

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.

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. TABLE OF CONTENTS.**

7 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.

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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. 1013. Report on educational stability of children in foster care.
- 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. 2003. American history and civics education.
- Sec. 2004. Literacy education.
- Sec. 2005. General provisions.

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. 9109. Prohibitions on Federal Government and use of Federal funds.

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

1 section or other provision of the Elementary and Sec-
2 ondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

3 **SEC. 4. STATEMENT OF PURPOSE.**

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

8 **SEC. 5. TABLE OF CONTENTS OF THE ELEMENTARY AND**
9 **SECONDARY EDUCATION ACT OF 1965.**

10 Section 2 is amended to read as follows:

11 **“SEC. 2. TABLE OF CONTENTS.**

12 “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; schoolwide programs; targeted as-
sistance 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.

“SUBPART 2—ALLOCATIONS

“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.

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- “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.
- “Sec. 1203. Innovative assessment and accountability demonstration authority.

“PART C—EDUCATION OF MIGRATORY CHILDREN

- “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.
- “Sec. 1309. Definitions.

“PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK

- “Sec. 1401. Purpose and program authorization.
- “Sec. 1402. Payments for programs under this part.

“SUBPART 1—STATE AGENCY PROGRAMS

- “Sec. 1411. Eligibility.
- “Sec. 1412. Allocation of funds.
- “Sec. 1413. State reallocation of funds.
- “Sec. 1414. State plan and State agency applications.
- “Sec. 1415. Use of funds.
- “Sec. 1416. Institution-wide projects.
- “Sec. 1417. Three-year programs or projects.
- “Sec. 1418. Transition services.
- “Sec. 1419. Evaluation; technical assistance; annual model program.

“SUBPART 2—LOCAL AGENCY PROGRAMS

- “Sec. 1421. Purpose.
- “Sec. 1422. Programs operated by local educational agencies.
- “Sec. 1423. Local educational agency applications.
- “Sec. 1424. Uses of funds.
- “Sec. 1425. Program requirements for correctional facilities receiving funds under this section.
- “Sec. 1426. Accountability.

“SUBPART 3—GENERAL PROVISIONS

- “Sec. 1431. Program evaluations.
- “Sec. 1432. Definitions.

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“PART E—GENERAL PROVISIONS

- “Sec. 1501. Federal regulations.
- “Sec. 1502. Agreements and records.
- “Sec. 1503. State administration.
- “Sec. 1504. Prohibition against Federal mandates, direction, or control.
- “Sec. 1505. Rule of construction on equalized spending.

“TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

- “Sec. 2001. Purpose.
- “Sec. 2002. Definitions.
- “Sec. 2003. Authorizations of appropriations.

“PART A—FUND FOR THE IMPROVEMENT OF TEACHING AND LEARNING

- “Sec. 2101. Formula grants to States.
- “Sec. 2102. Subgrants to local educational agencies.
- “Sec. 2103. Local use of funds.
- “Sec. 2104. Reporting.
- “Sec. 2105. National activities of demonstrated effectiveness.
- “Sec. 2106. Supplement, not supplant.

“PART B—TEACHER AND SCHOOL LEADER INCENTIVE FUND

- “Sec. 2201. Purposes; definitions.
- “Sec. 2202. Teacher and school leader incentive fund grants.
- “Sec. 2203. Reports.

“PART C—AMERICAN HISTORY AND CIVICS EDUCATION

- “Sec. 2301. Program authorized.
- “Sec. 2302. Teaching of traditional American history.
- “Sec. 2303. Presidential and Congressional Academies for American history and civics.
- “Sec. 2304. National activities.
- “Sec. 2305. Authorization of appropriations.

“PART D—LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION

- “Sec. 2401. Purposes; definitions.
- “Sec. 2402. Comprehensive literacy State development grants.
- “Sec. 2403. Subgrants to eligible entities in support of birth through kindergarten entry literacy.
- “Sec. 2304. Subgrants to eligible entities in support of kindergarten through grade 12 literacy.
- “Sec. 2305. National evaluation and information dissemination.

“PART E—GENERAL PROVISIONS

- “Sec. 2501. Rules of construction.

“TITLE III—LANGUAGE INSTRUCTION FOR LIMITED ENGLISH PROFICIENT AND IMMIGRANT STUDENTS

- “Sec. 3001. Authorizations of appropriations.

“PART A—ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT,
AND ACADEMIC ACHIEVEMENT ACT

“Sec. 3101. Short title.

“Sec. 3102. Purposes.

“SUBPART 1—GRANTS AND SUBGRANTS FOR ENGLISH LANGUAGE ACQUISITION
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“Sec. 3111. Formula grants to States.

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

“Sec. 3113. State and specially qualified agency plans.

“Sec. 3114. Within-State allocations.

“Sec. 3115. Subgrants to eligible entities.

“Sec. 3116. Local plans.

“SUBPART 2—ACCOUNTABILITY AND ADMINISTRATION

“Sec. 3121. Reporting.

“Sec. 3122. Reporting requirements.

“Sec. 3123. Coordination with related programs.

“Sec. 3124. Rules of construction.

“Sec. 3125. Legal authority under State law.

“Sec. 3126. Civil rights.

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

“Sec. 3128. Prohibition.

“SUBPART 3—NATIONAL ACTIVITIES

“Sec. 3131. National professional development project.

“SUBPART 4—DEFINITIONS

“Sec. 3141. Eligible entity.

“PART B—GENERAL PROVISIONS

“Sec. 3201. Definitions.

“Sec. 3202. National clearinghouse.

“TITLE IV—SAFE AND HEALTHY STUDENTS

“PART A—GRANTS TO STATES AND LOCAL EDUCATIONAL AGENCIES

“Sec. 4101. Purpose.

“Sec. 4102. Definitions.

“Sec. 4103. Formula grants to States.

“Sec. 4104. Subgrants to local educational agencies.

“Sec. 4105. Local educational agency authorized activities.

“Sec. 4106. Supplement, not supplant.

“Sec. 4107. Prohibitions.

“Sec. 4108. Authorization of appropriations.

“PART B—RESERVED

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OPPORTUNITY THROUGH INNOVATION

“PART A—PUBLIC CHARTER SCHOOLS

- “Sec. 5101. Purpose.
- “Sec. 5102. Program authorized.
- “Sec. 5103. Grants to support high-quality charter schools.
- “Sec. 5104. Facilities financing assistance.
- “Sec. 5105. National activities.
- “Sec. 5106. Federal formula allocation during first year and for successive enrollment expansions.
- “Sec. 5107. Solicitation of input from charter school operators.
- “Sec. 5108. Records transfer.
- “Sec. 5109. Paperwork reduction.
- “Sec. 5110. Definitions.
- “Sec. 5111. Authorization of appropriations.

“PART B—MAGNET SCHOOLS ASSISTANCE

- “Sec. 5201. Purpose.
- “Sec. 5202. Definition.
- “Sec. 5203. Program authorized.
- “Sec. 5204. Eligibility.
- “Sec. 5205. Applications and requirements.
- “Sec. 5206. Priority.
- “Sec. 5207. Use of funds.
- “Sec. 5208. Limitations.
- “Sec. 5209. Authorization of appropriations; reservation.

