”;

(iii) in subparagraph (C)—

(I) by striking “95 percent” and
inserting “85 percent”; and
(II) by inserting “, with priority given to high-need schools” after “schools served under this part”; and
(iv) by adding at the end the following:
“(D) USE OF FUNDS.—Funds reserved under subparagraph (A) by a local educational agency shall be used to carry out activities and strategies consistent with the local educational agency’s parent and family engagement policy, including not less than 1 of the following:
“(i) Supporting schools and nonprofit organizations in providing professional development for local educational agency and school personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, school leaders, early childhood educators, and parents and family members.
“(ii) Supporting home visitation programs.
“(iii) Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically
disadvantaged parents and family members.

“(iv) Collaborating or providing subgrants to schools to enable such schools to collaborate with community-based or other organizations or employers with a demonstrated track record of success in improving and increasing parent and family engagement.

“(v) Engaging in any other activities and strategies that the local educational agency determines are appropriate and consistent with such agency’s parent and family engagement policy, which may include adult education and literacy activities, as defined in section 203 of the Adult Education and Family Literacy Act.”;

(2) in subsection (b)—

(A) in the heading, by striking “PARENTAL INVOLVEMENT POLICY” and inserting PARENTAL AND FAMILY ENGAGEMENT POLICY;

(B) in paragraph (1)—

(i) by inserting “and family members” after “distribute to, parents”; and
(ii) by striking “written parental involvement policy” and inserting “written parent and family engagement policy”; 

(C) in paragraph (2)—

(i) by striking “parental involvement policy” and inserting “parent and family engagement policy”; and 

(ii) by inserting “and family members” after “that applies to all parents”; 

and 

(D) in paragraph (3)—

(i) by striking “school-district-level parental involvement policy” and inserting “district-level parent and family engagement policy”; and 

(ii) by inserting “and family members in all schools served by the local educational agency” after “policy that applies to all parents”; 

(3) in subsection (c)(4)(B), by striking “the proficiency levels students are expected to meet” and inserting “the achievement levels of the challenging State academic standards”; 

(4) in subsection (d)—

(A) in paragraph (1)—
(i) by striking “the State’s student academic achievement standards” and inserting “the challenging State academic standards”; and

(ii) by striking “, such as monitoring attendance, homework completion, and television watching”;

(B) in paragraph (2)—

(i) in subparagraph (B), by striking “and” after the semicolon;

(ii) in subparagraph (C), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(D) ensuring regular two-way, meaningful communication between family members and school staff, to the extent practicable, in a language that family members can understand and access.”;

(5) in subsection (c)—

(A) in paragraph (1), by striking “the State’s academic content standards and State student academic achievement standards” and inserting “the challenging State academic standards”;

...
(B) in paragraph (3), by striking “pupil services personnel, principals” and inserting “instructional support services personnel, principals, and other school leaders”; and

(C) in paragraph (4) by striking “Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program” and inserting “other relevant Federal, State, and local laws,”;

(6) by striking subsection (f) and inserting the following:

“(f) ACCESSIBILITY.—In carrying out the parent and family involvement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide opportunities for the full and informed participation of parents and family members (including parents and family members who are English learners, parents and family members with disabilities, and parents of migratory children), including providing information and school reports required under section 1111 in a format and, to the extent practicable, in a language such parents understand.”; and
(7) in subsection (h), by striking “parental involvement policies” and inserting “parent and family engagement policies”.

SEC. 1006. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

Section 1116, as redesignated by section 1004(3), is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “sections 1118 and 1119” and inserting “section 1115”; and

(B) by striking paragraph (4) and inserting the following:

“(4) EXPENDITURES.—

“(A) IN GENERAL.—Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.

“(B) TERM OF DETERMINATION.—The local educational agency may determine the equitable share each year or every 2 years.
“(C) METHOD OF DETERMINATION.—The proportional share of funds shall be determined—

“(i) based on the total allocation received by the local educational agency; and

“(ii) prior to any allowable expenditures or transfers by the local educational agency.”; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) by striking “and” before “the proportion of funds”; and

(II) by inserting “, and how that proportion of funds is determined” after “such services”; and

(ii) in subparagraph (G), by striking “and” after the semicolon;

(iii) in subparagraph (H), by striking the period at the end and inserting “; and”; and

(iv) by inserting after subparagraph (H) the following:

“(I) whether the agency shall provide services directly or assign re-
sponsibility for the provision of services to a separate government agency, consortium, or entity, or to a third-party contractor.”; and

(B) in paragraph (5)(A)—

(i) by striking “or” before “did not give due consideration”; and

(ii) by inserting “, or did not make a decision that treats the private school students equitably as required by this section” before the period at the end.

SEC. 1007. SUPPLEMENT, NOT SUPPLANT.

Section 1117, as redesignated by section 1004(3), is amended by striking subsection (b) and inserting the following:

“(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

“(1) IN GENERAL.—A State educational agency or local educational agency shall use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.
“(2) COMPLIANCE.—To demonstrate compliance with paragraph (1), a local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving assistance under this part.

“(3) SPECIAL RULE.—No local educational agency shall be required to—

“(A) identify that an individual cost or service supported under this part is supplemental; and

“(B) provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency’s compliance with paragraph (1).

“(4) PROHIBITION.—Nothing in this section shall be construed to authorize or permit the Secretary to establish any criterion that specifies, defines, or prescribes the specific methodology a local educational agency uses to allocate State and local funds to each school receiving assistance under this part.
“(5) TIMELINE.—A local educational agency—

“(A) shall meet the compliance require-
ment under paragraph (2) not later than 2
years after the date of enactment of the Every
Child Achieves Act of 2015; and

“(B) may demonstrate compliance with the
requirement under paragraph (1) before the
end of such 2-year period using the method
such local educational agency used on the day
before the date of enactment of the Every Child
Achieves Act of 2015.”.

SEC. 1008. MAINTENANCE OF EFFORT.

Section 1125A(e) (20 U.S.C. 6337(e)) is amended to
read as follows:

“(e) MAINTENANCE OF EFFORT.—

“(1) IN GENERAL.—A State is entitled to re-
ceive its full allotment of funds under this section
for any fiscal year if the Secretary finds that the
State’s fiscal effort per student or the aggregate ex-
penditures of the State with respect to the provision
of free public education by the State for the pre-
ceding fiscal year was not less than 90 percent of
the fiscal effort or aggregate expenditures for the
second preceding fiscal year, subject to the require-
ments of paragraph (2).
“(2) Reduction in case of failure to meet.—

“(A) In general.—The Secretary shall reduce the amount of the allotment of funds under this section in any fiscal year in the exact proportion by which a State fails to meet the requirement of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), if such State has also failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

“(B) Special rule.—No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

“(3) Waiver.—The Secretary may waive the requirements of this subsection if the Secretary determines that a waiver would be equitable due to—

“(A) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the State; or
“(B) a precipitous decline in the financial
resources of the State.”.

SEC. 1009. ACADEMIC ASSESSMENTS.

Part B of title I (20 U.S.C. 6361 et seq.) is amended
to read as follows:

“PART B—ACADEMIC ASSESSMENTS

“SEC. 1201. GRANTS FOR STATE ASSESSMENTS AND REL-
ATED ACTIVITIES.

“The Secretary shall make grants to States to enable
the States to carry out 1 or more of the following:

“(1) To pay the costs of the development of the
State assessments and standards adopted under sec-
section 1111(b), which may include the costs of work-
ing in voluntary partnerships with other States, at
the sole discretion of each such State.

“(2) If a State has developed the assessments
adopted under section 1111(b), to administer those
assessments or to carry out other assessment activi-
ties described in this part, such as the following:

“(A) Expanding the range of appropriate
accommodations available to children who are
English learners and children with disabilities
to improve the rates of inclusion in regular as-
seSSments of such children, including profes-
Sional development activities to improve the im-
plementation of such accommodations in instructional practice.

“(B) Developing challenging State academic standards and aligned assessments in academic subjects for which standards and assessments are not required under section 1111(b).

“(C) Developing or improving assessments of English language proficiency necessary to comply with section 1111(b)(2)(G).

“(D) Ensuring the continued validity and reliability of State assessments.

“(E) Refining State assessments to ensure their continued alignment with the challenging State academic standards and to improve the alignment of curricula and instructional materials.

“(F) Developing or improving the quality, validity, and reliability of assessments for children who are English learners, including alternative assessments aligned with the challenging State academic standards, testing accommodations for children who are English learners, and assessments of English language proficiency.
“(G) Developing or improving balanced assessment systems that include summative, interim, and formative assessments, including supporting local educational agencies in developing or improving such assessments.

SEC. 1202. FUNDING.

“(a) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—For the purpose of administering the State assessments under the National Assessment of Educational Progress, there are authorized to be appropriated such sums as may be necessary for fiscal years 2016 through 2021.

“(b) ALLOTMENT OF APPROPRIATED FUNDS.—From amounts made available for each fiscal year under subsection 1002(b) that are equal to or less than the amount described in section 1111(b)(2)(H), the Secretary shall—

“(1) reserve \(\frac{1}{2}\) of 1 percent for the Bureau of Indian Education;

“(2) reserve \(\frac{1}{2}\) of 1 percent for the outlying areas; and

“(3) from the remainder, allocate to each State an amount equal to—

“(A) $3,000,000; and

“(B) with respect to any amounts remaining after the allocation is made under subpara-

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graph (A), an amount that bears the same rela-
tionship to such total remaining amounts as the
number of students aged 5 through 17 in the
State (as determined by the Secretary on the
basis of the most recent satisfactory data) bears
to the total number of such students in all
States.

“(c) STATE DEFINED.—In this section, the term
‘State’ means each of the 50 States, the District of Colum-
bia, and the Commonwealth of Puerto Rico.

“SEC. 1203. INNOVATIVE ASSESSMENT AND ACCOUNT-
ABILITY DEMONSTRATION AUTHORITY.

“(a) INNOVATIVE ASSESSMENT SYSTEM DEFINED.—
The term ‘innovative assessment system’ means a system
of assessments that may include—

“(1) competency-based assessments, interim as-
sessions, cumulative year-end assessments, or per-
formance-based assessments that combine into an
annual summative determination for a student,
which may be administered through computer-adapt-
ive assessments; and

“(2) assessments that validate when students
are ready to demonstrate mastery and allow for dif-
ferentiated student support based on individual
learning needs.
“(b) **DEMONSTRATION AUTHORITY.—**

“(1) **IN GENERAL.—** The Secretary may provide a State educational agency, in accordance with paragraph (3), with the authority to establish, an innovative assessment system.

“(2) **DEMONSTRATION PERIOD.—** Each authorization of demonstration authority under this section shall be for a period of 3 years.

“(3) **INITIAL DEMONSTRATION AUTHORITY; EXPANSION.—**

“(A) **INITIAL LIMIT.—** During the initial 3-year period of demonstration authority under this section, the Secretary may provide no more than 5 State educational agencies with the authority described in paragraph (1).

“(B) **EXPANSION OF DEMONSTRATION AUTHORITY.—** After the end of the initial demonstration period described in subparagraph (A), the Secretary may provide additional State educational agencies with demonstration authority described in paragraph (1), if the Secretary determines that the innovative assessment systems have—

“(i) demonstrated progress in increasing student achievement and improving
academic outcomes, including increased high school graduation rates for high schools, among students served by the State educational agencies, including each of the categories of students, as defined in section 1111(b)(3)(A);

“(ii) been developed in accordance with the requirements of subsection (c), including substantial evidence that such system meets such requirements; and

“(iii) demonstrated that the same academic assessment system was used to measure the achievement of all students, and at least 95 percent of students overall and in each of the categories of students, as defined in section 1111(b)(3)(A), were assessed under the innovative assessment system.

“(c) APPLICATION.—A State educational agency that desires to participate in the program of demonstration authority under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Such application shall include a description of the
innovative assessment system. In addition, the application shall include the following:

“(1) A demonstration that the innovative assessment system will—

“(A) meet all the requirements of section 1111(b)(2)(B), except the requirements of clause (i) and items (aa) and (bb) of clause (v)(I) of such section;

“(B) be aligned to the standards under section 1111(b)(1) and address the depth and breadth of the State’s challenging academic standards under such section;

“(C) express student results or student competencies in terms consistent with the State’s student academic achievement standards;

“(D) be able to generate comparable, valid, and reliable results for all students and for each category of students described in section 1111(b)(2)(B)(xi), compared to the results for such students on the State assessments under section 1111(b)(2);

“(E) be developed in collaboration with stakeholders representing the interests of children with disabilities, English learners, and
other vulnerable children, educators, including teachers, principals, and other school leaders, and civil rights organizations in the State;

“(F) be accessible to all students, such as by incorporating the principles of universal design for learning;

“(G) provide educators, students, and parents with timely data, disaggregated by each category of students under subclauses (I) through (VI) of section 1111(b)(2)(B)(xi), to inform and improve instructional practice and student supports;

“(H) be able to identify which students are not making progress toward the State’s academic achievement standards so that educators can provide instructional support and targeted intervention to all students to ensure every student is making progress;

“(I) measure the annual progress of not less than 95 percent of all students and each of the categories of students, as defined in section 1111(b)(3)(A), who are enrolled in each school that is participating in the innovative assessment system and are required to take assessments;
“(J) generate an annual, summative achievement determination based on annual data for each individual student based on the State’s challenging academic standards under section 1111(b)(1) and be able to validly and reliably aggregate data from the innovative assessment system for purposes of accountability, consistent with the requirements of section 1111(b)(3), and reporting, consistent with the requirements of section 1111(d); and

“(K) continue use of the high-quality statewide academic assessments required under section 1111(b)(2) if such assessments will be used for accountability purposes for the duration of the demonstration.

“(2) A description of how the State educational agency will—

“(A) identify the distinct purposes for each assessment that is part of the innovative assessment system;

“(B) provide support and training to local educational agency and school staff to implement the innovative assessment system described in this subsection;
“(C) inform parents of students in participating local educational agencies about the innovative assessment system at the beginning of each school year during which the innovative assessment system will be implemented;

“(D) engage and support teachers in developing and scoring assessments that are part of the innovative assessment system, including through the use of high quality professional development, standardized and calibrated scoring rubrics, and other strategies, consistent with relevant nationally recognized professional and technical standards, to ensure inter-rater reliability and comparability;

“(E) acclimate students to the innovative assessment system;

“(F) ensure that students with the most significant cognitive disabilities may be assessed with alternate assessments consistent with section 1111(b)(2)(D);

“(G) scale up the innovative assessment system to administer such system statewide, including the timeline that explains the process for scaling to statewide implementation by the end of the initial demonstration authority and
2-year renewal period, if the State is proposing to administer the innovative assessment system initially in a subset of local educational agencies;

“(H) gather data, solicit regular feedback from educators and parents, and assess the results of each year of the program of demonstration authority under this section, and respond by making needed changes to the innovative assessment system; and

“(I) report data from the innovative assessment system annually to the Secretary, including—

“(i) demographics of participating local educational agencies, if such system is not statewide, and additional local educational agencies if added to the system during the course of the initial demonstration or 2-year renewal period;

“(ii) performance of all participating students and for each category of students, as defined in section 1111(b)(3)(A), on the innovative assessment, consistent with the requirements in section 1111(d); and
“(iii) feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system.

“(3) A description of the State educational agency’s plan to—

“(A) ensure that all students and each of the categories of students, as defined in section 1111(b)(3)(A)—

“(i) are held to the same high standard as other students in the State; and

“(ii) receive the instructional support needed to meet challenging State academic standards;

“(B) ensure that each local educational agency has the technological infrastructure to implement the innovative assessment system; and

“(C) hold all participating schools in the local educational agencies participating in the program of demonstration authority accountable for meeting the State’s expectations for student achievement.
“(4) If the innovative assessment system will initially be administered in a subset of local educational agencies—

“(A) a description of the local educational agencies within the State educational agency that will participate, including what criteria the State has for approving any additional local educational agencies to participate during the demonstration period;

“(B) assurances from such local educational agencies that such agencies will comply with the requirements of this subsection; and

“(C) a demonstration that the participating local educational agencies will be demographically similar to the State as a whole.

“(d) PEER REVIEW.—The Secretary shall—

“(1) implement a peer review process, which shall include a review team comprised of practitioners and experts who are knowledgeable about the assessment innovation being proposed for all students, including English learners and children with disabilities, to inform—

“(A) the awarding, renewal, and expansion of the demonstration authority under this section; and
“(B) determinations about whether the innovative assessment system—

“(i) is valid, reliable, of high technical quality, and consistent with relevant, nationally recognized professional and technical standards; and

“(ii) provides an unbiased, rational, and consistent determination of progress toward annual goals for all students and schools; and

“(2) make publicly available the applications submitted under subsection (c) and the peer review comments and recommendations regarding such applications.

“(e) RENEWAL.—The Secretary may renew an authorization of demonstration authority under this subsection for an additional 2 years if the State educational agency demonstrates with evidence that the State educational agency’s innovative assessment system is continuing to meet the requirements of subsection (c).

“(f) USE OF INNOVATIVE ASSESSMENT SYSTEM.—A State may, during the initial 3 year demonstration period or 2-year renewal period include results from the innovative assessment systems developed under this authority in accountability determinations for each student in the par-
participating local educational agencies instead of, or in addition to, those from the assessment system under section 1111(b)(2), provided the State demonstrates that the State has meet the requirements in subsection (c). The State shall continue to meet all other requirements of section 1111(b)(3).

“(g) AUTHORITY WITHDRAWN.—The Secretary shall withdraw the authorization for demonstration authority provided to a State educational agency under this section and any participating local educational agency or the State as a whole shall return to the statewide accountability system under section 1111(b)(2) if, at any point after the 3-year demonstration period described in subsection (b)(2) or 2-year renewal period described in subsection (e), the State educational agency cannot present to the Secretary a body of substantial evidence that the innovative assessment system developed under this section—

“(1) meets requirements of subsection (c);

“(2) includes all students, including each of the categories of students, as defined in section 1111(b)(3)(A), in the innovative assessment system demonstration;

“(3) provides an unbiased, rational, and consistent determination of progress toward annual
goals for schools, which are comparable to determinations under section 1111(b)(3)(B)(iii) across the State in which the local educational agencies are located;

“(4) presents a high quality plan to transition to full statewide use of the innovative assessment system by the end of the initial demonstration period and 2-year renewal, if the innovative assessment system will initially be administered in a subset of local educational agencies; and

“(5) is equivalent to the statewide assessments under section 1111(b)(2) in content coverage, difficulty, and quality.

“(h) TRANSITION.—

“(1) IN GENERAL.—If, after the initial demonstration and renewal period, the State educational agency has met all the requirements of this section, such entity shall be permitted to operate the innovative assessment system approved under the program of demonstration authority under this section for the purposes of paragraphs (2) and (3) of section 1111(b).

“(2) WAIVER AUTHORITY.—If, after the initial demonstration and renewal period, the State has met all of the requirements of this section, except
transition to full statewide use for States that will
initially administer an innovative assessment system
in a subset of local educational agencies, and con-
tinues to comply with the other requirements of this
section, and demonstrates a high quality plan for
transition to statewide use in a reasonable period of
time, the State may request, and the Secretary shall
review such request, a delay of the withdrawal of au-
thority under subsection (g) for the purpose of pro-
viding the State time necessary to implement the in-
novative assessment system statewide.”.

SEC. 1010. EDUCATION OF MIGRATORY CHILDREN.

Part C of title I (20 U.S.C. 6391 et seq.) is amend-
ed—

(1) in section 1301—

(A) in paragraph (2), by striking “State
academic content and student academic achieve-
ment standards” and inserting “challenging
State academic standards”;

(B) in paragraph (4), by striking “State
academic content and student academic achieve-
ment standards” and inserting “State academic
standards”; and
(C) in paragraph (5), by inserting “without the need for postsecondary remediation” after “employment”;

(2) in section 1303—

(A) by striking subsection (a) and inserting the following:

“(a) STATE ALLOCATIONS.—

“(1) BASE AMOUNT.—

“(A) IN GENERAL.—Except as provided in subsection (b) and subparagraph (B), each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part, for fiscal year 2003 and succeeding fiscal years, an amount equal to—

“(i) the amount that such State received under this part for fiscal year 2002;

plus

“(ii) the amount allocated to the State under paragraph (2).

“(B) NONPARTICIPATING STATES.—In the case of a State (other than the Commonwealth of Puerto Rico) that did not receive any funds for fiscal year 2002 under this part, the State shall receive, for fiscal year 2003 and succeeding fiscal years, an amount equal to—
“(i) the amount that such State would
have received under this part for fiscal
year 2002 if its application under section
1304 for the year had been approved; plus
“(ii) the amount allocated to the State
under paragraph (2).
“(2) Allocation of additional amount.—
For fiscal year 2003 and succeeding fiscal years, the
amount (if any) by which the funds appropriated to
carry out this part for the year exceed such funds
for fiscal year 2002 shall be allocated to a State
(other than the Commonwealth of Puerto Rico) so
that the State receives an amount equal to—
“(A) the sum of—
“(i) the number of identified eligible
migratory children, aged 3 through 21, re-
siding in the State during the previous
year; and
“(ii) the number of identified eligible
migratory children, aged 3 through 21,
who received services under this part in
summer or intercession programs provided
by the State during such year; multiplied
by
“(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this clause may not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.”;

(B) in subsection (c)—

(i) in paragraph (1)—

(I) by striking “(A) If, after” and inserting the following:

“(A) IN GENERAL.—If, after”; and

(II) in subparagraph (B), by striking “If additional” and inserting “REALLOCATION”; and

(ii) in paragraph (2)—

(I) by striking “(A) The Secretary” and inserting the following:

“(A) FURTHER REDUCTIONS.—The Secretary”; and

(II) in subparagraph (B), by striking “The Secretary” and inserting “REALLOCATION”; and

(C) in subsection (d)(3)(B), by striking “welfare or educational attainment” and inserting “academic achievement”; and
(D) in subsection (e)—

(i) in the matter preceding paragraph (1), by striking “estimated” and inserting “identified”; and

(ii) by striking “the Secretary shall” and all that follows through the period at the end and inserting “the Secretary shall use such information as the Secretary finds most accurately reflects the actual number of migratory children.”;

(3) in section 1304—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A)—

(aa) by striking “special educational needs” and inserting “unique educational needs”; and

(bb) by inserting “and out of school migratory children” after “including preschool migratory children”; and

(II) by striking subparagraph (D) and inserting the following:
“(D) measurable program objectives and outcomes;”;

(ii) in paragraph (2), by striking “challenging State academic content standards and challenging State student academic achievement standards” and inserting “challenging State academic standards”; 

(iii) in paragraph (3), by striking “, consistent with procedures the Secretary may require,”;

(iv) in paragraph (5), by inserting “and” after the semicolon;

(v) by striking paragraph (6); and

(vi) by redesignating paragraph (7) as paragraph (6);

(B) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking “, satisfactory to the Secretary,”;

(ii) in paragraph (3), in the matter before subparagraph (A), by striking “parent advisory councils” and inserting “parents of migratory children, including parent advisory councils”;
(iii) in paragraph (4), by inserting
“and out of school migratory children”
after “addressing the unmet educational
needs of preschool”;

(iv) in paragraph (6)—

(I) by striking “to the extent fea-
sible,”;

(II) by striking subparagraph (C)
and inserting the following:
“(C) evidence-based family literacy pro-
grams;”;

(III) in subparagraph (E), by in-
serting “, without the need for post-
secondary remediation” after “em-
ployment”; and

(v) in paragraph (7), by striking “,
through such procedures as the Secretary
may require’’;

(C) by striking subsection (d) and insert-
ing the following:
“(d) PRIORITY FOR SERVICES.—In providing services
with funds received under this part, each recipient of such
funds shall give priority to migratory children who have
made a qualifying move within the previous 1-year period
and who—
“(1) are failing, or most at risk of failing, to meet the challenging State academic standards; or "''(2) have dropped out of school.''; and (D) in subsection (e)(3), by striking ‘‘secondary school students’’ and inserting ‘‘students’’;
(4) in section 1305(a), by inserting ‘‘, to the extent practicable’’ after ‘‘shall’’;
(5) in section 1306 (a)(1)— (A) by striking ‘‘special’’ both places the term appears and inserting ‘‘unique’’;
(B) in subparagraph (C), by striking ‘‘challenging State academic content standards and challenging State student academic achievement standards’’ and inserting ‘‘challenging State academic standards’’; and (C) in subparagraph (F), by striking ‘‘or B’’; and
(6) in section 1307— (A) in the matter preceding paragraph (1), by striking ‘‘nonprofit’’; and (B) in paragraph (3), by striking ‘‘welfare or educational attainment’’ and inserting ‘‘educational achievement’’;
(7) in section 1308—
(A) in subsection (a)(1), by inserting “through” after “including”; and

(B) in subsection (b)—

(i) in paragraph (1), by striking “developing effective methods for”;

(ii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) in the matter preceding clause (i), in the first sentence—

(AA) by striking “ensure the linkage of migrant student” and inserting “maintain a migratory”;

(BB) by striking “systems” and inserting “system”;

(CC) by inserting “within and” before “among the States”; and

(DD) by striking “all migratory students” and inserting “all migratory children eligible under this part”;
(bb) in the matter preceding clause (i), by striking “The Secretary shall ensure” and all that follows through “maintain.”; and

(ec) in clause (ii), by striking “required”;  

(II) by redesignating subparagraph (B) as subparagraph (C);  

(III) by inserting after subparagraph (A) the following:

“(B) CONSULTATION.—The Secretary shall maintain ongoing consultation with the States, local educational agencies, and other migratory student service providers on—

“(i) the effectiveness of the system described in subparagraph (A); and

“(ii) the ongoing improvement of such system.”; and

(IV) in subparagraph (C), as redesignated by subclause (II)—  

(a) by striking “the proposed data elements” and inserting “any new proposed data elements”; and
(bb) by striking “Such public-
lication shall occur not later than
120 days after the enactment of
the No Child Left Behind Act of
2001.”; and

(iii) by striking paragraph (4);

(8) in section 1309—

(A) in paragraph (1)(B), by striking “non-
profit”; and

(B) by striking paragraph (2) and insert-
ing the following:

“(2) MIGRATORY AGRICULTURAL WORKER.—
The term ‘migratory agricultural worker’ means an
individual who made a qualifying move in the pre-
ceding 36 months and, after doing so, engaged in
new employment or personal subsistence in agri-
culture, which may be dairy work or the initial proc-
ressing of raw agricultural products. If an individual
did not engage in such new employment soon after
a qualifying move, such individual may be considered
a migratory agricultural worker if the individual ac-
tively sought new employment and has a recent his-
tory of moves for agricultural employment.
“(3) MIGRATORY CHILD.—The term ‘migratory child’ means a child or youth who made a qualifying move in the preceding 36 months—

“(A) as a migratory agricultural worker or a migratory fisher; or

“(B) with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

“(4) MIGRATORY FISHER.—The term ‘migratory fisher’ means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new employment or personal subsistence in fishing. If the individual did not engage in such new employment soon after the move, the individual may be considered a migratory fisher if the individual actively sought new employment and has a recent history of moves for fishing work.

“(5) QUALIFYING MOVE.—The term ‘qualifying move’ means a move due to economic necessity—

“(A) from one residence to another residence; and

“(B) from one school district to another school district, except—

“(i) in the case of a State that is comprised of a single school district, wherein a
qualifying move is from one administrative area to another within such district;

“(ii) in the case of a school district of more than 15,000 square miles, wherein a qualifying move is a distance of 20 miles or more to a temporary residence to engage in a fishing activity; or

“(iii) in a case in which another exception applies, as defined by the Secretary.”.

SEC. 1011. PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK.

Part D of title I (20 U.S.C. 6421 et seq.) is amended—

(1) in section 1401(a)—

(A) in paragraph (1)—

(i) by inserting “tribal,” after “youth in local”; and

(ii) by striking “challenging State academic content standards and challenging State student academic achievement standards” and inserting “challenging State academic standards”; and
(B) in paragraph (3), by inserting “and the involvement of their families and communities” after “to ensure their continued education”;

(2) in section 1412(b), by striking paragraph (2) and inserting the following:

“(2) MINIMUM PERCENTAGE.—The percentage in paragraph (1)(A) shall not be less than 85 percent.”;

(3) in section 1414—

(A) in subsection (a)—

(i) in paragraph (1)(B), by striking “from correctional facilities to locally operated programs” and inserting “between correctional facilities and locally operated programs”; and

(ii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) by striking “the program goals, objectives, and performance measures established by the State” and inserting “the program objectives and outcomes established by the State”; and
(bb) by striking “vocational” and inserting “career”;

(II) in subparagraph (B), by striking “and” after the semicolon; and

(III) in subparagraph (C)—

(aa) in clause (i), by inserting “and” after the semicolon;

(bb) by striking clause (ii) and redesignating clause (iii) as clause (ii);

(cc) by striking clause (iv); and

(dd) by adding at the end the following:

“(D) provide assurances that the State educational agency has established—

“(i) procedures to ensure the prompt re-enrollment of each student who has been placed in the juvenile justice system in secondary school or in a re-entry program that best meets the needs of the student, including the transfer of credits that such students earn during placement; and
“(ii) opportunities for such students to participate in higher education or career pathways.”; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) by inserting “and respond to” after “to access”; and

(II) by inserting “and to the extent practicable, provide for an assessment upon entry into a correctional facility” after “to be served under this subpart”; 

(ii) in paragraph (6)—

(I) by striking “carry out the evaluation requirements of section 9601 and how” and inserting “use”; 

(II) by inserting “under section 9601” after “recent evaluation”; and 

(III) by striking “will be used”; 

(iii) in paragraph (8) by striking “vocational” and inserting “career”; 

(iv) in paragraph (9)—

(I) by inserting “and following” after “youth prior to”; and
(II) by inserting “and, to the extent practicable, to ensure that transition plans are in place” after “the local educational agency or alternative education program”; 

(v) in paragraph (11), by striking “transition of children and youth from such facility or institution to” and inserting “transition of such children and youth between such facility or institution and”; 

(vi) in paragraph (16), by inserting “and obtain a high school diploma” after “to encourage the children and youth to reenter school”; and 

(vii) in paragraph (17), by inserting “certified or licensed” after “provides an assurance that”;

(4) in section 1415(a)—

(A) in paragraph (1)(B)—

(i) by inserting “, without the need for remediation,” after “transition to”; and 

(ii) by striking “vocational or technical training” and inserting “career and technical education”; and 

(B) in paragraph (2)—
(i) by striking subparagraph (A), and inserting:

“(A) may include—

“(i) the acquisition of equipment; and

“(ii) pay for success initiatives that produce a measurable, clearly defined outcome that results in social benefit and direct cost savings to the local, State, or Federal Government;”;

(ii) in subparagraph (B)—

(I) in clause (i), by striking “content standards and student academic achievement”; and

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

(iii) in subparagraph (C), by striking “; and” and inserting a period; and

(iv) by striking subparagraph (D);

(5) in section 1416—

(A) in paragraph (3)—

(i) by striking “challenging State academic content standards and student academic achievement standards” and inserting “challenging State academic standards”; and
(ii) by striking “complete secondary school, attain a secondary diploma” and inserting “attain a high school diploma”; 

(B) in paragraph (4)—

(i) by striking “pupil” and inserting “specialized instructional support”; and

(ii) by inserting “and, to the extent practicable, the development and implementation of transition plans” after “children and youth described in paragraph (1)”;

(C) in paragraph (6), by striking “student progress” and inserting “and improve student achievement”;

(6) in section 1418(a)—

(A) by striking paragraph (1) and inserting the following:

“(1) projects that facilitate the transition of children and youth between State-operated institutions, or institutions in the State operated by the Secretary of the Interior, and schools served by local educational agencies or schools funded by the Bureau of Indian Education; or”; and

(B) in paragraph (2)—
(i) by striking “vocational” each place the term appears and inserting “career”;

and

(ii) in the matter preceding subpara-
graph (A)—

(I) by striking “secondary” and inserting “high”; and

(II) by inserting “, without the need for remediation,” after “re-
entry”;

(7) in section 1419, by striking “for a fiscal year” and all that follows through “to provide” and inserting “for a fiscal year to provide”;

(8) in section 1421—

(A) in paragraph (1), by inserting “, without the need for remediation,” after “youth”; and

(B) in paragraph (3), by inserting “, including schools funded by the Bureau of Indian Education,” after “local schools”;

(9) in section 1422(d)—

(A) by inserting “and may include the non-
academic needs” after “to meet the transitional and academic needs”; and
(B) by striking “impact on meeting the transitional” and inserting “impact on meeting such transitional”; (10) in section 1423—

(A) in paragraph (2)(B), by inserting “, including such facilities operated by the Secretary of the Interior and Indian tribes” after “the juvenile justice system”; (B) by striking paragraph (4) and inserting the following: “(4) a description of the activities that the local educational agency will carry out to facilitate the successful transition of children and youth in locally operated institutions for neglected and delinquent children and other correctional institutions into schools served by the local educational agency, or as appropriate, into career and technical education and postsecondary education programs;”; (C) in paragraph (8), by inserting “and family members” after “will involve parents”; (D) in paragraph (9), by striking “vocational” and inserting “career”; (E) by striking paragraph (11) and inserting the following:
“(11) as appropriate, a description of how the local educational agency and schools will address the educational needs of children and youth who return from institutions for neglected and delinquent children and youth or from correctional institutions and attend regular or alternative schools;”; and

(F) in paragraph (12), by striking “participating schools” and inserting “the local educational agency”; 

(11) in section 1424—

(A) in paragraph (2), by striking “, including” and all that follows through “gang members”; 

(B) in paragraph (4)—

(i) by striking “vocational” and inserting “career”; and

(ii) by striking “and” after the semicolon; and

(C) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(D) by inserting the following after paragraph (5):

“(6) programs for at-risk Indian children and youth, including such children and youth in correctional facilities in the area served by the local edu-
cational agency that are operated by the Secretary of the Interior or Indian tribes; and

“(7) pay for success initiatives that produce a measurable, clearly defined outcome that results in social benefit and direct cost savings to the local, State, or Federal Government.”;

(12) in section 1425—

(A) in paragraph (4)—

(i) by inserting “and obtain a high school diploma” after “reenter school”; and

(ii) by striking “or seek a secondary school diploma or its recognized equivalent”; 

(B) in paragraph (6), by striking “high academic achievement” and inserting “the challenging State academic standards”; 

(C) in paragraph (9), by striking “voca-
tional” and inserting “career”; 

(D) in paragraph (10), by striking “and” after the semicolon;

(E) in paragraph (11), by striking the pe-
riod at the end and inserting “; and”; and

(F) by adding at the end the following:
“(12) to the extent practicable, 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’s 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.”;

(13) in section 1426(2), by striking “secondary” and inserting “high”;

(14) in section 1431(a)—

(A) by striking “secondary” each place the term appears and inserting “high”;

(B) in paragraph (1), by inserting “and to graduate high school in the standard number of years” after “educational achievement”; and

(C) in paragraph (3), by inserting “or school funded by the Bureau of Indian Education” after “local educational agency”; and
(15) in section 1432(2)—

(A) by striking “has limited English proficiency” and inserting “is an English learner”; and

(B) by striking “or has a high absenteeism rate at school.” and inserting “has a high absenteeism rate at school, or has other life conditions that make the individual at high risk for dependency or delinquency adjudication.”.

SEC. 1012. GENERAL PROVISIONS.

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

(1) by striking parts E, F, G, and H;

(2) by redesignating part I as part E;

(3) by striking sections 1904, 1907, and 1908;

(4) by redesignating sections 1901, 1902, 1903, 1905, and 1906, as sections 1501, 1502, 1503, 1504, and 1505, respectively;

(5) in section 1501, as redesignated by paragraph (4)—

(A) in subsection (a), by inserting “, in accordance with subsections (b) through (d),” after “may issue”;

(B) in subsection (b)—
(i) in paragraph (1), by inserting “principals, school leaders,” after “teachers,”;

(ii) in paragraph (2), by adding at the end the following: “All information from such regional meetings and electronic exchanges shall be made public in an easily accessible manner to interested parties.”;

(iii) in paragraph (3)(A), by striking “standards and assessments” and inserting “standards, assessments, the State accountability system under section 1111(b)(3), school intervention and support under section 1114, and the requirement that funds be supplemented and not supplanted under section 1117;”;

(iv) by striking paragraph (4) and inserting the following:

“(4) PROCESS.—Such process shall not be subject to the Federal Advisory Committee Act, but shall, unless otherwise provided as described in subsection (c), follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).”; and
(v) by striking paragraph (5) and inserting the following:

“(5) EMERGENCY SITUATION.—In an emergency situation in which regulations to carry out this title must be issued within a very limited time to assist State educational agencies and local educational agencies with the operation of a program under this title, the Secretary may issue a proposed regulation without following such process but shall—

“(A) designate the proposed regulation as an emergency with an explanation of the emergency in a notice provided to Congress;

“(B) publish the duration of the comment and review period in such notice and in the Federal Register; and

“(C) conduct regional meetings to review such proposed regulation before issuing any final regulation.”;

(C) by redesignating subsection (c) as subsection (d);

(D) by inserting after subsection (b) the following:

“(e) ALTERNATIVE PROCESS IF FAILURE TO REACH CONSENSUS.—If consensus, as defined in section 562 of title 5, United States Code, on any proposed regulation
is not reached by the individuals selected under paragraph (3)(B) for the negotiated rulemaking process, or if the Secretary determines that a negotiated rulemaking process is unnecessary, the Secretary may propose a regulation in the following manner:

“(1) Notice to Congress.—Not less than 30 days prior to issuing a notice of proposed rulemaking in the Federal Register, the Secretary shall provide to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and other relevant congressional committees, notice of the Secretary’s intent to issue a notice of proposed rulemaking that shall include—

“(A) a copy of the regulation to be proposed;

“(B) a justification of the need to issue a regulation;

“(C) the anticipated burden, including the time, cost, and paperwork burden, the regulations will have on State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulation;

“(D) the anticipated benefits to State educational agencies, local educational agencies,
schools, and other entities that may be im-  
pacted by the regulation;  
“(E) any regulations that will be repealed  
when the new regulations are issued; and  
“(F) an opportunity to comment on the in-  
formation in subparagraphs (A) through (E).  
“(2) COMMENT PERIOD FOR CONGRESS.—The  
Secretary shall provide Congress with a 15-day pe-  
period, beginning after the date on which the Secretary  
provided the notice of any proposed rulemaking to  
Congress under paragraph (1), to make comments  
on the proposed rule. After addressing all comments  
received from Congress during such period, the Sec-  
retary may proceed with the rulemaking process  
under section 553 of title 5, United States Code, as  
modified by this section.  
“(3) PUBLIC COMMENT AND REVIEW PERIOD.—  
The public comment and review period for any pro-  
posed regulation shall be not less than 90 days un-  
less an emergency requires a shorter period, in  
which case the Secretary shall comply with the proc-  
ess outlined in subsection (b)(5).  
“(4) ASSESSMENT.—No regulation shall be  
made final after the comment and review period de-
scribed in paragraph (3) until the Secretary has
published in the Federal Register—

“(A) an assessment of the proposed regulation that—

“(i) includes a representative sam-
pling of local educational agencies based on
enrollment, geographic diversity (including
suburban, urban, and rural local edu-
cational agencies, and other factors im-
pacted by the proposed regulation); and

“(ii) addresses the burden, including
the time, cost, and paperwork burden, that
the regulation will impose on State edu-
cational agencies, local educational agen-
cies, schools, and other entities that may
be impacted by the regulation;

“(iii) addresses the benefits to State
educational agencies, local educational
agencies, schools, and other entities that
may be impacted by the regulation; and

“(iv) thoroughly addresses, based on
the comments received during the comment
and review period under paragraph (3),
whether the rule is financially and oper-
ationally viable at the local level; and
“(B) an explanation of how the entities described in subparagraph (A)(ii) may cover the cost of the burden assessed under such subparagraph.”; and

(E) by inserting after subsection (d), as redesignated by subparagraph (C), the following:

“(e) RULE OF CONSTRUCTION.—Nothing in this section affects the applicability of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’) or chapter 8 of title 5, United States Code (commonly known as the ‘Congressional Review Act’).”;

(6) in section 1502(a), as redesignated by paragraph (4),

(A) by striking “section 1901” and inserting “section 1501”; and

(B) by striking “or provides a written” and all that follows through the period at the end and inserting “or where negotiated rulemaking is not pursued, shall conform to section 1501(c).”; and

(7) in section 1503, as redesignated by paragraph (4)—
(A) in subsection (a)(2), by striking “student academic achievement” and inserting “academic”; and

(B) in subsection (b)(2)—

(i) in subparagraph (C), by striking “,
including vocational educators”;

(ii) in subparagraph (F), by striking “and” after the semicolon; and

(iii) by striking subparagraph (G) and inserting the following:

“(G) specialized instructional support personnel;

“(H) representatives of charter schools, as appropriate; and

“(I) paraprofessionals.”.