“TITLE VI—FLEXIBILITY AND ACCOUNTABILITY

- “Sec. 6001. Purposes.

“PART A—IMPROVING ACADEMIC ACHIEVEMENT

- “Sec. 6111. Short title.
- “Sec. 6112. Purpose.
- “Sec. 6113. Transferability of funds.

“PART B—RURAL EDUCATION INITIATIVE

- “Sec. 6201. Short title.
- “Sec. 6202. Purpose.

“SUBPART 1—SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM

- “Sec. 6211. Use of applicable funding.
- “Sec. 6212. Grant program authorized.

“SUBPART 2—RURAL AND LOW-INCOME SCHOOL PROGRAM

- “Sec. 6221. Program authorized.
- “Sec. 6222. Uses of funds.
- “Sec. 6223. Applications.
- “Sec. 6224. Accountability.
- “Sec. 6225. Choice of participation.

“SUBPART 3—GENERAL PROVISIONS

- “Sec. 6231. Annual average daily attendance determination.
- “Sec. 6232. Supplement, not supplant.
- “Sec. 6233. Rule of construction.

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“Sec. 6234. Authorization of appropriations.

“PART C—GENERAL PROVISIONS

“Sec. 6301. Prohibition against Federal mandates, direction, or control.

“Sec. 6302. Rule of construction on equalized spending.

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

“PART A—INDIAN EDUCATION

“Sec. 7101. Statement of policy.

“Sec. 7102. Purpose.

“SUBPART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

“Sec. 7111. Purpose.

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

“Sec. 7113. Amount of grants.

“Sec. 7114. Applications.

“Sec. 7115. Authorized services and activities.

“Sec. 7116. Integration of services authorized.

“Sec. 7117. Student eligibility forms.

“Sec. 7118. Payments.

“Sec. 7119. State educational agency review.

“SUBPART 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL
OPPORTUNITIES FOR INDIAN CHILDREN

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

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

“SUBPART 3—NATIONAL ACTIVITIES

“Sec. 7131. Grants to tribes for education administrative planning and development.

“SUBPART 4—FEDERAL ADMINISTRATION

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

“Sec. 7142. Peer review.

“Sec. 7143. Preference for Indian applicants.

“Sec. 7144. Minimum grant criteria.

“SUBPART 5—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

“Sec. 7151. Definitions.

“Sec. 7152. Authorizations of appropriations.

“PART B—NATIVE HAWAIIAN EDUCATION

“Sec. 7201. Short title.

“Sec. 7202. Findings.

“Sec. 7203. Purposes.

“Sec. 7204. Native Hawaiian Education Council and island councils.

“Sec. 7205. Program authorized.

“Sec. 7206. Administrative provisions.

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“Sec. 7207. Definitions.

“PART C—ALASKA NATIVE EDUCATION

“Sec. 7301. Short title.

“Sec. 7302. Findings.

“Sec. 7303. Purposes.

“Sec. 7304. Program authorized.

“Sec. 7305. Administrative provisions.

“Sec. 7306. Definitions.

“TITLE VIII—IMPACT AID

“Sec. 8001. Purpose.

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

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

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

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

“Sec. 8007. Construction.

“Sec. 8008. Facilities.

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

“Sec. 8010. Federal administration.

“Sec. 8011. Administrative hearings and judicial review.

“Sec. 8012. Forgiveness of overpayments.

“Sec. 8013. Definitions.

“Sec. 8014. Authorization of appropriations.

“TITLE IX—GENERAL PROVISIONS

“PART A—DEFINITIONS

“Sec. 9101. Definitions.

“Sec. 9102. Applicability of title.

“Sec. 9103. Applicability to Bureau of Indian Education operated schools.

“PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

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

“Sec. 9202. Single local educational agency States.

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

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

“PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

“Sec. 9301. Purpose.

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

“Sec. 9303. Consolidated reporting.

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

“Sec. 9305. Consolidated local plans or applications.

“Sec. 9306. Other general assurances.

“PART D—WAIVERS

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

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“PART E—APPROVAL AND DISAPPROVAL OF STATE PLANS AND LOCAL APPLICATIONS

- “Sec. 9451. Approval and disapproval of State plans.
- “Sec. 9452. Approval and disapproval of local educational agency applications.

“PART F—UNIFORM PROVISIONS

“SUBPART 1—PRIVATE SCHOOLS

- “Sec. 9501. Participation by private school children and teachers.
- “Sec. 9502. Standards for by-pass.
- “Sec. 9503. Complaint process for participation of private school children.
- “Sec. 9504. By-pass determination process.
- “Sec. 9505. Prohibition against funds for religious worship or instruction.
- “Sec. 9506. Private, religious, and home schools.

“SUBPART 2—OTHER PROVISIONS

- “Sec. 9521. Maintenance of effort.
- “Sec. 9522. Prohibition regarding State aid.
- “Sec. 9523. Privacy of assessment results.
- “Sec. 9524. School prayer.
- “Sec. 9525. Equal access to public school facilities.
- “Sec. 9526. General prohibitions.
- “Sec. 9527. Prohibitions on Federal Government and use of Federal funds.
- “Sec. 9528. Armed forces recruiter access to students and student recruiting information.
- “Sec. 9529. Prohibition on federally sponsored testing.
- “Sec. 9530. Limitations on national testing or certification for teachers.
- “Sec. 9531. Prohibition on nationwide database.
- “Sec. 9532. Unsafe school choice option.
- “Sec. 9533. Prohibition on discrimination.
- “Sec. 9534. Civil rights.
- “Sec. 9535. Rulemaking.
- “Sec. 9536. Severability.
- “Sec. 9537. Transfer of school disciplinary records.
- “Sec. 9538. Consultations with Indian tribes and tribal organizations.

“SUBPART 3—TEACHER LIABILITY PROTECTION

- “Sec. 9541. Short title.
- “Sec. 9542. Purpose.
- “Sec. 9543. Definitions.
- “Sec. 9544. Applicability.
- “Sec. 9545. Preemption and election of State nonapplicability.
- “Sec. 9546. Limitation on liability for teachers.
- “Sec. 9547. Allocation of responsibility for noneconomic loss.
- “Sec. 9548. Effective date.

“SUBPART 4—INTERNET SAFETY

- “Sec. 9551. Internet safety.

“SUBPART 5—GUN POSSESSION

- “Sec. 9561. Gun-free requirements.

“SUBPART 6—ENVIRONMENTAL TOBACCO SMOKE

“Sec. 9571. Short title.

“Sec. 9572. Definitions.

“Sec. 9573. Nonsmoking policy for children’s services.

“Sec. 9574. Preemption.

“PART G—EVALUATIONS

“Sec. 9601. Evaluations.”.

1 **TITLE I—IMPROVING BASIC PRO-**
2 **GRAMS OPERATED BY STATE**
3 **AND LOCAL EDUCATIONAL**
4 **AGENCIES**

5 **SEC. 1001. STATEMENT OF PURPOSE.**

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

8 **“SEC. 1001. STATEMENT OF PURPOSE.**

9 “The purpose of this title is to ensure that all chil-
10 dren have a fair, equitable, and significant opportunity to
11 receive a high-quality education that prepares them for
12 postsecondary education or the workforce, without the
13 need for postsecondary remediation, and to close edu-
14 cational achievement gaps.”.

15 **SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

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

18 **“SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

19 “(a) **LOCAL EDUCATIONAL AGENCY GRANTS.**—For
20 the purpose of carrying out part A, there are authorized

1 to be appropriated such sums as may be necessary for
2 each of fiscal years 2016 through 2021.

3 “(b) STATE ASSESSMENTS.—For the purpose of car-
4 rying out part B, there are authorized to be appropriated
5 such sums as may be necessary for each of fiscal years
6 2016 through 2021.

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

11 “(d) PREVENTION AND INTERVENTION PROGRAMS
12 FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DE-
13 LINQUENT, OR AT-RISK.—For the purpose of carrying out
14 part D, there are authorized to be appropriated such sums
15 as may be necessary for each of fiscal years 2016 through
16 2021.

17 “(e) FEDERAL ACTIVITIES.—For the purpose of car-
18 rying out evaluation activities related to title I under sec-
19 tion 9601, there are authorized to be appropriated such
20 sums as may be necessary for each of fiscal years 2016
21 through 2021.

22 “(f) SCHOOL INTERVENTION AND SUPPORT.—For
23 the purpose of carrying out section 1114, there are au-
24 thorized to be appropriated such sums as may be nec-
25 essary for each of fiscal years 2016 through 2021.”.

1 **SEC. 1003. SCHOOL IMPROVEMENT AND STATE ADMINIS-**
2 **TRATION.**

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

4 (1) by striking section 1003;

5 (2) by redesignating section 1004 as section
6 1003; and

7 (3) in section 1003, as redesignated by para-
8 graph (2), by adding at the end the following:

9 “(c) **TECHNICAL ASSISTANCE AND SUPPORT.**—

10 “(1) **IN GENERAL.**—Each State may reserve
11 not more than 4 percent of the amount the State re-
12 ceives under subpart 2 of part A for a fiscal year to
13 carry out paragraph (2) and to carry out the State
14 educational agency’s responsibilities under section
15 1114(a), including carrying out the State edu-
16 cational agency’s statewide system of technical as-
17 sistance and support for local educational agencies.

18 “(2) **USES.**—Of the amount reserved under
19 paragraph (1) for any fiscal year, the State edu-
20 cational agency—

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

25 “(B) may, with the approval of the local
26 educational agency, directly provide for such ac-

1 tivities or arrange for their provision through
2 other entities such as school support teams,
3 educational service agencies, or other nonprofit
4 or for-profit organizations that use evidence-
5 based strategies to improve student achieve-
6 ment, teaching, and schools.

7 “(3) PRIORITY.—The State educational agency,
8 in allocating funds to local educational agencies
9 under this subsection, shall give priority to local edu-
10 cational agencies that—

11 “(A) serve the lowest performing elemen-
12 tary schools and secondary schools, as identified
13 by the State under section 1114;

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

16 “(C) demonstrate the strongest commit-
17 ment to using evidence-based interventions to
18 enable the lowest-performing schools to improve
19 student achievement and student outcomes.

20 “(4) UNUSED FUNDS.—If, after consultation
21 with local educational agencies in the State, the
22 State educational agency determines that the
23 amount of funds reserved to carry out this sub-
24 section for a fiscal year is greater than the amount
25 needed to provide the assistance described in this

1 subsection, the State educational agency shall allo-
2 cate the excess amount to local educational agencies
3 in accordance with—

4 “(A) the relative allocations the State edu-
5 cational agency made to those agencies for that
6 fiscal year under subpart 2 of part A; or

7 “(B) section 1126(e).

8 “(5) SPECIAL RULE.—Notwithstanding any
9 other provision of this subsection, the amount of
10 funds reserved by the State educational agency
11 under this subsection in any fiscal year shall not de-
12 crease the amount of funds each local educational
13 agency receives under subpart 2 of part A below the
14 amount received by such local educational agency
15 under such subpart for the preceding fiscal year.

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

22 **SEC. 1004. BASIC PROGRAM REQUIREMENTS.**

23 Subpart 1 of part A of title I (20 U.S.C. 6311 et
24 seq.) is amended—

1 (1) by striking sections 1111 through 1117 and
2 inserting the following:

3 **“SEC. 1111. STATE PLANS.**

4 “(a) PLANS REQUIRED.—

5 “(1) IN GENERAL.—For any State desiring to
6 receive a grant under this part, the State edu-
7 cational agency shall submit to the Secretary a plan,
8 developed by the State educational agency with time-
9 ly and meaningful consultation with the Governor,
10 local educational agencies, representatives of Indian
11 tribes located in the State, teachers, principals, other
12 school leaders, and paraprofessionals (including or-
13 ganizations representing teachers, principals, other
14 school leaders, and paraprofessionals), specialized in-
15 structional support personnel, administrators, other
16 staff, and parents, that—

17 “(A) is coordinated with other programs
18 under this Act, the Individuals with Disabilities
19 Education Act, the Rehabilitation Act of 1973,
20 the Carl D. Perkins Career and Technical Edu-
21 cation Act of 2006, the Workforce Innovation
22 and Opportunity Act, the Head Start Act, the
23 Child Care and Development Block Grant Act
24 of 1990, the Education Sciences Reform Act of
25 2002, the McKinney-Vento Homeless Assist-

1 standards, assessments, or account-
2 ability systems, and meeting the needs
3 of disadvantaged students, children
4 with disabilities, students who are
5 English learners, the needs of low-per-
6 forming schools, and other educational
7 needs of students;

8 “(II) include a balanced rep-
9 resentation of individuals who have
10 practical experience in the classroom,
11 school administration, or State or
12 local government, such as direct em-
13 ployees of a school, local educational
14 agency, or State educational agency
15 within the preceding 5 years; and

16 “(III) represent a regionally di-
17 verse cross-section of States;

18 “(iii) make available to the public, in-
19 cluding by such means as posting to the
20 Department’s website, the list of peer re-
21 viewers who will review State plans under
22 this section;

23 “(iv) ensure that the peer review
24 teams are comprised of varied individuals

1 so that the same peer reviewers are not re-
2 viewing all of the State plans; and

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

9 “(B) PURPOSE OF PEER REVIEW.—The
10 peer review process shall be designed to—

11 “(i) maximize collaboration with each
12 State;

13 “(ii) promote effective implementation
14 of the challenging State academic stand-
15 ards through State and local innovation;
16 and

17 “(iii) provide publicly available, time-
18 ly, and objective feedback to States de-
19 signed to strengthen the technical and
20 overall quality of the States’ plans.