SEC. 1013. REPORT ON EDUCATIONAL STABILITY OF CHILDREN IN FOSTER CARE.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Education and the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report that—

(1) describes any barriers to coordination between local educational agencies and child welfare agencies, including in Federal law or regulation,
such as the Fostering Connections to Success and Increasing Adoptions Act of 2008;

(2) describes the benefits and challenges of keeping a foster care child in the school of origin when such child moves to a new school attendance area as a result of being placed in foster care, changing foster care placements, or leaving foster care, including—

(A) the academic impact of increased stability as a result of such child remaining in the school of origin;

(B) challenges for local educational agencies and child welfare agencies as a result of such child remaining in the school of origin, including challenges associated with transportation;

(C) estimates of transportation costs if such child stays in the school of origin; and

(D) an analysis of the most appropriate entity to pay transportation costs for a foster care child who is changing or leaving placements and remaining in the school of origin;

(3) examines barriers to credit transfer, including awarding partial credit for coursework, for a child in foster care who is changing schools;
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(4) examines the impact on local educational agencies of a local educational agency designating an individual as a point of contact for a child welfare agency, including—

(A) the entity most suited to having the responsibility for outreach on behalf of the education of a child in foster care enrolled in a school; and

(B) the benefits and limitations of designating the local educational agency liaison under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act as the same point of contact at the local educational agency for children in foster care;

(5) describes the impact of removing children who are awaiting foster care placement from coverage under the McKinney-Vento Homeless Assistance Act; and

(6) examines the extent to which the child welfare system takes into account a child’s educational stability when determining such child’s foster care placement.

(b) DEFINITIONS.—For the purposes of this section:

(1) CHILD IN FOSTER CARE.—The term “child in foster care” means a child whose care and place-
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ment is the responsibility of the agency that admin-
isters a State plan under part B or E of title IV of
the Social Security Act (42 U.S.C. 621 et seq., 670
et seq.), without regard to whether foster care main-
tenance payments are made under section 472 of the
Social Security Act (42 U.S.C. 672) on behalf of the
child.

(2) SCHOOL OF ORIGIN.—The term “school of
origin” means, with respect to a child in foster care,
any of the following:

(A) The public school in which the child
was enrolled prior to entry into foster care.

(B) The public school in which the child is
enrolled when a change in foster care placement
occurs.

(C) The public school the child attended
when last permanently housed, as such term is
used in section 722(g)(3)(G) of the McKinney-
Vento Homeless Assistance Act (42 U.S.C.
11432(g)(3)(G)), if such child was eligible for
assistance under such Act before the child be-
came a child in foster care.

SEC. 1014. REPORT ON SUBGROUP SAMPLE SIZE.

(a) REPORT.—Not later than 90 days after the date
of enactment of this Act, the Institute of Education
Sciences shall publish a report on best practices for determining valid, reliable, and statistically significant minimum numbers of students for each of the categories of students, as defined in section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965, for the purposes of inclusion as categories of students in the accountability system described in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) (as amended by this Act) and how such minimum number that is determined will not reveal personally identifiable information about students.

(b) PUBLIC DISSEMINATION.—The Institute of Education Sciences shall work with the Department of Education’s existing technical assistance providers and dissemination networks to ensure that the report described under paragraph (1) is widely disseminated—

(1) to the public, State educational agencies, local educational agencies, and schools; and

(2) through electronic transfer, and other means, such as posting the report on the website of the Institute of Education Science other in another relevant place.
TITLE II—HIGH-QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

SEC. 2001. TRANSFER OF CERTAIN PROVISIONS.

The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating subpart 5 of part C of title II (20 U.S.C. 6731 et seq.) as subpart 3 of part F of title IX, as redesignated by section 9106(1), and moving that subpart to the end of part F of title IX;

(2) by redesignating sections 2361 through 2368 as sections 9541 through 9548, respectively;

(3) by striking the subpart heading of subpart 3 of part F of title IX, as redesignated by paragraph (1), and inserting the following:

“Subpart 3—Teacher Liability Protection”;

(4) in section 9546(b), as redesignated by paragraph (2), by striking the matter following paragraph (2) and inserting the following:

“(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.”;

(5) by redesignating subpart 4 of part D of title II as subpart 4 of part F of title IX, as redesignated by section 9106(1), and moving that subpart to fol-
low subpart 3 of part F of title IX, as redesignated and moved by paragraph (1);

(6) by redesignating section 2441 as section 9551; and

(7) by striking the subpart heading of subpart 4 of part F of title IX, as redesignated by paragraph (5), and inserting the following:

“Subpart 4—Internet Safety”.

SEC. 2002. FUND FOR THE IMPROVEMENT OF TEACHING AND LEARNING.

The Act (20 U.S.C. 6301 et seq.) is amended by striking title II (as amended by section 2001) and inserting the following:

“TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

SEC. 2001. PURPOSE.

“The purpose of this title is to improve student academic achievement by—

“(1) increasing the ability of local educational agencies, schools, teachers, principals, and other school leaders to provide a well-rounded and complete education for all students;
“(2) improving the quality and effectiveness of teachers, principals, and other school leaders;

“(3) increasing the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and

“(4) ensuring that low-income and minority students are served by effective teachers, principals, and other school leaders and have access to a high-quality instructional program.

“SEC. 2002. DEFINITIONS.

“In this title:

“(1) SCHOOL LEADER RESIDENCY PROGRAM.—The term ‘school leader residency program’ means a school-based principal, school leader, or principal and school leader preparation program in which a prospective principal or school leader—

“(A) for 1 academic year, engages in sustained and rigorous clinical learning with substantial leadership responsibilities and an opportunity to practice and be evaluated in an authentic school setting; and

“(B) during that academic year—
“(i) participates in research-based coursework that is integrated with the clinical residency experience; and

“(ii) receives ongoing support from a mentor principal or school leader who is effective.

“(2) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(3) TEACHER RESIDENCY PROGRAM.—The term ‘teacher residency program’ means a school-based teacher preparation program in which a prospective teacher—

“(A) for not less than 1 academic year, teaches alongside an effective teacher, as determined by a teacher evaluation system implemented under part A (if applicable), who is the teacher of record for the classroom;

“(B) receives concurrent instruction during the year described in subparagraph (A)—

“(i) through courses that may be taught by local educational agency personnel or by faculty of the teacher preparation program; and
“(ii) in the teaching of the content area in which the teacher will become certified or licensed; and
“(C) acquires effective teaching skills, as demonstrated through completion of a residency program, or other measure determined by the State, which may include a teacher performance assessment.

“SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.
“(a) GRANTS TO STATES AND LOCAL EDUCATIONAL AGENCIES.—For the purposes of carrying out part A (other than section 2105), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.
“(b) NATIONAL ACTIVITIES.—For the purposes of carrying out activities authorized under section 2105, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.
“(c) TEACHER AND SCHOOL LEADER INCENTIVE FUND.—For the purposes of carrying out part B, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.
“(d) AMERICAN HISTORY AND CIVICS EDUCATION.—For the purposes of carrying out part C, there are author-
ized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

“(e) LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION.—For the purposes of carrying out part D, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

“PART A—FUND FOR THE IMPROVEMENT OF TEACHING AND LEARNING

“SEC. 2101. FORMULA GRANTS TO STATES.

“(a) RESERVATION OF FUNDS.—From the total amount appropriated under section 2003(a) for a fiscal year, the Secretary shall reserve—

“(1) one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this title; and

“(2) 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.

“(b) STATE ALLOTMENTS.—
“(1) IN GENERAL.—Subject to paragraph (2), from the funds appropriated under section 2003(a) for a fiscal year that remain after the Secretary makes the reservations under subsection (a), the Secretary shall allot to each State for applications approved under section 9451 the sum of—

“(A) an amount that bears the same relationship to 35 percent of the remaining amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all States, as so determined; and

“(B) an amount that bears the same relationship to 65 percent of the remaining amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all States, as so determined.

“(2) EXCEPTIONS.—

“(A) SMALL STATE MINIMUM.—Notwithstanding paragraph (1), no State receiving an allotment under such paragraph shall receive
less than one-half of 1 percent of the total remaining amount allotted under such paragraph for a fiscal year.

“(B) REALLOPMENT.—If a State does not receive an allotment under paragraph (1) for a fiscal year, the Secretary shall reallocate the amount of the State’s allotment to the remaining States in accordance with this subsection.

“(c) STATE USE OF FUNDS.—

“(1) IN GENERAL.—Except as provided for under paragraph (3), each State that receives an allotment under subsection (b) for a fiscal year shall reserve not less than 95 percent of such allotment to make subgrants to local educational agencies for such fiscal year, as described in section 2102.

“(2) STATE ADMINISTRATION.—A State educational agency may use not more than 1 percent of the amount allotted to such State under subsection (b) for the administrative costs of carrying out such State educational agency’s responsibilities under this part.

“(3) PRINCIPALS AND OTHER SCHOOL LEADERS.—Notwithstanding paragraph (1) and in addition to funds otherwise available for activities under paragraph (4), a State educational agency may re-
serve not more than 3 percent of the amount reserved for subgrants to local educational agencies under paragraph (1) for activities described in paragraph (4) focused on the recruitment, preparation, placement, support, and retention of effective principals and other school leaders, if such reservation would not result in a lower allocation to local educational agencies under section 2102, as compared to such allocation for the preceding fiscal year.

“(4) State activities.—

“(A) In general.—The State educational agency for a State that receives an allotment under subsection (b) may use funds not reserved under paragraph (1) to carry out 1 or more of the activities described in subparagraph (B), which may be implemented in conjunction with a State agency of higher education (if such agencies are separate) and carried out through a grant or contract with a for-profit or non-profit entity, including an institution of higher education.

“(B) Types of state activities.—The activities described in this subparagraph are the following:
“(i) Reforming teacher, principal, and other school leader certification, recertification, licensing, or tenure systems or preparation program standards and approval processes to ensure that—

“(I) teachers have the necessary subject matter knowledge and teaching skills, as demonstrated through measures determined by the State, which may include teacher performance assessments, in the academic subjects that the teachers teach to help students meet challenging State academic standards described in section 1111(b)(1);

“(II) principals and other school leaders have the instructional leadership skills to help teachers teach and to help students meet such challenging State academic standards; and

“(III) teacher certification or licensing requirements are aligned with such challenging State academic standards.
“(ii) Developing, improving, or providing assistance to local educational agencies to support the design and implementation of teacher, principal, and other school leader evaluation and support systems that are based in part on evidence of student academic achievement, which may include student growth, and shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, and other schools leaders, such as by—

“(I) developing and disseminating high-quality evaluation tools, such as classroom observation rubrics, and methods, including training and auditing, for ensuring inter-rater reliability of evaluation results;

“(II) developing and providing training to principals, other school leaders, coaches, mentors, and evaluators on how to accurately differentiate performance, provide useful and timely feedback, and use evaluation results to inform decision making
about professional development, improvement strategies, and personnel decisions; and

“(III) developing a system for auditing the quality of evaluation and support systems.

“(iii) Improving equitable access to effective teachers, principals, and other school leaders.

“(iv) Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers (especially for teachers of students with disabilities, English learners, science, technology, engineering, mathematics, or other areas where the State demonstrates a shortage of educators), principals, and other school leaders, for—

“(I) individuals with a baccalaureate or master’s degree, or other advanced degree;

“(II) mid-career professionals from other occupations;

“(III) paraprofessionals;
“(IV) former military personnel;
and
“(V) recent graduates of institutions of higher education with records of academic distinction who demonstrate the potential to become highly effective teachers, principals, or other school leaders.
“(v) Developing, improving, and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining teachers, principals, and other school leaders who are effective in improving student academic achievement, including highly effective teachers from underrepresented minority groups and teachers with disabilities.
“(vi) Fulfilling the State educational agency’s responsibilities concerning proper and efficient administration and monitoring of the programs carried out under this part, including provision of technical assistance to local educational agencies.
“(vii) Developing, or assisting local educational agencies in developing—
“(I) teacher advancement initiatives that promote professional growth and emphasize multiple career paths, such as school leadership, mentoring, involvement with school improvement, and instructional coaching;

“(II) strategies that provide differential pay, or other incentives, to recruit and retain teachers in high-need academic subjects and teachers, principals, or other school leaders, in low-income schools and school districts, which may include performance-based pay systems; and

“(III) new teacher, principal, and other school leader induction and mentoring programs that are evidence-based and designed to—

“(aa) improve classroom instruction and student learning and achievement;

“(bb) increase the retention of effective teachers, principals, and other school leaders;
“(cc) improve school leadership to improve classroom instruction and student learning and achievement; and

“(dd) provide opportunities for teachers, principals, and other school leaders who are experienced, effective, and have demonstrated an ability to work with adult learners to be mentors.

“(viii) Providing assistance to local educational agencies for—

“(I) the development and implementation of high-quality professional development programs for principals that enable the principals to be effective and prepare all students to meet the challenging State academic standards described in section 1111(b)(1); and

“(II) the development and support of other school leadership programs to develop educational leaders.
“(ix) Supporting efforts to train teachers, principals, and other school leaders to effectively integrate technology into curricula and instruction, which may include blended learning projects that include an element of online learning, combined with supervised learning time and student-led learning, in which the elements are connected to provide an integrated learning experience.

“(x) Providing training, technical assistance, and capacity-building to local educational agencies that receive a subgrant under this part.

“(xi) Supporting teacher, principal, and other school leader residency programs.

“(xii) Reforming or improving teacher, principal, and other school leader preparation programs.

“(xiii) Supporting the instructional services provided by school librarians.

“(xiv) Supporting other activities identified by the State that are evidence-
based and that meet the purpose of this title.

“(d) **STATE PLAN.**—

“(1) **IN GENERAL.**—In order to receive an allotment under this section for any fiscal year, a State shall submit a plan to the Secretary, at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(2) **CONTENTS.**—Each plan described under paragraph (1) shall include the following:

“(A) A description of how the State educational agency will use funds received under this title for State-level activities described in subsection (c).

“(B) A description of a State’s system of certification, licensing, and, professional growth and improvement, such as clinical experience for prospective educators, support for new educators, professional development, professional growth and leadership opportunities, and compensation systems for teachers, principals, and other educators.

“(C) A description of how activities under this subpart are aligned with challenging State academic standards and State assessments.
under section 1111, which may include, as appropriate, relevant State early learning and development guidelines, as required under section 658E(c)(2)(T) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)(T)).

“(D) A description of how the activities using funds under this part are expected to improve student achievement.

“(E) If a State educational agency plans to use funds under this part to improve equitable access to effective teachers, principals, and other school leaders, a description of how such funds will be used to meet the State’s commitment described in section 1111(c)(1)(F) to ensure equitable access to effective teachers, principals, and school leaders.

“(F) An assurance that the State educational agency will monitor the implementation of activities under this part and provide technical assistance to local educational agencies in carrying out such activities.

“(G) An assurance that the State educational agency will work in consultation with the entity responsible for teacher and principal
professional standards, certification, and licensing under the State, and encourage collaboration between educator preparation programs, the State, and local educational agencies to promote the readiness of new educators entering the profession.

“(H) A description of how the State educational agency will improve the skills of teachers, principals, and other school leaders in order to enable them to identify students with specific learning needs, particularly students with disabilities, English learners, students who are gifted and talented, and students with low literacy levels, and provide instruction based on the needs of such students.

“(I) A description of how the State will use data and ongoing consultation with and input from teachers and teacher organizations, principals, other school leaders, specialized instructional support personnel, parents, community partners, and (where applicable) institutions of higher education, to continually update and improve the activities supported under this part.

“(3) CONSULTATION.—In developing the State plan under this subsection, a State shall—
“(A) involve teachers, teacher organizations, principals, other school leaders, specialized instructional support personnel, parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title; and

“(B) seek advice from the individuals, organizations, or partners in subparagraph (A) regarding how best to improve the States activities to meet the purpose of this title; and

“(C) coordinate the States activities under this part with other related strategies, programs, and activities being conducted in the State.

“(e) PROHIBITION.—Nothing in this section shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control any of the following:

“(1) The development, improvement, or implementation of elements of any teacher, principal, or school leader evaluation systems.

“(2) Any State or local educational agency’s definition of teacher, principal, or other school leader effectiveness.
“(3) Any teacher, principal, or other school leader professional standards, certification, or licensing.

“SEC. 2102. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

“(a) ALLOCATION OF FUNDS TO LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—From funds reserved by a State under section 2101(e)(1) for a fiscal year, the State, acting through the State educational agency, shall award subgrants to eligible local educational agencies from allocations described in paragraph (2).

“(2) ALLOCATION FORMULA.—From the funds described in paragraph (1), the State educational agency shall allocate to each of the eligible local educational agencies in the State for a fiscal year the sum of—

“(A) an amount that bears the same relationship to 20 percent of such funds for such fiscal year as the number of individuals aged 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all eligible local edu-
cational agencies in the State, as so determined;
and

“(B) an amount that bears the same rela-
tionship to 80 percent of the funds for such fis-
cal year as the number of individuals aged 5
through 17 from families with incomes below
the poverty line in the geographic area served
by the agency, as determined by the Secretary
on the basis of the most recent satisfactory
data, bears to the number of those individuals
in the geographic areas served by all the eligible
local educational agencies in the State, as so
determined.

“(3) Administrative Costs.—Of the amounts
allocated to a local educational agency under para-
graph (2), the local educational agency may use not
more than 2 percent for the direct administrative
costs of carrying out its responsibilities under this
part.

“(4) Rule of Construction.—Nothing in
this section shall be construed to prohibit a consor-
tium of local educational agencies that are des-
ignated with a school locale code of 41, 42, or 43,
or such local educational agencies designated with a
school locale code of 41, 42, or 43 that work in co-
operation with an educational service agency, from voluntarily combining allocations received under this part for the collective use of funding by the consortium for activities under this section.

“(b) LOCAL APPLICATIONS.—

“(1) IN GENERAL.—To be eligible to receive a subgrant under this section, a local educational agency shall conduct a needs assessment described in paragraph (2) and submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

“(2) NEEDS ASSESSMENT.—

“(A) IN GENERAL.—To be eligible to receive a subgrant under this section, a local educational agency shall periodically conduct a comprehensive needs assessment of the local educational agency and of all schools served by the local educational agency.

“(B) REQUIREMENTS.—The needs assessment under subparagraph (A) shall be designed to determine the schools with the most acute staffing needs related to—

“(i) increasing the number of teachers, principals, and other school leaders
who are effective in improving student academic achievement;

“(ii) ensuring that low-income and minority students are not disproportionately served by ineffective teachers, principals, and other school leaders;

“(iii) ensuring that low-income and minority students have access to a high-quality instructional program and appropriate class sizes that are evidence-based;

“(iv) hiring, retention, and promotion;

“(v) supporting and developing all educators, including preschool, kindergarten, elementary, middle, or high-school teachers (including special education teachers), principals, other school leaders, early childhood directors, specialized instructional support personnel, paraprofessionals, or other staff members who provide or directly support instruction;

“(vi) understanding and using data and assessments to improve student learning and classroom practice;

“(vii) improving student behavior, including the response of teachers, prin-
incips, and other school leaders to student
behavior, in the classroom and school, in-
cluding the identification of early and ap-
propriate interventions, which may include
positive behavioral interventions and sup-
ports;

“(viii) teaching students who are
English learners, early learners, students
with disabilities, American Indian, Alaskan
Native children, and gifted and talented
students;

“(ix) ensuring funds are used to sup-
port schools served by the local educational
agency that are identified under section
1114(a)(1)(A) and schools with high per-
centages or numbers of children counted
under section 1124(c);

“(x) improving the academic and non-
academic skills of all students essential for
learning readiness and academic success;
and

“(xi) any other evidence-based factors
that the local educational agency deter-
mines are appropriate to meet the needs of
schools within the jurisdiction of the local
educational agency and meet the purpose of this title.

“(3) CONSULTATION.—

“(A) IN GENERAL.—In conducting a needs assessment as described in paragraph (2), a local educational agency shall—

“(i) involve teachers, teacher organizations, principals, and other school leaders, specialized instructional support personnel, parents, community partners, and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title; and

“(ii) take into account the activities that need to be conducted in order to give teachers, principals, and other school leaders the skills to provide students with the opportunity to meet challenging State academic standards described in section 1111(b)(1).

“(B) CONTINUED CONSULTATION.—A local educational agency receiving a subgrant under this section shall consult with such individuals and organizations described in subparagraph (A) on an ongoing basis in order to—
“(i) seek advice regarding how best to improve the local educational agency’s activities to meet the purpose of this title; and

“(ii) coordinate the local educational agency’s activities under this part with other related strategies, programs, and activities being conducted in the community.

“(4) CONTENTS OF APPLICATION.—Each application submitted under paragraph (1) shall be based on the results of the needs assessment required under paragraph (2) and shall include the following:

“(A) A description of the results of the comprehensive needs assessment carried out under paragraph (2).

“(B) A description of the activities to be carried out by the local educational agency under this section and how these activities will be aligned with the challenging State academic standards described in section 1111(b)(1).

“(C) A description of how such activities will comply with the principles of effectiveness described in section 2103(c).

“(D) A description of the activities, including professional development, that will be made
available to meet needs identified by the needs
assessment described in paragraph (2).

“(E) A description of the local educational
agency’s systems of hiring and professional
growth and improvement, such as induction for
teachers, principals, and other school leaders.

“(F) A description of how the local edu-
cational agency will support efforts to train
teachers, principals, and other school leaders to
effectively integrate technology into curricula
and instruction.

“(G) A description of how the local edu-
cational agency will prioritize funds to schools
served by the agency that are identified under
section 1114(a)(1)(A) and have the highest per-
centage or number of children counted under
section 1124(c).

“(H) Where a local educational agency has
a significant number of schools identified under
section 1114(a)(1)(A), as determined by the
State, a description of how the local educational
agency will seek the input of the State edu-
cational agency in planning and implementing
activities under this part.
“(I) An assurance that the local educational agency will comply with section 9501 (regarding participation by private school children and teachers).

“(J) An assurance that the local educational agency will coordinate professional development activities authorized under this part with professional development activities provided through other Federal, State, and local programs.

“SEC. 2103. LOCAL USE OF FUNDS.

“(a) IN GENERAL.—A local educational agency that receives a subgrant under section 2102 shall use the funds made available through the subgrant to develop, implement, and evaluate comprehensive, evidence-based programs and activities described in subsection (b), which may be carried out through a grant or contract with a for-profit or nonprofit entity, in partnership with an institution of higher education, or in partnership with 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)).

“(b) TYPES OF ACTIVITIES.—The activities described in this subsection—
“(1) shall meet the needs identified in the needs assessment described in section 2102(b)(2);

“(2) shall be in accordance with the purpose of this title, evidence-based, and consistent with the principles of effectiveness described in subsection (c);

“(3) shall address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students; and

“(4) may include, among other programs and activities—

“(A) developing or improving a rigorous, transparent, and fair evaluation and support system for teachers, principals, and other school leaders that is based in part on evidence of student achievement, which may include student growth, and shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, and other schools leaders;

“(B) developing and implementing initiatives to assist in recruiting, hiring, and retaining highly effective teachers, principals, and other school leaders, particularly in low-income schools with high percentages of ineffective
teachers and high percentages of students who do not meet the challenging State academic standards described in section 1111(b)(1), to improve within-district equity in the distribution of teachers, principals, and school leaders consistent with the requirements of section 1111(c)(1)(F), such as initiatives that provide—

“(i) expert help in screening candidates and enabling early hiring;

“(ii) differential and incentive pay for teachers, principals, and other school leaders in high-need academic subject areas and specialty areas, which may include performance-based pay systems;

“(iii) teacher, paraprofessional, principal, and other school leader advancement and professional growth, and an emphasis on leadership opportunities, multiple career paths and pay differentiation;

“(iv) new teacher, principal, and other school leader induction and mentoring programs that are designed to—
“(I) improve classroom instruction and student learning and achievement;
“(II) increase the retention of effective teachers, principals, and other school leaders;
“(III) improve school leadership to improve classroom instruction and student learning and achievement; and
“(IV) provide opportunities for mentor teachers, principals, and other educators who are experienced, effective, and have demonstrated an ability to work with adult learners;
“(v) the development and provision of training for school leaders, coaches, mentors and evaluators on how to accurately differentiate performance, provide useful feedback, and use evaluation results to inform decision making about professional development, improvement strategies, and personnel decisions; and
“(vi) a system for auditing the quality of evaluation and support systems;
“(C) recruiting qualified individuals from other fields to become teachers, principals, or other school leaders including mid-career professionals from other occupations, former military personnel, and recent graduates of institutions of higher education with a record of academic distinction who demonstrate potential to become effective teachers, principals, or other school leaders;

“(D) reducing class size to an evidence-based level to improve student achievement through the recruiting and hiring of additional effective teachers;

“(E) providing high-quality, personalized professional development for teachers, principals, and other school leaders and focused on improving teaching and student learning and achievement, including supporting efforts to train teachers, principals, and other school leaders to—

“(i) effectively integrate technology into curricula and instruction;

“(ii) use data from such technology to improve student achievement;
“(iii) effectively engage parents, families and community partners, and coordinate services between school and community; and

“(iv) help all students develop the academic and nonacademic skills essential for learning readiness and academic success;

“(F) developing programs and activities that increase the ability of teachers to effectively teach students with disabilities, including students with significant cognitive disabilities, which may include the use of multi-tier systems of support and positive behavioral intervention and supports, and students who are English learners, so that such students with disabilities and students who are English learners can meet the challenging State academic standards described in section 1111(b)(1);

“(G) providing programs and activities to increase the knowledge base of teachers and principals on instruction in the early grades, and strategies to measure whether young children are progressing which may include providing joint professional learning activities for
school staff and educators in preschool programs that address the transition to elementary school;

“(H) providing training, technical assistance, and capacity-building in local educational agencies to assist teachers and school leaders with selecting and implementing formative assessments, designing classroom-based assessments, and in using data from such assessments to improve instruction and student academic achievement, which may include providing additional time for teachers to review student data and respond, as appropriate;

“(I) supporting teacher, principal, and school leader residency programs;

“(J) reforming or improving teacher, principal, and other school leader preparation programs;

“(K) carrying out in-service training for school personnel in—

“(i) the techniques and supports needed for early identification of children with trauma histories, and children with, or at risk of, mental illness;
“(ii) the use of referral mechanisms that effectively link such children to appropriate treatment and intervention services in the school and in the community, where appropriate; and

“(iii) forming partnerships between school-based mental health programs and public or private mental health organizations;

“(L) providing training to support the identification of students who are gifted and talented, including high-ability students who have not been formally identified for gifted education services, and implementing instructional practices that support the education of such students, such as early entrance to kindergarten, enrichment, acceleration, and curriculum compacting activities, and dual enrollment in secondary school and postsecondary education;

“(M) supporting the instructional services provided by school librarians;

“(N) providing general liability insurance coverage for purchase by teachers related to ac-
tions performed in the scope of their duties; and

“(O) carrying out other evidence-based activities identified by the local educational agencies that meet the purpose of this title.

“(c) PRINCIPLES OF EFFECTIVENESS.—

“(1) IN GENERAL.—For a program or activity supported with funds provided under this part to meet the principles of effectiveness, such program or activity shall—

“(A) be based upon an assessment of objective data regarding the need for programs and activities in the schools to be served to—

“(i) increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement;

“(ii) ensure that low-income and minority students are served by effective teachers, principals, and other school leaders; and

“(iii) ensure that low-income and minority students have access to a high-quality instructional program;
“(B) be based upon established and evidence-based criteria—

“(i) aimed at ensuring that all students receive a high-quality education taught by effective teachers and attend schools led by effective principals and other school leaders; and

“(ii) that result in improved student academic achievement in the school served by the program or activity;

“(C) reflect—

“(i) to the extent practicable, scientifically valid research that provides evidence that the program or activity will improve student academic achievement; or

“(ii) in the absence of a strong research base, reflect best practices in the field that provide such evidence; and

“(D) include meaningful and ongoing consultation with and input from teachers, teacher organizations, principals, other school leaders, specialized instructional support personnel, parents, community partners, and (where applicable) institutions of higher education, in the de-
velopment of the application and administration
of the program or activity.
“(2) PERIODIC EVALUATION.—
“(A) IN GENERAL.—A program or activity
carried out under this section shall undergo a
periodic evaluation to assess its progress toward
achieving the goal of providing students with a
high-quality education, taught by effective
teachers, in schools led by effective principals
and school leaders that results in improved stu-
dent academic achievement.
“(B) USE OF RESULTS.—The results of an
evaluation described in subparagraph (A) shall
be—
“(i) used to refine, improve, and
strengthen the program or activity, and to
refine the criteria described in paragraph
(1)(B); and
“(ii) made available to the public upon
request, with public notice of such avail-
ability provided.
“(3) PROHIBITION.—Nothing in this subsection
shall be construed to authorize the Secretary or any
other officer or employee of the Federal Government
to mandate, direct, or control the principles of effec-
tiveness developed by local educational agencies under paragraph (1) or the specific programs or activities that will be implemented by a local educational agency.

“SEC. 2104. REPORTING.

“(a) STATE REPORT.—Each State educational agency receiving funds under this part shall annually submit to the Secretary a report that provides—

“(1) the number and percent of teachers, principals, and other school leaders in the State and each local educational agency in the State who are licensed or certified, provided such information does not reveal personally identifiable information;

“(2) the first-time passage rate of teachers and principals in the State and each local educational agency in the State on teacher and principal licensure examinations, provided such information does not reveal personally identifiable information;

“(3) a description of how chosen professional development activities improved teacher and principal performance using the evaluation and support systems; and

“(4) if funds are used under this part to improve equitable access to teachers, principals, and other school leaders for low-income and minority
students, a description of how funds have been used
to improve such access.

“(b) LOCAL EDUCATIONAL AGENCY REPORT.—Each
local educational agency receiving funds under this part
shall submit to the State educational agency such informa-
tion that the State requires, which shall include the inform-
formation described in subsection (a) for the local edu-
cational agency.

“(c) AVAILABILITY.—The reports and information
provided under subsections (a) and (b) shall be made read-
ily available to the public.

“(d) LIMITATION.—The reports and information pro-
vided under subsections (a) and (b) shall not reveal per-
sonally identifiable information about any individual.

“SEC. 2105. NATIONAL ACTIVITIES OF DEMONSTRATED EF-
FECTIVENESS.

“(a) IN GENERAL.—From the funds appropriated
under section 2003(b) to carry out this section, the Sec-
retary—

“(1) may reserve not more than 20 percent to
carry out activities under subsection (b);

“(2) shall reserve not less than 40 percent to
carry out activities under subsection (c); and

“(3) shall reserve not less than 40 percent to
carry out activities under subsection (d).
“(b) TECHNICAL ASSISTANCE AND NATIONAL EVALUATION.—From the funds reserved by the Secretary under subsection (a)(1), the Secretary may carry out—

“(1) technical assistance to States and local educational agencies carrying out activities under this part, which may be carried out directly or through grants and contracts; and

“(2) evaluations of activities carried out by States and local educational agencies under this part, which shall be conducted by a third party or by the Institute of Education Sciences.

“(c) PROGRAMS OF NATIONAL SIGNIFICANCE.—

“(1) IN GENERAL.—From the funds reserved by the Secretary under subsection (a)(2), the Secretary shall award grants, on a competitive basis, to eligible entities for the purposes of—

“(A) providing teachers, principals, and other school leaders from nontraditional preparation and certification routes or pathways to serve in traditionally underserved local educational agencies;

“(B) providing evidence-based professional development activities that addresses literacy, numeracy, remedial, or other needs of local edu-
cational agencies and the students the agencies serve;

“(C) making freely available services and learning opportunities to local educational agencies, through partnerships and cooperative agreements or by making the services or opportunities publicly accessible through electronic means; or

“(D) providing teachers, principals, and other school leaders with evidence-based professional enhancement activities, which may include activities that lead to an advanced credential.

“(2) PROGRAM PERIODS AND DIVERSITY OF PROJECTS.—

“(A) IN GENERAL.—A grant awarded by the Secretary to an eligible entity under this subsection shall be for a period of not more than 3 years.

“(B) RENEWAL.—The Secretary may renew a grant awarded under this subsection for 1 additional 2-year period.

“(C) DIVERSITY OF PROJECTS.—In awarding grants under this subsection, the Secretary shall ensure that, to the extent practicable,
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grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

“(D) LIMITATION.—The Secretary shall not award more than 1 grant under this subsection to an eligible entity during a grant competition.

“(3) COST-SHARING.—

“(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall provide, from non-Federal sources, not less than 25 percent of the funds for the total cost for each year of activities carried out under this subsection.

“(B) ACCEPTABLE CONTRIBUTIONS.—An eligible entity that receives a grant under this subsection may meet the requirement of subparagraph (A) by providing contributions in cash or in-kind, fairly evaluated, including plant, equipment, and services.

“(C) WAIVERS.—The Secretary may waive or modify the requirement of subparagraph (A) in cases of demonstrated financial hardship.

“(4) APPLICATIONS.—In order to receive a grant under this subsection, an eligible entity shall
submit an application to the Secretary at such time, in such manner, and containing such information that the Secretary may reasonably require. Such application shall include, at a minimum, a certification that the services provided by an eligible entity under the grant to a local educational agency or to a school served by the local educational agency will not result in direct fees for participating students or parents.

“(5) Definition of eligible entity.—In this subsection, the term ‘eligible entity’ means—

“(A) an institution of higher education that provides course materials or resources that are research proven to increase academic achievement, graduation rates, or rates of post-secondary education matriculation;

“(B) a national nonprofit entity with a demonstrated track record of raising student academic achievement, graduation rates, and rates of higher education attendance, matriculation, or completion, or of effectiveness in providing preparation and professional development activities and programs for teachers, principals, and other school leaders; or

“(C) a partnership consisting of—
“(i) 1 or more entities described in
paragraph (A) or (B); and
“(ii) a for-profit entity.
“(d) SCHOOL LEADER RECRUITMENT AND SUPPORT
PROGRAMS.—
“(1) IN GENERAL.—From the funds reserved
by the Secretary under subsection (a)(3), the Sec-
retary shall award grants, on a competitive basis to
eligible entities to enable such entities to improve
the recruitment, preparation, placement, support,
and retention of effective principals and other school
leaders in high-need schools, which may include—
“(A) developing or implementing leader-
ship training programs designed to prepare and
support principals and other school leaders in
high-need schools, including through new or al-
ternative pathways and school leader residency
programs;
“(B) developing or implementing programs
or activities for recruiting, selecting, and devel-
oping aspiring or current principals and other
school leaders to serve in high-need schools;
“(C) developing or implementing programs
for recruiting, developing, and placing school
leaders to improve schools identified for inter-
vention and support under section 1114(a)(1)(A), including through cohort-based activities that build effective instructional and school leadership teams and develop a school culture, design, instructional program, and professional development program focused on improving student learning;

“(D) providing continuous professional development for principals and other school leaders in high-need schools;

“(E) developing and disseminating information on best practices and strategies for effective school leadership in high-need schools; and

“(F) other evidence-based programs or activities described in section 2101(e)(3) or section 2103(b)(4) focused on principals and other school leaders in high-need schools.

“(2) Program periods and diversity of projects.—

“(A) In general.—A grant awarded by the Secretary to an eligible entity under this subsection shall be for a period of not more than 5 years.
“(B) RENEWAL.—The Secretary may renew a grant awarded under this subsection for 1 additional 2-year period.

“(C) DIVERSITY OF PROJECTS.—In awarding grants under this subsection, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

“(D) LIMITATION.—The Secretary shall not award more than 1 grant under this subsection to an eligible entity during a grant competition.