21 “(C) STANDARD AND NATURE OF RE-
22 VIEW.—Peer reviewers shall conduct an objec-
23 tive review of State plans in their totality and
24 out of respect for State and local judgments,
25 with the goal of supporting State- and local-led

1 innovation and providing objective feedback on
2 the technical and overall quality of a State's
3 plan.

4 “(D) RULE OF CONSTRUCTION.—Nothing
5 in this paragraph shall be construed as prohib-
6 iting the Secretary from appointing an indi-
7 vidual to serve as a peer reviewer on more than
8 one peer review team under subparagraph (A)
9 or to review more than one State plan.

10 “(4) STATE PLAN DETERMINATION, DEM-
11 ONSTRATION, AND REVISION.—If the Secretary de-
12 termines that the State plan does not meet the re-
13 quirements of this subsection or subsection (b) or
14 (c), the Secretary shall, prior to declining to approve
15 a State plan—

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

18 “(B) provide a detailed description of the
19 specific requirements of this subsection or sub-
20 section (b) or (c) of the State plan that the Sec-
21 retary determines fails to meet such require-
22 ments;

23 “(C) provide all peer review comments,
24 suggestions, recommendations, or concerns in
25 writing to the State;

1 “(D) offer the State an opportunity to re-
2 vise and resubmit its plan within 60 days of
3 such determination, including the chance for
4 the State to present substantial evidence to
5 clearly demonstrate that the State plan meets
6 the requirements of this section;

7 “(E) provide technical assistance, upon re-
8 quest of the State, in order to assist the State
9 to meet the requirements of this subsection or
10 subsection (b) or (c); and

11 “(F) conduct a public hearing within 30
12 days of such resubmission, with public notice
13 provided not less than 15 days before such
14 hearing, unless the State declines the oppor-
15 tunity for such public hearing.

16 “(5) STATE PLAN DISAPPROVAL.—The Sec-
17 retary shall have the authority to disapprove a State
18 plan if the State has been notified and offered an
19 opportunity to revise and submit with technical as-
20 sistance under paragraph (4), and—

21 “(A) the State does not revise and resub-
22 mit its plan; or

23 “(B) the State revises and resubmits a
24 plan that the Secretary determines does not
25 meet the requirements of this part after a hear-

1 ing conducted under paragraph (4)(F), if appli-
2 cable.

3 “(6) LIMITATIONS.—

4 “(A) IN GENERAL.—The Secretary shall
5 not have the authority to require a State, as a
6 condition of approval of the State plan or revi-
7 sions or amendments to the State plan, to—

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

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

13 “(iii) set specific State-designed an-
14 nual goals or specific timelines for such
15 goals for all students or each of the cat-
16 egories of students, as defined in sub-
17 section (b)(3)(A) ;

18 “(iv) assign any specific weight or
19 specific significance to any measures or in-
20 dicators of student academic achievement
21 or growth within State-designed account-
22 ability systems;

23 “(v) include in, or delete from, such a
24 plan any criterion that specifies, defines, or
25 prescribes—

1 “(I) the standards or measures
2 that States or local educational agen-
3 cies use to establish, implement, or
4 improve challenging State academic
5 standards, including the content of, or
6 achievement levels within, such stand-
7 ards;

8 “(II) the specific types of aca-
9 demic assessments or assessment
10 items that States and local edu-
11 cational agencies use to meet the re-
12 quirements of this part;

13 “(III) any requirement that
14 States shall measure student growth,
15 the specific metrics used to measure
16 student academic growth if a State
17 chooses to measure student growth, or
18 the specific indicators or methods to
19 measure student readiness to enter
20 postsecondary education or the work-
21 force;

22 “(IV) any specific benchmarks,
23 targets, goals, or metrics to measure
24 non-academic measures or indicators;

1 “(V) the specific weight or spe-
2 cific significance of any measure or
3 indicator of student academic achieve-
4 ment within State-designed account-
5 ability systems;

6 “(VI) the specific annual goals
7 States establish for student academic
8 achievement or secondary school grad-
9 uation rates, as described in clauses
10 (i) and (ii) of subsection (b)(3)(B);

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

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

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

23 “(B) RULE OF CONSTRUCTION.—Nothing
24 in this paragraph shall be construed as author-
25 izing, requiring, or allowing any additional re-

1 porting requirements, data elements, or infor-
2 mation to be reported to the Secretary not oth-
3 erwise explicitly authorized under Federal law.

4 “(7) PUBLIC REVIEW.—All written communica-
5 tions, feedback, and notifications under this sub-
6 section shall be conducted in a manner that is trans-
7 parent and immediately made available to the public
8 through the website of the Department, including—

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

11 “(B) peer review comments;

12 “(C) State plan determinations by the Sec-
13 retary, including approvals or disapprovals; and

14 “(D) public hearings under this section.

15 “(8) DURATION OF THE PLAN.—

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

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

21 “(ii) be periodically reviewed and re-
22 vised as necessary by the State educational
23 agency to reflect changes in the State’s
24 strategies and programs under this part.

25 “(B) ADDITIONAL INFORMATION.—

1 “(i) IN GENERAL.—If a State makes
2 significant changes to its plan at any time,
3 such as the adoption of new challenging
4 State academic standards, new academic
5 assessments, or changes to its account-
6 ability system under subsection (b)(3),
7 such information shall be submitted to the
8 Secretary in the form of revisions or
9 amendments to the State plan.

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

17 “(iii) SPECIAL RULE FOR STAND-
18 ARDS.—If a State makes changes to its
19 challenging State academic standards, the
20 requirements in subsection (b)(1), includ-
21 ing the requirement that such standards
22 need not be submitted to the Secretary
23 pursuant to subsection (b)(1)(A), shall still
24 apply.

1 “(C) RENEWAL.—A State educational
2 agency shall submit a revised plan every 7 years
3 subject to the peer review process under para-
4 graph (3).

5 “(D) LIMITATION.—The Secretary shall
6 not have the authority to place any new condi-
7 tions, requirements, or criteria for approval of
8 a plan submitted for renewal under subpara-
9 graph (C) that are not otherwise authorized
10 under this part.

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

17 “(b) CHALLENGING STATE ACADEMIC STANDARDS,
18 ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY SYS-
19 TEMS.—

20 “(1) CHALLENGING STATE ACADEMIC STAND-
21 ARDS.—

22 “(A) IN GENERAL.—Each State shall pro-
23 vide an assurance that the State has adopted
24 challenging academic content standards and
25 aligned academic achievement standards, which

1 achievement standards shall include not less
2 than 3 levels of achievement, (referred to in this
3 Act as ‘challenging State academic standards’)
4 that will be used by the State, its local edu-
5 cational agencies, and its schools to carry out
6 this part. A State shall not be required to sub-
7 mit such challenging State academic standards
8 to the Secretary.

9 “(B) SAME STANDARDS.—Except as pro-
10 vided in subparagraph (E), the standards re-
11 quired by subparagraph (A) shall be the same
12 standards that the State applies to all public
13 schools and public school students in the State.