“(3) APPLICATIONS.—An eligible entity that desires a grant under this subsection shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

“(4) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to an eligible entity with a record of preparing or developing principals who—

“(A) have improved school-level student outcomes;
“(B) have become principals in high-need schools; and

“(C) remain principals in high-need schools for multiple years.

“(5) DEFINITIONS.—In this subsection—

“(A) the term ‘eligible entity’ means—

“(i) a local educational agency, including an educational service agency, that serves a high-need school or a consortium of such agencies;

“(ii) a State educational agency or a consortium of such agencies;

“(iii) a State educational agency in partnership with 1 or more local educational agencies or educational service agencies that serve a high-need school; or

“(iv) an entity described in clause (i), (ii), or (iii) in partnership with 1 or more nonprofit organizations or institutions of higher education; and

“(B) the term ‘high-need school’ means—

“(i) an elementary school in which not less than 50 percent of the enrolled students are from families with incomes below the poverty line; or
“(ii) a high school in which not less than 40 percent of the enrolled students are from families with incomes below the poverty line.

“SEC. 2106. SUPPLEMENT, NOT SUPPLANT.

“Funds made available under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this part.

“PART B—TEACHER AND SCHOOL LEADER INCENTIVE PROGRAM

“SEC. 2201. PURPOSES; DEFINITIONS.

“(a) PURPOSES.—The purposes of this part are—

“(1) to assist States, local educational agencies, and nonprofit organizations to develop, implement, improve, or expand comprehensive performance-based compensation systems or human capital management systems for teachers, principals, and other school leaders (especially for teachers, principals, and other school leaders in high-need schools) who raise student academic achievement and close the achievement gap between high- and low-performing students; and

“(2) to study and review performance-based compensation systems or human capital manage-
ment systems for teachers, principals, and other school leaders to evaluate the effectiveness, fairness, quality, consistency, and reliability of the systems.

“(b) DEFINITIONS.—In this part:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a local educational agency, including a charter school that is a local educational agency, or a consortium of local educational agencies;

“(B) a State educational agency or other State agency designated by the chief executive of a State to participate under this part; or

“(C) a partnership consisting of—

“(i) 1 or more agencies described in subparagraph (A) or (B); and

“(ii) at least 1 nonprofit or for-profit entity.

“(2) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ‘high-need local educational agency’ means a local educational agency, public charter school, or charter management organization—

“(A) that serves not fewer than 10,000 children from families with incomes below the poverty line; or
“(B) for which not less than 20 percent of the children served by the agency, school, or organization are from families with incomes below the poverty line.

“(3) HIGH-NEED SCHOOL.—The term ‘high-need school’ means a public elementary school or secondary school that is located in an area in which the percentage of students from families with incomes below the poverty line is 30 percent or more.

“(4) HUMAN CAPITAL MANAGEMENT SYSTEM.—The term ‘human capital management system’ means a system—

“(A) by which a local educational agency makes and implements human capital decisions, such as decisions on preparation, recruitment, hiring, placement, retention, dismissal, compensation, professional development, tenure, and promotion; and

“(B) that includes a performance-based compensation system.

“(5) PERFORMANCE-BASED COMPENSATION SYSTEM.—The term ‘performance-based compensation system’ means a system of compensation for teachers, principals, and other school leaders that—
“(A) differentiates levels of compensation based in part on measurable increases in student academic achievement; and

“(B) may include—

“(i) differentiated levels of compensation, which may include bonus pay, on the basis of the employment responsibilities and success of effective teachers, principals, and other school leaders in hard-to-staff schools or high-need subject areas; and

“(ii) recognition of the skills and knowledge of teachers, principals, and other school leaders as demonstrated through—

“(I) successful fulfillment of additional responsibilities or job functions, such as teacher leadership roles; and

“(II) evidence of professional achievement and mastery of content knowledge and superior teaching and leadership skills.
"SEC. 2202. TEACHER AND SCHOOL LEADER INCENTIVE FUND GRANTS."

"(a) GRANTS AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop, implement, improve, or expand performance-based compensation systems or human capital management systems, in schools served by the eligible entity.

"(b) DURATION OF GRANTS.—

"(1) IN GENERAL.—A grant awarded under this part shall be for a period of not more than 3 years.

"(2) RENEWAL.—The Secretary may renew a grant awarded under this part for a period of up to 2 years if the grantee demonstrates to the Secretary that it is effectively utilizing funds, including allowing the grantee to scale up or replicate the successful program.

"(3) LIMITATION.—A local educational agency may receive (whether individually or as part of a consortium or partnership) a grant under this part only twice once, as of the date of enactment of the Every Child Achieves Act of 2015.

"(c) APPLICATIONS.—An eligible entity desiring a grant under this part shall submit an application to the
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1 Secretary, at such time, in such manner, and containing
2 such information as the Secretary may reasonably require.
3 The application shall include—
4 “(1) a description of the performance-based
5 compensation system or human capital management
6 system that the eligible entity proposes to develop,
7 implement, improve, or expand through the grant;
8 “(2) a description of the most pressing gaps or
9 insufficiencies in student access to effective teachers
10 and school leaders in high-need schools, including
11 gaps or inequities in how effective teachers and
12 school leaders are distributed across the local edu-
13 cational agency, as identified using factors such as
14 data on school resources, staffing patterns, school
15 environment, educator support systems and other
16 school level factors;
17 “(3) a description and evidence of the support
18 and commitment from teachers, principals, and
19 other school leaders in the school (including organi-
20 zations representing teachers, principals, and other
21 school leaders), the community, and the local edu-
22 cational agency to the activities proposed under the
23 grant;
24 “(4) a description of how the eligible entity will
25 develop and implement a fair, rigorous, valid, reli-
able, and objective process to evaluate teacher, principal, school leader, and student performance under the system that is based in part on measures of student academic achievement, including the baseline performance against which evaluations of improved performance will be made;

“(5) a description of the local educational agencies or schools to be served under the grant, including such student academic achievement, demographic, and socioeconomic information as the Secretary may request;

“(6) a description of the quality of teachers, principals, and other school leaders in the local educational agency and the schools to be served under the grant and the extent to which the system will increase the quality of teachers, principals, and other school leaders in a high-need school;

“(7) a description of how the eligible entity will use grant funds under this part in each year of the grant, including a timeline for implementation of such activities;

“(8) a description of how the eligible entity will continue the activities assisted under the grant after the grant period ends;
“(9) a description of the State, local, or other public or private funds that will be used to supplement the grant, including funds under part A, and sustain the activities assisted under the grant at the end of the grant period;

“(10) a description of the rational and evidence-base for the proposed activities and, if applicable, the prior experience of the eligible entity in developing and implementing such activities; and

“(11) a description of how activities funded under this part will be evaluated, monitored, and publically reported.

“(d) AWARD BASIS.—

“(1) PRIORITY.—In awarding a grant under this part, the Secretary shall give priority to an eligible entity that concentrates the activities proposed to be assisted under the grant on teachers, principals, and other school leaders serving in high-need schools.

“(2) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this part, including the distribution of such grants between rural and urban areas.

“(e) USE OF FUNDS.—
“(1) IN GENERAL.—An eligible entity that receives a grant under this part shall use the grant funds to develop, implement, improve, or expand, in collaboration with teachers, principals, other school leaders, and members of the public, a performance-based compensation system or human capital management system consistent with this part.

“(2) AUTHORIZED ACTIVITIES.—Grant funds under this part may be used for the following:

“(A) Developing or improving an evaluation and support system, including as part of a human capital management system as applicable, that—

“(i) reflects clear and fair measures of teacher, principal, and other school leader performance, based in part on demonstrated improvement in student academic achievement; and

“(ii) provides teachers, principals, and other school leaders with ongoing, differentiated, targeted and personalized support and feedback for improvement, including professional development opportunities designed to increase effectiveness.
“(B) Conducting outreach within a local educational agency or a State to gain input on how to construct an evaluation system described in subparagraph (A) and to develop support for the evaluation system, including by training appropriate personnel in how to observe and evaluate teachers, principals, and other school leaders.

“(C) Providing principals and other school leaders with—

“(i) balanced autonomy to make budgeting, scheduling, and other school-level decisions in a manner that meets the needs of the school without compromising the intent or essential components of the policies of the local educational agency or State;

“(ii) authority to make staffing decisions that meet the needs of the school, such as building an instructional leadership team that includes teacher leaders or offering opportunities for teams or pairs of effective teachers or candidates to teach or start teaching in high-need schools together.
“(D) Paying, as part of a comprehensive performance-based compensation system, a differentiated salary structure, which may include bonuses and stipends, to—

“(i) teachers who—

“(I)(aa) teach in high-need schools; or

“(bb) teach in high-need subjects;

“(II) raise student academic achievement; or

“(III) take on additional leadership responsibilities; or

“(ii) principals and other school leaders who serve in high-need schools and raise student academic achievement in the schools.

“(E) Improving the local educational agency’s system and process for the recruitment, selection, placement, and retention of effective teachers and school leaders in high-need schools, such as by improving local educational agency policies and procedures to ensure that high-need schools are competitive and timely in—
“(i) attracting, hiring, and retaining
effective educators;
“(ii) offering bonuses or higher sala-
ries to effective teachers; or
“(iii) establishing or strengthening
residency programs.
“(F) Instituting career advancement op-
portunities characterized by increased responsi-
bility and pay that reward and recognize effec-
tive teachers and school leaders in high-need
schools and enable them to expand their leader-
ship and results, such as through teacher-led
professional development, mentoring, coaching,
hybrid roles, administrative duties, and career
ladders.
“(f) MATCHING REQUIREMENT.—Each eligible entity
that receives a grant under this part shall provide, from
non-Federal sources, an amount equal to 50 percent of
the amount of the grant (which may be provided in cash
or in-kind) to carry out the activities supported by the
grant.
“(g) SUPPLEMENT, NOT SUPPLANT.—Grant funds
provided under this part shall be used to supplement, not
supplant, other Federal or State funds available to carry
out activities described in this part.
"SEC. 2203. REPORTS."

“(a) Activities Summary.—Each eligible entity receiving a grant under this part shall provide to the Secretary a summary of the activities assisted under the grant.

“(b) Report.—The Secretary shall provide to Congress an annual report on the implementation of the program carried out under this part, including—

“(1) information on eligible entities that received grant funds under this part, including—

“(A) information provided by eligible entities to the Secretary in the applications submitted under section 2202(c);

“(B) the summaries received under subsection (a); and

“(C) grant award amounts; and

“(2) student academic achievement, and as applicable, growth data from the schools participating in the programs supported under the grant.

“(c) Evaluation and Technical Assistance.—

“(1) Reservation of Funds.—Of the total amount reserved under section 2003(c) for this part for a fiscal year, the Secretary may reserve for such fiscal year not more than 1 percent for the cost of the evaluation under paragraph (2) and for technical assistance in carrying out this part.
“(2) EVALUATION.—From amounts reserved under paragraph (1), the Secretary, acting through the Director of the Institute of Education Sciences, shall carry out an independent evaluation to measure the effectiveness of the program assisted under this part.

“(3) CONTENTS.—The evaluation under paragraph (2) shall measure—

“(A) the effectiveness of the program in improving student academic achievement;

“(B) the satisfaction of the participating teachers, principals, and other school leaders;

and

“(C) the extent to which the program assisted the eligible entities in recruiting and retaining high-quality teachers, principals, and other school leaders, especially in high-need subject areas.”.

SEC. 2003. AMERICAN HISTORY AND CIVICS EDUCATION.

Title II (20 U.S.C. 6601 et seq.), as amended by section 2002, is further amended by inserting after section 2203 the following:
“PART C—AMERICAN HISTORY AND CIVICS
EDUCATION.

“SEC. 2301. PROGRAM AUTHORIZED.

“(a) In General.—From amounts appropriated to carry out this part, the Secretary is authorized to carry out an American history and civics education program to improve—

“(1) the quality of American history, civics, and government education by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights; and

“(2) the quality of teaching American history, civics, and government in elementary schools and secondary schools, including the teaching of traditional American history.

“(b) Funding Allotment.—From amounts made available under section 2305 for a fiscal year, the Secretary shall—

“(1) reserve not more than 85 percent for activities under section 2302;

“(2) reserve not more than 10 percent for activities under section 2303; and

“(3) reserve not more than 5 percent for activities under section 2304.
"SEC. 2302. TEACHING OF TRADITIONAL AMERICAN HISTORY.

“(a) IN GENERAL.—From the amounts reserved by the Secretary under section 2301(b)(1), the Secretary shall award grants on a competitive basis to local educational agencies—

“(1) to carry out activities to promote the teaching of traditional American history in elementary schools and secondary schools as a separate academic subject (not as a component of social studies); and

“(2) for the development, implementation, and strengthening of programs to teach traditional American history as a separate academic subject (not as a component of social studies) within elementary school and secondary school curricula, including the implementation of activities—

“(A) to improve the quality of instruction; and

“(B) to provide professional development and teacher education activities with respect to American history.

“(b) REQUIRED PARTNERSHIP.—A local educational agency that receives a grant under subsection (a) shall carry out activities under the grant in partnership with 1 or more of the following:
“(1) An institution of higher education.

“(2) A nonprofit history or humanities organization.

“(3) A library or museum.

“(c) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(d) GRANT TERMS.—Grants awarded under subsection (a) shall be for a term of not more than 5 years.

“SEC. 2303. PRESIDENTIAL AND CONGRESSIONAL ACADEMIES FOR AMERICAN HISTORY AND CIVICS.

“(a) IN GENERAL.—From the amounts reserved under section 2301(b)(2), the Secretary shall award not more than 12 grants on a competitive basis to—

“(1) eligible entities to establish Presidential Academies for the Teaching of American History and Civics (in this section referred to as the ‘Presidential Academies’) in accordance with subsection (e); and

“(2) eligible entities to establish Congressional Academies for Students of American History and Civics (in this section referred to as the ‘Congressional Academies’) in accordance with subsection (f).
“(b) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(c) ELIGIBLE ENTITY.—The term ‘eligible entity’ under this section means—

“(1) an institution of higher education or nonprofit educational organization, museum, library, or research center with demonstrated expertise in historical methodology or the teaching of American history and civics; or

“(2) a consortium of entities described in paragraph (1).

“(d) GRANT TERMS.—Grants awarded to eligible entities under subsection (a) shall be for a term of not more than 5 years.

“(e) PRESIDENTIAL ACADEMIES.—

“(1) USE OF FUNDS.—Each eligible entity that receives a grant under subsection (a)(1) shall use the grant funds to establish a Presidential Academy that offers a seminar or institute for teachers of American history and civics, which—

“(A) provides intensive professional development opportunities for teachers of American
history and civics to strengthen such teachers’ knowledge of the subjects of American history and civics;

“(B) is led by a team of primary scholars and core teachers who are accomplished in the field of American history and civics;

“(C) is conducted during the summer or other appropriate time; and

“(D) is of not less than 2 weeks and not more than 6 weeks in duration.

“(2) SELECTION OF TEACHERS.—Each year, each Presidential Academy shall select between 50 and 300 teachers of American history and civics from public or private elementary schools and secondary schools to attend the seminar or institute under paragraph (1).

“(3) TEACHER STIPENDS.—Each teacher selected to participate in a seminar or institute under this subsection shall be awarded a fixed stipend based on the length of the seminar or institute to ensure that such teacher does not incur personal costs associated with the teacher’s participation in the seminar or institute.

“(4) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to eligi-
ble entities that coordinate or align their activities with the National Park Service National Centennial Parks initiative to develop innovative and comprehensive programs using the resources of the National Parks.

“(f) CONGRESSIONAL ACADEMIES.—

“(1) USE OF FUNDS.—Each eligible entity that receives a grant under subsection (a)(2) shall use the grant funds to establish a Congressional Academy that offers a seminar or institute for outstanding students of American history and civics, which—

“(A) broadens and deepens such students’ understanding of American history and civics;

“(B) is led by a team of primary scholars and core teachers who are accomplished in the field of American history and civics;

“(C) is conducted during the summer or other appropriate time; and

“(D) is of not less than 2 weeks and not more than 6 weeks in duration.

“(2) SELECTION OF STUDENTS.—

“(A) IN GENERAL.—Each year, each Congressional Academy shall select between 100
and 300 eligible students to attend the seminar or institute under paragraph (1).

“(B) ELIGIBLE STUDENTS.—A student shall be eligible to attend a seminar or institute offered by a Congressional Academy under this subsection if the student—

“(i) is recommended by the student’s secondary school principal or other school leader to attend the seminar or institute; and

“(ii) will be a junior or senior in the academic year following attendance at the seminar or institute.

“(3) STUDENT STIPENDS.—Each student selected to participate in a seminar or institute under this subsection shall be awarded a fixed stipend based on the length of the seminar or institute to ensure that such student does not incur personal costs associated with the student’s participation in the seminar or institute.

“(g) MATCHING FUNDS.—

“(1) IN GENERAL.—An eligible entity that receives funds under subsection (a) shall provide, toward the cost of the activities assisted under the
grant, from non-Federal sources, an amount equal to 100 percent of the amount of the grant.

“(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity if the Secretary determines that applying the matching requirement would result in serious hardship or an inability to carry out the activities described in subsection (e) or (f).

“SEC. 2304. NATIONAL ACTIVITIES.

“(a) PURPOSE.—The purpose of this section is to promote innovative strategies to promote innovative history, civic, and geography instruction, learning strategies, and professional development activities and programs for teachers, principals, and other school leaders, particularly for low-income students in underserved areas.

“(b) IN GENERAL.—From the funds reserved by the Secretary under section 2301(b)(3), the Secretary shall award grants, on a competitive basis, to eligible entities for the purposes of—

“(1) developing, implementing, evaluating and disseminating for voluntary use, innovative, evidenced-based approaches to civic learning and American history, which may include hands-on civic engagement activities for teachers and low-income stu-
students, that demonstrate innovation, scalability, accountability, and a focus on underserved populations; or

“(2) other innovative evidence-based approaches to improving the quality of student achievement and teaching of American history, civics, and government in elementary schools and secondary schools.

“(c) Program Periods and Diversity of Projects.—

“(1) In general.—A grant awarded by the Secretary to an eligible entity under this section shall be for a period of not more than 3 years.

“(2) Renewal.—The Secretary may renew a grant awarded under this section for 1 additional 2-year period.

“(3) Diversity of Projects.—In awarding grants under this section, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

“(d) Applications.—In order to receive a grant under this section, an eligible entity shall submit an application to the Secretary at such time, and in such manner,
and containing such information that the Secretary may reasonably require.

“(e) ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means an institution of higher education or other nonprofit or for-profit organization with demonstrated expertise in the development of evidence-based approaches for improving the quality of American history and civics learning and teaching.

“SEC. 2305. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal years 2016 through 2021.”.

SEC. 2004. LITERACY EDUCATION.

Title II (20 U.S.C. 6601 et seq.), as amended by section 2003, is further amended by inserting after section 2305 the following:

“PART D—LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION.

“SEC. 2401. PURPOSES; DEFINITIONS.

“(a) PURPOSES.—The purpose of this part is—

“(1) to improve student academic achievement in reading and writing by providing Federal support to States to develop, revise, or update comprehensive literacy instruction plans that when implemented ensure high-quality instruction and effective strategies
in reading and writing from early education through grade 12; and

“(2) for States to provide targeted subgrants to State-designated early childhood education programs and local educational agencies and their public or private partners to implement evidenced-based programs that ensure high-quality comprehensive literacy instruction for students most in need.

“(b) DEFINITIONS.—In this part:

“(1) COMPREHENSIVE LITERACY INSTRUCTION.—The term ‘comprehensive literacy instruction’ means instruction that—

“(A) includes developmentally appropriate, contextually explicit, and systematic instruction, and frequent practice, in reading and writing across content areas;

“(B) includes age-appropriate, explicit, systematic, and intentional instruction in phonological awareness, phonic decoding, vocabulary, language structure, reading fluency, and reading comprehension;

“(C) includes age-appropriate, explicit instruction in writing, including opportunities for children to write with clear purposes, with critical reasoning appropriate to the topic and pur-
pose, and with specific instruction and feedback
from instructional staff;

“(D) makes available and uses diverse,
high-quality print materials that reflect the
reading and development levels, and interests,
of children;

“(E) uses differentiated instructional ap-
proaches, including individual and small group
instruction and discussion;

“(F) provides opportunities for children to
use language with peers and adults in order to
develop language skills, including developing vo-
cabulary;

“(G) includes frequent practice of reading
and writing strategies;

“(H) uses age-appropriate, valid, and reli-
able screening assessments, diagnostic assess-
ments, formative assessment processes, and
summative assessments to identify a child’s
learning needs, to inform instruction, and to
monitor the child’s progress and the effects of
instruction;

“(I) uses strategies to enhance children’s
motivation to read and write and children’s en-
gagement in self-directed learning;
“(J) incorporates the principles of universal design for learning;

“(K) depends on teachers’ collaboration in planning, instruction, and assessing a child’s progress and on continuous professional learning; and

“(L) links literacy instruction to the challenging State academic standards under section 1111(b)(1), including the ability to navigate, understand, and write about, complex print and digital subject matter.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means an entity that serves a high share or percentage of high-need schools and consists of—

“(A) one or more local educational agencies that—

“(i) have the highest number or proportion of children who are counted under section 1124(c), in comparison to other local educational agencies in the State;

“(ii) are among the local educational agencies in the State with the highest number or percentages of children reading or writing below grade level, based on the
most currently available State academic assessment data under section 1111(b)(2); or

“(iii) serve a significant number or percentage of schools that are identified under section 1114(a)(1)(A);

“(B) one or more State-designated early childhood education programs that have a demonstrated record of providing comprehensive literacy instruction for the age group such program proposes to serve; or

“(C) a local educational agency, described in subparagraph (A), or consortium of such local educational agencies, or a State-designated early childhood education program acting in partnership with 1 or more public or private nonprofit organizations or agencies (which may include State-designated early childhood education programs) that have a demonstrated record of effectiveness in—

“(i) improving literacy achievement of children, consistent with the purposes of their participation, from birth through grade 12; and

“(ii) providing professional development in comprehensive literacy instruction.
“(3) HIGH-NEED SCHOOL.—

“(A) IN GENERAL.—The term ‘high-need school’ means—

“(i) an elementary school or middle school in which not less than 50 percent of the enrolled students are children from low-income families; or

“(ii) a high school in which not less than 40 percent of the enrolled students are children from low-income families, which may be calculated using comparable data from the schools that feed into the high school.

“(B) LOW-INCOME FAMILY.—For purposes of subparagraph (A), the term ‘low-income family’ means a family—

“(i) in which the children are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

“(ii) receiving assistance under the program of block grants to States for temporary assistance for needy families established under part A of title IV of the So-
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cial Security Act (42 U.S.C. 601 et seq.);
or
“(iii) in which the children are eligible
to receive medical assistance under the
Medicaid program.

“SEC. 2402. COMPREHENSIVE LITERACY STATE DEVELOP-
MENT GRANTS.

“(a) GRANTS AUTHORIZED.—From the amounts ap-
propriated to carry out this part and not reserved under
subsection (b), the Secretary shall award grants, on a
competitive basis, to States to enable the States to—

“(1) provide subgrants to eligible entities serv-
ing a diversity of geographic areas, giving priority to
entities serving greater numbers or percentages of
disadvantaged children; and

“(2) develop or enhance comprehensive literacy
instruction plans that ensure high-quality instruction
and effective strategies in reading and writing for
children from early childhood education through
grade 12, including English learners and students
with disabilities.

“(b) RESERVATION.—From the amounts appro-
priated to carry out this part for a fiscal year, the Sec-
retary shall reserve—
“(1) not more than a total of 5 percent for national activities including a national evaluation, technical assistance and training, data collection, and reporting;

“(2) one-half of 1 percent for the Secretary of the Interior to carry out a program described in this part at schools operated or funded by the Bureau of Indian Education; and

“(3) one-half of 1 percent for the outlying areas to carry out a program under this part.

“(e) DURATION OF GRANTS.—A grant awarded under this part shall be awarded for a period of not more than 5 years. Such grant may be renewed for an additional 2-year period upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that—

“(1) the State has made adequate progress; and

“(2) renewing the grant for an additional 2-year period is necessary to carry out the objectives of the grant described in subsection (d).

“(d) STATE APPLICATIONS.—

“(1) IN GENERAL.—A State educational agency desiring a grant under this part shall submit an application to the Secretary, at such time and in such manner as the Secretary may require. The State
educational agency shall collaborate with the State agency responsible for administering early childhood education programs and the State agency responsible for administering child care programs in the State in writing and implementing the early childhood education portion of the grant application under this subsection.

“(2) CONTENTS.—An application described in paragraph (1) shall include, at a minimum, the following:

“(A) A needs assessment that analyzes literacy needs across the State and in high-need schools and high-need local educational agencies, including identifying the most pressing gaps in literacy proficiency and inequities in student access to effective teachers of literacy, considering each of the categories of students, as defined in section 1111(b)(3)(A).

“(B) A description of how the State educational agency, in collaboration with the State literacy team, if applicable, will develop a State comprehensive literacy instruction plan or will revise and update an already existing State comprehensive literacy instruction plan.
“(C) An implementation plan that includes a description of how the State educational agency will carry out the State activities described in subsection (e).

“(D) An assurance that the State educational agency will use implementation grant funds described in subsection (e)(1) for comprehensive literacy instruction programs as follows:

“(i) Not less than 15 percent of such grant funds shall be used for State and local programs and activities pertaining to children from birth through kindergarten entry.

“(ii) Not less than 40 percent of such grant funds shall be used for State and local programs and activities, allocated equitably among the grades of kindergarten through grade 5.

“(iii) Not less than 40 percent of such grant funds shall be used for State and local programs and activities, allocated equitably among grades 6 through 12.

“(E) An assurance that the State educational agency shall give priority to awarding
a subgrant under section 2403 to an eligible entity that—

“(i) serves children from birth through age 5 who are from families with income levels at or below 200 percent of the Federal poverty line; or

“(ii) consists of a local educational agency serving a high number or percentage of high-need schools.

“(e) STATE ACTIVITIES.—

“(1) IN GENERAL.—A State educational agency receiving a grant under this section shall use not less than 95 percent of such grant funds to award subgrants to eligible entities, based on their needs assessment and a competitive application process.

“(2) RESERVATION.—A State educational agency receiving a grant under this section may reserve not more than 5 percent for activities identified through the needs assessment and comprehensive literacy plan described in subparagraphs (A) and (B) of subsection (d)(2), including the following activities:

“(A) Providing technical assistance, or engaging qualified providers to provide technical assistance, to eligible entities to enable the eli-
ble entities to design and implement literacy programs.

“(B) Coordinating with institutions of higher education in the State to provide recommendations to strengthen and enhance pre-service courses for students preparing to teach children from birth through grade 12 in explicit, systematic, and intensive instruction in evidence-based literacy methods.

“(C) Reviewing and updating, in collaboration with teachers, statewide educational and professional organizations representing teachers, and statewide educational and professional organizations representing institutions of higher education, State licensure or certification standards in the area of literacy instruction in early education through grade 12.

“(D) Making publicly available, including on the State educational agency’s website, information on promising instructional practices to improve child literacy achievement.

“(E) Administering and monitoring the implementation of subgrants by eligible entities.

“(3) ADDITIONAL USES.—After carrying out the activities described in paragraphs (1) and (2), a
State educational agency may use any remaining amount to carry out 1 or more of the following activities:

“(A) Developing literacy coach training programs and training literacy coaches.

“(B) Administration and evaluation of activities carried out under this part.

“SEC. 2403. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF BIRTH THROUGH KINDERGARTEN ENTRY LITERACY.

“(a) Subgrants.—

“(1) In general.—A State educational agency receiving a grant under this section shall, in consultation with the State agencies responsible for administering early childhood education programs and services, including the State agency responsible for administering child care programs, and, if applicable, the State Advisory Council on Early Childhood Education and Care designated or established pursuant to section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i)), use a portion of the grant funds, in accordance with section 2402(d)(1)(D)(i), to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to support high-quality early literacy initia-
atives for children from birth through kindergarten entry.

“(2) Duration.—The term of a subgrant under this section shall be determined by the State educational agency awarding the subgrant and shall in no case exceed 5 years.

“(3) Sufficient size and scope.—Each subgrant awarded under this section shall be of sufficient size and scope to allow the eligible entity to carry out high-quality early literacy initiatives for children from birth through kindergarten entry.

“(b) Local applications.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency, at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include a description of—

“(1) how the subgrant funds will be used to enhance the language and literacy development and school readiness of children, from birth through kindergarten entry, in early childhood education programs, which shall include an analysis of data that support the proposed use of subgrant funds;

“(2) how the subgrant funds will be used to prepare and provide ongoing assistance to staff in
the programs, through high-quality professional development;

“(3) how the activities assisted under the subgrant will be coordinated with comprehensive literacy instruction at the kindergarten through grade 12 levels;

“(4) how the subgrant funds will be used to evaluate the success of the activities assisted under the subgrant in enhancing the early language and literacy development of children from birth through kindergarten entry; and

“(5) such other information as the State educational agency may require.

“(c) LOCAL USES OF FUNDS.—An eligible entity that receives a subgrant under this section shall use the subgrant funds, consistent with the entity’s approved application under subsection (c), to—

“(1) carry out high-quality professional development opportunities for early childhood educators, teachers, paraprofessionals, and instructional leaders;

“(2) train providers and personnel to develop and administer high-quality early childhood education literacy initiatives; and
“(3) coordinate the involvement of families, early childhood education program staff, principals, other school leaders, and teachers in literacy development of children served under the subgrant.

“SEC. 2404. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF KINDERGARTEN THROUGH GRADE 12 LITERACY.

“(a) Subgrants to Eligible Entities.—

“(1) Subgrants.—A State educational agency receiving a grant under this part shall use a portion of the grant funds, in accordance with clauses (ii) and (iii) of section 2402(d)(1)(D), to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsection (b) and (e).

“(2) Sufficient size and scope.—A State educational agency shall award subgrants under this section of sufficient size and scope to allow the eligible entities to carry out high-quality comprehensive literacy instruction in each grade level for which the subgrant funds are provided.

“(3) Local applications.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing
such information as the State educational agency may require. Such application shall include, for each school that the eligible entity identifies as participating in a subgrant program under this section, the following information:

“(A) A description of the eligible entity’s needs assessment conducted to identify how subgrant funds will be used to inform and improve comprehensive literacy instruction at the school.

“(B) How the school, the local educational agency, or a provider of high-quality professional development will provide ongoing high-quality professional development to all teachers, including early childhood educators, principals, and other instructional leaders served by the school, including early childhood education program administrators.

“(C) How the school will identify children in need of literacy interventions or other support services.

“(D) An explanation of how the school will integrate comprehensive literacy instruction into core academic subjects.
“(E) A description of how the school will coordinate comprehensive literacy instruction with early childhood education and after-school programs and activities in the area served by the local educational agency.

“(b) LOCAL USES OF FUNDS FOR KINDERGARTEN THROUGH GRADE 5.—An eligible entity that receives a subgrant under this section shall use the subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 5:

“(1) Developing and implementing a comprehensive literacy instruction plan across content areas for such children that—

“(A) serves the needs of all children, including children with disabilities and English learners, especially children who are reading or writing below grade level;

“(B) provides intensive, supplemental, accelerated, and explicit intervention and support in reading and writing for children whose literacy skills are below grade level; and

“(C) 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.
“(2) Providing high-quality professional development opportunities for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), principals, paraprofessionals, and other program staff.

“(3) Training principals, specialized instructional support personnel, and other school district personnel to support, develop, administer, and evaluate high-quality kindergarten through grade 5 literacy initiatives.

“(4) Coordinating the involvement of early childhood education 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.

“(5) Engaging families and encouraging family literacy experiences and practices to support literacy development.

“(c) 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:
“(1) Developing and implementing a comprehensive literacy instruction plan described in subsection (a)(3) for children in grades 6 through 12.

“(2) Training principals, specialized instruction support personnel, and other school district personnel to support, develop, administer, and evaluate high-quality kindergarten through grade 5 comprehensive literacy instruction initiatives.

“(3) Assessing 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.

“(4) Providing 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.

“(5) Coordinating the involvement of principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), paraprofessionals, special educators, and school librarians in the literacy development of children served under this part.
“(d) ALLOWABLE USES.—An eligible entity that receives a subgrant under this section may, in addition to carrying out the activities described in subsection (c), use subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 12:

“(1) Recruiting, placing, training, and compensating literacy coaches.

“(2) Connecting out-of-school learning opportunities to in-school learning in order to improve the literacy achievement of the children.

“(3) Training families and caregivers to support the improvement of adolescent literacy.

“(4) Providing for a multitier system of support.

“(5) 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.

“(6) Providing time for teachers (and other literacy staff, as appropriate, such as school librarians) to meet to plan comprehensive literacy instruction.

SEC. 2405. NATIONAL EVALUATION AND INFORMATION DISSEMINATION.

“(a) NATIONAL EVALUATION.—From funds reserved under section 2402(b)(1), the Director of the Institute of
Education Sciences shall conduct a national evaluation of
the grant and subgrant programs assisted under this part.
Such evaluation shall include evidence-based research that
applies rigorous and systematic procedures to obtain valid
knowledge relevant to the implementation and effect of the
programs and shall directly coordinate with individual
State evaluations of the programs’ implementation and
impact.

“(b) PROGRAM IMPROVEMENT.—The Secretary
shall—

“(1) provide the findings of the evaluation con-
ducted under this section to State educational agen-
cies and subgrant recipients for use in program im-
provement;

“(2) make such findings publicly available, in-
cluding on the websites of the Department and the
Institute of Education Science; and

“(3) submit such findings to the Committee on
Health, Education, Labor, and Pensions of the Sen-
ate and the Committee on Education and the Work-
force of the House of Representatives.

“SEC. 2406. SUPPLEMENT, NOT SUPPLANT.

“Grant funds provided under this part shall be used
to supplement, and not supplant, other Federal or State
funds available to carry out activities described in this part.”.

SEC. 2005. GENERAL PROVISIONS.

Title II (20 U.S.C. 6601 et seq.), as amended by section 2004, is further amended by inserting after section 2405 the following:

“PART E—GENERAL PROVISIONS

“SEC. 2504. RULES OF CONSTRUCTION.

“(a) Prohibition Against Federal Mandates, Direction, or Control.—Nothing in this title shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school’s—

“(1) instructional content or materials, curriculum, program of instruction, academic standards, or academic assessments;

“(2) teacher, principal, or other school leader evaluation system;

“(3) specific definition of teacher, principal, or other school leader effectiveness; or

“(4) teacher, principal, or other school leader professional standards, certification, and licensing.

“(b) School or District Employees.—Nothing in this title 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 be-
tween such employees and their employers.”.

TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

SEC. 3001. GENERAL PROVISIONS.

Title III (20 U.S.C. 6801 et seq.) is amended—

(1) in part A—

(A) by striking section 3122; and

(B) redesignating sections 3123, 3124,
3125, 3126, 3127, 3128, and 3129 as sections
3122, 3123, 3124, 3125, 3126, 3127, and
3128, respectively;

(2) by striking part B;

(3) by redesignating part C as part B; and

(4) in part B, as redesignated by paragraph
(2)—

(A) by redesignating section 3301 as sec-
tion 3201;

(B) by striking section 3302; and
(C) by redesignating sections 3303 and 3304 as sections 3202 and 3203, respectively.

SEC. 3002. AUTHORIZATION OF APPROPRIATIONS.

Section 3001 (20 U.S.C. 6801) is amended to read as follows:

“SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title and such sums as may be necessary for each of fiscal years 2016 through 2021.”.

SEC. 3003. ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT, AND ACADEMIC ACHIEVEMENT.

Part A of title III (20 U.S.C. 6811 et seq.) is amended—

(1) in section 3102, by striking paragraphs (1) through (9) and inserting the following:

“(1) to help ensure that English learners, including immigrant children and youth, attain English proficiency, and develop high levels of academic attainment in English;

“(2) to assist all English learners, including immigrant children and youth, to achieve at high levels in academic subjects so that children who are English learners can meet the same challenging
State academic standards that all children are expected to meet, consistent with section 1111(b)(1);

“(3) to assist early childhood educators, teachers, principals and other school leaders, State educational agencies, and local educational agencies in establishing, implementing, and sustaining effective language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth;

“(4) to assist early childhood educators, teachers, principals and other school leaders, State educational agencies, and local educational agencies to develop and enhance their capacity to provide effective instruction programs designed to prepare English learners, including immigrant children and youth, to enter all English instruction settings;

“(5) to promote parental, family, and community participation in language instruction educational programs for the parents, families, and communities of English learners; and

“(6) to provide incentives to grantees to implement policies and practices that will lead to significant improvements in the instruction and achievement of English learners.”;

(2) in section 3111—
(A) in subsection (b)—

(i) in paragraph (2), by striking sub-
paragraphs (A) through (D) and inserting
the following:

“(A) Establishing and implementing stand-
ardized statewide entrance and exit procedures,
including a requirement that all students who
may be English learners are assessed for such
status within 30 days of enrollment in a school
in the State.

“(B) Providing effective teacher and prin-
cipal preparation, professional development ac-
tivities, and other evidence-based activities re-
lated to the education of English learners,
which may include assisting teachers, prin-
cipals, and other educators in—

“(i) meeting State and local certifi-
cation and licensing requirements for
teaching English learners; and

“(ii) improving teaching skills in
meeting the diverse needs of English learn-
ers, including how to implement effective
programs and curricula on teaching
English learners.
“(C) Planning, evaluation, administration, and interagency coordination related to the sub-
grants referred to in paragraph (1).

“(D) Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State edu-
cational agency under this subpart, including assistance in—

“(i) identifying and implementing ef-
fective language instruction educational programs and curricula for teaching English learners, including those in early childhood settings;

“(ii) helping English learners meet the same State academic standards that all children are expected to meet;

“(iii) identifying or developing, and implementing, measures of English proficiency; and

“(iv) strengthening and increasing parent, family, and community engagement in programs that serve English learners.