14 “(C) SUBJECTS.—The State shall have
15 such standards in mathematics, reading or lan-
16 guage arts, and science, and any other subjects
17 as determined by the State, which shall include
18 the same knowledge, skills, and levels of
19 achievement expected of all public school stu-
20 dents in the State.

21 “(D) ALIGNMENT.—Each State shall dem-
22 onstrate that the challenging State academic
23 standards are aligned with—

24 “(i) entrance requirements, without
25 the need for academic remediation, for the

1 system of public higher education in the
2 State;

3 “(ii) relevant State career and tech-
4 nical education standards; and

5 “(iii) relevant State early learning
6 guidelines, as required under section
7 658E(c)(2)(T) of the Child Care and De-
8 velopment Block Grant Act of 1990 (42
9 U.S.C. 9858c(c)(2)(T)).

10 “(E) ALTERNATE ACADEMIC ACHIEVE-
11 MENT STANDARDS FOR STUDENTS WITH THE
12 MOST SIGNIFICANT COGNITIVE DISABILITIES.—

13 “(i) IN GENERAL.—The State may,
14 through a documented and validated
15 standards-setting process, adopt alternate
16 academic achievement standards for stu-
17 dents with the most significant cognitive
18 disabilities, provided those standards—

19 “(I) are aligned with the chal-
20 lenging State academic content stand-
21 ards under subparagraph (A);

22 “(II) promote access to the gen-
23 eral curriculum, consistent with the
24 purposes of the Individuals with Dis-

1 abilities Education Act, as stated in
2 section 601(d) of such Act;

3 “(III) reflect professional judg-
4 ment of the highest achievement
5 standards attainable by those stu-
6 dents;

7 “(IV) are designated in the indi-
8 vidualized education program devel-
9 oped under section 614(d)(3) of the
10 Individuals with Disabilities Edu-
11 cation Act for each such student as
12 the academic achievement standards
13 that will be used for the student; and

14 “(V) are aligned to ensure that a
15 student who meets the alternate aca-
16 demic achievement standards is on
17 track for further education or employ-
18 ment.

19 “(ii) PROHIBITION ON ANY OTHER AL-
20 TERNATE OR MODIFIED ACADEMIC
21 ACHIEVEMENT STANDARDS.—A State shall
22 not develop, or implement for use under
23 this part, any alternate academic achieve-
24 ment standards for children with disabil-
25 ities, as defined in section 602(3) of the

1 Individuals with Disabilities Education
2 Act, that are not alternate academic
3 achievement standards that meet the re-
4 quirements of clause (i).

5 “(F) ENGLISH LANGUAGE PROFICIENCY
6 STANDARDS.—Each State plan shall dem-
7 onstrate that the State has adopted English
8 language proficiency standards that are aligned
9 with the challenging State academic standards
10 under subparagraph (A). Such standards
11 shall—

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

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

18 “(iii) be aligned with the challenging
19 State academic standards in reading or
20 language arts, so that achieving proficiency
21 in the State’s English language proficiency
22 standards indicates a sufficient knowledge
23 of English to measure validly and reliably
24 the student’s achievement on the State’s
25 reading or language arts standards.

1 “(G) PROHIBITIONS.—

2 “(i) STANDARDS REVIEW OR AP-
3 PROVAL.—A State shall not be required to
4 submit any standards developed under this
5 subsection to the Secretary for review or
6 approval.

7 “(ii) FEDERAL CONTROL.—The Sec-
8 retary shall not have the authority to man-
9 date, direct, control, coerce, or exercise any
10 direction or supervision over any of the
11 challenging State academic standards
12 adopted or implemented by a State.

13 “(H) EXISTING STANDARDS.—Nothing in
14 this part shall prohibit a State from revising,
15 consistent with this section, any standard
16 adopted under this part before or after the date
17 of enactment of the Every Child Achieves Act
18 of 2015.

19 “(2) ACADEMIC ASSESSMENTS.—

20 “(A) IN GENERAL.—Each State plan shall
21 demonstrate that the State educational agency,
22 in consultation with local educational agencies,
23 has implemented a set of high-quality statewide
24 academic assessments that—

1 “(i) includes, at a minimum, academic
2 statewide assessments in mathematics,
3 reading or language arts, and science; and

4 “(ii) meets the requirements of sub-
5 paragraph (B).

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

8 “(i) except as provided in subpara-
9 graph (D), be—

10 “(I) the same academic assess-
11 ments used to measure the achieve-
12 ment of all public elementary school
13 and secondary school students in the
14 State; and

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

18 “(ii) be aligned with the challenging
19 State academic standards, and provide co-
20 herent and timely information about stu-
21 dent attainment of such standards;

22 “(iii) be used for purposes for which
23 such assessments are valid and reliable,
24 consistent with relevant, nationally recog-
25 nized professional and technical testing

1 standards, and objectively measure aca-
2 demic achievement, knowledge, and skills;

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

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

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

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

18 “(II) measure the academic achieve-
19 ment of all students against the chal-
20 lenging State academic standards in
21 science, and be administered not less than
22 one time, during—

23 “(aa) grades 3 through 5;

24 “(bb) grades 6 through 9; and

25 “(cc) grades 10 through 12;

1 “(vi) involve multiple up-to-date meas-
2 ures of student academic achievement, in-
3 cluding measures that assess higher-order
4 thinking skills and understanding, which
5 may include measures of student academic
6 growth and may be partially delivered in
7 the form of portfolios, projects, or ex-
8 tended performance tasks;

9 “(vii) provide for—

10 “(I) the participation in such as-
11 sessments of all students;

12 “(II) the appropriate accom-
13 modations for children with disabil-
14 ities (as defined in section 602(3) of
15 the Individuals with Disabilities Edu-
16 cation Act), and students with a dis-
17 ability who are provided accommoda-
18 tions under another Act, necessary to
19 measure the academic achievement of
20 such children relative to the chal-
21 lenging State academic standards;

22 “(III) the inclusion of English
23 learners, who shall be assessed in a
24 valid and reliable manner and pro-
25 vided appropriate accommodations on

1 assessments administered to such stu-
2 dents under this paragraph, including,
3 to the extent practicable, assessments
4 in the language and form most likely
5 to yield accurate data on what such
6 students know and can do in academic
7 content areas, until such students
8 have achieved English language pro-
9 ficiency, as determined under para-
10 graph (1)(F);

11 “(viii) at the State’s choosing—

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

15 “(II) be administered through
16 multiple statewide assessments during
17 the course of the year if the State can
18 demonstrate that the results of these
19 multiple assessments, taken in their
20 totality, provide a summative score
21 that provides valid and reliable infor-
22 mation on individual student achieve-
23 ment or growth;

24 “(ix) notwithstanding clause (vii)(III),
25 provide for assessments (using tests in

1 English) of reading or language arts of
2 any student who has attended school in the
3 United States (not including the Common-
4 wealth of Puerto Rico) for 3 or more con-
5 secutive school years, except that if the
6 local educational agency determines, on a
7 case-by-case individual basis, that aca-
8 demic assessments in another language or
9 form would likely yield more accurate and
10 reliable information on what such student
11 knows and can do, the local educational
12 agency may make a determination to as-
13 sess such student in the appropriate lan-
14 guage other than English for a period that
15 does not exceed 2 additional consecutive
16 years, provided that such student has not
17 yet reached a level of English language
18 proficiency sufficient to yield valid and reli-
19 able information on what such student
20 knows and can do on tests (written in
21 English) of reading or language arts;

22 “(x) produce individual student inter-
23 pretive, descriptive, and diagnostic reports,
24 consistent with clause (iii), that allow par-
25 ents, teachers, principals, and other school

1 leaders to understand and address the spe-
2 cific academic needs of students, and in-
3 clude information regarding achievement
4 on academic assessments aligned with chal-
5 lenging State academic achievement stand-
6 ards, and that are provided to parents,
7 teachers, principals, and other school lead-
8 ers as soon as is practicable after the as-
9 sessment is given, in an understandable
10 and uniform format, and, to the extent
11 practicable, in a language that the parents
12 can understand;

13 “(xi) enable results to be
14 disaggregated within each State, local edu-
15 cational agency, and school, by—

16 “(I) each major racial and ethnic
17 group;

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

21 “(III) children with disabilities as
22 compared to children without disabil-
23 ities;

24 “(IV) English proficiency status;

25 “(V) gender; and

1 “(VI) migrant status;

2 “(xii) enable itemized score analyses
3 to be produced and reported, consistent
4 with clause (iii), to local educational agen-
5 cies and schools, so that parents, teachers,
6 principals, other school leaders, and ad-
7 ministrators can interpret and address the
8 specific academic needs of students as indi-
9 cated by the students’ achievement on as-
10 sessment items; and

11 “(xiii) be developed, to the extent
12 practicable, using the principles of uni-
13 versal design for learning.

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

19 “(i) the number of students in a cat-
20 egory described under subparagraph
21 (B)(xi) is insufficient to yield statistically
22 reliable information; or

23 “(ii) the results would reveal person-
24 ally identifiable information about an indi-
25 vidual student.

1 “(D) ALTERNATE ASSESSMENTS FOR STU-
2 DENTS WITH THE MOST SIGNIFICANT COG-
3 NITIVE DISABILITIES.—

4 “(i) ALTERNATE ASSESSMENTS
5 ALIGNED WITH ALTERNATE ACADEMIC
6 ACHIEVEMENT STANDARDS.—A State may
7 provide for alternate assessments aligned
8 with the challenging State academic con-
9 tent standards and alternate academic
10 achievement standards described in para-
11 graph (1)(E) for students with the most
12 significant cognitive disabilities, if the
13 State—

14 “(I) ensures that for each sub-
15 ject, the total number of students as-
16 sessed in such subject using the alter-
17 nate assessments does not exceed 1
18 percent of the total number of all stu-
19 dents in the State who are assessed in
20 such subject;

21 “(II) establishes and monitors
22 implementation of clear and appro-
23 priate guidelines for individualized
24 education program teams (as defined
25 in section 614(d)(1)(B) of the Individ-

1 uals with Disabilities Education Act)
2 to apply in determining, individually
3 for each subject, when a child's sig-
4 nificant cognitive disability justifies
5 assessment based on alternate aca-
6 demic achievement standards;

7 “(III) ensures that, consistent
8 with the requirements of the Individ-
9 uals with Disabilities Education Act,
10 parents are involved in the decision to
11 use the alternate assessment for their
12 child;

13 “(IV) ensures that, consistent
14 with the requirements of the Individ-
15 uals with Disabilities Education Act,
16 students with the most significant
17 cognitive disabilities are involved in
18 and make progress in the general edu-
19 cation curriculum;

20 “(V) describes appropriate ac-
21 commodations provided to ensure ac-
22 cess to the alternate assessment;

23 “(VI) describes steps the State
24 has taken to incorporate universal de-

1 sign for learning, to the extent fea-
2 sible, in alternate assessments;

3 “(VII) ensures that general and
4 special education teachers and other
5 appropriate staff know how to admin-
6 ister assessments, including making
7 appropriate use of accommodations, to
8 children with disabilities;

9 “(VIII) develops, disseminates in-
10 formation on, and promotes the use of
11 appropriate accommodations to in-
12 crease the number of students with
13 significant cognitive disabilities par-
14 ticipating in academic instruction and
15 assessments and increase the number
16 of students with significant cognitive
17 disabilities who are tested against
18 challenging State academic achieve-
19 ment standards; and

20 “(IX) ensures that students who
21 take alternate assessments based on
22 alternate academic achievement stand-
23 ards are not precluded from attempt-
24 ing to complete the requirements for a
25 regular high school diploma.

1 “(ii) STUDENTS WITH THE MOST SIG-
2 NIFICANT COGNITIVE DISABILITIES.—In
3 determining the achievement of students in
4 the State accountability system, a State
5 educational agency shall include, for all
6 schools in the State, the performance of
7 the State’s students with the most signifi-
8 cant cognitive disabilities on alternate as-
9 sessments as described in this subpara-
10 graph in the subjects included in the
11 State’s accountability system, consistent
12 with the 1 percent limitation of clause
13 (i)(I).

14 “(E) STATE AUTHORITY.—If a State edu-
15 cational agency provides evidence, which is sat-
16 isfactory to the Secretary, that neither the
17 State educational agency nor any other State
18 government official, agency, or entity has suffi-
19 cient authority, under State law, to adopt chal-
20 lenging State academic standards, and aca-
21 demic assessments aligned with such standards,
22 which will be applicable to all students enrolled
23 in the State’s public elementary schools and
24 secondary schools, then the State educational

1 agency may meet the requirements of this sub-
2 section by—

3 “(i) adopting academic standards and
4 academic assessments that meet the re-
5 quirements of this subsection, on a state-
6 wide basis, and limiting their applicability
7 to students served under this part; or

8 “(ii) adopting and implementing poli-
9 cies that ensure that each local educational
10 agency in the State that receives grants
11 under this part will adopt academic con-
12 tent and student academic achievement
13 standards, and academic assessments
14 aligned with such standards, which—

15 “(I) meet all of the criteria in
16 this subsection and any regulations
17 regarding such standards and assess-
18 ments that the Secretary may publish;
19 and

20 “(II) are applicable to all stu-
21 dents served by each such local edu-
22 cational agency.

23 “(F) LANGUAGE ASSESSMENTS.—Each
24 State plan shall identify the languages other
25 than English that are present to a significant

1 extent in the participating student population of
2 the State and indicate the languages for which
3 annual student academic assessments are not
4 available and are needed, and such State shall
5 make every effort to develop such assessments
6 as are necessary.