“(E) Providing recognition, which may in-
clude providing financial awards, to recipients of subgrants under section 3115 that have sig-
nificantly improved the achievement and progress of English learners in meeting—

“(i) annual timelines and goals for progress established under section 1111(c)(1)(J) based on the State’s English language proficiency assessment under section 1111(b)(2)(G); and

“(ii) the challenging State academic standards described in section 1111(b)(1).”; and

(ii) in paragraph (3)—

(I) in the heading, by inserting “DIRECT” before “ADMINISTRATIVE”; and

(II) by inserting “direct” before “administrative costs”; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking “section 3001(a)” and inserting “section 3001”; and

(II) in subparagraph (B), by inserting “and” after the semicolon;

(III) in subparagraph (C)—
(aa) by striking “not more than 0.5 percent of such amount shall be reserved for evaluation activities conducted by the Secretary and”; and

(bb) by striking “; and” and inserting a period; and

(IV) by striking subparagraph (D);

(ii) by striking paragraphs (2) and (4);

(iii) by redesignating paragraph (3) as paragraph (2);

(iv) in paragraph (2)(A), as redesignated by clause (iii)—

(I) in the matter preceding clause (i), by striking “section 3001(a)” and inserting “section 3001”; and

(II) in clause (i), by striking “limited English proficient” and all that follows through “States;” and inserting “English learners in the State bears to the number of English learners in all States, as determined by the Secretary under paragraph (3);”; and
(v) by adding at the end the following:

“(3) **USE OF DATA FOR DETERMINATIONS.**—In making State allotments under paragraph (2)(A)(i) for each fiscal year, the Secretary shall—

“(A) determine the number of English learners in a State and in all States, using the most accurate, up-to-date data, which shall be—

“(i) data available from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates;

“(ii) the number of students being assessed for English language proficiency, based on the State’s English language proficiency assessment under section 1111(b)(2)(G), which may be multiyear estimates; or

“(iii) a combination of data available under clauses (i) and (ii); and

“(B) determine the number of immigrant children and youth in the State and in all States based only on data available from the American Community Survey conducted by the
Department of Commerce, which may be multiyear estimates.”;

(3) in section 3113—

(A) in subsection (a), by inserting “reasonably” before “require”;

(B) in subsection (b)—

(i) in paragraph (1), by striking “making” and inserting “awarding”; and

(ii) by striking paragraphs (2) through (6) and inserting the following:

“(2) describe how the agency will establish and implement standardized, statewide entrance and exit procedures, including an assurance that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State;

“(3) provide an assurance that—

“(A) the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement in section 1111(b)(2)(B)(ix) to annually assess in English all English learners who have been in the United States for 3 or more years;

“(B) the agency will ensure that eligible entities receiving a subgrant under this subpart
annually assess the English proficiency of all
English learners participating in a program
funded under this subpart, consistent with sec-
tion 1111(b)(2)(G);

“(C) in awarding subgrants under section
3114, the agency will address the needs of
school systems of all sizes and in all geographic
areas, including school systems with rural and
urban schools;

“(D) subgrants to eligible entities under
section 3114(d)(1) will be of sufficient size and
scope to allow such entities to carry out effec-
tive language instruction educational programs
for English learners;

“(E) the agency will require an eligible en-
tity receiving a subgrant under this subpart to
use the subgrant in ways that will build such
recipient’s capacity to continue to offer effective
language instruction educational programs that
assist English learners in meeting challenging
State academic standards described in section
1111(b)(1);

“(F) the agency will monitor each eligible
entity receiving a subgrant under this subpart
for compliance with applicable Federal fiscal re-
quirements; and

“(G) the plan has been developed in con-
sultation with local educational agencies, teach-
ers, administrators of programs implemented
under this subpart, parents of English learners,
and other relevant stakeholders;

“(4) describe how the agency will coordinate its
programs and activities under this subpart with
other programs and activities under this Act and
other Acts, as appropriate;

“(5) describe how each eligible entity will be
given the flexibility to teach English learners—

“(A) using a high quality, effective lan-
guage instruction curriculum for teaching
English learners; and

“(B) in the manner the eligible entities de-
determine to be the most effective;

“(6) describe how the agency will assist eligible
entities in meeting—

“(A) annual timelines and goals for
progress established under section
1111(c)(1)(J) based on the State’s English lan-
guage proficiency assessment under section
1111(b)(2)(G); and
“(B) the challenging State academic standards described in section 1111(b)(1);

“(7) describe how the agency will assist eligible entities in decreasing the number of English learners who have not yet acquired English proficiency within 5 years of their initial classification as an English learner;

“(8) describe how the agency will ensure that the unique needs of the State’s population of English learners and immigrant children and youth are being addressed; and

“(9) describe how the agency will monitor and evaluate the progress of each eligible entity receiving funds under this part toward meeting the timelines and goals for English proficiency required under section 1111(c)(1)(J) and the steps the State will take to further assist eligible entities if such strategies funded under this part are not effective in making such progress and meeting academic goals established under section 1111(b)(3)(B)(i) for English learners, such as providing technical assistance and modifying such strategies.”;

(C) in subsection (d)(2)(B), by striking “part” and inserting “subpart”; and
(D) in subsection (f), by striking "‘, objectives,’”;

(4) in section 3114—

(A) in subsection (a)—

(i) by striking “section 3111(c)(3)” and inserting “section 3111(c)(2)”; and

(ii) by striking “limited English proficient children” both places the term appears and inserting “English learners”; and

(B) in subsection (d)(1)—

(i) by striking “section 3111(c)(3)” and inserting “section 3111(c)(2)”; and

(ii) by striking “preceding the fiscal year”;

(5) by striking section 3115 and inserting the following:

“SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.

“(a) PURPOSES OF SUBGRANTS.—A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this subpart only if the entity agrees to expend the funds to improve the education of English learners by assisting the children to learn English and meet the challenging State academic standards described in section 1111(b)(1). In carrying out
activities with such funds, the eligible entity shall use effective approaches and methodologies for teaching English learners and immigrant children and youth for the following purposes:

“(1) Developing and implementing new language instruction educational programs and academic content instruction programs for English learners and immigrant children and youth, including early childhood education programs, elementary school programs, and secondary school programs.

“(2) Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instruction programs for such children, and such children and youth.

“(3) Implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

“(4) Implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading
all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

“(b) DIRECT ADMINISTRATIVE EXPENSES.—Each eligible entity receiving funds under section 3114(a) for a fiscal year may use not more than 2 percent of such funds for the cost of administering this subpart.

“(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligible entity receiving funds under section 3114(a) shall use the funds—

“(1) to increase the English language proficiency of English learners by providing effective language instruction educational programs that meet the needs of English learners and are based on high-quality research demonstrating success in increasing—

“(A) English language proficiency; and

“(B) student academic achievement;

“(2) to provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, other school leaders, administrators, and other
school or community-based organizational personnel, that is—

“(A) designed to improve the instruction and assessment of English learners;

“(B) designed to enhance the ability of such teachers, principals, and other school leaders to understand and implement appropriate curricula, assessment practices, and instruction strategies for English learners;

“(C) effective in increasing children’s English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and

“(D) of sufficient intensity and duration (which shall not include activities such as one-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers’ performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher’s supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the
teacher, and any local educational agency employing the teacher, as appropriate; and "(3) to provide and implement effective parental, family, and community engagement activities in order to enhance or supplement language instruction educational programs for English Learners.

"(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Subject to subsection (c), an eligible entity receiving funds under section 3114(a) may use the funds to achieve 1 of the purposes described in subsection (a) by undertaking 1 or more of the following activities:

"(1) Upgrading program objectives and effective instruction strategies.

"(2) Improving the instruction program for English learners by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.

"(3) Providing to English learners—

"(A) tutorials and academic or career and technical education; and

"(B) intensified instruction.

"(4) Developing and implementing effective preschool, elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services.
“(5) Improving the English language proficiency and academic achievement of English learners.

“(6) Providing community participation programs, family literacy services, and parent and family outreach and training activities to English learners and their families—

“(A) to improve the English language skills of English learners; and

“(B) to assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children.

“(7) Improving the instruction of English learners, including English learners with a disability, by providing for—

“(A) the acquisition or development of educational technology or instructional materials;

“(B) access to, and participation in, electronic networks for materials, training, and communication; and

“(C) incorporation of the resources described in subparagraphs (A) and (B) into cur-
ricula and programs, such as those funded under this subpart.

“(8) Carrying out other activities that are consistent with the purposes of this section.

“(e) Activities by Agencies Experiencing Substantial Increases in Immigrant Children and Youth.—

“(1) In general.—An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

“(A) family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children;

“(B) recruitment of, and support for personnel, including early childhood educators, teachers, paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

“(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;
“(D) identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;

“(E) basic instruction services that are directly attributable to the presence in the local educational agency involved of immigrant children and youth, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;

“(F) other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

“(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services.
“(2) Duration of Subgrants.—The duration of a subgrant made by a State educational agency under section 3114(d)(1) shall be determined by the agency in its discretion.

“(f) Selection of Method of Instruction.—

“(1) In general.—To receive a subgrant from a State educational agency under this subpart, an eligible entity shall select one or more methods or forms of effective instruction to be used in the programs and activities undertaken by the entity to assist English learners to attain English language proficiency and meet challenging State academic standards described in section 1111(b)(1).

“(2) Consistency.—Such selection shall be consistent with sections 3125 through 3127.

“(g) Supplement, Not Supplant.—Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, State and local public funds.”;

(6) in section 3116—
(A) in subsection (b), by striking paragraphs (1) through (6) and inserting the following:

“(1) describe the high-quality programs and activities proposed to be developed, implemented, and administered under the subgrant and how these activities will help English learners increase their English language proficiency and meet the challenging State academic standards described in section 1111(b)(1);

“(2) describe how the eligible entity will ensure elementary schools and secondary schools receiving funds under this subpart assist English learners in meeting—

“(A) annual timelines and goals for progress established under 1111(e)(1)(J) based on the State’s English language proficiency assessment under section 1111(b)(2)(G); and

“(B) the challenging State academic standards described in section 1111(b)(1);

“(3) describe how the eligible entity will promote parental, family, and community engagement in the education of English learners;

“(4) describe how language instruction educational programs carried out under the subgrant
will ensure that English learners being served by the programs develop English proficiency and demonstrate such proficiency through academic content mastery;

“(5) contain assurances that—

“(A) each local educational agency that is included in the eligible entity is complying with section 1112(d)(2) prior to, and throughout, each school year as of the date of application, and will continue to comply with such section throughout each school year for which the grant is received;

“(B) the eligible entity complies with any State law, including State constitutional law, regarding the education of English learners, consistent with sections 3125 and 3126;

“(C) the eligible entity has based its proposed plan on high quality research on teaching English learners;

“(D) the eligible entity consulted with teachers, researchers, school administrators, parents and family members, community members, public or private entities, and institutions of higher education, in developing and implementing such plan; and
“(E) the eligible entity will, if applicable, coordinate activities and share relevant data under the plan with local Head Start and Early Head Start agencies, including migrant and seasonal Head Start agencies, and other early childhood education providers.”;

(B) in subsection (c), by striking “limited English proficient children” and inserting “English learners”; and

(C) by striking subsection (d);

(7) by striking section 3121 and inserting the following:

“SEC. 3121. REPORTING.

“(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with a report, in a form prescribed by the agency, on the activities conducted and children served under such subpart that includes—

“(1) a description of the programs and activities conducted by the entity with funds received under subpart 1 during the 2 immediately preceding fiscal years;
“(2) the number and percentage of English learners in the programs and activities who meet the annual State-determined goals for progress established under section 1111(c)(1)(J), including disaggregated, at a minimum, by—

“(A) long-term English learners; and

“(B) English learners with a disability;

“(3) the number and percentage of English learners in the programs and activities attaining English language proficiency based on State English language proficiency standards established under section 1111(b)(1)(F) by the end of each school year, as determined by the State’s English language proficiency assessment under section 1111(b)(2)(G);

“(4) the number and percentage of English learners who exit the language instruction educational programs based on their attainment of English language proficiency;

“(5) the number and percentage of English learners meeting challenging State academic standards described in section 1111(b)(1) for each of the 2 years after such children are no longer receiving services under this part, including disaggregated, at a minimum, by—

“(A) long-term English learners; and
“(B) English learners with a disability;

“(6) the number and percentage of English learners who have not attained English language proficiency within 5 years of initial classification as an English learner; and

“(7) any other information as the State educational agency may require.

“(b) REPORT.—A report provided by an eligible entity under subsection (a) shall be used by the entity and the State educational agency for improvement or programs and activities under this part.

“(c) SPECIAL RULE FOR SPECIALLY QUALIFIED AGENCIES.—Each specially qualified agency receiving a grant under this part shall provide the evaluations described in subsection (a) to the Secretary subject to the same requirements as apply to eligible entities providing such evaluations to State educational agencies under such subsection.”;

(8) in section 3122, as redesignated by section 3001(1)—

(A) in subsection (a)—

(i) by striking “evaluations” and inserting “reports”; and
(ii) by striking “children who are limited English proficient” and inserting “English learners”; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking “limited English proficient children” and inserting “English learners”; and

(II) by striking “children who are limited English proficient” and inserting “English learners”;

(ii) in paragraph (6), by striking “major findings of scientifically based research carried out under this part” and inserting “findings of the evaluation related to English learners carried out under section 9601”;

(iii) in paragraph (8)—

(I) by striking “of limited English proficient children” and inserting “of English learners”; and

(II) by striking “into classrooms where instruction is not tailored for limited English proficient children”; and
(iv) in paragraph (9), by striking “title” and inserting “part”; (9) in section 3123, as redesignated by section 3001(1)—

(A) by striking “children of limited English proficiency” and inserting “English learners”; and

(B) by striking “limited English proficient children” and inserting “English learners”; (10) in section 3124, as redesignated by section 3001(1)—

(A) in paragraph (1), by striking “limited English proficient children” and inserting “English learners”; and

(B) in paragraph (2), by striking “limited English proficient children” and inserting “English learners”; (11) in section 3128, as redesignated by section 3001(1), by striking “limited English proficient children” and inserting “English learners”; (12) by striking section 3131 and inserting the following:
SEC. 3131. NATIONAL PROFESSIONAL DEVELOPMENT PROJECT.

“The Secretary shall use funds made available under section 3111(c)(1)(C) to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education (or public or private entities with relevant experience and capacity, in consortia with State educational agencies or local educational agencies) to provide for professional development, capacity building, or evidence-based activities that will improve classroom instruction for English learners and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs or serve English learners. Grants awarded under this section may be used—

“(1) for preservice or inservice effective professional development programs that will assist local schools and may assist institutions of higher education to upgrade the qualifications and skills of educational personnel who are not certified or licensed, especially educational paraprofessionals, and for other activities to increase teacher and school leader effectiveness;
“(2) for the development of curricula or other
instructional strategies appropriate to the needs of
the consortia participants involved;

“(3) to support strategies that strengthen and
increase parent, family, and community member en-
gagement in the education of English learners;

“(4) to develop, share, and disseminate effective
practices in the instruction of English learners and
in increasing the student academic achievement of
English learners, such as technology-based pro-
grams;

“(5) in conjunction with other Federal need-
based student financial assistance programs, for fi-
nancial assistance, and costs related to tuition, fees,
and books for enrolling in courses required to com-
plete the degree involved, to meet certification or li-
censing requirements for teachers who work in lan-
guage instruction educational programs or serve
English learners; and

“(6) as appropriate, to support strategies that
promote school readiness of English learners and
their transition from early childhood education pro-
grams, such as Head Start or State-run preschool
programs to elementary school programs.”; and
(13) by striking section 3141 and inserting the following:

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“SEC. 3141. DEFINITIONS.

“In this part—

“(1) the term ‘eligible entity’ means—

“(A) one or more local educational agencies; or

“(B) one or more local educational agencies, in collaboration with an institution of higher education, educational service agency, community-based organization, or State educational agency;

“(2) the term ‘English Learner with a disability’ means an English learner who is also a ‘child with a disability,’ as that term is defined in section 602 of the Individuals with Disabilities Education Act; and

“(3) the term ‘long-term English learner’ means an English learner who has attended schools in the United States for not less than 5 years and who has not yet been exited from English learner status by the culmination of the fifth year of services.”.
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SEC. 3004. OTHER PROVISIONS.

Part B of title III, as redesignated by section 3001(3), is amended—

(1) in section 3201, as redesignated by section 3001(4)—

(A) in paragraph (5)—

(i) in subparagraph (A)—

(I) in clause (i), by striking “limited English proficient” and inserting “English learner”; and

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

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B); and

(B) in paragraph (8)(A), by striking “a limited English proficient child” and inserting “an English learner”; and

(2) in section 3202, as redesignated by section 3001(4)—

(A) in the matter preceding paragraph (1), by striking “limited English proficient children” and inserting “English learners”; and

(B) in paragraph (4)—

(i) in subparagraph (A), by striking “limited English proficient children” and
inserting “English learners, including
English learners with a disability”; and
(ii) in subparagraph (B), by striking
“limited English proficient children” and
inserting “English learners”; and
(3) in section 3203, as redesignated by section
3001(4)—
(A) by striking “limited English proficient
individuals” and inserting “English learners”; and
(B) by striking “limited English proficient
children” and inserting “English learners”.

TITLE IV—SAFE AND HEALTHY
STUDENTS

SEC. 4001. GENERAL PROVISIONS.

Title IV (20 U.S.C. 7101 et seq.) is amended—
(1) by redesignating subpart 3 of part A as
subpart 5 of part F of title IX, as redesignated by
section 9106(1), and moving that subpart to follow
subpart 4 of part F of title IX, as redesignated by
sections 2001 and 9106(1);
(2) by redesignating section 4141 as section
9561;
(3) by redesignating section 4155 as section 9537 and moving that section so as to follow section 9536;

(4) by redesignating part C as subpart 6 of part F of title IX, as redesignated by section 9106(1), and moving that subpart to follow subpart 5 of part F of title IX, as redesignated by section 9106(1) and paragraph (1); and

(5) by redesignating sections 4301, 4302, 4303, and 4304, as sections 9571, 9572, 9573, and 9574, respectively; and

(6) by striking the title heading and inserting the following:

”TITLE IV—SAFE AND HEALTHY STUDENTS”.

SEC. 4002. GRANTS TO STATES AND LOCAL EDUCATIONAL AGENCIES.

Part A of title IV (20 U.S.C. 7101 et seq.) is amended to read as follows:

”PART A—GRANTS TO STATES AND LOCAL EDUCATIONAL AGENCIES

”SEC. 4101. PURPOSE.

“The purpose of this part is to improve students’ safety, health, well-being, and academic achievement during and after the school day by—
“(1) increasing the capacity of local educational agencies, schools, and local communities to improve conditions for learning through the creation of safe, healthy, supportive, and drug-free environments;

“(2) carrying out programs designed to improve school safety and promote students’ physical and mental health and well-being;

“(3) preventing and reducing substance use and abuse, school violence, harassment, and bullying; and

“(4) strengthening parent and community engagement to ensure a healthy, safe, and supportive school environment.

**SEC. 4102. DEFINITIONS.**

“In this part:

“(1) **CONTROLLED SUBSTANCE.**—The term ‘controlled substance’ means a drug or other substance identified under Schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

“(2) **DRUG.**—The term ‘drug’ includes controlled substances, the illegal use of alcohol or tobacco, and the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.
“(3) **DRUG AND VIOLENCE PREVENTION.—**The term ‘drug and violence prevention’ means—

“(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of drugs; and

“(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

“(4) **SCHOOL-BASED MENTAL HEALTH SERVICES PROVIDER.—**The term ‘school-based mental health services provider’ includes a State licensed or State certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide such mental health services to
children and adolescents, including children in early
childhood education programs.

“(5) STATE.—The term ‘State’ means each of
the 50 States, the District of Columbia, and the
Commonwealth of Puerto Rico.

“SEC. 4103. FORMULA GRANTS TO STATES.

“(a) RESERVATIONS.—From the total amount appro-
priated under section 4108 for a fiscal year, the Secretary
shall reserve—

“(1) not more than 5 percent for national ac-
tivities, which the Secretary may carry out directly
or through grants, contracts, or agreements with
public or private entities or individuals, or other
Federal agencies, such as providing technical assist-
ance to States and local educational agencies car-
rying out activities under this part or conducting a
national evaluation;

“(2) ¼ 1 percent for allotments for the United
States Virgin Islands, Guam, American Samoa, and
the Commonwealth of the Northern Mariana Is-
lands, to be distributed among those outlying areas
on the basis of their relative need, as determined by
the Secretary, in accordance with the purpose of this
part; and
“(3) ½ 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.

“(b) STATE ALLOTMENTS.—

“(1) ALLOTMENT.—

“(A) In general.—In accordance with subparagraph (B), the Secretary shall allot among each of the States the total amount made available to carry out this part for any fiscal year and not reserved under subsection (a).

“(B) Determination of state allotment amounts.—Subject to paragraph (2), the Secretary shall allot the amount made available under subparagraph (A) for a fiscal year among the States in proportion to the number of individuals, aged 5 to 17, who reside within the State and are from families with incomes below the poverty line for the most recent fiscal year for which satisfactory data are available, compared to the number of such individuals who reside in all such States for that fiscal year.

“(2) Small state minimum.—No State receiving an allotment under paragraph (1) shall receive
less than \( \frac{1}{2} \) of 1 percent of the total amount allotted under such paragraph.

“(3) PUERTO RICO.—The amount allotted under subparagraph (A) to the Commonwealth of Puerto Rico for a fiscal year may not exceed \( \frac{1}{2} \) of 1 percent of the total amount allotted under such subparagraph.

“(4) REALLOTMENT.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallocate the amount of the State’s allotment to the remaining States in accordance with this section.

“(c) STATE USE OF FUNDS.—

“(1) IN GENERAL.—Each State that receives an allotment under this section shall reserve not less than 95 percent of the amount allotted to such State under subsection (b), for each fiscal year, for subgrants to local educational agencies, which may include consortia of such agencies, under section 4104.

“(2) STATE ADMINISTRATION.—A State educational agency shall use not more than 1 percent of the amount made available to the State under subsection (b) for the administrative costs of carrying out its responsibilities under this part.
“(3) STATE ACTIVITIES.—A State educational agency shall use the amount made available to the State under subsection (b) and not reserved under paragraph (1) for activities and programs designed to meet the purposes of this part, which—

“(A) shall include—

“(i) providing training, technical assistance, and capacity building to local educational agencies that are recipients of a subgrant under section 4104, which may include identifying and disseminating best practices for professional development and capacity building for teachers, administrators, and specialized instructional support personnel in schools that are served by local educational agencies under this part; and

“(ii) publicly reporting on how funds made available under this part are being expended by local educational agencies under section 4104; and

“(B) may include—

“(i) identifying and eliminating State barriers to the coordination and integration of programs, initiatives, and funding
streams that meet the purposes of this part, so that local educational agencies can better coordinate with other agencies, schools and community-based services and programs;

“(ii) assisting local educational agencies to expand access to or coordination of resources for school-based counseling and mental health programs, such as through school-based mental health services partnership programs described in section 4105(a)(4);

“(iii) supporting programs and activities that offer a variety of well-rounded educational experiences to students;

“(iv) supporting activities that promote physical and mental health and well-being for students and staff; and

“(v) other activities identified by the State that meet the purposes of this part.

“(d) State Plan.—

“(1) In general.—In order to receive an allotment under this section for any fiscal year, a State shall submit a plan to the Secretary, at such time
and in such manner as the Secretary may reason-
ably require.

“(2) CONTENTS.—Each plan submitted by a
State under this section shall include the following:

“(A) A description of how the State edu-
cational agency will use funds received under
this part for State-level activities.

“(B) A description of program objectives
and outcomes for activities under this part.

“(C) An assurance that the State edu-
cational agency will review existing resources
and programs across the State and will coordi-
nate any new plans and resources under this
part with such existing programs and resources.

“(D) An assurance that the State edu-
cational agency will monitor the implementation
of activities under this part and provide tech-
nical assistance to local educational agencies in
carrying out such activities.

“(3) ANNUAL REPORT.—Each State receiving a
grant under this part shall annually prepare and
submit a report to the Secretary, which shall in-
clude—
“(A) how the State and local educational agencies used funds provided under this part; and

“(B) the degree to which the State and local educational agencies have made progress toward meeting the objectives and outcomes described in the plan submitted by the State under paragraph (2)(B).

“SEC. 4104. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

“(a) Allocations to Local Educational Agencies.—

“(1) In general.—A State that receives an allotment under this part for a fiscal year shall provide the amount made available under section 4103(c)(1) for subgrants to local educational agencies, which may include consortia of such agencies, in accordance with this section.

“(2) Funds to local educational agencies.—From the funds reserved by a State under section 4103(c)(1), the State shall allocate to each local educational agency or consortium of such agencies in the State an amount that bears the same relationship to such funds as the number of individuals aged 5 to 17 from families with incomes below
the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of such individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

“(3) Administrative Costs.—Of the amount received under paragraph (2), a local educational agency or consortium of such agencies may use not more than 2 percent for the direct administrative costs of carrying out its responsibilities under this part.

“(b) Local Applications.—

“(1) In general.—To be eligible to receive a subgrant under this section, a local educational agency or consortium of such agencies shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

“(2) Consultation.—

“(A) In general.—A local educational agency or consortium of such agencies shall conduct a needs assessment described in paragraph (3), and develop its application, through
consultation with parents, teachers, principals, school leaders, specialized instructional support personnel, early childhood educators, students, community-based organizations, local government representatives, Indian tribes or tribal organizations (if applicable) that may be located in the region served by the local educational agency, and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this part.

“(B) CONTINUED CONSULTATION.—On an ongoing basis, the local educational agency or consortium of such agencies shall consult with the individuals and organizations described in subparagraph (A) in order to seek advice regarding how best—

“(i) to improve the local activities in order to meet the purpose of this part; and

“(ii) to coordinate such activities under this part with other related strategies, programs, and activities being conducted in the community.

“(3) NEEDS ASSESSMENT.—

“(A) IN GENERAL.—To be eligible to receive a subgrant under this section, a local edu-
cational agency or consortium of such agencies shall conduct a comprehensive needs assessment of the local educational agency or agencies proposed to be served and of all schools within the jurisdiction of the local educational agency or agencies proposed to be served.

“(B) REQUIREMENTS.—In conducting the needs assessment required under subparagraph (A), the local educational agency or consortium of such agencies shall take into account—

“(i) applicable and available school-level data on indicators or measures of school quality, climate and safety, and discipline, including those described in section 1111(d)(1)(C)(v); and

“(ii) risk factors in the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of drug use, violent behavior, harassment, disciplinary issues, and having an effect on the physical and mental health and well-being of youth in the school and community.
“(4) CONTENTS.—Each application submitted under this subsection shall be based on the needs assessment described in paragraph (3) and shall include the following:

“(A) The results of the needs assessment described in paragraph (3) and an identification of each school that will be served by a subgrant under this section.

“(B) A description of the activities that the local educational agency or consortium of such agencies will carry out under this part and how these activities are aligned with the results of the needs assessment conducted under paragraph (3).

“(C) A description of the performance indicators that the local educational agency or consortium of such agencies will use to evaluate the effectiveness of the activities carried out under this section.

“(D) An assurance that such activities will comply with the principles of effectiveness described in section 4105(b), and foster a healthy, safe, and supportive school environment that improves students’ safety, health, and well-being during and after the school day.
“(E) An assurance that the local educational agency or consortium of such agencies will prioritize the distribution of funds to schools served by the local educational agency or consortium of such agencies that—

“(i) are among the schools with the greatest needs as identified through the needs assessment conducted under paragraph (3);

“(ii) have the highest percentages or numbers of children counted under section 1124(e);

“(iii) are identified under section 1114(a)(1)(B); or

“(iv) are identified as a persistently dangerous public elementary school or secondary school under section 9532.

“(F) An assurance that the local educational agency or consortium of such agencies will comply with section 9501 (regarding equitable participation by private school children and teachers).
SEC. 4105. LOCAL EDUCATIONAL AGENCY AUTHORIZED ACTIVITIES.

(a) Local Educational Agency Activities.—A local educational agency or consortium of such agencies that receives a subgrant under section 4104 shall use the subgrant funds to develop, implement, and evaluate comprehensive programs and activities, which are coordinated with other schools and community-based services and programs and may be conducted in partnership with non-profit organizations with a demonstrated track-record of success in implementing activities, that are in accordance with the purpose of this part and—

“(1) foster safe, healthy, supportive, and drug-free environments that support student academic achievement;

“(2) are consistent with the principles of effectiveness described in subsection (b);

“(3) promote the involvement of parents in the activity or program, as appropriate; and

“(4) may include, among other programs and activities—

“(A) drug and violence prevention activities and programs, including professional development and training for school and specialized instructional support personnel and interested community members in prevention, education,
early identification, and intervention mentoring,
and, where appropriate, rehabilitation referral,
as related to drug and violence prevention;

“(B) programs that support extended
learning opportunities, including before and
after school programs and activities, programs
during summer recess periods, and programs
that extend the school day, week, or school-year
calendar;

“(C) in accordance with subsections (c)
and (d), school-based mental health services, in-
cluding early identification of mental-health
symptoms, drug use and violence, and appro-
priate referrals to direct individual or group
counseling services provided by qualified school
or community-based mental health services pro-
viders;

“(D) in accordance with subsections (c)
and (d), school-based mental health services
partnership programs that—

“(i) are conducted in partnership with
a public or private mental-health entity or
health care entity, which may also include
a child welfare agency, family-based mental
health entity, trauma network, or other
community-based entity; and

“(ii) provide comprehensive school-

based mental health services and supports
and staff development for school and com-

munity personnel working in the school
that are based on trauma-informed and
evidence practices, are coordinated (where
appropriate) with early intervening services
carried out under the Individuals with Dis-

abilities Education Act, are provided by
qualified mental and behavioral health pro-

fessionals who are certified or licensed by
the State involved and practicing within
their area of expertise, and may include—

“(I) the early identification of so-

social, emotional, or behavioral prob-

lems, or substance use disorders, and
the provision of early intervening serv-

ices;

“(II) notwithstanding section

4107, the treatment or referral for
treatment of students with social,
emotional, or behavioral health prob-
lems, or substance use disorders;
“(III) the development and implementation of programs to assist children in dealing with trauma and violence; and

“(IV) the development of mechanisms, based on best practices, for children to report incidents of violence or plans by other children or adults to commit violence;

“(E) emergency planning and intervention services following traumatic crisis events;

“(F) programs that train school personnel to identify warning signs of youth drug abuse and suicide;

“(G) mentoring programs and activities for children who are at risk of academic failure, dropping out of school, or involvement in criminal or delinquent activities, drug use and abuse, or who lack strong positive role models;

“(H) early childhood, elementary school, and secondary school counseling programs, including college and career guidance programs;

“(I) programs or activities that support a healthy, active lifestyle, including nutritional education and regular, structured physical edu-
cation programs for early childhood, elementary school, and secondary school students;

“(J) implementation of schoolwide positive behavioral interventions and supports, including through coordination with similar activities carried out under the Individuals with Disabilities Education Act, in order to improve academic outcomes for students and reduce the need for suspensions, expulsions, and other actions that remove students from instruction;

“(K) programs and activities that offer a variety of well-rounded educational experience for students, such as those that—

“(i) use music and the arts as a tool to promote constructive student engagement, problem solving, and conflict resolution; or

“(ii) further students’ understanding of and knowledge in computer science from elementary school through secondary school;

“(L) systems of high-capacity, integrated student supports;

“(M) strategies that establish learning environments to further students’ academic and
non-academic skills essential for school readiness and academic success, such as by providing integrated systems of student and family supports and building teacher, principal, and other school leader capacity;

“(N) bullying and harassment prevention programs or activities, including professional development and training for school and specialized instructional support personnel in the prevention, early identification, and early intervention, as related to bullying and harassment;

“(O) programs or activities designed to increase school safety and climate, including conflict resolution practices, crisis management techniques, and other school-based violence prevention strategies;

“(P) pay for success initiatives that produce a measurable, clearly defined outcome that results in social benefit and direct cost savings to the local, State, or Federal Government; and

“(Q) other activities and programs identified as necessary by the local educational agency through the needs assessment conducted under section 4104(b)(3) that will increase stu-
dent achievement and otherwise meet the purpose of this part.

“(b) Principles of Effectiveness.—

“(1) In general.—For a program or activity developed or carried out under this part to meet the principles of effectiveness, such program or activity shall—

“(A) be based upon an assessment of objective data regarding the need for programs and activities in the early childhood, elementary school, secondary school, or community to be served to—

“(i) improve school safety and promote students’ physical and mental health and well-being, healthy eating and nutrition, and physical fitness; and

“(ii) strengthen parent and community engagement to ensure a healthy, safe, and supportive school environment;

“(B) be based upon established State requirements and locally-determined criteria aimed at ensuring a healthy, safe, and supportive school environment for students in the early childhood, elementary school, secondary
school, or community that will be served by the program;

“(C) reflect, to the extent practicable, evidence-based research, or in the absence of a strong research base, reflect best practices in the field, that provides evidence that the program or activity will provide students a healthy, safe, and supportive school environment; and

“(D) include meaningful and ongoing consultation with and input from teachers, principals, school leaders, and parents in the development of the application and administration of the program or activity.

“(2) PERIODIC EVALUATION.—

“(A) IN GENERAL.—The program or activity shall undergo a periodic independent, third party evaluation to assess the extent to which the program or activity has helped the local educational agency or school provide students with a healthy, safe, and supportive school environment that promotes school safety and students’ physical and mental health and well-being.

“(B) USE OF RESULTS.—The local educational agency or consortium of such agencies
shall ensure that the results of the periodic evaluations described under subparagraph (A) are—

“(i) used to refine, improve, and strengthen the program or activity, and to refine locally determined criteria described under paragraph (1)(B); and

“(ii) made available to the public and the State.

“(3) PROHIBITION.—Nothing in this subsection shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control, the principles of effectiveness developed or utilized by a local educational agency under this subsection.

“(c) PARENTAL CONSENT.—

“(1) IN GENERAL.—Each local educational agency receiving a subgrant under this part shall ob-tain prior written, informed consent from the parent of each child who is under 18 years of age to partici-pate in any mental-health assessment service or treatment that is funded under this part and con-ducted in connection with an elementary school or secondary school under this part.
“(2) EXCEPTION.—Notwithstanding paragraph (1), the written, informed consent described in such paragraph shall not be required in—

“(A) an emergency, where it is necessary to protect the immediate health and safety of the student, other students, or school personnel; or

“(B) other instances where parental consent cannot be reasonably obtained, as defined by the Secretary.

“(d) PRIVACY.—Each local educational agency receiving a subgrant under this part shall ensure that student mental health records are accorded the privacy protections provided under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033) and section 444 of the General Education Provisions Act (20 U.S.C. 1232g)(commonly referred to as the ‘Family Educational Rights and Privacy Act of 1974’).

“SEC. 4106. SUPPLEMENT, NOT SUPPLANT.

“Funds made available under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this part.
“SEC. 4107. PROHIBITIONS.

“(a) PROHIBITED USE OF FUNDS.—No funds under this part may be used for—

“(1) construction; or

“(2) medical services or drug treatment or rehabilitation, except for integrated student supports or referral to treatment for impacted students, which may include students who are victims of, or witnesses to, crime or who illegally use drugs.

“(b) PROHIBITION ON MANDATORY MEDICATION.—No child shall be required to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of receiving an evaluation, services, or attending a school receiving assistance under this part.

“SEC. 4108. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.”.

TITLE V—EMPOWERING PARENTS AND EXPANDING OPPORTUNITY THROUGH INNOVATION

SEC. 5001. GENERAL PROVISIONS.

Title V (20 U.S.C. 7201 et seq.) is amended—

(1) by striking part A;
(2) by striking subparts 2 and 3 of part B;
(3) by striking part D;
(4) by redesignating parts B and C as parts A
and B, respectively;
(5) in part A, as so redesignated by paragraph
(4), by striking “Subpart 1—Charter School
Programs”;
(6) by redesignating sections 5201 through
5211 as sections 5101 through 5111, respectively;
(7) by redesignating sections 5301 through
5307 as sections 5201 through 5207, respectively;
(8) by striking sections 5308 and 5310; and
(9) by redesignating sections 5309 and 5311 as
sections 5208 and 5209, respectively.

SEC. 5002. PUBLIC CHARTER SCHOOLS.
Part A of title V (20 U.S.C. 7221 et seq.), as so re-
designated by section 5001(4), is amended—
(1) by striking sections 5101 through 5105, as
so redesignated by section 5001(6), and inserting
the following:
“SEC. 5101. PURPOSE.
“It is the purpose of this part to—
“(1) provide financial assistance for the plan-
ing, program design, and initial implementation of
charter schools;
“(2) increase the number of high-quality charter schools available to students across the United States;

“(3) evaluate the impact of such schools on student achievement, families, and communities, and share best practices among charter schools and other public schools;

“(4) encourage States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools;

“(5) expand opportunities for children with disabilities, students who are English learners, and other traditionally underserved students to attend charter schools and meet the challenging State academic standards under section 1111(b)(1); and

“(6) support efforts to strengthen the charter school authorizing process to improve performance management, including transparency, monitoring, including financial audits, and evaluation of such schools.

“SEC. 5102. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—The Secretary is authorized to carry out a charter school program that supports charter
schools that serve early childhood, elementary school, and secondary school students by—

“(1) supporting the startup of charter schools, the replication of high-quality charter schools, and the expansion of high-quality charter schools;

“(2) assisting charter schools in accessing credit to acquire and renovate facilities for school use; and

“(3) carrying out national activities to support—

“(A) the startup of charter schools, the replication of high-quality charter schools, and the expansion of high-quality charter schools;

“(B) the dissemination of best practices of charter schools for all schools;

“(C) the evaluation of the impact of the charter school program under this part on schools participating in such program; and

“(D) stronger charter school authorizing.

“(b) FUNDING ALLOTMENT.—From the amount made available under section 5111 for a fiscal year, the Secretary shall—

“(1) reserve 12.5 percent to support charter school facilities assistance under section 5104;
“(2) reserve not less than 25 percent to carry out national activities under section 5105; and
“(3) use the remaining amount after the reservations under paragraphs (1) and (2) to carry out section 5103.
“(c) Prior Grants and Subgrants.—The recipient of a grant or subgrant under this part (as such part was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015) shall continue to receive funds in accordance with the terms and conditions of such grant or subgrant.