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

18 “(H) DEFERRAL.—A State may defer the
19 commencement, or suspend the administration,
20 but not cease the development, of the assess-
21 ments described in this paragraph, for 1 year
22 for each year for which the amount appro-
23 priated for grants under part B is less than
24 \$378,000,000.

1 “(I) CONSTRUCTION.—Nothing in this
2 paragraph shall be construed to prescribe or
3 prohibit the use of the academic assessments
4 described in this part for student promotion or
5 graduation purposes.

6 “(3) STATE ACCOUNTABILITY SYSTEM.—

7 “(A) CATEGORY OF STUDENTS.—In this
8 paragraph, the term ‘category of students’
9 means—

10 “(i) economically disadvantaged stu-
11 dents;

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

14 “(iii) children with disabilities; and

15 “(iv) English learner students.

16 “(B) DESCRIPTION OF SYSTEM.—Each
17 State plan shall describe a single, statewide
18 State accountability system that will be based
19 on the challenging State academic standards
20 adopted by the State to ensure that all students
21 graduate from high school prepared for postsec-
22 ondary education or the workforce without the
23 need for postsecondary remediation and at a
24 minimum—

1 schools and local educational agencies
2 in the State towards meeting the
3 goals described in clause (i) and the
4 challenging State academic standards
5 for all students and for each of the
6 categories of students using, at a min-
7 imum—

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

14 “(bb) one statewide measure
15 of a student’s readiness to enter
16 postsecondary education or the
17 workforce without the need for
18 postsecondary remediation, as de-
19 termined by the State;

20 “(II) high school graduation
21 rates of all public high school students
22 in all public high schools in the State
23 towards meeting the goals described
24 in clause (i), for all students and for

1 each of the categories of students, in-
2 cluding—

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

5 “(bb) at the State’s discre-
6 tion, the extended-year adjusted
7 cohort graduation rate;

8 “(III) English language pro-
9 ficiency of all English learners in all
10 public schools and local educational
11 agencies, which may include measures
12 of student growth; and

13 “(IV) at the State’s discretion,
14 any other valid and reliable indicators
15 of school quality, as determined ap-
16 propriate by the State that will be ap-
17 plied to all local educational agencies
18 and schools consistently throughout
19 the State for all students and for each
20 of the categories of students), which
21 may include measures of—

22 “(aa) student engagement,
23 such as attendance rates and
24 chronic absenteeism;

1 “(bb) teacher engagement,
2 such as teacher satisfaction (in-
3 cluding working conditions within
4 the school), teacher quality and
5 effectiveness, and teacher absen-
6 teeism;

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

9 “(dd) school climate and
10 safety, such as incidents of school
11 violence, bullying, and harass-
12 ment, and disciplinary rates, in-
13 cluding rates of suspension, ex-
14 pulsion, referrals to law enforce-
15 ment, school-based arrests, dis-
16 ciplinary transfers (including
17 placements in alternative
18 schools), and student detentions;
19 and

20 “(ee) any other State-deter-
21 mined measures of school quality
22 or success;

23 “(iii) establishes a system of annually
24 identifying and meaningfully differen-

1 able explanation of how the State will fac-
2 tor this requirement into their State-de-
3 signed accountability system determina-
4 tions.

5 “(4) EXCEPTION FOR ENGLISH LEARNERS.—A
6 State may choose to—

7 “(A) exclude the results of a recently ar-
8 rived English learner who has attended school
9 in one of the 50 States in the United States or
10 in the District of Columbia for less than 12
11 months on the assessments under paragraph
12 (2), except for the results on the English lan-
13 guage proficiency assessments required under
14 paragraph (2)(G), for the first year of the
15 English learner’s enrollment in a school in the
16 United States for the purposes of the State-de-
17 termined accountability system under this sub-
18 section; and

19 “(B) include the results on the assess-
20 ments under paragraph (2), except for results
21 on the English language proficiency assess-
22 ments required under paragraph (2)(G), of
23 former English learners for not more than 2
24 years after the student is no longer identified as
25 an English learner within the English learner

1 category of the categories of students, as de-
2 fined in paragraph (3)(A), for the purposes of
3 the State-determined accountability system.

4 “(5) PROHIBITION ON FEDERAL INTER-
5 FERENCE WITH STATE AND LOCAL DECISIONS.—
6 Nothing in this subsection shall be construed to per-
7 mit the Secretary to establish any criterion that
8 specifies, defines, or prescribes—

9 “(A) the standards or measures that
10 States or local educational agencies use to es-
11 tablish, implement, or improve challenging
12 State academic standards, including the content
13 of, or achievement levels within, such standards;

14 “(B) the specific types of academic assess-
15 ments or assessment items that States or local
16 educational agencies use to meet the require-
17 ments of paragraph (2)(B) or otherwise use to
18 measure student academic achievement or stu-
19 dent growth;

20 “(C) the specific goals that States estab-
21 lish within State-designed accountability sys-
22 tems for all students and for each of the cat-
23 egories of students, as defined in paragraph
24 (3)(A), for student academic achievement or

1 high school graduation rates, as described in
2 subclauses (I) and (II) of paragraph (3)(B)(i);

3 “(D) any requirement that States shall
4 measure student growth, the specific metrics
5 used to measure student academic growth if a
6 State chooses to measure student growth, or
7 the specific indicators or methods to measure
8 student readiness to enter postsecondary edu-
9 cation or the workforce without the need for
10 postsecondary remediation;

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

17 “(F) the specific weight or specific signifi-
18 cance of any measures or indicators used to
19 measure, identify, or differentiate schools in the
20 State-determined accountability system, as de-
21 scribed in clauses (ii) and (iii) of paragraph
22 (3)(B);

23 “(G) the terms ‘meaningfully’ or ‘substan-
24 tially’ as used in this part;

1 “(H) the specific methods used by States
2 and local educational agencies to identify and
3 meaningfully differentiate among public schools;

4 “(I) any aspect or parameter of a teacher,
5 principal, or other school leader evaluation sys-
6 tem within a State or local educational agency;
7 or

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

11 “(c) OTHER PLAN PROVISIONS.—

12 “(1) DESCRIPTIONS.—Each State plan shall de-
13 scribe—

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

19 “(i) the minimum number of students
20 that the State determines are necessary to
21 be included in each such category of stu-
22 dents to carry out such requirements and
23 how that number is statistically sound;

24 “(ii) how such minimum number of
25 students was determined by the State, in-

1 cluding how the State collaborated with
2 teachers, principals, other school leaders,
3 parents, and other stakeholders when set-
4 ting the minimum number; and

5 “(iii) how the State ensures that such
6 minimum number does not reveal person-
7 ally identifiable information about stu-
8 dents;

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

22 “(C) in the case of a State that proposes
23 to use funds under this part to offer early child-
24 hood education programs, how the State pro-
25 vides assistance and support to local edu-

1 cational agencies and individual elementary
2 schools that are creating, expanding, or improv-
3 ing such programs;

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

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

23 “(F) how low-income and minority children
24 enrolled in schools assisted under this part are
25 not served at disproportionate rates by ineffec-