“(a) State Entity Defined.—For purposes of this section, the term ‘State entity’ means—
“(1) a State educational agency;
“(2) a State charter school board;
“(3) a Governor of a State; or
“(4) a charter school support organization.
“(b) Program Authorized.—From the amount available under section 5102(b)(3), the Secretary shall award, on a competitive basis, grants to State entities having applications approved under subsection (f) to enable such entities to—
'“(1) award subgrants to eligible applicants to enable such eligible applicants to—

“(A) open new charter schools;

“(B) replicate high-quality charter school models; or

“(C) expand high-quality charter schools; and

“(2) provide technical assistance to eligible applicants and authorized public chartering agencies in carrying out the activities described in paragraph (1), and work with authorized public chartering agencies in the State to improve authorizing quality, including developing capacity for and conducting fiscal oversight and auditing of charter schools.

“(c) STATE ENTITY USES OF FUNDS.—

“(1) IN GENERAL.—A State entity receiving a grant under this section shall—

“(A) use not less than 90 percent of the grant funds to award subgrants to eligible applicants, in accordance with the quality charter school program described in the State entity’s application pursuant to subsection (f), for the purposes described in subparagraphs (A) through (C) of subsection (b)(1);
“(B) reserve not less than 7 percent of such funds to carry out the activities described in subsection (b)(2); and

“(C) reserve not more than 3 percent of such funds for administrative costs, which may include the administrative costs of providing technical assistance.

“(2) CONTRACTS AND GRANTS.—A State entity may use a grant received under this section to carry out the activities described in paragraph (1)(A) directly or through grants, contracts, or cooperative agreements.

“(3) RULES OF CONSTRUCTION.—

“(A) USE OF LOTTERY MECHANISMS.—Nothing in this Act shall prohibit the Secretary from awarding grants to State entities, or State entities from awarding subgrants to eligible applicants, that use a weighted lottery, or an equivalent lottery mechanism, to give better chances for school admission to all or a subset of educationally disadvantaged students if—

“(i) the use of a weighted lottery in favor of such students is not prohibited by State law, and such State law is consistent
with the laws described in section 5110(2)(G); and

“(ii) such weighted lottery is not used for the purpose of creating schools exclusively to serve a particular subset of students.

“(B) STUDENTS WITH SPECIAL NEEDS.—Nothing in this paragraph shall be construed to prohibit schools from specializing in providing specific services for students with a demonstrated need for such services, such as students who need specialized instruction in reading, spelling, or writing.

“(d) PROGRAM PERIODS; PEER REVIEW; DISTRIBUTION OF SUBGRANTS; WAIVERS.—

“(1) PROGRAM PERIODS.—

“(A) GRANTS.—A grant awarded by the Secretary to a State entity under this section shall be for a period of not more than 3 years, and may be renewed by the Secretary for one additional 2-year period.

“(B) SUBGRANTS.—A subgrant awarded by a State entity under this section—

“(i) shall be for a period of not more than 3 years, of which an eligible applicant
may use not more than 18 months for
planning and program design; and

“(ii) may be renewed by the State en-
tity for one additional 2-year period.

“(2) PEER REVIEW.—The Secretary, and each
State entity awarding subgrants under this section,
shall use a peer review process to review applications
for assistance under this section.

“(3) DISTRIBUTION OF SUBGRANTS.—Each
State entity awarding subgrants under this section
shall award subgrants in a manner that, to the ex-
tent practicable and applicable, ensures that such
subgrants—

“(A) prioritize eligible applicants that plan
to serve a significant number of students from
low-income families;

“(B) are distributed throughout different
areas, including urban, suburban, and rural
areas; and

“(C) will assist charter schools rep-
resenting a variety of educational approaches.

“(4) WAIVERS.—The Secretary may waive any
statutory or regulatory requirement over which the
Secretary exercises administrative authority under
this Act with respect to charter schools supported
under this part, except any such requirement relating to the elements of a charter school described in section 5110(2), if—

“(A) the waiver is requested in an approved application under this section; and

“(B) the Secretary determines that granting such waiver will promote the purposes of this part.

“(e) LIMITATIONS.—

“(1) GRANTS.—A State entity may not receive more than 1 grant under this section at a time.

“(2) SUBGRANTS.—An eligible applicant may not receive more than 1 subgrant under this section for each individual charter school for each grant period or renewal period, unless the eligible applicant demonstrates to the State entity that such individual charter school has demonstrated a strong track record of positive results over the course of the grant period regarding the elements described in subparagraphs (A) and (D) of section 5110(8).

“(f) APPLICATIONS.—A State entity desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:
“(1) Description of Program.—A description of the State entity’s objectives in running a quality charter school program under this section and how the objectives of the program will be carried out, including—

“(A) a description of how the State entity will—

“(i) support the opening of new charter schools and, if applicable, the replication of high-quality charter schools and the expansion of high-quality charter schools, and the proposed number of charter schools to be opened, replicated, or expanded under the State entity’s program;

“(ii) inform eligible charter schools, developers, and authorized public chartering agencies of the availability of funds under the program;

“(iii) work with eligible applicants to ensure that the eligible applicants access all Federal funds that such applicants are eligible to receive, and help the charter schools supported by the applicants and the students attending those charter schools—
“(I) participate in the Federal programs in which the schools and students are eligible to participate; and

“(II) receive the commensurate share of Federal funds the schools and students are eligible to receive under such programs;

“(iv) in the case of a State entity that is not a State educational agency—

“(I) work with the State educational agency and the charter schools in the State to maximize charter school participation in Federal and State programs for charter schools; and

“(II) work with the State educational agency to operate the State entity’s program under this section, if applicable;

“(v) ensure each eligible applicant that receives a subgrant under the State entity’s program—

“(I) is opening or expanding schools that meet the definition of a
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charter school under section 5110;
and
“(II) is prepared to continue to
operate such charter schools once the
subgrant funds under this section are
no longer available;
“(vi) support charter schools in local
educational agencies with schools that have
been identified by the State under section
1114(a)(1)(A);
“(vii) work with charter schools to
promote inclusion of all students and sup-
port all students upon enrollment in order
to promote retention of students in the
school;
“(viii) work with charter schools on
recruitment practices, including efforts to
engage groups that may otherwise have
limited opportunities to attend charter
schools;
“(ix) share best and promising prac-
tices among charter schools and other pub-
lic schools;
“(x) ensure that charter schools re-
ceiving funds under the State entity’s pro-
gram meet the educational needs of their
students, including students with disabil-
ities and students who are English learn-
ers; and

“(xi) support efforts to increase char-
ter school quality initiatives, including
meeting the quality authorizing elements
described in paragraph (2)(D);

“(B) a description of how the State will ac-
tively monitor and hold authorized public char-
tering agencies accountable to ensure high-qual-
ity authorizing activity, including by estab-
lishing authorizing standards and by approving,
reapproving, and revoking the authority of an
authorized public chartering agency based on
the performance of the charter schools author-
ized by such agency in the areas of student
achievement, student safety, financial manage-
ment, and compliance with all applicable stat-
utes;

“(C) a description of the extent to which
the State entity—

“(i) is able to meet and carry out the
priorities described in subsection (g)(2);
“(ii) is working to develop or strengthen a cohesive statewide system to support the opening of new charter schools and, if applicable, the replication of high-quality charter schools, and the expansion of high-quality charter schools; and

“(iii) will solicit and consider input from parents and other members of the community on the implementation and operation of each charter school receiving funds under the State entity’s charter school program under this section;

“(D) a description of how the State entity will award subgrants, on a competitive basis, including —

“(i) a description of the application each eligible applicant desiring to receive a subgrant will be required to submit, which application shall include—

“(I) a description of the roles and responsibilities of eligible applicants, and of any charter management organizations or other organizations with which the eligible applicant will partner to open charter schools, in-
including the administrative and contractual roles and responsibilities of such partners;

“(II) a description of the quality controls agreed to between the eligible applicant and the authorized public chartering agency involved, such as a contract or performance agreement, financial audits to ensure adequate fiscal oversight, and how a school’s performance on the State’s accountability system and impact on student achievement (which may include student academic growth) will be a primary factor for renewal or revocation of the school’s charter;

“(III) a description of how the autonomy and flexibility granted to a charter school is consistent with the definition of a charter school in section 5110; and

“(IV) a description of the eligible applicant’s planned activities and expenditures of subgrant funds for purposes of opening a new charter school,
replicating a high-quality charter school, or expanding a high-quality charter school, and how the eligible applicant will maintain fiscal sustainability after the end of the subgrant period; and

“(ii) a description of how the State entity will review applications from eligible applicants;

“(E) in the case of a State entity that partners with an outside organization to carry out the entity’s quality charter school program, in whole or in part, a description of the roles and responsibilities of the partner; and

“(F) a description of how the State entity will help the charter schools receiving funds under the State entity’s program address the transportation needs of the schools’ students.

“(2) ASSURANCES.—Assurances that—

“(A) each charter school receiving funds through the State entity’s program will have a high degree of autonomy over budget and operations, including autonomy over personnel decisions;
“(B) the State entity will support charter 
schools in meeting the educational needs of 
their students, as described in paragraph 
(1)(A)(x);

“(C) the State entity will ensure that the 
authorized public chartering agency of any 
charter school that receives funds under the en-
tity’s program—

“(i) ensures that the charter school 
under the authority of such agency is 
meeting the requirements of this Act, part 
B of the Individuals with Disabilities Edu-
cation Act, title VI of the Civil Rights Act 
of 1964, and section 504 of the Rehabilita-
tion Act of 1973; and

“(ii) adequately monitors and provides 
adequate technical assistance to each char-
ter school under the authority of such 
agency in recruiting, enrolling, retaining, 
and meeting the needs of all students, in-
cluding students with disabilities and stu-
dents who are English learners;

“(D) the State entity will promote quality 
authorizing, such as through providing technical 
assistance to support each authorized public
chartering agency in the State to improve such
agency’s ability to monitor the charter schools
authorized by the agency, including by—

“(i) using annual performance data,
which may include graduation rates and
student academic growth data, as appro-
priate, to measure a school’s progress to-
ward becoming a high-quality charter
school;

“(ii) reviewing the schools’ inde-
dependent, annual audits of financial state-
ments conducted in accordance with gen-
erally accepted accounting principles, and
ensuring any such audits are publically re-
ported; and

“(iii) holding charter schools account-
able to the academic, financial, and oper-
ational quality controls agreed to between
the charter school and the authorized pub-
lic chartering agency involved, such as
through renewal, non-renewal, or revoca-
tion of the school’s charter; and

“(E) the State entity will ensure that each
charter school in the State makes publicly avail-
able, consistent with the dissemination require-
ments of the annual State report card, including on the website of the school, information to help parents make informed decisions about the education options available to their children, including information on the educational program, student support services, parent contract requirements (as applicable), including any financial obligations or fees, enrollment criteria (as applicable), and annual performance and enrollment data for each of the categories of students, as defined in section 1111(b)(3)(A).

“(3) REQUESTS FOR WAIVERS.—

“(A) FEDERAL STATUTE AND REGULATION.—A request and justification for waivers of any Federal statutory or regulatory provisions that the State entity believes are necessary for the successful operation of the charter schools that will receive funds under the entity’s program under this section.

“(B) STATE AND LOCAL RULES.—A description of any State or local rules, generally applicable to public schools, that will be waived, or otherwise not apply, to such schools or, in the case of a State entity defined in subsection (a)(4), a description of how the State entity will
work with the State to request necessary waivers, if applicable.

“(g) SELECTION CRITERIA; PRIORITY.—

“(1) SELECTION CRITERIA.—The Secretary shall award grants to State entities under this section on the basis of the quality of the applications submitted under subsection (f), after taking into consideration—

“(A) the degree of flexibility afforded by the State’s public charter school law and how the State entity will work to maximize the flexibility provided to charter schools under such law;

“(B) the proposed number of new charter schools to be opened, and, if applicable, the number of high-quality charter schools to be replicated or expanded under the program, and the number of new students to be served by such schools;

“(C) the likelihood that the schools opened, replicated, or expanded by eligible applicants receiving subgrant funds will increase the academic achievement of the school’s students and progress toward becoming high-quality charter schools; and
“(D) the quality of the State entity’s plan to—

“(i) monitor the eligible applicants receiving subgrants under the State entity’s program;

“(ii) provide technical assistance and support for—

“(I) the eligible applicants receiving subgrants under the State entity’s program; and

“(II) quality authorizing efforts in the State.

“(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to a State entity to the extent that the entity meets the following criteria:

“(A) The State entity is located in a State that—

“(i) allows at least one entity that is not the local educational agency to be an authorized public chartering agency for each developer seeking to open a charter school in the State; or

“(ii) in the case of a State in which local educational agencies are the only au-
thorized public chartering agencies, the
State has an appeals process for the denial
of an application for a charter school.

“(B) The State entity is located in a State
that ensures that charter schools receive equi-
table financing, as compared to traditional pub-
lic schools, in a prompt manner.

“(C) The State entity is located in a State
that provides charter schools one or more of the
following:

“(i) Funding for facilities.

“(ii) Assistance with facilities acquisi-
tion.

“(iii) Access to public facilities.

“(iv) The ability to share in bonds or
mill levies.

“(v) The right of first refusal to pur-
chase public school buildings.

“(vi) Low- or no-cost leasing privi-
leges.

“(D) The State entity is located in a State
that uses best practices from charter schools to
help improve struggling schools and local edu-
cational agencies.
“(E) The State entity supports charter schools that support at-risk students through activities such as dropout prevention or dropout recovery.

“(F) The State entity ensures that each charter school has a high degree of autonomy over the charter school’s budget and operations, including autonomy over personnel decisions.

“(G) The State entity has taken steps to ensure that all authorizing public chartering agencies implement best practices for charter school authorizing.

“(h) LOCAL USES OF FUNDS.—An eligible applicant receiving a subgrant under this section shall use such funds to carry out activities related to opening a new charter school, replicating a high-quality charter school, or expanding a high-quality charter school, which may include—

“(1) supporting the acquisition, expansion, or preparation of a charter school building to meet increasing enrollment needs, including financing the development of a new building and ensuring that a school building complies with applicable statutes and regulations;
“(2) paying costs associated with hiring additional teachers to serve additional students;

“(3) providing transportation to students to and from the charter school;

“(4) providing instructional materials, implementing teacher and principal or other school leader professional development programs, and hiring additional non-teaching staff;

“(5) supporting any necessary activities that assist the charter school in carrying out this section, such as preparing individuals to serve as members of the charter school’s board; and

“(6) providing early childhood education programs for children, including direct support to, and coordination with school- or community-based early childhood education programs.

“(i) REPORTING REQUIREMENTS.—Each State entity receiving a grant under this section shall submit to the Secretary, at the end of the third year of the grant period and at the end of any renewal period, a report that includes the following:

“(1) The number of students served by each subgrant awarded under this section and, if applicable, the number of new students served during each year of the grant period.
“(2) The number and amount of subgrants awarded under this section to carry out each of the following:

“(A) The opening of new charter schools.

“(B) The replication of high-quality charter schools.

“(C) The expansion of high-quality charter schools.

“(3) The progress the State entity made toward meeting the priorities described in subparagraphs (E) through (G) of subsection (g)(2).

“(4) A description of—

“(A) how the State entity complied with, and ensured that eligible applicants complied with, the assurances described in the State entity’s application;

“(B) how the State entity worked with authorized public chartering agencies, and how the agencies worked with the management company or leadership of the schools that receive subgrant funds, if applicable; and

“(C) how each recipient of a subgrant under this section uses the subgrant funds on early childhood education programs described in
subsection (h)(6), if such recipient chooses to use such funds on such programs.

“SEC. 5104. FACILITIES FINANCING ASSISTANCE.

“(a) Grants to Eligible Entities.—

“(1) In general.—From the amount reserved under section 5102(b)(1), the Secretary shall use not less than 50 percent to award not less than 3 grants, on a competitive basis, to eligible entities that have the highest-quality applications approved under subsection (d) to demonstrate innovative methods of helping charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

“(2) Eligible entity defined.—For the purposes of this section, the term ‘eligible entity’ means—

“(A) a public entity, such as a State or local governmental entity;

“(B) a private nonprofit entity; or

“(C) a consortium of entities described in subparagraphs (A) and (B).

“(b) Grantee Selection.—The Secretary shall evaluate each application submitted under subsection (d),
and shall determine whether the application is sufficient to merit approval.

“(c) GRANT CHARACTERISTICS.—Grants under subsection (a) shall be of a sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

“(d) APPLICATIONS.—

“(1) IN GENERAL.—An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary in such form as the Secretary may reasonably require.

“(2) CONTENTS.—An application submitted under paragraph (1) shall contain—

“(A) a statement identifying the activities that the eligible entity proposes to carry out with funds received under subsection (a), including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

“(B) a description of the involvement of charter schools in the application’s development and the design of the proposed activities;
“(C) a description of the eligible entity’s expertise in capital market financing;

“(D) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools, including how the entity will offer a combination of rates and terms more favorable than the rates and terms that a charter school could receive without assistance from the entity under this section;

“(E) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought; and

“(F) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding that charter schools need to have adequate facilities.
“(e) CHARTER SCHOOL OBJECTIVES.—An eligible entity receiving a grant under this section shall use the funds deposited in the reserve account established under subsection (f) to assist one or more charter schools to access private sector capital to accomplish one or more of the following objectives:

“(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

“(2) The construction of new facilities, including predevelopment costs, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

“(3) The predevelopment costs required to assess sites for purposes of paragraph (1) or (2) and which are necessary to commence or continue the operation of a charter school.

“(f) RESERVE ACCOUNT.—

“(1) USE OF FUNDS.—To assist charter schools in accomplishing the objectives described in subsection (e), an eligible entity receiving a grant under subsection (a) shall, in accordance with State and
local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under subsection (a) (other than funds used for administrative costs in accordance with subsection (g)) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

“(A) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in subsection (e).

“(B) Guaranteeing and insuring leases of personal and real property for an objective described in such subsection.

“(C) 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.

“(D) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate
assistance (including the recruitment of bond

counsel, underwriters, and potential investors

and the consolidation of multiple charter school

projects within a single bond issue).

“(2) INVESTMENT.—Funds received under this

section and deposited in the reserve account estab-

lished under paragraph (1) shall be invested in obli-

gations issued or guaranteed by the United States or

a State, or in other similarly low-risk securities.

“(3) REINVESTMENT OF EARNINGS.—Any earn-

ings on funds received under subsection (a) shall be

deposited in the reserve account established under

paragraph (1) and used in accordance with this sub-

section.

“(g) LIMITATION ON ADMINISTRATIVE COSTS.—An

eligible entity may use not more than 2.5 percent of the

funds received under subsection (a) for the administrative

costs of carrying out its responsibilities under this section

(excluding subsection (k)).

“(h) AUDITS AND REPORTS.—

“(1) FINANCIAL RECORD MAINTENANCE AND

AUDIT.—The financial records of each eligible entity

receiving a grant under subsection (a) shall be main-

tained in accordance with generally accepted ac-
counting principles and shall be subject to an annual audit by an independent public accountant.

“(2) Reports.—

“(A) Grantee Annual Reports.—Each eligible entity receiving a grant under subsection (a) annually shall submit to the Secretary a report of the entity’s operations and activities under this section.

“(B) Contents.—Each annual report submitted under subparagraph (A) shall include—

“(i) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

“(ii) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under paragraph (1) during the reporting period;

“(iii) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under subsection (a) in leveraging private funds;
“(iv) a listing and description of the charter schools served during the reporting period, including the amount of funds used by each school, the type of project facilitated by the grant, and the type of assistance provided to the charter schools;

“(v) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in subsection (e); and

“(vi) a description of the characteristics of lenders and other financial institutions participating in the activities carried out by the eligible entity under this section (excluding subsection (k)) during the reporting period.

“(C) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under subparagraph (A) and shall provide a comprehensive annual report to Congress on the activities conducted under this section (excluding subsection (k)).

“(i) NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATION.—No financial obligation of an eligible entity entered into pursuant to this section (such as an obliga-
tion under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this section.

“(j) Recovery of Funds.—

“(1) In general.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

“(A) all of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under this section (excluding subsection (k)), that the eligible entity has failed to make substantial progress in carrying out the purposes described in subsection (f)(1); or

“(B) all or a portion of the funds in a reserve account established by an eligible entity under subsection (f)(1) 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 such subsection.

“(2) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in paragraph (1) to collect from any eligible entity any funds that are being properly used to achieve one or more of the purposes described in subsection (f)(1).

“(3) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under paragraph (1).

“(4) CONSTRUCTION.—This subsection 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.

“(k) PER-PUPIL FACILITIES AID PROGRAM.—

“(1) DEFINITION OF PER-PUPIL FACILITIES AID PROGRAM.—In this subsection, the term ‘per-pupil facilities aid program’ means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing—

“(A) that is dedicated solely for funding charter school facilities; or

“(B) a portion of which is dedicated for funding charter school facilities.
“(2) GRANTS.—

“(A) IN GENERAL.—From the amount reserved under section 5102(b)(1) and remaining after the Secretary makes grants under subsection (a), the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering, per-pupil facilities aid programs.

“(B) PERIOD.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

“(C) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

“(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

“(ii) 80 percent for the second such year;

“(iii) 60 percent for the third such year;

“(iv) 40 percent for the fourth such year; and
“(v) 20 percent for the fifth such year.

“(D) State share.—A State receiving a grant under this subsection may partner with 1 or more organizations, and such organizations may provide not more than 50 percent of the State share of the cost of establishing or enhancing, and administering, the per-pupil facilities aid program.

“(E) Multiple grants.—A State may receive more than 1 grant under this subsection, so long as the amount of such grant funds provided to charter schools increases with each successive grant.

“(3) Use of funds.—

“(A) In general.—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State of the applicant.

“(B) Evaluations; technical assistance; dissemination.—From the amount made available to a State through a grant under this subsection for a fiscal year, the State
may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

“(C) SUPPLEMENT, NOT SUPPLANT.—In accordance with the method of determination described in section 1117, funds made available under this subsection shall be used to supplement, and not supplant, State and local public funds expended to provide per-pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

“(4) REQUIREMENTS.—

“(A) VOLUNTARY PARTICIPATION.—No State may be required to participate in a program carried out under this subsection.

“(B) STATE LAW.—

“(i) IN GENERAL.—To be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

““(I) is specified in State law; and

““(II) provides annual financing, on a per-pupil basis, for charter school facilities.
“(ii) SPECIAL RULE.—A State that is required under State law to provide its charter schools with access to adequate facility space may be eligible to receive a grant under this subsection if the State agrees to use the funds to develop a per-pupil facilities aid program consistent with the requirements of this subsection.

“(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“SEC. 5105. NATIONAL ACTIVITIES.

“(a) IN GENERAL.—From the amount reserved under section 5102(b)(2), the Secretary shall—

“(1) use not less than 80 percent of such funds to award grants in accordance with subsection (b); and

“(2) use the remainder of such funds to—

“(A) disseminate technical assistance to State entities in awarding subgrants under section 5103(b)(1)(A); and

“(B) disseminate best practices regarding public charter schools;
“(C) evaluate the impact of the charter school program carried out under this part, including the impact on student achievement; and

“(D) award grants, on a competitive basis, for the purpose of carrying out the activities described in section 5103(h), to eligible applicants that desire to open a charter school, replicate a high-quality charter school, or expand a high-quality charter school in—

“(i) a State that did not apply for a grant under section 5103; or

“(ii) a State that did not receive a grant under section 5103.

“(b) Grants for the Replication and Expansion of High-Quality Charter Schools.—The Secretary shall make grants, on a competitive basis, to eligible entities having applications approved under paragraph (2) to enable such entities to replicate a high-quality charter school or expand a high-quality charter school.

“(1) Definition of Eligible Entity.—For purposes of this subsection, the term ‘eligible entity’ means—

“(A) a charter management organization that, at the time of the application, operates or
manages one or more high-quality charter schools; or

“(B) a nonprofit organization that oversees and coordinates the activities of a group of such charter management organizations.

“(2) APPLICATION REQUIREMENTS.—An eligible entity desiring to receive a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

“(A) A description of the eligible entity’s objectives for implementing a high-quality charter school program with funding under this subsection, including a description of the proposed number of high-quality charter schools to be replicated or expanded with funding under this subsection.

“(B) A description of the educational program that the eligible entity will implement in the charter schools that the eligible entity proposes to replicate or expand, including information on how the program will enable all students to meet the challenging State academic standards under section 1111(b)(1), the grade
levels or ages of students that will be served, and the instructional practices that will be used.

“(C) A multi-year financial and operating model for the eligible entity, including a description of how the operation of the charter schools to be replicated or expanded will be sustained after the grant under this subsection has ended.

“(D) A description of how the eligible entity will inform all students in the community, including students with disabilities, students who are English learners, and other educationally disadvantaged students, about the charter schools to be replicated or expanded with funding under this subsection.

“(E) For each charter school currently operated or managed by the eligible entity—

“(i) student assessment results for all students and for each category of students described in section 1111(b)(2)(B)(xi); and

“(ii) attendance and student retention rates for the most recently completed school year and, if applicable, the most recent available 4-year adjusted cohort and
extended-year adjusted cohort secondary school graduation rates (as such rates were calculated on the day before enactment of the Every Child Achieves Act of 2015).

“(F) Information on any significant compliance issues encountered, within the last 3 years, by any school operated or managed by the eligible entity, including in the areas of student safety and financial management.

“(G) A request and justification for any waivers of Federal statutory or regulatory requirements that the eligible entity believes are necessary for the successful operation of the charter schools to be replicated or expanded with funding under this subsection.

“(3) Selection Criteria.—The Secretary shall select eligible entities to receive grants under this subsection, on the basis of the quality of the applications submitted under paragraph (2), after taking into consideration such factors as—

“(A) the degree to which the eligible entity has demonstrated success in increasing academic achievement and attainment for all students attending the charter schools the eligible entity operates or manages;
“(B) the degree to which the eligible entity has demonstrated success in increasing academic achievement and attainment for each of the categories of students, as defined in section 1111(b)(3)(A);

“(C) the quality of the eligible entity’s financial and operating model as described under paragraph (2)(C), including the quality of the eligible entity’s plan for sustaining the operation of the charter schools to be replicated or expanded after the grant under this subsection has ended;

“(D) a determination that the eligible entity has not operated or managed a significant proportion of charter schools that—

“(i) have been closed;

“(ii) have had a school charter revoked due to problems with statutory or regulatory compliance; or

“(iii) have had the school’s affiliation with the eligible entity revoked; and

“(E) a determination that the eligible entity has not experienced significant problems with statutory or regulatory compliance that could lead to the revocation of a school’s charter.
“(4) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that operate or manage charter schools that, in the aggregate, serve students at least 60 percent of whom are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act.

“(5) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, grants awarded under subsection (a)(2)(D) and subsection (b) shall have the same terms and conditions as grants awarded to State entities under section 5103.”;

(2) in section 5108 (20 U.S.C. 7221g), as so redesignated by section 5001(6), by inserting “as quickly as possible and” before “to the extent practicable”;

(3) in section 5110 (20 U.S.C. 7221i), as so redesignated by section 5001(6)—

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (5), and (6), respectively;

(B) by redesignating paragraph (4) as paragraph (1), and moving such paragraph so as to precede paragraph (2), as so redesignated by subparagraph (A);
(C) in paragraph (2), as so redesignated by subparagraph (A)—


(ii) by striking subparagraph (H) and inserting the following:

“(H) is a school to which parents choose to send their children, and which—

“(i) admits students on the basis of a lottery, if more students apply for admission than can be accommodated; or

“(ii) in the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular
attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in clause (i);”;

(iii) by striking subparagraph (I) and inserting the following:

“(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such State audit requirements are waived by the State;”;

(iv) in subparagraph (K), by striking “and” at the end;

(v) in subparagraph (L), by striking the period at the end and inserting “; and”;

(vi) by adding at the end, the following:

“(M) may serve students in early childhood education programs or post-secondary students.”;

(D) by inserting after paragraph (2), as so redesignated by subparagraph (A), the following:
“(3) Charter management organization.—

The term ‘charter management organization’ means a nonprofit organization that operates or manages multiple charter schools by centralizing or sharing certain functions or resources.

“(4) Charter school support organization.—The term ‘charter school support organization’ means a nonprofit, nongovernmental entity that is not an authorized public chartering agency and provides, on a statewide basis—

“(A) assistance to developers during the planning, program design, and initial implementation of a charter school; and

“(B) technical assistance to operating charter schools.”;

(E) in paragraph (6)(B), as so redesignated by subparagraph (A), by striking “under section 5203(d)(3)”;

(F) by adding at the end the following:

“(7) Expansion of a high-quality charter school.—The term ‘expansion of a high-quality charter school’ means increasing the enrollment at a high-quality charter school by not less than 50 percent or adding 2 or more grades to a high-quality charter school.
“(8) High-quality charter school.—The term ‘high-quality charter school’ means a charter school that—

“(A) shows evidence of strong academic results, which may include strong student academic growth, as determined by a State;

“(B) has no significant issues in the areas of student safety, financial management, or statutory or regulatory compliance;

“(C) has demonstrated success in significantly increasing student academic achievement, including graduation rates where applicable, for all students served by the charter school; and

“(D) has demonstrated success in increasing student academic achievement, including graduation rates where applicable, for each of the categories of students, as defined in section 1111(b)(3)(A), except that such demonstration is not required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.
“(9) Replication of a high-quality charter school.—The term ‘replication of a high-quality charter school’ means the opening of a charter school—

“(A) under an existing charter or an additional charter, if permitted by State law;

“(B) based on the model of a high-quality charter school; and

“(C) that will be operated or managed by the same nonprofit organization that operates or manages such high-quality charter school under an existing charter.”; and

(4) by striking section 5111 (20 U.S.C. 7221j), as so redesignated by section 5001(6), and inserting the following:

“SEC. 5111. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.”.

SEC. 5003. MAGNET SCHOOLS ASSISTANCE.

Part B of title V (20 U.S.C. 7231 et seq.), as so redesignated by section 5001(4), is amended—

(1) in section 5201(b), as so redesignated by section 5001(7)—

(A) in paragraph (1)—
(i) by inserting “and the increase of socioeconomic integration” before “in elementary schools and secondary schools”; and

(ii) by inserting “low-income and” before “minority students”;  

(B) in paragraph (2)—

(i) by striking “and implementation” and inserting “, implementation, and expansion”; and

(ii) by striking “content standards and student academic achievement standards” and inserting “standards under section 1111(b)(1)”;

(C) in paragraph (3), by striking “and design” and inserting “, design, and expansion”; 

(D) in paragraph (4), by striking “vocational” and inserting “career”; and

(E) in paragraph (6), by striking “productive employment” and inserting “to enter into the workforce without the need for postsecondary education”;

(2) in section 5202, as so redesignated by section 5001(7), by striking “backgrounds” and inserting “, ethnic, and socioeconomic backgrounds”;
(3) in section 5205(b), as so redesignated by section 5001(7)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “any available evidence on” before “how the proposed magnet school programs”; 

(ii) in subparagraph (B), by inserting “, including any evidence available to support such description” before the semicolon; 

(iii) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; 

(iv) by inserting after subparagraph (C) the following: “(D) how the applicant will assess, monitor, and evaluate the impact of the activities funded under this part on student achievement and integration;”; and

(B) in paragraph (2)—

(i) in the manner preceding subparagraph (A), by striking “will”; 

(ii) in subparagraph (A)—

(I) by inserting “will” before “use grant funds”; and
426 (II) by striking “section 5301(b)” and inserting “section 5201(b)”; 

(iii) in subparagraph (B), by striking “employ highly qualified” and inserting “will employ effective”; 

(iv) in subparagraph (C), by striking “not engage in” and inserting “is not currently engaging in and will not engage in”; 

(v) in subparagraph (D), by inserting “will” before carry out; and 

(vi) in subparagraph (E), by inserting “will” before “give students”; 

(4) in section 5206, as so redesignated by section 5001(7), by striking paragraph (2) and inserting the following:

“(2) propose to—

“(A) carry out a new, evidence-based magnet school program;

“(B) significantly revise an existing magnet school program, using evidence-based methods and practices, as available; or

“(C) expand an existing magnet school program that has a demonstrated record of success in increasing student academic achieve-
ment, reducing isolation of minority groups, and increasing socioeconomic integration; and”;

(5) in section 5207, as so redesignated by section 5001(7)—

(A) in subsection (a)—

(i) in paragraph (3), by striking “who are highly qualified”;

(ii) in paragraph (6), by striking “and” at the end;

(iii) in paragraph (7), by striking the period and inserting “; and”; and

(iv) by adding at the end the following:

“(8) to enable the local educational agency, or consortium of such agencies, or other organizations partnered with such agency or consortium, to establish, expand, or strengthen inter-district and regional magnet programs.”; and

(B) in subsection (b), by striking “the State’s challenging academic content” and all that follows through the period and inserting “the challenging State academic standards under section 1111(b)(1) or are directly related to improving student academic, career, or technological skills and professional skills.”;
(6) in section 5208, as so redesignated by section 5001(9)—

(A) in subsection (a), by striking “for a period” and all that follows through the period and inserting “for an initial period of not more than 3 fiscal years, and may be renewed for not more than an additional 2 years if the Secretary finds that the recipient of a grant under this part is achieving the intended outcomes of the grant and shows improvement in increasing student academic achievement, reducing minority group isolation, and increasing socioeconomic integration, or other indicators of success established by the Secretary.”; and

(B) in subsection (d), by striking “July” and inserting “June”; and

(7) in section 5209, as so redesignated by section 5001(9)—

(A) in subsection (a), by striking “$125,000,000” and all that follows through the period and inserting “such sums as may be necessary for each of fiscal years 2016 through 2021.”;

(B) by redesignating subsection (b) as subsection (c); and
(C) by inserting after subsection (a) the following:

“(b) RESERVATION FOR TECHNICAL ASSISTANCE.—
The Secretary may reserve not more than 1 percent of
the funds appropriated under subsection (a) for any fiscal
year to provide technical assistance and carry out dissemi-
nation projects with respect to magnet school programs
assisted under this part.”.

TITLE VI—INNOVATION AND
FLEXIBILITY

SEC. 6001. PURPOSES.
Title VI (20 U.S.C. 7301 et seq.) is amended by in-
serting before part A of title VI, the following:

“SEC. 6001. PURPOSES.
“The purposes of this title are—
“(1) to support State and local innovation in
preparing all students to meet challenging State aca-
demic standards under section 1111(b);
“(2) to provide States and local educational
agencies with maximum flexibility in using Federal
funds provided under this Act; and
“(3) to support education in rural areas.”.

SEC. 6002. IMPROVING ACADEMIC ACHIEVEMENT.
Part A of title VI (20 U.S.C. 7301 et seq.) is amend-
(1) by striking subparts 1, 3, and 4;

(2) by striking the subpart heading for subpart 2;

(3) by redesignating sections 6121 through 6123 as sections 6111 through 6113, respectively;

(4) in section 6111, as redesignated by paragraph (3), by striking “subpart” and inserting “part”;

(5) in section 6112, as redesignated by paragraph (3), in the matter preceding paragraph (1), by striking “subpart” and inserting “part”; and

(6) in section 6113, as redesignated by paragraph (3)—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A)—

(aa) by striking “subpart” and inserting “part”; and

(bb) by striking “not more than 50 percent of the non-administrative State funds” and inserting “all, or any lesser amount, of State funds”; and
(II) by striking subparagraphs (A) through (D) and inserting the following:

“(A) Any provision of title II.
“(B) Any provision of title IV.”; and

(ii) in paragraph (2), by striking “this subpart and subject to the 50 percent limitation described in paragraph (1)” and inserting “this part”;

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by striking “subpart” and inserting “part”; and

(bb) by striking “(except” and all that follows through “subparagraph (C))” and inserting “may transfer all, or any lesser amount, of the funds allocated to it”;

(II) by striking subparagraph (B);

(III) by redesignating subparagraph (C) as subparagraph (B); and
(IV) in subparagraph (B), as redesignated by subclause (III), by striking “this subpart and subject to the percentage limitation described in subparagraph (A) or (B), as applicable” and inserting “this part”; and

(ii) in paragraph (2)—

(I) by striking “subparagraph (A), (B), or (C)” and inserting “subparagraph (A) or (B)”;

(II) by striking subparagraphs (A) through (D) and inserting the following:

“(A) Any provision of title II.

“(B) Any provision of title IV.”;

(C) in subsection (e), by striking “subpart” and inserting “part”;

(D) in subsection (e)(1), by striking “subpart” and inserting “part”.

SEC. 6003. RURAL EDUCATION INITIATIVE.

Part B of title VI (20 U.S.C. 7341 et seq.) is amended—

(1) in section 6211—
(A) in subsection (a)(1), by striking subparagraphs (A) through (E) and inserting the following:

“(A) Part A of title I.
“(B) Title II.
“(C) Title III.
“(D) Title IV.”;

(B) in subsection (b)(1)—

(i) in subparagraph (A)(ii), by striking “7 or 8, as determined by the Secretary; or” and inserting “41, 42, or 43, as determined by the Secretary;”;

(ii) in subparagraph (B), by striking the period at the end and inserting “; or”;

and

(iii) by adding at the end the following:

“(C) the local educational agency is a member of an educational service agency that does not receive funds under this subpart and the local educational agency meets the requirements of this part.”; and

(C) in subsection (e), by striking paragraphs (1) through (3) and inserting the following:
“(1) Title II.
“(2) Title IV.”;
(2) in section 6212—
  (A) in subsection (a), by striking paragraphs (1) through (5) and inserting the following:
  “(1) Part A of title I.
  “(2) Title II.
  “(3) Title III.
  “(4) Title IV.”;
  (B) in subsection (b)—
    (i) by striking paragraph (1) and inserting the following:
      “(1) ALLOCATION.—
      “(A) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall award a grant under subsection (a) to a local educational agency eligible under section 6211(b) for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received by the agency under the provisions of law described in section 6211(e) for the preceding fiscal year.
“(B) SPECIAL DETERMINATION.—For a local educational agency that is eligible under section 6211 and is a member of an educational service agency, the Secretary may determine the award amount by subtracting from the initial amount determined under paragraph (2), an amount that is equal to that local educational agency’s per-pupil share of the total amount received by the educational service agency under titles II and IV, as long as a determination under this subparagraph would not disproportionately affect any State.”;

(ii) by striking paragraph (2) and inserting the following:

“(2) DETERMINATION OF INITIAL AMOUNT.—

“(A) IN GENERAL.—The initial amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the initial amount may not exceed $60,000.

“(B) SPECIAL RULE.—For any fiscal year in which the amount made available to carry
out this part is $252,000,000 or more, subparagraph (A) shall be applied—

“(i) by substituting ‘$25,000’ for ‘$20,000’; and

“(ii) by substituting ‘$80,000’ for ‘$60,000’.”; and

(iii) by adding at the end the following:

“(4) HOLD HARMLESS.—For a local educational agency that is not eligible under this subpart but met the eligibility requirements under section 6211(b) as such section was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015, the agency shall receive—

“(A) for fiscal year 2016, 75 percent of the amount such agency received for fiscal year 2015;

“(B) or fiscal year 2017, 50 percent of the amount such agency received for fiscal year 2015; and

“(C) for fiscal year 2018, 25 percent of the amount such agency received for fiscal year 2015.”; and

(C) by striking subsection (d);
(3) by striking section 6213 and inserting the following:

“SEC. 6213. ACADEMIC ACHIEVEMENT ASSESSMENTS.

“Each local educational agency that uses or receives funds under this subpart for a fiscal year shall administer an assessment that is consistent with section 1111(b)(2).”;

(4) in section 6221—

(A) in subsection (b)(1)(B), by striking “6, 7, or 8” and inserting “32, 33, 41, 42, or 43”; and

(B) in subsection (c)(1), by striking “Bureau of Indian Affairs” and inserting “Bureau of Indian Education”;

(5) in section 6222(a), by striking paragraphs (1) through (7) and inserting the following:

“(1) Activities authorized under part A of title I.

“(2) Activities authorized under title II.

“(3) Activities authorized under title III.

“(4) Activities authorized under title IV.

“(5) Parental involvement activities.”;

(6) in section 6223—

(A) in subsection (a), by striking “at such time, in such manner, and accompanied by such
information” and inserting “at such time and
in such manner”; and

(B) by striking subsection (b) and insert-
ing the following:

“(b) CONTENTS.—Each application submitted under
subsection (a) shall include information on—

“(1) program objectives and outcomes for ac-
tivities under this subpart, including how the State
educational agency or specially qualified agency will
use funds to help all students meet the challenging
State academic standards under section 1111(b);

“(2) if the State educational agency or specially
qualified agency will competitively award grants to
eligible local educational agencies, as described in
section 6221(b)(2)(A), the application under the sec-
tion shall include—

“(A) the methods and criteria the State
educational agency or specially qualified agency
will use for reviewing applications and awarding
funds to local educational agencies on a com-
petitive basis; and

“(B) how the State educational agency or
specially qualified agency will notify eligible
local educational agencies of the grant competi-
tion; and
“(3) a description of how the State educational agency or specially qualified agency will provide technical assistance to eligible local educational agencies to help such agencies implement the activities described in section 6222.”;

(7) in section 6224—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting “or specially qualified agency” after “Each State educational agency”;

(ii) by striking paragraph (1) and inserting the following:

“(1) if the report is submitted by a State educational agency, the method the State educational agency used to award grants to eligible local educational agencies, and to provide assistance to schools, under this subpart;”; and

(iii) by striking paragraph (3) and inserting the following:

“(3) the degree to which progress has been made toward meeting the objectives and outcomes described in the application submitted under section 6223, including having all students in the State or the area served by the specially qualified agency, as
applicable, meet the challenging State academic standards under section 1111(b).”;

(B) by striking subsection (b) and (c) and inserting the following:

“(b) REPORT TO CONGRESS.—The Secretary shall prepare a summary of the reports under subsection (a) and submit a biennial report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.”;

(C) by redesignating subsection (d) as subsection (c); and

(D) by striking subsection (e);

(8) by inserting after section 6224 the following:

“SEC. 6225. CHOICE OF PARTICIPATION.

“(a) In General.—If a local educational agency is eligible for funding under both subparts 1 and 2 of this part, such local educational agency may receive funds under either subpart 1 or subpart 2 for a fiscal year, but may not receive funds under both subparts for such fiscal year.

“(b) Notification.—A local educational agency eligible for funding under both subparts 1 and 2 of this part shall notify the Secretary and the State educational agen-
cy under which of such subparts the local educational agency intends to receive funds for a fiscal year by a date that is established by the Secretary for the notification.”;

and

(9) in section 6234, by striking “$300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years,” and inserting “such sums as may be necessary for each of the fiscal years 2016 through 2021,”.

SEC. 6004. GENERAL PROVISIONS.

Part C of title VI (20 U.S.C. 7371) is amended to read as follows:

“PART C—GENERAL PROVISIONS

“SEC. 6301. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

“Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school’s specific instructional content, academic standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this Act.
“SEC. 6302. RULE OF CONSTRUCTION ON EQUALIZED SPENDING.

“Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.”.

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

SEC. 7001. INDIAN EDUCATION.

Part A of title VII (20 U.S.C. 7401 et seq.) is amended—

(1) by striking sections 7132, 7133, 7134, and 7136;

(2) by redesignating section 7135 as section 7132;

(3) by striking section 7102 and inserting the following:

“SEC. 7102. PURPOSE.

“It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

“(1) to ensure the academic achievement of American Indian and Alaska Native students by meeting their unique culture, language, and educational needs, consistent with section 1111;
“(2) to ensure that American Indian and Alaska Native students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and

“(3) to ensure that teachers, principals, other school leaders, and other staff who serve American Indian and Alaska Native students have the ability to provide effective instruction and supports to such students.”;

(4) by striking section 7111 and inserting the following:

“SEC. 7111. PURPOSE.

“It is the purpose of this subpart to support local educational agencies in developing elementary school and secondary school programs for American Indian and Alaska Native students that are designed to—

“(1) meet the unique cultural, language, and educational needs of such students; and

“(2) ensure that all students meet the challenging State academic standards adopted under section 1111(b).”;

(5) in section 7112—

(A) by striking subsection (a) and inserting the following:
“(a) IN GENERAL.—The Secretary may make grants, from allocations made under section 7113, and in accordance with this section and section 7113, to—

“(1) local educational agencies;

“(2) Indian tribes; and

“(3) consortia of 2 or more local educational agencies, provided that each local educational agency participating in such a consortium—

“(A) provides an assurance that the eligible Indian children served by such local educational agency receive the services of the programs funded under this subpart; and

“(B) is subject to all the requirements, assurances, and obligations applicable to local educational agencies under this subpart.”;

(B) in subsection (b)—

(i) in paragraph (1), by striking “A local educational agency shall” and inserting “Subject to paragraph (2), a local educational agency shall”;

(ii) by redesignating paragraph (2) as paragraph (3); and

(iii) by inserting after paragraph (1) the following:
“(2) COOPERATIVE AGREEMENTS.—A local educational agency may enter into a cooperative agreement with an Indian tribe under this subpart if such Indian tribe—

“(A) represents not less than 25 percent of the eligible Indian children who are served by such local educational agency; and

“(B) requests that the local educational agency enters into a cooperative agreement under this subpart.”; and

(C) by striking subsection (c) and inserting the following:

“(c) INDIAN TRIBES AND INDIAN ORGANIZATIONS.—

“(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 7114(c)(4) for such grant, an Indian tribe, an Indian organization, or a consortium of such entities, that represents more than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant.

“(2) UNAFFILIATED INDIAN TRIBES.—An Indian tribe that operates a school and is not affiliated with either the local educational agency or the Bu-
rea of Indian Education shall be eligible to apply for a grant under this subpart.

“(3) Special rule.—

“(A) In general.—The Secretary shall treat each Indian tribe, Indian organization, or consortium of such entities applying for a grant pursuant to paragraph (1) or (2) as if such tribe, Indian organization, or consortium were a local educational agency for purposes of this subpart.

“(B) Exceptions.—Notwithstanding subparagraph (A), such Indian tribe, Indian organization, or consortium shall not be subject to the requirements of subsections (b)(7) or (c)(4) of section 7114 or section 7118(c) or 7119.

“(4) Assurance to serve all Indian children.—An Indian tribe, Indian organization, or consortium of such entities that is eligible to apply for a grant under paragraph (1) shall include, in the application required under section 7114, an assurance that the entity will use the grant funds to provide services to all Indian students served by the local educational agency.

“(d) Indian Community-based Organization.—
“(1) IN GENERAL.—If no local educational agency pursuant to subsection (b), and no Indian tribe, Indian organization, or consortium pursuant to subsection (c), applies for a grant under this subpart, an Indian community-based organization serving the community of the local educational agency may apply for such grant.

“(2) APPLICABILITY OF SPECIAL RULE.—The Secretary shall apply the special rule in subsection (c)(3) to a community-based organization applying or receiving a grant under paragraph (1) in the same manner as such rule applies to an Indian tribe, Indian organization, or consortium.

“(3) DEFINITION OF INDIAN COMMUNITY-BASED ORGANIZATION.—In this subsection, the term ‘Indian community-based organization’ means any organization that—

“(A) is composed primarily of Indian parents and community members, tribal government education officials, and tribal members from a specific community;

“(B) assists in the social, cultural, and educational development of Indians in such community;
“(C) meets the unique cultural, language, and academic needs of Indian students; and

“(D) demonstrates organizational capacity to manage the grant.

“(e) CONSORTIA.—

“(1) IN GENERAL.—A local educational agency, Indian tribe, or Indian organization that meets the eligibility requirements under this section may form a consortium with other eligible local educational agencies, Indian tribes, or Indian organizations for the purpose of obtaining grants and operating programs under this subpart.

“(2) REQUIREMENTS.—In any case where 2 or more local educational agencies that are eligible under subsection (b) form or participate in a consortium to obtain a grant, or operate a program, under this subpart, each local educational agency participating in such a consortium shall—

“(A) provide, in the application submitted under section 7114, an assurance that the eligible Indian children served by such local educational agency will receive the services of the programs funded under this subpart; and

“(B) agree to be subject to all requirements, assurances, and obligations applicable to
a local educational agency receiving a grant under this subpart.”;

(6) in section 7113—

(A) in subsection (b)—

(i) in paragraph (1), by striking “Bureau of Indian Affairs” and inserting “Bureau of Indian Education”; and

(ii) by striking paragraph (2) and inserting the following:

“(2) CONSORTIA.—Local educational agencies and Indian tribes may form a consortium with other local educational agencies and Indian tribes for the purpose of obtaining grants and operating programs under this subpart.”; and

(B) in subsection (d)—

(i) in the subsection heading, by striking “INDIAN AFFAIRS” and inserting “INDIAN EDUCATION”; and

(ii) in paragraph (1)(A)(i), by striking “Bureau of Indian Affairs” and inserting “Bureau of Indian Education”;

(7) in section 7114—

(A) in subsection (a), by inserting “Indian tribe, or consortia as described in section
7113(b)(2)” after “Each local educational agency,”;

(B) in subsection (b)—

(i) in paragraph (2)—

(I) in subparagraph (A), by striking “is consistent with the State and local plans” and inserting “supports the State, tribal, and local plans”; and

(II) by striking subparagraph (B)

and inserting the following:

“(B) includes program objectives and outcomes for activities under this subpart that are based on the same challenging State academic standards developed by the State under title I for all students;”;

(ii) by striking paragraph (3) and inserting the following:

“(3) explains how the local educational agency, tribe, or consortium will use funds made available under this subpart to supplement other Federal, State, and local programs that meet the needs of such students;”;

(iii) in paragraph (5)(B), by striking “and” after the semicolon;

(iv) in paragraph (6)—
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(I) in subparagraph (B)—

(aa) in clause (i), by striking “and” after the semicolon;

(bb) by adding at the end the following:

“(iii) the Indian tribes whose children are served by the local educational agency, consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the ‘Family Educational Rights and Privacy Act of 1974’); and”; and

(II) in subparagraph (C), by striking the period at the end and inserting “; and”;

(v) by adding at the end the following:

“(7) describes the process the local educational agency used to collaborate with Indian tribes located in the community in the development of the comprehensive programs and the actions taken as a result of such collaboration.”;

(C) in subsection (e)—

(i) in paragraph (1), by striking “the education of Indian children,” and insert-
ing “services and activities consistent with
those described in this subpart,”;

(ii) in paragraph (2)—

(I) in subparagraph (A), by strik-
ing “and” after the semicolon;

(II) in subparagraph (B), by
striking “served by such agency;” and
inserting “served by such agency, and
meet program objectives and outcomes
for activities under this subpart;
and”;

(III) by adding at the end the
following:

“(C) determine the extent to which such
activities address the unique cultural, language,
and educational needs of Indian students;”;

(iii) in paragraph (3)(C)—

(I) by inserting “representatives
of Indian tribes with reservations lo-
ed within 50 miles of any school
that the agency will serve if such tribe
has any children in such school,” after
“parents of Indian children and teach-
ers,”; and
(II) by striking “and” after the semicolon;

(iv) in paragraph (4)—

(I) in subparagraph (A)—

(aa) in clause (i), by inserting “and family members” after “parents”; 

(bb) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(cc) by inserting after clause (i) the following:

“(ii) representatives of Indian tribes with reservations located within 50 miles of any school that the agency will serve if such tribe has any children in such school;”;

(II) by striking subparagraph (B) and inserting the following:

“(B) a majority of whose members are parents and family members of Indian children and representatives of Indian tribes described in subparagraph (A)(ii), as applicable;”;
(III) in subparagraph (C), by inserting “and family members” after “parents”;

(IV) in subparagraph (D)(ii), by striking “and” after the semicolon;

(V) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(VI) by adding at the end the following:

“(F) that will determine the extent to which the activities of the local educational agency will address the unique cultural, linguistic, and educational needs of Indian students;”; and

(v) by adding at the end the following:

“(5) the local educational agency will coordinate activities under this title with other Federal programs supporting educational and related services administered by such agency;

“(6) the local educational agency conducted outreach to parents and family members to meet the requirements under this paragraph; and

“
“(7) the local educational agency will use funds received under this subpart only for activities described and authorized in this subpart.”; and

(D) by adding at the end the following:

“(d) OUTREACH.—The Secretary shall monitor the applications for grants under this subpart to identify eligible local educational agencies and schools operated by the Bureau of Indian Education that have not applied for such grants, and shall undertake appropriate outreach activities to encourage and assist eligible entities to submit applications for such grants.

“(e) TECHNICAL ASSISTANCE.—The Secretary shall, directly or by contract, provide technical assistance to a local educational agency upon request (in addition to any technical assistance available under other provisions of this Act or available through the Institute of Education Sciences) to support the services and activities provided under this subpart, including technical assistance for—

“(1) the development of applications under this subpart;

“(2) improvement in the quality of implementation, content, and evaluation of activities supported under this subpart; and
“(3) integration of activities under this subpart with other educational activities carried out by the local educational agency.”;

(8) in section 7115—

(A) in subsection (a)—

(i) in paragraph (1), by inserting “solely for the services and activities described in such application” after “under section 7114(a)”;

(ii) in paragraph (2), by inserting “to be responsive to the unique learning styles of Indian and Alaska Native children” after “Indian students”; and

(B) by striking subsection (b) and inserting the following:

“(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

“(1) activities that support Native American language 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 early childhood 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 standards described in 1111(b);

“(5) integrated educational services in combination with other programs that meet the needs of Indian children and their families, including programs that promote parental involvement in school activities and increase student achievement;

“(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) family literacy services;

“(11) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; and

“(12) 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 from such facilities to schools served by local educational agencies.”;

(C) in subsection (c)—

(i) in paragraph (1), by striking “and” after the semicolon;

(ii) in paragraph (2), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(3) the local educational agency identifies in its application how the use of such funds in a
schoolwide program will produce benefits to Indian students.”; and

(D) by adding at the end the following:

“(e) LIMITATION ON USE OF FUNDS.—Funds provided to a grantee under this subpart may not be used for long-distance travel expenses for training activities available locally or regionally.”;

(9) in section 7116—

(A) in subsection (g)—

(i) by striking “No Child Left Behind Act of 2001” and inserting “Every Child Achieves Act of 2015”;

(ii) by inserting “the Secretary of Health and Human Services,” after “the Secretary of the Interior,”; and

(iii) by inserting “and coordination” after “providing for the implementation”; and

(B) in subsection (o)—

(i) in paragraph (1), by striking “Not later than 2 years after the date of enactment of the No Child Left Behind Act of 2001,” and inserting “Not later than 2 years after date of enactment of the Every
Child Achieves Act of 2015, and every 5 years thereafter;”; and
(ii) by striking paragraph (2) and inserting the following:
“(2) CONTENTS.—The report required under paragraph (1) shall identify—
“(A) any statutory barriers to the ability of participants to more effectively integrate their education and related services to Indian students in a manner consistent with the objectives of this section; and
“(B) the effective practices for program integration that result in increased student achievement, graduation rates, and other relevant outcomes for Indian students.”;
(10) in section 7117—
(A) in subsection (b)(1)—
(i) in subparagraph (A)(ii), by inserting “or membership” after “the enrollment”; and
(ii) in subparagraph (B), by inserting “or membership” after “the enrollment”; (B) by striking subsection (e) and inserting the following:
“(e) DOCUMENTATION.—
“(1) IN GENERAL.—For purposes of determining whether a child is eligible to be counted for
the purpose of computing the amount of a grant award under section 7113, the membership of the
child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be
established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to re-
quire the furnishing of an enrollment number.

“(2) NO NEW OR DUPLICATE DETERMINA-
TIONS.—Once a child is determined to be an Indian eligible to be counted for such grant award, the local educational agency shall maintain a record of such determination and shall not require a new or dupli-
cate determination to be made for such child for a subsequent application for a grant under this sub-
part.

“(3) PREVIOUSLY FILED FORMS.—An Indian student eligibility form that was on file as required
by this section on the day before the date of enact-
ment of the Every Child Achieves Act of 2015 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.”;

(C) in subsection (g), by striking “Bureau of
Indian Affairs” and inserting “Bureau of In-
dian Education”; and

(D) by adding at the end the following:

“(i) TECHNICAL ASSISTANCE.—The Secretary shall,
directly or through contract, provide technical assistance to a local educational agency upon request, in addition to any technical assistance available under section 1114 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 sec-
tion;

“(2) improvement in the quality of implementa-
tion, 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 sharing of best practices.”;
(11) in section 7118, by striking subsection (c) and inserting the following:

“(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—Each local educational agency shall maintain fiscal effort in accordance with section 9521 or be subject to reduced payments under this subpart in accordance with such section 9521.”;

(12) in section 7121—

(A) by striking the section header and inserting the following:

“SEC. 7121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH.”;

(B) in subsection (a)—

(i) in paragraph (1), by inserting “and youth” after “Indian children”; and

(ii) in paragraph (2)(B), by inserting “and youth” after “Alaska Native children”;

(C) in subsection (c)—

(i) in paragraph (1)—

(I) in subparagraph (A), by inserting “and youth” after “disadvantaged children”;
(II) in subparagraph (B), by inserting “and youth” after “such children”; 

(III) in subparagraph (D), by inserting “and youth” after “Indian children”; 

(IV) in subparagraph (E), by inserting “and youth” after “Indian children”; 

(V) by striking subparagraph (G) and inserting the following: 

“(G) high-quality early childhood education programs that are effective in preparing young children to be making sufficient academic progress by the end of grade 3, including kindergarten and prekindergarten programs, family-based preschool programs that emphasize school readiness, and the provision of services to Indian children with disabilities;”; and 

(VI) in subparagraph (L), by striking “appropriately qualified tribal elders and seniors” and inserting “traditional leaders”; and
(ii) in paragraph (2), by striking “Professional development” and inserting “High-quality professional development”;

(D) in subsection (d)—

(i) in paragraph (1)(C), by striking “make a grant payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant only if the Secretary determines” and inserting “award grants for an initial period of not more than 3 years and may renew such grants for not more than an additional 2 years if the Secretary determines”; and

(ii) in paragraph (3)(B)—

(I) in clause (i), by striking “parents of Indian children” and inserting “parents and family of Indian children”; and

(II) in clause (iii), by striking “information demonstrating that the proposed program for the activities is a scientifically based research program” and inserting “evidence dem-
onstrating that the proposed program

is an evidence-based program”; and

(E) by adding at the end the following:

“(f) CONTINUATION.—Notwithstanding any other

provision of this section, a grantee that is carrying out

activities pursuant to a grant awarded under this section

prior to the date of enactment of the Every Child Achieves

Act of 2015 may continue to carry out such activities after

such date of enactment under such grant in accordance

with the terms of such grant award.”;

(13) in section 7122—

(A) in subsection (a)—

(i) in paragraph (1), by striking “indi-

viduals in teaching or other education pro-

fessions that serve Indian people” and in-

serting “teachers and administrators serv-

ing Indian students”; and

(ii) in paragraph (2)—

(I) by inserting “and support”

after “to provide training”; and

(II) by striking “ancillary edu-

cational personnel” and inserting

“specialized instructional support per-

sonnel”;
(B) in subsection (d)(2), by adding at the end the following:

“(C) CONTINUATION.—Notwithstanding any other provision of this section, a grantee that is carrying out activities pursuant to a grant awarded under this section prior to the date of enactment of the Every Child Achieves Act of 2015 may continue to carry out such activities under such grant in accordance with the terms of that award.”;

(C) by striking subsection (e) and inserting the following:

“(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require. At a minimum, an application under this section shall describe how the eligible entity will—

“(1) recruit qualified Indian individuals, such as students who may not be of traditional college age, to become teachers, or principals, or school leaders;

“(2) use funds made available under the grant to support the recruitment, preparation, and professional development of Indian teachers or principals
in local educational agencies that serve a high proportion of Indian students; and

“(3) assist participants in meeting the requirements under subsection (h).”;

(D) by striking subsection (g) and inserting the following:

“(g) GRANT PERIOD.—The Secretary shall award grants under this section for an initial period of not more than 3 years, and may renew such grants for an additional period of not more than 2 years if the Secretary finds that the grantee is achieving the objectives of the grant.”; and

(E) in subsection (h)(1)(A)(ii), by striking “people” and inserting “students in a local educational agency that serves a high proportion of Indian students”;

(14) by striking section 7132, as redesignated by section 7001(2), and inserting the following:

“SEC. 7132. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING, DEVELOPMENT, AND COORDINATION.

“(a) IN GENERAL.—The Secretary may award grants under this section to eligible applicants to enable the eligible applicants to—

“(1) promote tribal self-determination in education;
“(2) improve the academic achievement of Indian children and youth; and

“(3) promote the coordination and collaboration of tribal educational agencies with State and local educational agencies to meet the unique educational and culturally related academic needs of Indian students.

“(b) DEFINITIONS.—In this section:

“(1) ELIGIBLE APPLICANT.—In this section, the term ‘eligible applicant’ means—

“(A) an Indian tribe or tribal organization approved by an Indian tribe; or

“(B) a tribal educational agency.

“(2) INDIAN TRIBE.—The term ‘Indian tribe’ means a Federally recognized tribe or a State-recognized tribe.

“(3) TRIBAL EDUCATIONAL AGENCY.—The term ‘tribal educational agency’ means the agency, department, or instrumentality of an Indian tribe that is primarily responsible for supporting tribal students’ elementary and secondary education.

“(c) GRANT PROGRAM.—The Secretary may award grants to—

“(1) eligible applicants described under subsection (b)(1)(A) to plan and develop a tribal edu-
cational agency, if the tribe or organization has no current tribal educational agency, for a period of not more than 1 year; and

“(2) eligible applicants described under subsection (b)(1)(B), for a period of not more than 3 years, in order to—

“(A) directly administer education programs, including formula grant programs under this Act, consistent with State law and under a written agreement between the parties;

“(B) build capacity to administer and coordinate such education programs, and to improve the relationship and coordination between such applicants and the State educational agencies and local educational agencies that educate students from the tribe;

“(C) receive training and support from the State educational agency and local educational agency, in areas such as data collection and analysis, grants management and monitoring, fiscal accountability, and other areas as needed;

“(D) train and support the State educational agency and local educational agency in areas related to tribal history, language, or culture;
“(E) build on existing activities or resources rather than replacing other funds; and

“(F) carry out other activities, subject to the approval of the Secretary.

“(d) GRANT APPLICATION.—

“(1) IN GENERAL.—Each eligible applicant desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may reasonably prescribe.

“(2) CONTENTS.—Each application described in paragraph (1) shall contain—

“(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant;

“(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and for determining whether such objectives are achieved; and

“(C) for applications for activities under subsection (e)(2), evidence of—

“(i) a preliminary agreement with the appropriate State educational agency, 1 or
more local educational agencies, or both
the State educational agency and a local
educational agency; and

“(ii) existing capacity as a tribal edu-
cational agency.

“(3) APPROVAL.—The Secretary may approve
an application submitted by an eligible applicant
under this subsection only if the Secretary is satis-
fied that such application, including any documenta-
tion submitted with the application—

“(A) demonstrates that the eligible appli-
cant has consulted with other education enti-
ties, if any, within the territorial jurisdiction of
the applicant that will be affected by the activi-
ties to be conducted under the grant;

“(B) provides for consultation with such
other education entities in the operation and
evaluation of the activities conducted under the
grant; and

“(C) demonstrates that there will be ade-
quate resources provided under this section or
from other sources to complete the activities for
which assistance is sought.

“(e) RESTRICTIONS.—
“(1) IN GENERAL.—A tribe may not receive funds under this section if such tribe receives funds under section 1144 of the Education Amendments of 1978.

“(2) DIRECT SERVICES.—No funds under this section may be used to provide direct services.

“(f) SUPPLEMENT, NOT SUPPLANT.—Funds under this section shall be used to supplement, and not supplant, other Federal, State, and local programs that meet the needs of tribal students.”;

(15) in section 7141(b)(1), by inserting “and the Secretary of the Interior” after “advise the Secretary”;

(16) in section 7151, by adding at the end the following:

“(4) TRADITIONAL LEADERS.—The term ‘traditional leaders’ has the meaning given the term in section 103 of the Native American Languages Act (25 U.S.C. 2902).”; and

(17) in section 7152—

(A) in subsection (a), by striking “$96,400,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years” and inserting “such
sums as may be necessary for each of fiscal years 2016 through 2021’’; and

(B) in subsection (b) by striking ‘‘$24,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years’’ and inserting ‘‘such sums as may be necessary for each of fiscal years 2016 through 2021’’.

SEC. 7002. NATIVE HAWAIIAN EDUCATION.

Part B of title VII is amended—

(1) in section 7202, by striking paragraphs (11) through (21);

(2) by striking section 7204 and inserting the following:

‘‘SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL AND ISLAND COUNCILS.

“(a) GRANT AUTHORIZED.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs that receive funding under this part, the Secretary shall award a grant to an education council, as described under subsection (b).

“(b) EDUCATION COUNCIL.—
“(1) **ELIGIBILITY.**—To be eligible to receive the grant under subsection (a), the council shall be an education council (referred to in this section as the ‘Education Council’) that meets the requirements of this subsection.

“(2) **COMPOSITION.**—The Education Council shall consist of 15 members, of whom—

“(A) 1 shall be the President of the University of Hawaii (or a designee);

“(B) 1 shall be the Governor of the State of Hawaii (or a designee);

“(C) 1 shall be the Superintendent of the State of Hawaii Department of Education (or a designee);

“(D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);

“(E) 1 shall be the executive director of Hawaii’s Charter School Network (or a designee);

“(F) 1 shall be the chief executive officer of the Kamehameha Schools (or a designee);

“(G) 1 shall be the Chief Executive Officer of the Queen Liliuokalani Trust (or a designee);
“(H) 1 shall be a member, selected by the other members of the Education Council, who represents a private grant-making entity;

“(I) 1 shall be the Mayor of the County of Hawaii (or a designee);

“(J) 1 shall be the Mayor of Maui County (or a designee from the Island of Maui);

“(K) 1 shall be the Mayor of the County of Kauai (or a designee);

“(L) 1 shall be appointed by the Mayor of Maui County from the Island of Molokai or the Island of Lanai;

“(M) 1 shall be the Mayor of the City and County of Honolulu (or a designee);

“(N) 1 shall be the chairperson of the Hawaiian Homes Commission (or a designee); and

“(O) 1 shall be the chairperson of the Hawaii Workforce Development Council (or a designee representing the private sector).

“(3) REQUIREMENTS.—Any designee serving on the Education Council shall demonstrate, as determined by the individual who appointed such designee with input from the Native Hawaiian community, not less than 5 years of experience as a consumer or provider of Native Hawaiian education or cultural
activities, with traditional cultural experience given
due consideration.

“(4) LIMITATION.—A member (including a des-
ignee), while serving on the Education Council, shall
not be a recipient of grant funds that are awarded
under this part.

“(5) TERM OF MEMBERS.—A member who is a
designee shall serve for a term of not more than 4
years.

“(6) CHAIR, VICE CHAIR.—

“(A) SELECTION.—The Education Council
shall select a Chairperson and a Vice-Chair-
person from among the members of the Edu-
cation Council.

“(B) TERM LIMITS.—The Chairperson and
Vice-Chairperson shall each serve for a 2-year
term.

“(7) ADMINISTRATIVE PROVISIONS RELATING
to EDUCATION COUNCIL.—The Education Council
shall meet at the call of the Chairperson of the
Council, or upon request by a majority of the mem-
bers of the Education Council, but in any event not
less often than every 120 days.

“(8) NO COMPENSATION.—None of the funds
made available through the grant may be used to
provide compensation to any member of the Education Council or member of a working group established by the Education Council, for functions described in this section.

“(c) USE OF FUNDS FOR COORDINATION ACTIVITIES.—The Education Council shall use funds made available through a grant under subsection (a) to carry out each of the following activities:

“(1) Providing advice about the coordination, and serving as a clearinghouse for, the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part.

“(2) Assessing the extent to which such services and programs meet the needs of Native Hawaiians, and collecting data on the status of Native Hawaiian education.

“(3) Providing direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serving, where appropriate, in an advisory capacity.
“(4) Awarding grants, if such grants enable the Education Council to carry out the activities described in paragraphs (1) through (3).

“(5) Hiring an executive director who shall assist in executing the duties and powers of the Education Council, as described in subsection (d).

“(d) USE OF FUNDS FOR TECHNICAL ASSISTANCE.—The Education Council shall use funds made available through a grant under subsection (a) to—

“(1) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this part;

“(2) obtain from such grantees information and data regarding grants awarded under this part, including information and data about—

“(A) the effectiveness of such grantees in meeting the educational priorities established by the Education Council, as described in paragraph (6)(D), using metrics related to these priorities; and

“(B) the effectiveness of such grantees in carrying out any of the activities described in paragraphs (2) and (3) of section 7205(a) that are related to the specific goals and purposes of
each grantee’s grant project, using metrics related to these priorities;

“(3) assess and define the educational needs of Native Hawaiians;

“(4) assess the programs and services available to address the educational needs of Native Hawaiians;

“(5) assess and evaluate the individual and aggregate impact achieved by grantees under this part in improving Native Hawaiian educational performance and meeting the goals of this part, using metrics related to these goals; and

“(6) prepare and submit to the Secretary, at the end of each calendar year, an annual report that contains—

“(A) a description of the activities of the Education Council during the calendar year;

“(B) a description of significant barriers to achieving the goals of this part;

“(C) a summary of each community consultation session described in subsection (e); and

“(D) recommendations to establish priorities for funding under this part, based on an assessment of—
“(i) the educational needs of Native Hawaiians;

“(ii) programs and services available to address such needs;

“(iii) the effectiveness of programs in improving the educational performance of Native Hawaiian students to help such students meet challenging State academic standards under section 1111(b)(1); and

“(iv) priorities for funding in specific geographic communities.

“(e) USE OF FUNDS FOR COMMUNITY CONSULTATIONS.—The Education Council shall use funds made available through the grant under subsection (a) to hold not less than 1 community consultation each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai, at which—

“(1) not less than 3 members of the Education Council shall be in attendance;

“(2) the Education Council shall gather community input regarding—

“(A) current grantees under this part, as of the date of the consultation;

“(B) priorities and needs of Native Hawaiians; and
“(C) other Native Hawaiian education issues; and
“(3) the Education Council shall report to the community on the outcomes of the activities supported by grants awarded under this part.
“(f) FUNDING.—For each fiscal year, the Secretary shall use the amount described in section 7205(c)(2), to make a payment under the grant. Funds made available through the grant shall remain available until expended.”;

(3) in section 7205—

(A) in subsection (a)(1)—

(i) in subparagraph (C), by striking “and” after the semicolon;

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:
“(D) charter schools; and”; and

(B) in subsection (c)—

(i) in paragraph (1), by striking “for fiscal year 2002 and each of the 5 succeeding 5 fiscal years” and inserting “for each of fiscal years 2016 through 2021”; and
(ii) in paragraph (2), by striking “for fiscal year 2002 and each of the 5 succeeding 5 fiscal years” and inserting “for each of fiscal years 2016 through 2021”; and

(4) in section 7207—

(A) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(B) by inserting before paragraph (2), as redesignated by subparagraph (A), the following:

“(1) COMMUNITY CONSULTATION.—The term ‘community consultation’ means a public gathering—

“(A) to discuss Native Hawaiian education concerns; and

“(B) about which the public has been given not less than 30 days notice.”.

SEC. 7003. ALASKA NATIVE EDUCATION.

Part C of title VII (20 U.S.C. 7541 et seq.) is amended—

(1) in section 7302 by striking paragraphs (1) through (7) and inserting the following:
“(1) It is the policy of the Federal Government to maximize the leadership of and participation by Alaska Native peoples in the planning and the management of Alaska Native education programs and to support efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

“(2) Many Alaska Native children enter and exit school with serious educational disadvantages.

“(3) Overcoming the magnitude of the geographic challenges, historical inequities, and other barriers to successfully improving educational outcomes for Alaska Native students in rural, village, and urban settings is challenging. Significant disparities between academic achievement of Alaska Native students and non-Native students continues, including lower graduation rates, increased school dropout rates, and lower achievement scores on standardized tests.

“(4) The preservation of Alaska Native cultures and languages and the integration of Alaska Native cultures and languages into education, positive identity development for Alaska Native students, and local, place-based, and culture-based programming are critical to the attainment of educational success
and the long-term well-being of Alaska Native students.

“(5) Improving educational outcomes for Alaska Native students increases access to employment opportunities.

“(6) The programs and activities authorized under this subpart give priority to Alaska Native organizations as a means of increasing Alaska Native parents’ and community involvement in the promotion of academic success of Alaska Native students.

“(7) The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for Alaska Native students. In 1983, pursuant to Public Law 98–63, Alaska ceased to receive educational funding from the Bureau of Indian Affairs. The Bureau of Indian Education does not operate any schools in Alaska, nor operate or fund Alaska Native education programs. The program under this subpart supports the Federal trust responsibility of the United States to Alaska Natives.”;

(2) in section 7303—
(A) in paragraph (1), by inserting “and address” after “To recognize”;

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (4) and paragraph (4) as paragraph (5);

(D) by inserting after paragraph (1) the following:

“(2) To recognize the role of Alaska Native languages and cultures in the educational success and long term well-being of Alaska Native students.

“(3) To integrate Alaska Native cultures and languages into education, develop Alaska Native students’ positive identity, and support local place-based and culture-based curriculum and programming.”;

(E) in paragraph (4), as redesignated by subparagraph (C), by striking “of supplemental” and inserting “, management, and expansion of effective”; and

(F) by adding at the end the following:

“(6) To ensure the maximum participation by Alaska Native educators and leaders in the planning, development, management, and evaluation of programs designed to serve Alaska Native students, and
to ensure Alaska Native organizations play a meaningful role in supplemental educational services provided to Alaska Native students.”;

(3) by striking section 7304 and inserting the following:

“SEC. 7304. PROGRAM AUTHORIZED.

“(a) General Authority.—

“(1) Grants and contracts.—The Secretary is authorized to make grants to, or enter into contracts with, Indian tribes or tribal organizations that are in partnership with a State educational agency or a local educational agency to carry out programs that meet the purposes of this subpart, or with Indian tribes or tribal organizations that operate programs that fulfill the purposes under this subpart.

“(2) Mandatory activities.—Activities provided through the programs carried out under this part shall include the following:

“(A) The development and implementation of plans, methods, strategies and activities to improve the educational outcomes of Alaska Native peoples.

“(B) The collection of data to assist in the evaluation of the programs carried out under this subpart.
“(3) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this subpart may include the following:

“(A) The development of curricula and programs that address the educational needs of Alaska Native students, including the following:

“(i) Curriculum materials that reflect the cultural diversity, languages, history, or the contributions of Alaska Native people.

“(ii) Instructional programs that make use of Alaska Native languages and cultures.

“(iii) Networks that develop, test, and disseminate best practices and introduce successful programs, materials, and techniques to meet the educational needs of Alaska Native students in urban and rural schools.

“(iv) Methods to evaluate teachers’ inclusion of diverse Alaska Native cultures in their lesson plans.

“(B) Training and professional development activities for educators, including the following:
“(i) Pre-service and in-service training and professional development programs to prepare teachers to develop appreciation for and understanding of Alaska Native history, cultures, values, and ways of knowing and learning in order to effectively address the cultural diversity and unique needs of Alaska Native students and incorporate them into lesson plans and teaching methods.

“(ii) Recruitment and preparation of teachers who are Alaska Native.

“(iii) Programs that will lead to the certification and licensing of Alaska Native teachers, principals, other school leaders, and superintendents.

“(C) Early childhood and parenting education activities designed to improve the school readiness of Alaska Native children, including—

“(i) the development and operation of home visiting programs for Alaska Native preschool children, to ensure the active involvement of parents in their children’s education from the earliest ages;
“(ii) training, education, and support, including in-home visitation, for parents and caregivers of Alaska Native children to improve parenting and caregiving skills (including skills relating to discipline and cognitive development, reading readiness, observation, storytelling, and critical thinking);

“(iii) family literacy services;

“(iv) activities carried out under the Head Start Act;

“(v) programs for parents and their infants, from the prenatal period of the infant through age 3;

“(vi) early childhood education programs; and

“(vii) Native language immersion within early childhood, Head Start, or preschool programs.

“(D) The development and operation of student enrichment programs, including those in science, technology, engineering, and mathematics that—

“(i) are designed to prepare Alaska Native students to excel in such subjects;
“(ii) provide appropriate support services to enable such students to benefit from the programs; and

“(iii) include activities that recognize and support the unique cultural and educational needs of Alaska Native children and incorporate appropriately qualified Alaska Native elders and other tradition bearers.

“(E) Research and data collection activities to determine the educational status and needs of Alaska Native children and adults and other such research and evaluation activities related to programs funded under this subpart.

“(F) Activities designed to increase Alaska Native students’ graduation rates and assist Alaska Native students to be prepared for post-secondary education or the workforce without the need for postsecondary remediation, such as—

“(i) remedial and enrichment programs;

“(ii) culturally-based education programs such as—
“(I) programs of study and other instruction in Alaska Native history and ways of living to share the rich and diverse cultures of Alaska Native peoples among Alaska Native youth and elders non-Native students and teachers, and the larger community;

“(II) instructing Alaska Native youth in leadership, communication, Native culture, arts, and languages;

“(III) inter-generational learning and internship opportunities to Alaska Native youth and young adults;

“(IV) cultural immersion activities;

“(V) culturally-informed curriculum intended to preserve and promote Alaska Native culture;

“(VI) Native language instruction and immersion activities;

“(VII) school-within-a-school model programs; and

“(VIII) college preparation and career planning; and
“(iii) holistic school or community-based support services to enable such students to benefit from the supplemental programs offered, including those that address family instability, school climate, trauma, safety, and non-academic learning.

“(G) The establishment or operation of Native language immersion nests or schools.

“(H) Student and teacher exchange programs, cross-cultural immersion programs, and culture camps designed to build mutual respect and understanding among participants.

“(I) Education programs for at-risk urban Alaska Native students that are designed to improve academic proficiency and graduation rates, utilize strategies otherwise permissible under this subpart, and incorporate a strong data collection and continuous evaluation component.

“(J) Strategies designed to increase parents’ involvement in their children’s education.

“(K) Programs and strategies that provide technical assistance and support to schools and communities to engage adults in promoting the
academic progress and overall well-being of
Alaska Native people such as through—

“(i) strength-based approaches to
child and youth development;

“(ii) positive youth-adult relationships; and

“(iii) improved conditions for learning
(school climate, student connection to
school and community), and increased con-
nections between schools and families.

“(L) Career preparation activities to en-
able Alaska Native children and adults to pre-
pare for meaningful employment, including pro-
grams providing tech-prep, mentoring, training,
and apprenticeship activities.

“(M) Provision of operational support and
purchasing of equipment, to develop regional
vocational schools in rural areas of Alaska, in-
cluding boarding schools, for Alaska Native stu-
dents in grades 9 through 12, or at higher lev-
els of education, to provide the students with
necessary resources to prepare for skilled em-
ployment opportunities.

“(N) Regional leadership academies that
demonstrate effectiveness in building respect,
understanding, and fostering a sense of Alaska Native identity to promote their pursuit of and success in completing higher education or career training.

“(O) Other activities, consistent with the purposes of this subpart, to meet the educational needs of Alaska Native children and adults.

“(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2016 through 2021.”;

(4) by striking section 7305 and inserting the following:

“SEC. 7305. FUNDS FOR ADMINISTRATIVE PURPOSES.

“Not more than 5 percent of funds provided to an award recipient under this part for any fiscal year may be used for administrative purposes.”; and

(5) in section 7306—

(A) in paragraph (1), by inserting “(43 U.S.C. 1602(b)) and includes the descendants of individuals so defined” after “Settlement Act”; and

(B) by inserting after paragraph (2), the following:
“(3) **INDIAN TRIBE.**—The term ‘Indian tribe’
has the meaning given the term in section 4 of the
Indian Self-Determination and Education Assistance
Act.

“(4) **TRIBAL ORGANIZATION.**—The term ‘tribal
organization’ has the meaning given the term in sec-
tion 4 of the Indian Self-Determination and Edu-
cation Assistance Act.”

**TITLE VIII**—**IMPACT AID**

**SEC. 8001. PURPOSE.**

Section 8001 (20 U.S.C. 7701) is amended in the
matter preceding paragraph (1), by striking “challenging
State standards” and inserting “the same challenging
State academic standards”.

**SEC. 8002. AMENDMENT TO IMPACT AID IMPROVEMENT
ACT OF 2012.**

Section 563(c) of the National Defense Authorization
Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.
1748; 20 U.S.C. 6301 note) is amended—

(1) by striking paragraphs (1) and (4); and

(2) by redesignating paragraphs (2) and (3) as
paragraphs (1) and (2), respectively.

**SEC. 8003. PAYMENTS RELATING TO FEDERAL ACQUISI-
TION OF REAL PROPERTY.**

Section 8002 (20 U.S.C. 7702) is amended—
(1) in subsection (b)(3), by striking subparagraph (B) and inserting the following:

“(B) SPECIAL RULE.—In the case of Federal property eligible under this section that is within the boundaries of 2 or more local educational agencies that are eligible under this section, any of such agencies may ask the Secretary to calculate (and the Secretary shall calculate) the taxable value of the eligible Federal property that is within its boundaries by—

“(i) first calculating the per-acre value of the eligible Federal property separately for each eligible local educational agency that shared the Federal property, as provided in subparagraph (A)(ii);  

“(ii) then averaging the resulting per-acre values of the eligible Federal property from each eligible local educational agency that shares the Federal property; and  

“(iii) then applying the average per-acre value to determine the total taxable value of the eligible Federal property under subparagraph (A)(iii) for the requesting local educational agency.”;
(2) in subsection (e)(2), by adding at the end the following: “For each fiscal year beginning with fiscal year 2015, the Secretary shall treat local educational agencies chartered in 1871 having more than 70 percent of the county in Federal ownership as meeting the eligibility requirements of subparagraphs (A) and (C) of subsection (a)(1).”;

(3) by striking subsection (f) and inserting the following:

“(f) SPECIAL RULE.—Beginning with fiscal year 2015, a local educational agency shall be deemed to meet the requirements of subsection (a)(1)(C) if the agency was eligible under paragraph (1) or (3) of this subsection, as such subsection was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015.”;

(4) in subsection (h)(4), by striking “For each local educational agency that received a payment under this section for fiscal year 2010 through the fiscal year in which the Impact Aid Improvement Act of 2012 is enacted” and inserting “For each local educational agency that received a payment under this section for fiscal year 2010 or any succeeding fiscal year”; and
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(6) by redesignating subsections (l), (m), and
(n), as subsections (j), (k), and (l), respectively.

SEC. 8004. PAYMENTS FOR ELIGIBLE FEDERALLY CON-
NECTED CHILDREN.

Section 8003 (20 U.S.C. 7703) is amended—

(1) in subsection (a)(5)(A), by striking “to be
children” and all that follows through the period at
the end and inserting “or under lease of off-base
property under subchapter IV of chapter 169 of title
10, United States Code, to be children described
under paragraph (1)(B) if the property described is
within the fenced security perimeter of the military
facility or attached to and under any type of force
protection agreement with the military installation
upon which such housing is situated.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (E); and

(ii) by redesignating subparagraphs
(F) and (G) as subparagraphs (E) and
(F), respectively;

(B) in paragraph (2), by striking subpara-
graphs (B) through (H) and inserting the fol-
lowing:
“(B) Eligibility for Heavily Impacted Local Educational Agencies.—

“(i) In general.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

“(I) is a local educational agency—

“(aa) whose boundaries are the same as a Federal military installation or an island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government; and

“(bb) that has no taxing authority;

“(II) is a local educational agency that—

“(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enroll-
ment of the agency that is not
less than 45 percent;

“(bb) has a per-pupil expen-
diture that is less than—

“(AA) for an agency
that has a total student en-
rollment of 500 or more stu-
dents, 125 percent of the av-
erage per-pupil expenditure
of the State in which the
agency is located; or

“(BB) for any agency
that has a total student en-
rollment less than 500, 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 edu-
cational agencies in the
State in which the agency is
located; and

“(cc) is an agency that—
“(AA) has a tax rate for general fund purposes that is not less than 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or

“(BB) was eligible to receive a payment under this subsection for fiscal year 2013 and is located in a State that by State law has eliminated ad valorem tax as a revenue for local educational agencies;

“(III) is a local educational agency that—

“(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 20 percent;

“(bb) for the 3 fiscal years preceding the fiscal year for
which the determination is made, the average enrollment of children who are not described in subsection (a)(1) and who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act constitutes a percentage of the total student enrollment of the agency that is not less than 65 percent; and

“(cc) has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for comparable local educational agencies in the State;

“(IV) is a local educational agency that has a total student enrollment of not less than 25,000 students, of which—

“(aa) not less than 50 percent are children described in subsection (a)(1); and
“(bb) not less than 5,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

“(V) is a local educational agency that—

“(aa) has an enrollment of children described in subsection (a)(1) including, for purposes of determining eligibility, those children described in subparagraphs (F) and (G) of such subsection, that is not less than 35 percent of the total student enrollment of the agency; and

“(bb) was eligible to receive assistance under subparagraph (A) for fiscal year 2001.

“(ii) LOSS OF ELIGIBILITY.—

“(I) IN GENERAL.—Subject to subclause (II), a heavily impacted local educational agency that met the requirements of clause (i) for a fiscal year shall be ineligible to receive a basic support payment under subpara-
graph (A) if the agency fails to meet the requirements of clause (i) for a subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

“(II) Loss of eligibility due to falling below 95 percent of the average tax rate for general fund purposes.—In a case of a heavily impacted local educational agency that is eligible to receive a basic support payment under subparagraph (A), but that has had, for 2 consecutive fiscal years, a tax rate for general fund purposes that falls below 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State, such agency shall be determined to be ineligible under clause (i) and ineligible to receive a basic support payment under subparagraph (A).
for each fiscal year succeeding such 2
consecutive fiscal years for which the
agency has such a tax rate for general
fund purposes, and until the fiscal
year for which the agency resumes
such eligibility in accordance with
clause (iii).

“(III) TAKEN OVER BY STATE
BOARD OF EDUCATION.—In the case
of a heavily impacted local educational
agency that is eligible to receive a
basic support payment under subpara-
graph (A), but that has been taken
over by a State board of education in
2 previous years, such agency shall be
deemed to maintain heavily impacted
status for 2 fiscal years from after the
date of enactment of the Every Child
Achieves Act of 2015.

“(iii) RESUMPTION OF ELIGIBILITY.—
A heavily impacted local educational agen-
cy described in clause (i) that becomes in-
eligible under such clause for 1 or more
fiscal years may resume eligibility for a
basic support payment under this para-
graph for a subsequent fiscal year only if the agency meets the requirements of clause (i) for that subsequent fiscal year, except that such agency shall not receive a basic support payment under this paragraph until the fiscal year succeeding the fiscal year for which the eligibility determination is made.

“(C) MAXIMUM AMOUNT FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

“(i) IN GENERAL.—Except as provided in subparagraph (D), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) and subject to clause (ii), multiplied by the greater of—

“(I) four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or
“(II) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

“(ii) Calculation of weighted student units.—

“(I) In general.—

“(aa) In general.—For a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), and that has an enrollment of children described in subparagraph (A), (B), or (C) of such subsection equal to at least 10 percent of the agency’s total enrollment, the Secretary shall calculate the weighted student units of those children described in subparagraph (D) or (E) of
such subsection by multiplying the number of such children by a factor of 0.55.

“(bb) Exception.—Notwithstanding item (aa), a local educational agency that received a payment under this paragraph for fiscal year 2013 shall not be required to have an enrollment of children described in subparagraph (A), (B), or (C) of subsection (a)(1) equal to at least 10 percent of the agency’s total enrollment.

“(II) Enrollment of 100 or fewer children.—For a local educational agency that has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75.
“(III) Enrollment of more than 100 children but less than 1,000.—For a local educational agency that is not described under subparagraph (B)(i)(I) and has an enrollment of more than 100 but not more than 1,000 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.

“(D) Maximum amount for large heavily impacted local educational agencies.—

“(i) In general.—

“(I) In general.—Subject to clause (ii), the maximum amount that a heavily impacted local educational agency described in subclause (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).
“(II) Heavily impacted local educational agency.—A heavily impacted local educational agency described in this subclause is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 5,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

“(ii) Factor.—For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35.

“(E) Data.—For purposes of providing assistance under this paragraph the Secretary shall use student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agen-
cy is applying for assistance under this para-
graph.

“(F) **DETERMINATION OF AVERAGE TAX**
**RATES FOR GENERAL FUND PURPOSES.**—

“(i) **IN GENERAL.**—Except as pro-
vided in clause (ii), for the purpose of de-
termining the average tax rates for general
fund purposes for local educational agen-
cies in a State under this paragraph, the
Secretary shall use either—

“(I) the average tax rate for gen-
eral fund purposes for comparable
local educational agencies, as deter-
dined by the Secretary in regulations;
or

“(II) the average tax rate of all
the local educational agencies in the
State.

“(ii) **FISCAL YEARS 2010-2015.**—

“(I) **IN GENERAL.**—For fiscal
years 2010 through 2015, any local
educational agency that was found in-
eligible to receive a payment under
subparagraph (A) because the Sec-
retary determined that it failed to
meet the average tax rate requirement for general fund purposes in subparagraph (B)(i)(II)(bb), shall be considered to have met that requirement, if its State determined, through an alternate calculation of average tax rates for general fund purposes, that such local educational agency met that requirement.

“(II) Subsequent Fiscal Years after 2015.—For any succeeding fiscal year after 2015, any local educational agency identified in subclause (I) may continue to have its State use that alternate methodology to calculate whether the average tax rate requirement for general fund purposes under subparagraph (B)(i)(II)(bb) is met.

“(III) Availability of Funds.—Notwithstanding any other provision of law limiting the period during which the Secretary may obligate funds appropriated for any fiscal year after 2012, the Secretary shall
reserve an amount equal to a total of $14,000,000 from funds that remain unobligated under this section from fiscal years 2013 or 2014 in order to make payments under this clause for fiscal years 2011 through 2014.

“(G) Eligibility for heavily impacted local educational agencies affected by privatization of military housing.—

“(i) Eligibility.—For any fiscal year, a heavily impacted local educational agency that received a basic support payment under this paragraph for the prior fiscal year, but is ineligible for such payment for the current fiscal year under subparagraph (B), (C), (D), or (E), as the case may be, due to of the conversion of military housing units to private housing described in clause (iii), or as the direct result of base realignment and closure or modularization as determined by the Secretary of Defense and force structure change or force relocation, shall be deemed to meet the eligibility requirements under subparagraph (B) or (C), as the case may
be, for the period during which the housing
units are undergoing such conversion or
during such time as activities associated
with base closure and realignment,
modularization, force structure change, or
force relocation are ongoing.

“(ii) A MOUNT OF PAYMENT.—The
amount of a payment to a heavily impacted
local educational agency for a fiscal year
by reason of the application of clause (i),
and calculated in accordance with subpara-
graph (C) or (D), as the case may be, shall
be based on the number of children in av-
average daily attendance in the schools of
such agency for the fiscal year and under
the same provisions of subparagraph (C)
or (D) under which the agency was paid
during the prior fiscal year.

“(iii) C ONVERSION OF MILITARY
HOUSING UNITS TO PRIVATE HOUSING DE-
SCRIBED.—For purposes of clause (i),
‘conversion of military housing units to
private housing’ means the conversion of
military housing units to private housing
units pursuant to subchapter IV of chapter
169 of title 10, United States Code, or pursuant to any other related provision of law.”; and

(C) in paragraph (3)—

(i) in subparagraph (B), by striking clause (iii) and inserting the following:

“(iii) In the case of a local educational agency providing a free public education to students enrolled in kindergarten through grade 12, that enrolls students described in subparagraphs (A), (B), and (D) of subsection (a)(1) only in grades 9 through 12, and that received a final payment in fiscal year 2009 calculated under this paragraph (as this paragraph was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015) for students in grades 9 through 12, the Secretary shall, in calculating the agency’s payment, consider only that portion of such agency’s total enrollment of students in grades 9 through 12 when calculating the percentage under clause (i)(I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under clause (i)(II).”;}
(ii) in subparagraph (C), by striking “subparagraph (D) or (E) of paragraph (2),” and inserting “paragraph (2)(D)”;

and

(iii) by striking subparagraph (D) and inserting the following:

“(D) RATABLE DISTRIBUTION.—For fiscal years described in subparagraph (A), for which the sums available exceed the amount required to pay each local educational agency 100 percent of its threshold payment, the Secretary shall distribute the excess sums to each eligible local educational agency that has not received its full amount computed under paragraphs (1) or (2) (as the case may be) by multiplying—

“(i) a percentage, the denominator of which is the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for all local educational agencies and the amount of the threshold payment (as calculated under subparagraphs (B) and (C)) of all local educational agencies, and the numerator of which is the aggregate of the excess sums, by
“(ii) the difference between the full
amount computed under paragraph (1) or
(2) (as the case may be) for the agency
and the amount of the threshold payment
as calculated under subparagraphs (B) and
(C) of the agency.

“(E) INSUFFICIENT PAYMENTS.—For each
fiscal year described in subparagraph (A) for
which the sums appropriated are insufficient to
pay each local educational agency all of the
local educational agency’s threshold payment
described in subparagraph (D), the Secretary
shall ratably reduce the payment to each local
educational agency under this paragraph.

“(F) INCREASES.—If the sums appro-
priated are sufficient to increase the threshold
payment above the 100 percent threshold pay-
ment described in subparagraph (D), then the
Secretary shall increase payments on the same
basis as such payments were reduced, except no
local educational agency may receive a payment
amount greater than 100 percent of the max-
imum payment calculated under this subsection.

“(G) PROVISION OF TAX RATE AND RE-
sulting PERCENTAGE.—The Secretary shall
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provide the local educational agency’s tax rate
and the resulting percentage to each eligible
local educational agency immediately following
the payments of funds under paragraph (2).”;
(3) in subsection (c), by striking paragraph (2)
and inserting the following:
“(2) EXCEPTION.—Calculation of payments for
a local educational agency shall be based on data
from the fiscal year for which the agency is making
an application for payment if such agency—
“(A) is newly established by a State, for
the first year of operation of such agency only;
“(B) was eligible to receive a payment
under this section for the previous fiscal year
and has had an overall increase in enrollment
(as determined by the Secretary in consultation
with the Secretary of Defense, the Secretary of
Interior, or the heads of other Federal agen-
cies)—
“(i) of not less than 10 percent, or
100 students, of children described in—
“(I) subparagraph (A), (B), (C),
or (D) of subsection (a)(1); or
“(II) subparagraphs (F) and (G)
of subsection (a)(1), but only to the
such children are civilian dependents of employees of the Department of Defense or the Department of Interior; and

“(ii) that is the direct result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of the force structure changes or movements of units or personnel between military installations or because of actions initiated by the Secretary of the Interior or the head of another Federal agency; or

“(C) was eligible to receive a payment under this section for the previous fiscal year and has had an increase in enrollment (as determined by the Secretary)—

“(i) of not less than 10 percent of children described in subsection (a)(1) or not less than 100 of such children; and

“(ii) that is the direct result of the closure of a local educational agency that
received a payment under subsection (b)(1)
or (b)(2) in the previous fiscal year.”;

(4) in subsection (d)—

(A) in the subsection heading, by striking
“CHILDREN” and inserting “STUDENTS”;

(B) in paragraph (1), by striking “children” both places the term appears and inserting “students”; and

(C) in paragraph (2), by striking “children” and inserting “students’’;

(5) in subsection (e), by striking paragraphs (1)
and (2) and inserting the following:

“(1) IN GENERAL.—

“(A) IN GENERAL.—In the case of any
local educational agency whose payment under
subsection (b) for a fiscal year is determined to
be reduced by an amount greater than
$5,000,000 or by 20 percent, as compared to
the amount received in the previous fiscal year,
the Secretary shall, subject to subparagraph
(B), pay a local educational agency, for each of
the 3 years following the reduction under sub-
section (b), the amount determined under sub-
paragraph (B).
“(B) AMOUNT OF REDUCTION.—Subject to subparagraph (C), a local educational agency described in subparagraph (A) shall receive—

“(i) for the first year for which the reduced payment is determined, the amount shall not be less than 90 percent of the total amount that the local educational agency received under paragraph (1) or (2) of subsection (b) in the fiscal year prior to the reduction (referred to in this paragraph as the ‘base year’);

“(ii) for the second year following such reduction, the amount shall be not less than 85 percent of the total amount that the local educational agency received under paragraph (1) or (2) of subsection (b) in the base year; and

“(iii) for the third year following such reduction, the amount shall not be less than 80 percent of the total amount that the local educational agency received under paragraph (1) or (2) of subsection (b) in the base year.

“(C) SPECIAL RULE.—For any fiscal year for which a local educational agency would be
subject to a reduced payment under clause (ii) or (iii) of subparagraph (B), but the total amount of the payment that the local educational agency is eligible for under subsection (b) for that fiscal year is greater than the amount that initially subjected the local educational agency to the requirements of this subsection, the Secretary shall pay the greater amount to the local educational agency for such year.

“(2) MAXIMUM AMOUNT.—The total amount provided to a local educational agency under subparagraph (A), (B), or (C) of paragraph (1) for a fiscal year shall not exceed the maximum basic support payment amount for such agency determined under paragraph (1) or (2) of subsection (b), as the case may be, for such fiscal year.”; and

(6) by striking subsection (g).

SEC. 8005. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.

Section 8004(e)(9) (20 U.S.C. 7704(e)(9)) is amended by striking “Affairs” both places the term appears and inserting “Education”.
SEC. 8006. APPLICATION FOR PAYMENTS UNDER SECTIONS 8002 AND 8003.

Section 8005 (20 U.S.C. 7705) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking “, and shall contain such information,”;

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

“(c) STUDENT COUNT.—In collecting information to determine the eligibility of a local educational agency and the number of Federally connected children for the local educational agency, the Secretary shall, in addition to any options provided under section 222.35 of title 34, Code of Federal Regulations, or a successor regulation, allow a local educational agency to count the number of such children served by the agency as of the date by which the agency requires all students to register for the school year of the fiscal year for which the application is filed.”.

SEC. 8007. CONSTRUCTION.

Section 8007(b) (20 U.S.C. 7707(b)) is amended—

(1) in paragraph (3)(C)(i)(I), by adding at the end the following:

“(cc) Not less than 10 percent of the property in the agency is exempt
from State and local taxation under Federal law.”; and
(2) in paragraph (6), by striking subparagraph (F).

SEC. 8008. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

Section 8009(c)(1)(B) (20 U.S.C. 7709(c)(1)(B)) is amended by striking “and contain the information”.

SEC. 8009. DEFINITIONS.

Section 8013(5)(A) (20 U.S.C. 7713(5)(A)) is amended—
(1) in clause (ii), by striking subclause (III) and inserting the following:
“(III) conveyed at any time under the Alaska Native Claims Settlement Act to a Native individual, Native group, or village or regional corporation (including single family occupancy properties that may have been subsequently sold or leased to a third party), except that property that is conveyed under such Act—
“(aa) that is not taxed is, for the purposes of this paragraph, considered tax-exempt due to Federal law; or
“(bb) is considered Federal property for the purpose of this paragraph, only if the property is located within a Regional Educational Attendance Area that has no taxing power;”;

and

(2) in clause (iii)—

(A) in subclause (II), by striking “Stewart B. McKinney Homeless Assistance Act” and inserting “McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411)”;

and

(B) by striking subclause (III) and inserting the following:

“(III) used for affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); or”.

SEC. 8010. AUTHORIZATION OF APPROPRIATIONS.

Section 8014 (20 U.S.C. 7714) is amended—

(1) in subsection (a), by striking “$32,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years” and inserting “such sums as may be necessary for each of fiscal years 2016 through 2021”;
(2) in subsection (b), by striking “$809,400,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years” and inserting “such sums as may be necessary for each of fiscal years 2016 through 2021”;

(3) in subsection (c), by striking “$50,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years” and inserting “such sums as may be necessary for each of fiscal years 2016 through 2021”; 

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively;

(5) in subsection (d), as redesignated by paragraph (4), by striking “$10,052,000 for fiscal year 2000 and such sums as may be necessary for fiscal year 2001, $150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the five succeeding fiscal years” and inserting “such sums as may be necessary for each of fiscal years 2016 through 2021”; and

(6) in subsection (e), as redesignated by paragraph (4), by striking “$5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years” and inserting
“such sums as may be necessary for each of fiscal years 2016 through 2021”.

**TITLE IX—GENERAL PROVISIONS**

**SEC. 9101. DEFINITIONS.**

Section 9101 (20 U.S.C. 7801) is amended—

(1) by striking paragraphs (3), (19), (35), (36), (37), and (42);

(2) by redesignating paragraphs (1), (2), (17), (18), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (38), (39), (41), and (43) as paragraphs (2), (3), (18), (19), (24), (25), (26), (27), (28), (29), (30), (32), (33), (34), (35), (36), (37), (38), (40), (41), (43), and (44), respectively, and by transferring such paragraph (20) so as to follow such paragraph (19);

(3) by inserting before paragraph (2), as redesignated by paragraph (2), the following:

“(1) 4-YEAR ADJUSTED COHORT GRADUATION RATE.—The term ‘4-year adjusted cohort graduation rate’ has the meaning given the term ‘four-year adjusted cohort graduation rate’ in section 200.19(b)(1) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008.”;
(4) by striking paragraph (11) and inserting the following:

“(11) **CORE ACADEMIC SUBJECTS.**—The term ‘core academic subjects’ means English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, and physical education, and any other subject as determined by the State or local educational agency.”;

(5) in paragraph (13)—

(A) by striking subparagraphs (B), (E), (G), (J), and (K);

(B) by redesignating subparagraphs (C), (D), (F), (H), (I), and (L) as subparagraphs (B), (C), (D), (E), (F), and (G), respectively;

and

(C) in subparagraph (F), as redesignated by subparagraph (B)—

(i) by striking “part A of”; and

(ii) by inserting “and” after the semi-colon;

(6) by inserting after paragraph (16) the following:
“(17) EARLY CHILDHOOD EDUCATION PROGRAM.—The term ‘early childhood education program’ has the meaning given the term in section 103 of the Higher Education Act of 1965.”;

(7) in paragraph (20), as redesignated and moved by paragraph (2)—

(A) in the paragraph heading, by striking “LIMITED ENGLISH PROFICIENT” and inserting “ENGLISH LEARNER”;

(B) in the matter preceding subparagraph (A), by striking “limited English proficient” and inserting “English learner”; and

(C) in subparagraph (D)(i), by striking “State’s proficient level of achievement on State assessments described in section 1111(b)(3)” and inserting “challenging State academic standards described in section 1111(b)(1)”;

(8) by inserting after paragraph (20), as transferred and redesignated by paragraph (2), the following:

“(21) EVIDENCE-BASED.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘evidence-based’, when used with respect to an activity, means an activity that—
“(i) demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—

“(I) strong evidence from at least 1 well-designed and well-implemented experimental study;

“(II) moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or

“(III) promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias; or

“(ii)(I) demonstrates a rationale that is based on high-quality research findings that such activity is likely to improve student outcomes or other relevant outcomes; and

“(II) includes ongoing efforts to examine the effects of such activity.

“(B) Definition for part A of title I.—For purposes of part A of title I, the term ‘evidence-based’, when used with respect to an activity, means an activity that meets the re-
requirements of subclause (I) or (II) of subpara-
graph (A)(i).

“(22) EXPANDED LEARNING TIME.—The term
‘expanded learning time’ means using a longer
school day, week, or year schedule to significantly
increase the total number of school hours, in order
to include additional time for—

“(A) instruction and enrichment in core
academic subjects, other academic subjects, and
other activities that contribute to a well-rounded
education; and

“(B) instructional and support staff to col-
laborate, plan, and engage in professional devel-
opment (including professional development on
family and community engagement) within and
across grades and subjects.

“(23) EXTENDED-YEAR ADJUSTED COHORT
GRADUATION RATE.—The term ‘extended-year ad-
justed cohort graduation rate’ has the meaning given
the term in section 200.19(b)(1)(v) of title 34, Code
of Federal Regulations, as such section was in effect
on November 28, 2008.”;

(9) by striking paragraph (27), as redesignated
by paragraph (2), and inserting the following:
“(27) HIGH SCHOOL.—The term ‘high school’ means a secondary school that—

“(A) grants a diploma, as defined by the State; and

“(B) includes, at least, grade 12.”;

(10) in paragraph (29), as redesignated by paragraph (2), in subparagraph (C)—

(A) in the subparagraph heading, by striking “BIA” and inserting “BIE”; and

(B) by striking “Affairs” both places the term appears and inserting “Education”;

(11) by inserting after paragraph (30), as redesignated by paragraph (2), the following:

“(31) MULTI-TIER SYSTEM OF SUPPORTS.—The term ‘multi-tier system of supports’ means a comprehensive continuum of evidence-based, system-wide practices to support a rapid response to academic and behavioral needs, with frequent data-based monitoring for instructional decision-making.”;

(12) in paragraph (33), as redesignated by paragraph (2), by striking “pupil services” and inserting “specialized instructional support”;

(13) in paragraph (34), as redesignated by paragraph (2), by striking “includes the freely associated states” and all that follows through the period
at the end and inserting “includes the Republic of
Palau except during any period for which the Sec-
retary determines that a Compact of Free Associa-
tion is in effect that contains provisions for edu-
cation assistance prohibiting the assistance provided
under this Act.”;

(14) in paragraph (36), as redesignated by
paragraph (2)—

(A) in subparagraph (C), by inserting
“and” after the semicolon; and

(B) in subparagraph (D), by striking “sec-
tion 1118” and inserting “section 1115”;

(15) by striking paragraph (38), as redesig-
nated by paragraph (2), and inserting the following:

“(38) PROFESSIONAL DEVELOPMENT.—The
term ‘professional development’ means activities
that—

“(A) are coordinated and aligned to sup-
sport educators (including teachers, principals,
other school leaders, specialized instructional
support personnel, paraprofessionals, and, as
applicable, early childhood educators); and

“(B) are designed and implemented to im-
prove student achievement and classroom prac-
tice, which may include activities that—
“(i) improve and increase teachers’—

“(I) knowledge of the academic subjects the teachers teach;

“(II) understanding of how students learn; and

“(III) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;

“(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;

“(iii) allow personalized plans for each educator to address the educator’s specific needs identified in observation or other feedback;

“(iv) give teachers, principals, other school leaders, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State academic standards;

“(v) improve classroom management skills;
“(vi)(I) are high-quality, sustained, intensive, collaborative, job-embedded, data-driven, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher’s performance in the classroom; and

“(II) are not 1-day or short-term workshops or conferences;

“(vii) support the recruiting, hiring, and training of effective teachers, including teachers who became certified through State and local alternative routes to certification;

“(viii) advance teacher understanding of—

“(I) effective instructional strategies that are evidence-based; and

“(II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;

“(ix) are aligned with and directly re-

lated to—
“(I) challenging State academic standards and assessments under section 1111(b);

“(II) the curricula and programs tied to the standards described in subclause (I); and

“(III) related academic goals of the school or local educational agency;

“(x) are developed with extensive participation of teachers, principals, other school leaders, parents, and administrators of schools to be served under this Act;

“(xi) are designed to give teachers of children who are English learners, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;

“(xii) to the extent appropriate, provide training for teachers, principals, and other school leaders in the use of technology so that technology and technology applications are effectively used in the
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classroom to improve teaching and learning
in the curricula and academic subjects in
which the teachers teach;

“(xiii) as a whole, are regularly evalu-
ated for their impact on increased teacher
effectiveness and improved student aca-
demic achievement, with the findings of
the evaluations used to improve the quality
of professional development;

“(xiv) are designed to give teachers of
children with disabilities or children with
developmental delay, and other teachers
and instructional staff, the knowledge and
skills to provide instruction and academic
support services, to those children, includ-
ing positive behavioral interventions and
supports, multi-tiered systems of supports,
and use of accommodations;

“(xv) include instruction in the use of
data and assessments to inform and in-
struct classroom practice;

“(xvi) include instruction in ways that
teachers, principals, other school leaders,
specialized instructional support personnel,
and school administrators may work more
effectively with parents and families;

“(xvii) involve the forming of partner-
ships with institutions of higher education
to establish school-based teacher, principal,
and other school leader training programs
that provide prospective teachers, novice
teachers, principals, and other school lead-
ers with an opportunity to work under the
guidance of experienced teachers, prin-
cipals, other school leaders, and faculty of
such institutions;

“(xviii) create programs to enable
paraprofessionals (assisting teachers em-
ployed by a local educational agency receiv-
ing assistance under part A of title I) to
obtain the education necessary for those
paraprofessionals to become certified and
licensed teachers;

“(xix) provide follow-up training to
teachers who have participated in activities
described in this paragraph that are de-
signated to ensure that the knowledge and
skills learned by the teachers are imple-
mented in the classroom; and
“(xx) where applicable and practical, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.”;

(16) by inserting after paragraph (38), as redesignated by paragraph (2), the following:

“(39) SCHOOL LEADER.—The term ‘school leader’ means a principal, assistant principal, or other individual who is—

“(A) an employee or officer of an elementary school or secondary school, local educational agency, or other entity operating an elementary school or secondary school; and

“(B) responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building.”;

(17) by inserting after paragraph (41), as redesignated by paragraph (2), the following:

“(42) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—
“(A) Specialized Instructional Support Personnel.—The term ‘specialized instructional support personnel’ means —

“(i) school counselors, school social workers, and school psychologists; and

“(ii) other qualified professional personnel, such as school nurses and speech language pathologists, involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

“(B) Specialized Instructional Support Services.—The term ‘specialized instructional support services’ means the services provided by specialized instructional support personnel.”;

(18) by inserting after paragraph (44), as redesignated by paragraph (2), the following:

“(45) Universal Design for Learning.—

The term ‘universal design for learning’ has the
meaning given the term in section 103 of the Higher Education Act of 1965.’’; and

(19) by striking the undesignated paragraph between paragraphs (41) and (43), as redesignated by paragraph (2), and inserting the following:

“(42) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.”.

SEC. 9102. APPLICABILITY TO BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS.

Section 9103 (20 U.S.C. 7803) is amended—

(1) in the section heading, by striking “BUREAU OF INDIAN AFFAIRS” and inserting “BUREAU OF INDIAN EDUCATION”; and

(2) by striking “Bureau of Indian Affairs” each place the term appears and inserting “Bureau of Indian Education”.

SEC. 9103. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

Section 9203(b) (20 U.S.C. 7823(b)) is amended by striking “Within 1 year after the date of enactment of the No Child Left Behind Act of 2001, a State” and inserting “A State”.
SEC. 9104. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

Section 9401 (20 U.S.C. 7861) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—

“(1) REQUEST FOR WAIVER BY STATE OR INDIAN TRIBE.—A State educational agency or Indian tribe that receives funds under a program authorized under this Act may submit a request to the Secretary to waive any statutory or regulatory requirement of this Act.

“(2) LOCAL EDUCATIONAL AGENCY AND SCHOOL REQUESTS SUBMITTED THROUGH THE STATE.—

“(A) REQUEST FOR WAIVER BY LOCAL EDUCATIONAL AGENCY.—A local educational agency that receives funds under a program authorized under this Act and desires a waiver of any statutory or regulatory requirement of this Act shall submit a request containing the information described in subsection (b)(1) to the appropriate State educational agency. The State educational agency may then submit the request to the Secretary if the State educational agency determines the waiver appropriate.
“(B) REQUEST FOR WAIVER BY SCHOOL.—

An elementary school or secondary school that desires a waiver of any statutory or regulatory requirement of this Act shall submit a request containing the information described in subsection (b)(1) to the local educational agency serving the school. The local educational agency may then submit the request to the State educational agency in accordance with subparagraph (A) if the local educational agency determines the waiver appropriate.

“(3) RECEIPT OF WAIVER.—Except as provided in subsection (b)(4) or (c), the Secretary may waive any statutory or regulatory requirement of this Act for which a waiver request is submitted to the Secretary pursuant to this subsection.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “, local educational agency,” and inserting “, acting on its own behalf or on behalf of a local educational agency in accordance with subsection (a)(2),”; and
(II) by inserting “, which shall include a plan” after “to the Secretary”; and

(ii) by striking subparagraphs (C) and (D) and inserting the following:

“(C) describes the methods the State educational agency, local educational agency, or Indian tribe will use to monitor and regularly evaluate the effectiveness of the implementation of the plan;

“(D) includes only information directly related to the waiver request on how the State educational agency, local educational agency, or Indian tribe will maintain and improve transparency in reporting to parents and the public on student achievement and school performance, including the achievement of students according to each category of students described in section 1111(b)(2)(B)(xi); and”;

(B) in paragraph (2)(B)(i)(II), by striking “(on behalf of, and based on the requests of, local educational agencies)” and inserting “(on behalf of those agencies or on behalf of, and based on the requests of, local educational agencies in the State)”;}
(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in the matter preceding clause

(ii) in subparagraph (B)(i), by striking “reviewed by the State educational agency” and inserting “reviewed and approved by the State educational agency in accordance with subsection (a)(2) before being submitted to the Secretary”; and

(D) by adding at the end the following:
“(4) Waiver determination, demonstration, and revision.—

“(A) In general.—The Secretary shall issue a written determination regarding the approval or disapproval of a waiver request not more than 90 days after the date on which such request is submitted, unless the Secretary determines and demonstrates that—

“(i) the waiver request does not meet the requirements of this section; or

“(ii) the waiver is not permitted under subsection (c).

“(B) Waiver determination and revision.—If the Secretary determines and demonstrates that the waiver request does not meet the requirements of this section, the Secretary shall—

“(i) immediately—

“(I) notify the State educational agency, local educational agency and State educational agency, or Indian tribe, as applicable, of such determination; and

“(II) provide detailed reasons for such determination in writing and in
a public manner, such as posting to
the Department’s website in a clear
and easily accessible manner;

“(ii) offer the State educational agen-
cy, local educational agency (through the
State educational agency), or Indian tribe
an opportunity to revise and resubmit the
waiver request by a date that is not more
than 60 days after the date of such deter-
mination; and

“(iii) if the Secretary determines that
the resubmission does not meet the re-
quirements of this section, at the request
of the State educational agency, local edu-
cational agency, or Indian tribe, conduct a
public hearing not more than 30 days after
the date of such resubmission.

“(C) WAIVER DISAPPROVAL.—The Sec-
retary may disapprove a waiver request if—

“(i) the State educational agency,
local educational agency, or Indian tribe
has been notified and offered an oppor-
tunity to revise and resubmit the waiver
request, as described under clauses (i) and
(ii) of subparagraph (B); and
“(ii) the State educational agency, local educational agency (through the State educational agency), or Indian tribe—

“(I) does not revise and resubmit the waiver request; or

“(II) revises and resubmits the waiver request, and the Secretary determines that such waiver request does not meet the requirements of this section after a hearing conducted under subparagraph (B)(iii).

“(D) EXTERNAL CONDITIONS.—The Secretary shall not disapprove a waiver request under this section based on conditions outside the scope of the waiver request.”;

(3) in subsection (d)—

(A) in the subsection heading, by adding “; LIMITATIONS” after “WAIVER”; and

(B) by adding at the end the following:

“(3) SPECIFIC LIMITATIONS.—The Secretary shall not place any requirements on a State educational agency, local educational agency, or Indian tribe as a condition, criterion, or priority for the approval of a waiver request, unless such requirements are—
“(A) otherwise requirements under this Act; and
“(B) directly related to the waiver request.”;

(4) by striking subsection (e) and inserting the following:

“(e) REPORTS.—A State educational agency, local educational agency, or Indian tribe receiving a waiver under this section shall describe, as part of, and pursuant to, the required annual reporting under section 1111(d)—

“(1) the progress of schools covered under the provisions of such waiver toward improving the quality of instruction to students and increasing student academic achievement; and

“(2) how the use of the waiver has contributed to such progress.”; and

(5) in subsection (f), by striking “if the Secretary determines” and all that follows through the period at the end and inserting the following: “if, after notice and an opportunity for a hearing, the Secretary—

“(A) presents substantial evidence that clearly demonstrates that the waiver is not contributing to the progress of schools described in subsection (e)(1); or
“(B) determines that the waiver is no longer necessary to achieve its original purposes.”.

**SEC. 9105. PLAN APPROVAL PROCESS.**

Title IX (20 U.S.C. 7801 et seq.) is amended—

(1) by redesignating parts E and F as parts F and G, respectively; and

(2) by inserting after section 9401 the following:

“PART E—APPROVAL AND DISAPPROVAL OF

STATE PLANS AND LOCAL APPLICATIONS

“SEC. 9451. APPROVAL AND DISAPPROVAL OF STATE PLANS.

“(a) DEEMED APPROVAL.—A plan submitted by a State pursuant to section 2101(d), 4103(d), or 9302 shall be deemed to be approved by the Secretary unless—

“(1) the Secretary makes a written determination, prior to the expiration of the 90-day period beginning on the date on which the Secretary received the plan, that the plan is not in compliance with section 2101(d) or 4103(d) or part C, respectively; and

“(2) the Secretary presents substantial evidence that clearly demonstrates that such State plan does not meet the requirements of section 2101(d) or 4103(d) or part C, respectively.
“(b) DISAPPROVAL PROCESS.—

“(1) IN GENERAL.—The Secretary shall not finally disapprove a plan submitted under section 2101(d), 4103(d), or 9302, except after giving the State educational agency notice and an opportunity for a hearing.

“(2) NOTIFICATIONS.—If the Secretary finds that the plan is not in compliance, in whole or in part, with section 2101(d) or 4103(d) or part C, as applicable, the Secretary shall—

“(A) immediately notify the State of such determination;

“(B) provide a detailed description of the specific provisions of the plan that the Secretary determines fails to meet the requirements, in whole or in part, of such section or part, as applicable;

“(C) offer the State an opportunity to revise and resubmit its plan within 45 days of such determination, including the chance for the State to present substantial evidence to clearly demonstrate that the State plan meets the requirements of such section or part, as applicable;
“(D) provide technical assistance, upon request of the State, in order to assist the State to meet the requirements of such section or part, as applicable;

“(E) conduct a public hearing within 30 days of the plan’s resubmission under subparagraph (C), with public notice provided not less than 15 days before such hearing, unless a State declines the opportunity for such public hearing; and

“(F) request additional information, only as to the noncompliant provisions, needed to make the plan compliant.

“(3) RESPONSE.—If the State educational agency responds to the Secretary’s notification described in paragraph (2)(A) during the 45-day period beginning on the date in which the State educational agency received the notification, and resubmits the plan with the requested information described in paragraph (2)(B), the Secretary shall approve or disapprove such plan prior to the later of—

“(A) the expiration of the 45-day period beginning on the date on which the plan is resubmitted; or
“(B) the expiration of the 90-day period described in subsection (a).

“(4) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary’s notification described in paragraph (2)(A) during the 45-day period beginning on the date on which the State educational agency received the notification, such plan shall be deemed to be disapproved.

“(c) PEER REVIEW REQUIREMENTS.—Notwithstanding any other requirements of this part, the Secretary shall ensure that any portion of a consolidated State plan that is related to part A of title I is subject to the peer review process described in section 1111(a)(3).

“SEC. 9452. APPROVAL AND DISAPPROVAL OF LOCAL EDUCATIONAL AGENCY APPLICATIONS.

“(a) DEEMED APPROVAL.—An application submitted by a local educational agency pursuant to section 2102(b), 4104(b), or 9305 shall be deemed to be approved by the State educational agency unless—

“(1) the State educational agency makes a written determination, prior to the expiration of the 90-day period beginning on the date on which the State educational agency received the application, that the application is not in compliance with section 2102(b) or 4104(b), or part C, respectively; and
“(2) the State presents substantial evidence that clearly demonstrates that such State plan does not meet the requirements of section 2102(b) or 4104(b), or part C, respectively.

“(b) DISAPPROVAL PROCESS.—

“(1) IN GENERAL.—The State educational agency shall not finally disapprove an application submitted under section 2102(b), 4104(b), or 9305 except after giving the local educational agency notice and opportunity for a hearing.

“(2) NOTIFICATIONS.—If the State educational agency finds that the application submitted under section 2102(b), 4104(b), or 9305 is not in compliance, in whole or in part, with section 2102(b) or 4104(b), or part C, respectively, the State educational agency shall—

“(A) immediately notify the local educational agency of such determination;

“(B) provide a detailed description of the specific provisions of the plan that the State determines fails to meet the requirements, in whole or in part, of such section or part, as applicable;

“(C) offer the local educational agency an opportunity to revise and resubmit its plan
within 45 days of such determination, including

the chance for the local educational agency to

present substantial evidence to clearly dem-

onstrate that the local plan meets the require-

ments of such section or part;

“(D) provide technical assistance, upon re-

quest of the local educational agency, in order

to assist the local educational agency to meet

the requirements of such section or part, as ap-

icable;

“(E) conduct a public hearing within 30
days of the plan’s resubmission under subpar-

agraph (C), with public notice provided not less

than 15 days before such hearing, unless a local

educational agency declines the opportunity for

such public hearing; and

“(F) request additional information, only

as to the noncompliant provisions, needed to

make the application compliant.

“(3) RESPONSE.—If the local educational agen-
cy responds to the State educational agency’s notifi-
cation described in paragraph (2)(B) during the 45-
day period beginning on the date in which the local
educational agency received the notification, and re-
submits the application with the requested informa-
tion described in paragraph (2)(B)(ii), the State educational agency shall approve or disapprove such application prior to the later of—

“(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

“(B) the expiration of the 90-day period described in subsection (a).

“(4) FAILURE TO RESPOND.—If the local educational agency does not respond to the State educational agency’s notification described in paragraph (2)(B) during the 45-day period beginning on the date on which the local educational agency received the notification, such application shall be deemed to be disapproved.”.

SEC. 9106. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

Section 9501 (20 U.S.C. 7881) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking subparagraphs (A) through (H) and inserting the following:

“(A) part C of title I;

“(B) part A of title II;

“(C) part A of title III; and
“(D) title IV.”; and
(B) by striking paragraph (3); and
(2) in subsection (c)(1)—
(A) in subparagraph (E)—
(i) by striking “and the amount” and inserting “, the amount”; and
(ii) by striking “services; and” and inserting “services, and how that amount is determined; and”; 
(B) in subparagraph (F), by striking the period at the end and inserting “; and”; and
(C) by adding at the end the following:
“(G) whether the agency, consortium, or entity shall provide services directly or assign responsibility for the provision of services to a separate government agency, consortium, or entity, or to a third-party contractor.”.

SEC. 9107. MAINTENANCE OF EFFORT.
Section 9521 (20 U.S.C. 7901) is amended—
(1) in subsection (a), by inserting “, subject to the requirements of subsection (b)” after “for the second preceding fiscal year”;
(2) in subsection (b)(1), by inserting before the period at the end the following: “, if such local educational agency has also failed to meet such require-
ment (as determined using the measure most favor-
able to the local agency) for 1 or more of the 5 im-
mediately preceding fiscal years”; and

(3) in subsection (c)(1), by inserting “or a
change in the organizational structure of the local
educational agency” after “, such as a natural dis-
aster”.

SEC. 9108. SCHOOL PRAYER.

Section 9524(a) (20 U.S.C. 7904(a)) is amended by
striking “on the Internet” and inserting “by electronic
means, including by posting the guidance on the Depart-
ment’s website in a clear and easily accessible manner”.

SEC. 9109. PROHIBITIONS ON FEDERAL GOVERNMENT AND
USE OF FEDERAL FUNDS.

Section 9527 (20 U.S.C. 7907) is amended to read
as follows:

“SEC. 9527. PROHIBITIONS ON FEDERAL GOVERNMENT AND
USE OF FEDERAL FUNDS.

“(a) GENERAL PROHIBITION.—

“(1) IN GENERAL.—Nothing in this Act shall
be construed to authorize an officer or employee of
the Federal Government, through grants, contracts,
or other cooperative agreements (including as a con-
dition of any waiver provided under section 9401)
to—
“(A) mandate, direct, or control a State, local educational agency, or school’s curriculum, program of instruction, instructional content, specific academic standards or assessments, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act;

“(B) incentivize a State, local educational agency, or school to adopt any specific instructional content, academic standards, academic assessments, curriculum, or program of instruction, including by providing any priority, preference, or special consideration during the application process for any grant, contract, or cooperative agreement that is based on the adoption of any specific instructional content, academic standards, academic assessments, curriculum, or program of instruction; or

“(C) make financial support available in a manner that is conditioned upon a State, local educational agency, or school’s adoption of any specific instructional content, academic standards, academic assessments, curriculum, or program of instruction (such as the Common Core
State Standards developed under the Common Core State Standards Initiative, any other standards common to a significant number of States, or any specific assessment, instructional content, or curriculum aligned to such standards).

“(b) Prohibition on Endorsement of Curriculum.—Notwithstanding any other prohibition of Federal law, no funds provided to the Department under this Act may be used by the Department directly or indirectly, including through any grant, contract, cooperative agreement, or waiver provided by the Secretary under section 9401, to endorse, approve, or sanction any curriculum (including the alignment of such curriculum to any specific academic standard) designed to be used in an early childhood education program, elementary school, secondary school, or institution of higher education.

“(c) Prohibition on Requiring Federal Approval or Certification of Standards.—

“(1) In general.—Notwithstanding any other provision of Federal law, no State shall be required to have academic content or academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act.
“(2) RULES OF CONSTRUCTION.—

“(A) APPLICABILITY.—Nothing in this subsection shall be construed to affect requirements under title I.

“(B) STATE OR LOCAL AUTHORITY.—Nothing in this section shall be construed to prohibit a State, local educational agency, or school from using funds provided under this Act for the development or implementation of any instructional content, academic standards, academic assessments, curriculum, or program of instruction that a State, local educational agency, or school chooses, as permitted under State and local law, as long as the use of such funds is consistent with the terms of the grant, contract, or cooperative agreement providing such funds.

“(3) BUILDING STANDARDS.—Nothing in this Act shall be construed to mandate national school building standards for a State, local educational agency, or school.”.
SEC. 9110. ARMED FORCES RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION.

Section 9528 (20 U.S.C. 7908) is amended by striking subsection (d).

SEC. 9111. PROHIBITION ON FEDERALLY SPONSORED TESTING.

Section 9529 (20 U.S.C. 7909) is amended to read as follows:

“SEC. 9529. PROHIBITION ON FEDERALLY SPONSORED TESTING.

“(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided under this Act to the Secretary or to the recipient of any award may be used to develop, incentivize, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law, including any assessment or testing materials aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States.

“(b) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(5) of the Education
Sciences Reform Act of 2002 and administered to only a representative sample of pupils in the United States and in foreign nations.

“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a State, local educational agency, or school from using funds provided under this Act for the development or implementation of any instructional content, academic standards, academic assessments, curriculum, or program of instruction that a State or local educational agency or school chooses, as permitted under State and local law, as long as the use of such funds is consistent with the terms of the grant, contract, or cooperative agreement providing such funds.”.

SEC. 9112. LIMITATIONS ON NATIONAL TESTING OR CERTIFICATION FOR TEACHERS.

Section 9530 (20 U.S.C. 7910) is amended—

(1) in subsection (a)—

(A) by inserting “, principals,” after “teachers”; and

(B) by inserting “, or incentive regarding,“ after “administration of”.

SEC. 9113. CONSULTATION WITH INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

Subpart 2 of part E of title IX (20 U.S.C. 7901 et seq.) is amended by adding at the end the following:
“SEC. 9537. CONSULTATION WITH INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

“(a) IN GENERAL.—To ensure timely and meaningful consultation on issues affecting American Indian and Alaska Native students, an affected local educational agency shall consult with appropriate officials from Indian tribes or tribal organizations approved by the tribes located in the area served by the local educational agency during the design and development of the affected local educational agency’s programs under this Act, with the overarching goal of meeting the unique cultural, language, and educational needs of American Indian and Alaska Native students.

“(b) TIMING.—The consultation described in subsection (a) shall include meetings of officials from the affected local educational agency and the tribes or tribal organizations approved by the tribes and shall occur before the affected local educational agency makes any decision regarding how the needs of American Indian and Alaska Native children will be met in covered programs or in services or activities provided under title VII.

“(c) DOCUMENTATION.—Each affected local educational agency shall maintain in the agency’s records and provide to the State educational agency a written affirmation signed by officials of the participating tribes or tribal organizations approved by the tribes that the consultation
required by this section has occurred. If such officials do
not provide such affirmation within a reasonable period
of time, the affected local educational agency shall forward
documentation that such consultation has taken place to
the State educational agency.

“(d) AFFECTED LOCAL EDUCATIONAL AGENCY.—In
this section, the term ‘affected local educational agency
’ means a local educational agency—

“(1) with an enrollment of American Indian
and Alaska Native students that is not less than 50
percent of the total enrollment of the local edu-
cational agency; or

“(2) with an enrollment of not less than 50
American Indian and Alaska Native students.”.

SEC. 9114. EVALUATIONS.

Section 9601 (20 U.S.C. 7941) is amended to read
as follows:

“SEC. 9601. EVALUATIONS.

“(a) RESERVATION OF FUNDS.—Except as provided
in subsection (b) and (e), the Secretary, in consultation
with the Director of the Institute of Education Sciences,
may reserve not more than 0.5 percent of the amount ap-
propriated for each program authorized under this Act to
carry out activities under this section. If the Secretary
elects to make a reservation under this subsection, the reserved amounts—

“(1) shall first be used by the Secretary, acting through the Director of the Institute of Education Sciences, to—

“(A) conduct comprehensive, high-quality evaluations of the programs that—

“(i) are consistent with the evaluation plan under subsection (d); and

“(ii) primarily include impact evaluations that use experimental or quasi-experimental designs, where practicable and appropriate, and other rigorous methodologies that permit the strongest possible causal inferences;

“(B) conduct studies of the effectiveness of the programs and the administrative impact of the programs on schools and local educational agencies; and

“(C) widely disseminate evaluation findings under this section related to programs authorized under this Act—

“(i) in a timely fashion;

“(ii) in forms that are understandable, easily accessible, and usable, or
adaptable for use in, the improvement of educational practice;

“(iii) through electronic transfer and other means, such as posting, as available, to the websites of State educational agencies, local educational agencies, the Institute of Education Sciences, or the Department, or in another relevant place; and

“(iv) in a manner that promotes the utilization of such findings; and

“(2) may be used by the Secretary, acting through the Director of the Institute of Education Sciences—

“(A) to evaluate the aggregate short- and long-term effects and cost efficiencies across—

“(i) Federal programs assisted or authorized under this Act; and

“(ii) related Federal early childhood education programs, preschool programs, elementary school programs, and secondary school programs, under any other Federal law;

“(B) to increase the usefulness of the evaluations conducted under this section by improving the quality, timeliness, efficiency, and use of
information relating to performance to promote continuous improvement of programs assisted or authorized under this Act; and

“(C) assist recipients of grants under such programs in collecting and analyzing data and other activities related to conducting high-quality evaluations under paragraph (1).

“(b) TITLE I.—The Secretary, acting through the Director of the Institute of Education Sciences, shall use funds authorized under section 1002(e) to carry out evaluation activities under this section related to title I, and shall not reserve any other money from such title for evaluation.

“(c) CONSOLIDATION.—Notwithstanding any other provision of this section or section 1002(e), the Secretary, in consultation with the Director of the Institute of Education Sciences—

“(1) may consolidate the funds reserved under subsections (a) and (b) for purposes of carrying out the activities under subsection (a)(1); and

“(2) shall not be required to evaluate under subsection (a)(1) each program authorized under this Act each year.

“(d) EVALUATION PLAN.—The Director of the Institute of Education Sciences, shall, on a biennial basis, de-
velop, submit to Congress, and make publicly available an evaluation plan, that—

“(1) describes the specific activities that will be carried out under subsection (a) for the 2-year period applicable to the plan, and the timelines of such activities;

“(2) contains the results of the activities carried out under subsection (a) for the most recent 2-year period; and

“(3) describes how programs authorized under this Act will be regularly evaluated.

“(e) Evaluation Activities Authorized Elsewhere.—If, under any other provision of this Act, funds are authorized to be reserved or used for evaluation activities with respect to a program, the Secretary may not reserve additional funds under this section for the evaluation of that program.”.

**TITLE X—EDUCATION FOR HOMELESS CHILDREN AND YOUTHS**

**SEC. 10001. STATEMENT OF POLICY.**

Section 721 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431) is amended—

(1) in paragraph (2), by striking “In any State” and all that follows through “will review”
and inserting “In any State where compulsory resi-
dency requirements or other requirements, in laws,
regulations, practices, or policies, may act as a bar-
rrier to the identification, enrollment, attendance, or
success in school of homeless children and youths,
the State educational agency and local educational
agencies in the State will review”;

(2) in paragraph (3), by striking “alone”; and

(3) in paragraph (4), by striking “challenging
State student academic achievement standards” and
inserting “challenging State academic standards”.

SEC. 10002. GRANTS FOR STATE AND LOCAL ACTIVITIES.

Section 722 of the McKinney-Vento Homeless Assist-
ance Act (42 U.S.C. 11432) is amended—

(1) by striking subsection (b) and inserting the
following:

“(b) RESERVATIONS.—

“(1) STUDENTS IN TERRITORIES.—The Sec-
retary is authorized to reserve 0.1 percent of the
amount appropriated for each fiscal year under sec-
tion 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 needs
for assistance under this subtitle, as determined by
the Secretary.

“(2) INDIAN STUDENTS.—

“(A) TRANSFER.—The Secretary shall
transfer 1 percent of the amount appropriated
for each fiscal year under section 726 to the
Department of the Interior. The transferred
funds shall be used for programs for Indian
students served by schools funded by the Sec-
retary of the Interior, as determined under the
Indian Self-Determination and Education As-
sistance Act (25 U.S.C. 450 et seq.), that are
consistent with the purposes of the programs
described in this subtitle.

“(B) AGREEMENT.—The Secretary of
Education and the Secretary of the Interior
shall enter into an agreement, consistent with
the requirements of this subtitle, for the dis-
tribution and use of the transferred funds
under terms that the Secretary of Education
determines best meet the purposes of the pro-
grams described in this subtitle. Such agree-
ment shall set forth the plans of the Secretary
of the Interior for the use of the amounts
transferred, including appropriate goals, objectives, and milestones.”;

(2) in subsection (c)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by striking the subsection heading and all that follows through paragraph (2) and inserting the following:

“(c) ALLOTMENTS.—

“(1) IN GENERAL.—The Secretary is authorized to allot to each State for a fiscal year 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 subsection (b) and uses funds to carry out subsections (d) and (h) of section 724, 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 paragraph (2).

“(2) MINIMUM ALLOTMENTS.—Subject to paragraph (3), no State shall receive less under this subsection for a fiscal year than the greater of—

“(A) $150,000;
“(B) one-fourth of 1 percent of the amount appropriated under section 726 for that year;
or
“(C) the amount such State received under this section for fiscal year 2001.
“(3) REDUCTION FOR INSUFFICIENT FUNDS.—If there are insufficient funds in a fiscal year to allot to each State the minimum amount under paragraph (2), 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.”;

(3) in subsection (d)—

(A) in paragraph (2)—

(i) by striking “To provide” and all that follows through “that enable” and inserting “To provide services and activities to improve the identification of homeless children and youths (including preschool-aged homeless children) and enable”; and

(ii) by striking “or, if” and inserting “including, if”; and

(B) in paragraph (3), by striking “designate” and all that follows and inserting “designate in the State educational agency an Office
of the Coordinator for Education of Homeless Children and Youths that can sufficiently carry out the duties described for the Office in this subtitle.”;

(4) in subsection (e)—

(A) in paragraph (1), by striking “subsection (e)(1)” and inserting “subsection (e)(2)”; and

(B) in paragraph (3)—

(i) in subparagraph (E)(ii)(II), by striking “subsection (g)(6)(A)(v)” and inserting “subsection (g)(6)(A)(vi)”; and

(ii) in subparagraph (F)(iii), by striking “Not later” and all that follows through “the Secretary” and inserting “The Secretary”;

(5) by striking subsection (f) and inserting the following:

“(f) FUNCTIONS OF THE OFFICE OF THE COORDINATOR.—The Coordinator for Education of Homeless Children and Youths established in each State shall—

“(1) gather and make publicly available reliable, valid, and comprehensive information on—

“(A) the number of homeless children and youths identified in the State, which shall be
posted annually on the State educational agency’s website;

“(B) the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools;

“(C) the difficulties in identifying the special needs and barriers to the participation and achievement of such children and youths;

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

“(E) the success of the programs under this subtitle in identifying homeless children and youths and allowing such children and youths to enroll in, attend, and succeed in, school;

“(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 reasonably require, a report containing information necessary to assess the educational needs of homeless children and youths within the
State, including data necessary for the Secretary to
fulfill the responsibilities under section 724(h);

“(4) in order to improve the provision of com-
prehensive education and related services to home-
less children and youths and their families, coordi-
nate activities and collaborate with—

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

“(B) providers of services to homeless chil-
dren and youths and their families, including
services of public and private child welfare and
social services agencies, law enforcement agen-
cies, juvenile and family courts, agencies pro-
viding mental health services, domestic violence
agencies, child care providers, runaway and
homeless youth centers, and providers of serv-
ices 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 youths, and their families, including public
housing agencies, shelter operators, operators of
transitional housing facilities, and providers of
transitional living programs for homeless youths;

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

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

“(5) provide 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 subsection (e)(3) and paragraphs (3) through (7) of subsection (g);

“(6) provide professional development opportunities for local educational agency personnel and the local educational agency liaison designated under subsection (g)(1)(J)(ii) to assist such personnel and liaison in identifying and meeting the needs of homeless children and youths; and

“(7) respond to inquiries from parents and guardians of homeless children and youths, including (in the case of unaccompanied youths) such youths, to ensure that each child or youth who is the subject
of such an inquiry receives the full protections and services provided by this subtitle.’’;

(6) in subsection (g)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “achievement”;

(ii) in subparagraph (B), by striking “special”;

(iii) in subparagraph (D)—

(I) by striking “(including” and all that follows through “personnel)” and inserting “(including liaisons designated under subparagraph (J)(ii), principals and school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel)”;

(II) by striking “of runaway and homeless youths” and inserting “of homeless children and youths, including such children and youths who are runaway and homeless youths”;

(iv) in subparagraph (E), by striking “food” and inserting “nutrition”;.

(v) in subparagraph (F)—
(I) in clause (i), by striking “equal” and all that follows and inserting “access to the same public preschool programs, administered by the State educational agency or local educational agency, as are provided to other children in the State, including ensuring that access by having the administering agency carry out the policies and practices required under paragraph (3);”;

(II) in clause (ii), by striking “services; and” and inserting “services, including through the implementation of policies and practices to ensure that youths described in this clause are able to receive appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies;”; and

(III) by striking clause (iii) and inserting the following:

“(iii) homeless children and youths who meet the relevant eligibility criteria
have access to magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the State or local levels; and

“(iv) the State educational agency and local educational agencies will adopt policies and practices to promote school success for homeless children and youth, including providing access to full participation in the academic and extracurricular activities that are made available to students who are not homeless children and youth.”;

(vi) in subparagraph (H)(i), by striking “medical” and inserting “other health”;

(vii) in subparagraph (I)—

(I) by striking “enrollment” and inserting “identification of homeless children and youths, and the enrollment,”; and

(II) by striking “State.” and inserting “State, including barriers re-
lated to fees, fines, absences, and
credit accrual policies.”;
(viii) in subparagraph (J)—
   (I) in clause (ii), by striking “to
carry out” and inserting “and assur-
ances that the liaison will have suffi-
cient training and time to carry out”;
   and
   (II) in clause (iii), in the matter
preceeding subclause (I), by striking
“origin, as determined in paragraph
(3)(A),” and inserting “origin (within
the meaning of paragraph (3)(A)),
which may include a preschool,”; and
   (III) in subclauses (I) and (II) of
clause (iii), by striking “homeless”
each place it appears;
   (B) in paragraph (3)—
   (i) in subparagraph (A)(i)(I), by strik-
ing “or” at the end and inserting “and”;
   (ii) in subparagraph (B)—
   (I) by striking “BEST INTEREST”
   and inserting “SCHOOL STABILITY”;
   (II) by redesignating clause (iii)
as clause (iv);
(III) by striking clauses (i) through (iii) and inserting the following:

“(i) presume that keeping the 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 request of the child’s or youth’s parent or guardian, or (in the case of an unaccompanied youth) the youth;

“(ii) consider factors related to the child’s or youth’s best interest, including factors related to the impact of mobility on achievement, health, and safety of homeless children and youth, giving priority to the request of the child’s or youth’s parent or guardian or (in the case of an unaccompanied youth) the youth;

“(iii) if after carrying out clauses (i) and (ii) the local educational agency sends the child or youth to a school other than the school of origin or a school requested as described in clause (ii), provide a written explanation, including a statement regarding the right to appeal under subpara-
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graph (E), to the child’s or youth’s parent or guardian, or (in the case of an unac-
companied youth) the youth; and

(IV) in that clause (iv), by insert-
ing “and takes into account” after
“considers”;

(iii) by striking subparagraph (C) and
inserting the following:

“(C) IMMEDIATE ENROLLMENT.—

“(i) IN GENERAL.—The school se-
lected 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
normally required for enrollment, such
as previous academic records, records
of immunization and other required
health records, proof of residency, or
other documentation; or

“(II) has missed application or
enrollment deadlines during any pe-
riod of homelessness.

“(ii) RELEVANT ACADEMIC
RECORDS.—The enrolling school shall im-
mediately contact the school last attended
by the child or youth to obtain relevant academic and other records.

“(iii) RELEVANT HEALTH RECORDS.—

If the child or youth needs to obtain immunizations or health records, the enrolling school shall immediately refer the parent or guardian of the child or youth or (in the case of an unaccompanied youth) the youth, to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations or screenings, or health records, in accordance with subparagraph (D).”;

(iv) in subparagraph (D)—

(I) in the matter preceding clause (i), by striking “medical records” and inserting “health records”; and

(II) in clause (i), by inserting “involved” after “records”;

(v) in subparagraph (E)—

(I) in the matter preceding clause (i), by striking “If” and all that follows through “school—” and inserting “If a dispute arises over eligibility for
enrollment, school selection, or enrollment in a public school, including a public preschool—”;

(II) in clause (i), by inserting before the semicolon the following: “, including all available appeals”;

(III) by striking clause (ii) and inserting the following:

“(ii) the parent or guardian of the child or youth or (in the case of an unaccompanied youth) the youth shall be provided with a written explanation of any decisions related to school selection or enrollment made by the school, the local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions;”;

(vi) by striking subparagraph (G) and inserting the following:

“(G) PRIVACY.—Information about a homeless child’s or youth’s living situation shall be treated as a student education record under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) and shall not be
released to housing providers, employers, law enforcement personnel, or other persons or agencies not authorized to have such information under section 99.31 of title 34, Code of Federal Regulations (or any corresponding similar regulation or ruling).”;

(vii) by adding at the end the following:

“(I) SCHOOL OF ORIGIN DEFINED.—In this paragraph:

“(i) IN GENERAL.—The term ‘school of origin’ means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

“(ii) RECEIVING SCHOOL.—In the case of a child or youth who completed the final grade level served by the school of origin, as described in clause (i), the term ‘school of origin’ shall include the designated receiving school at the next grade level.”;

(C) in paragraph (4)—

(i) in subparagraph (A), by inserting before the period the following “, which
may include transportation to a pre-

(ii) in subparagraph (B), by striking
“and educational” and all that follows and
inserting “educational programs for
English learners, charter school programs,
and magnet school programs.”; and

(iii) in subparagraph (C), by striking
“vocational” and inserting “career”;

(D) in paragraph (5)—

(i) in subparagraph (A)—

(I) in clause (i), by striking “pro-
grams providing” and inserting “enti-
ties providing”; and

(II) in clause (ii), by striking
“such as transportation or” and in-
serting “including transportation
and”;

(ii) in subparagraph (C)—

(I) by redesignating clauses (i)
and (ii) as clauses (ii) and (iii), re-
spectively;

(II) by inserting before clause
(ii), as redesignated by subclause (I),
the following:
“(i) ensure that all homeless children
and youths are promptly identified;”; and

(III) in clause (ii), as redesignated by subclause (I), by striking
“have access and” and inserting
“have access to and are in”; and

(iii) by adding at the end the follow-
giving:

“(D) HOMELESS CHILDREN AND YOUTHS
WITH DISABILITIES.—For children and youths
who are to be assisted both under this subtitle,
and under the Individuals with Disabilities
Education Act (20 U.S.C. 1400 et seq.), each
local educational agency shall coordinate the
provision of services under this subtitle with the
provision of programs for children with disabil-
ities served by that local educational agency and
other involved local educational agencies.”;

(E) in paragraph (6)—

(i) in subparagraph (A)—

(I) by redesignating clauses (iv)
through (vii) as clauses (v) through
(viii), respectively;

(II) by striking clause (iii) and
inserting the following:
“(iii) homeless families and homeless children and youths have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act (42 U.S.C. 9831 et seq.), early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), and other preschool programs administered by the local educational agency;

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

(III) by striking clause (vi), as redesignated by subclause (I), and inserting the following:

“(vi) public notice of the educational rights of homeless children and youths is disseminated in locations frequented by
parents and guardians of such children
and youths, and unaccompanied youths, in-
cluding schools, shelters, public libraries,
and soup kitchens, in a manner and form
understandable to the parents and guard-
ians of homeless children and youths, and
unaccompanied youths;”;

(IV) in clause (vii), as redesig-
nated by subclause (I), by striking
“and” at the end;

(V) in clause (viii), as redesig-
nated by subclause (I), by striking the
period and inserting a semicolon; and

(VI) by adding at the end the fol-
lowing:

“(viii) school personnel providing serv-
ices under this subtitle receive professional
development and other support; and

“(ix) unaccompanied youths—

“(I) are enrolled in school;

“(II) have opportunities to meet
the same challenging State academic
standards as the State establishes for
other children and youth, including
through implementation of the procedures under paragraph (1)(F)(ii); 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) and may obtain assistance to 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).”;

(ii) in subparagraph (B), by striking “and advocates” and all that follows and inserting “advocates working with homeless families, parents and guardians of homeless children and youths, and homeless children and youths who are in secondary school, of the duties of the local educational agency liaisons, and publish an annually updated list of the liaisons on the State educational agency’s Web site.”;

(iii) in subparagraph (C), by adding at the end the following: “Such coordination shall include collecting and providing to the State coordinator the reliable, valid,
and comprehensive information and data needed to meet the requirements of paragraphs (1) and (3) of subsection (f).”; and

(iv) by adding at the end the following:

“(D) PROFESSIONAL DEVELOPMENT.—As determined appropriate by the State coordinator, the local educational agency liaisons shall participate in the professional development activities provided, and other technical assistance activities provided pursuant to paragraphs (5) and (6) of subsection (f), by the State coordinator.”;

(F) in paragraph (7)—

(i) in subparagraph (A), by striking “that receives” and all that follows through “enrollment” and inserting “shall review and revise any policies that may act as barriers to the identification of homeless children and youths or enrollment”; and

(ii) in subparagraph (C), by striking “enrollment” and inserting “identification, enrollment,”; and

(7) by striking subsection (h).
SEC. 10003. LOCAL EDUCATIONAL AGENCY SUBGRANTS.

Section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “identification of homeless children and youths and” before “enrollment,”; and

(B) in paragraph (2)(B), in the matter preceding clause (i), by inserting “the related” before “schools”; 

(2) in subsection (b), by adding at the end the following:

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

“(7) An assurance that the applicant will meet the requirements of section 722(g)(3).”;

(3) in subsection (c)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “preschool, elementary, and secondary schools” and inserting “early childhood education and other pre-
school programs, elementary schools, and secondary schools,”;

(ii) in subparagraph (A), by inserting “identification,” before “enrollment,”;

(iii) in subparagraph (B), by striking “application—” and all that follows and inserting “application reflects coordination with other local and State agencies that serve homeless children and youths.”; and

(iv) in subparagraph (C), by inserting “(as of the date of submission of the application)” after “practice”;

(B) in paragraph (3)—

(i) in subparagraph (C), by inserting “extent to which the applicant will promote meaningful” after “The”; 

(ii) in subparagraph (D), by striking “within” and inserting “into”;

(iii) by redesignating subparagraph (G) as subparagraph (I);

(iv) by inserting after subparagraph (F) the following:

“(G) The extent to which the local educational agency will use the subgrant to leverage resources.
“(H) How the local educational agency uses funds to serve homeless children and youths under section 1113(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(4)).”; and

(v) in subparagraph (I), as redesignated by clause (iii), by striking “Such” and inserting “The extent to which the applicant’s program meets such”; and

(4) in subsection (d)—

(A) in paragraph (1), by striking “the same challenging State academic content standards and challenging State student academic achievement standards” and inserting “the same challenging State academic standards as”;

(B) in paragraph (2)—

(i) by striking “students with limited English proficiency” and inserting “English learners”; and

(ii) by striking “vocational” and inserting “career”;  

(C) in paragraph (3), by striking “pupil services” and inserting “specialized instructional support services”;
(D) in paragraph (7), by striking “and un-accompanied youths,” and inserting “partic-u-larly homeless children and youths who are not enrolled in school,”;

(E) in paragraph (9), by striking “med-ical” and inserting “other health”;

(F) by striking paragraph (10) and insert-ing the following:

“(10) The provision of education and training to the parents and guardians of homeless children and youths about the rights of, and resources available to, such children and youths, and the provision of other activities designed to increase the meaning-ful involvement of parents and guardians of home-less children or youths in the education of the chil-dren or youths.”;

(G) in paragraph (12), by striking “pupil services” and inserting “specialized instruc-tional support services”;

(H) in paragraph (13), by inserting before the period the following: “or parental mental health or substance abuse problems”; and

(I) in paragraph (16), by striking “to at- tend school” and inserting “to enroll, attend,
and succeed in school (including a preschool program)

SEC. 10004. SECRETARIAL RESPONSIBILITIES.

Section 724 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434) is amended—

(1) by striking subsection (c) and inserting the following:

“(c) NOTICE.—

“(1) IN GENERAL.—The Secretary shall, before the next school year that begins after the date of enactment of the Every Child Achieves Act of 2015, update and disseminate nationwide the public notice described in this subsection (as in effect prior to such date) of the educational rights of homeless children and youths.

“(2) DISSEMINATION.—The Secretary shall disseminate the notice nationally to all Federal agencies, and grant recipients, serving homeless families or homeless children and youth.”;

(2) by striking subsection (d) and inserting the following:

“(d) EVALUATION, DISSEMINATION, AND TECHNICAL ASSISTANCE.—The Secretary shall conduct evaluation, dissemination, and technical assistance activities for programs designed to meet the educational needs of homeless
elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.”;

(3) in subsection (f), by adding at the end the following: “The Secretary shall provide support and technical assistance to State educational agencies, concerning areas in which documented barriers to a free appropriate public education persist.”;

(4) by striking subsection (g) and inserting the following:

“(g) GUIDELINES.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of enactment of the Every Child Achieves Act of 2015, guidelines concerning ways in which a State—

“(1) may assist local educational agencies to implement the provisions related to homeless children and youth amended by that Act; and

“(2) may review and revise State policies and procedures that may present barriers to the identification of homeless children and youth, and the enrollment, attendance, and success of homeless children and youths in school.”;

(5) in subsection (h)—
(A) in the matter preceding subparagraph (A), by striking “periodically” and inserting “periodically but not less frequently than once every 2 years,”;

(B) in subparagraph (A), by striking “location” and all that follows and inserting “location (in cases in which location can be identified) of homeless children and youth, in all areas served by local educational agencies under this subtitle;”;

(C) in subparagraph (C), by striking “and” at the end;

(D) by redesignating subparagraph (D) as subparagraph (E);

(E) by inserting after subparagraph (C) the following:

“(D) the academic progress being made by homeless children and youth, including the percentage or number of homeless children and youth participating in State assessments under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); and

(6) in subsection (i), by striking “McKinney-Vento Homeless Education Assistance Improvements
Act of 2001” and inserting “Every Child Achieves Act of 2015”.

SEC. 10005. DEFINITIONS.

Section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(6)) is amended by striking “youth” and inserting “homeless child or youth”.

SEC. 10006. AUTHORIZATION OF APPROPRIATIONS.

Section 726 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11435) is amended to read as follows:

“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle such sums as may be necessary for each of fiscal years 2016 through 2021.”.