1 tive, out of field, and inexperienced teachers,
2 principals, or other school leaders, and the
3 measures the State educational agency will use
4 to evaluate and publicly report the progress of
5 the State educational agency with respect to
6 such description;

7 “(G) how the State will make public the
8 methods or criteria the State or its local edu-
9 cational agencies are using to measure teacher,
10 principal, and other school leader effectiveness
11 for the purpose of meeting the requirements de-
12 scribed in subparagraph (F), however nothing is
13 this subparagraph shall be construed as requir-
14 ing a State to develop or implement a teacher,
15 principal, or other school leader evaluation sys-
16 tem;

17 “(H) how the State educational agency will
18 address school discipline issues, which may in-
19 clude how such agency will identify and sup-
20 port, including through professional develop-
21 ment, training, and technical assistance, local
22 educational agencies and schools that have high
23 levels of exclusionary discipline or
24 disproportionality in rates of exclusionary dis-
25 cipline;

1 “(I) how the State educational agency will
2 address school climate issues, which may in-
3 clude providing technical assistance on effective
4 strategies to reduce the incidence of school vio-
5 lence, bullying, harassment, drug and alcohol
6 use and abuse, and rates of chronic absentee-
7 ism;

8 “(J) how the State determines the
9 timelines and annual goals for progress nec-
10 essary to move English learners from the lowest
11 levels of English proficiency to the State-de-
12 fined proficient level in a State-determined
13 number of years, including an assurance that
14 such goals will be based on students’ initial lan-
15 guage proficiency when first identified as an
16 English learner and may take into account the
17 amount of time that an individual child has
18 been enrolled in a language program and grade
19 level;

20 “(K) the steps a State educational agency
21 will take to ensure collaboration with the State
22 agency responsible for administering the State
23 plans under parts B and E of title IV of the
24 Social Security Act (42 U.S.C. 621 et seq. and
25 670 et seq.) to improve the educational stability

1 of children or youth in foster care including an
2 assurance that—

3 “(i) any such child or youth is imme-
4 diately enrolled in a school, even if the
5 child or youth is unable to produce records
6 normally required for enrollment; and

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

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

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

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

23 “(2) ASSURANCES.—Each State plan shall pro-
24 vide an assurance that—

1 “(A) the State educational agency will no-
2 tify local educational agencies, Indian tribes
3 and Native organizations, schools, teachers,
4 parents, and the public of the challenging State
5 academic standards, academic assessments, and
6 State accountability system, developed under
7 this section;

8 “(B) the State educational agency will as-
9 sist each local educational agency and school af-
10 fected by the State plan to meet the require-
11 ments of this part;

12 “(C) the State will participate in biennial
13 State academic assessments of 4th and 8th
14 grade reading and mathematics under the Na-
15 tional Assessment of Educational Progress car-
16 ried out under section 303(b)(3) of the Na-
17 tional Assessment of Educational Progress Au-
18 thorization Act if the Secretary pays the costs
19 of administering such assessments;

20 “(D) the State educational agency will
21 modify or eliminate State fiscal and accounting
22 barriers so that schools can easily consolidate
23 funds from other Federal, State, and local
24 sources in order to improve educational oppor-

1 tunities and reduce unnecessary fiscal and ac-
2 counting requirements;

3 “(E) the State educational agency will sup-
4 port the collection and dissemination to local
5 educational agencies and schools of effective
6 parent and family engagement strategies, in-
7 cluding those included in the parent and family
8 engagement policy under section 1115;

9 “(F) the State educational agency will pro-
10 vide the least restrictive and burdensome regu-
11 lations for local educational agencies and indi-
12 vidual schools participating in a program as-
13 sisted under this part;

14 “(G) the State educational agency will en-
15 sure that local educational agencies, to the ex-
16 tent feasible, in developing and implementing
17 programs under this part, will work in consulta-
18 tion with outside intermediary organizations,
19 such as educational service agencies, or individ-
20 uals, that have practical expertise in the devel-
21 opment or use of evidence-based strategies and
22 programs to improve teaching, learning, and
23 schools;

1 “(H) the State educational agency has ap-
2 propriate procedures and safeguards in place to
3 ensure the validity of the assessment process;

4 “(I) the State educational agency will en-
5 sure that all teachers and paraprofessionals
6 working in a program supported with funds
7 under this part meet applicable State certifi-
8 cation and licensure requirements, including al-
9 ternative certification requirements;

10 “(J) the State educational agency will co-
11 ordinate activities funded under this part with
12 other Federal activities as appropriate;

13 “(K) the State educational agency has in-
14 volved the committee of practitioners estab-
15 lished under section 1503(b) in developing the
16 plan and monitoring its implementation; and

17 “(L) the State has professional standards
18 for paraprofessionals working in a program
19 supported with funds under this part, including
20 qualifications that were in place on the day be-
21 fore the date of enactment of the Every Child
22 Achieves Act of 2015.

23 “(d) REPORTS.—

24 “(1) ANNUAL STATE REPORT CARD.—

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

6 “(B) IMPLEMENTATION.—

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

10 “(I) concise;

11 “(II) presented in an understand-
12 able and uniform format and, to the
13 extent practicable, in a language that
14 parents can understand; and

15 “(III) widely accessible to the
16 public, which shall include making the
17 State report card, along with all local
18 educational agency, and school report
19 cards required under paragraph (2),
20 and the annual report to the Sec-
21 retary under paragraph (5), available
22 on a single webpage of the State edu-
23 cational agency’s website.

24 “(ii) ENSURING PRIVACY.—No State
25 report card required under this paragraph

1 shall include any personally identifiable in-
2 formation about any student. Each such
3 report card shall be consistent with the
4 privacy protections under section 444 of
5 the General Education Provisions Act (20
6 U.S.C. 1232g, commonly known as the
7 ‘Family Educational Rights and Privacy
8 Act of 1974’).

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

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

23 “(ii) For all students and
24 disaggregated by each category of students
25 described in subsection (b)(2)(B)(xi),

1 homeless status, and status as a child in
2 foster care, except that such
3 disaggregation shall not be required in a
4 case in which the number of students in a
5 category is insufficient to yield statistically
6 reliable information or the results would
7 reveal personally identifiable information
8 about an individual student, information
9 on student achievement on the academic
10 assessments described in subsection (b)(2)
11 at each level of achievement, as determined
12 by the State under subsection (b)(1).

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

18 “(iv) For all students and
19 disaggregated by each of the categories of
20 students, as defined in subsection
21 (b)(3)(A), except that such disaggregation
22 shall not be required in a case in which the
23 number of students in a category is insuffi-
24 cient to yield statistically reliable informa-
25 tion or the results would reveal personally

1 identifiable information about an individual
2 student—

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

8 “(II) high school graduation
9 rates, including 4-year adjusted cohort
10 graduation rates and, at the State’s
11 discretion, extended-year adjusted co-
12 hort graduation rates.

13 “(v) Information on indicators or
14 measures of school quality, climate and
15 safety, and discipline, including the rates
16 of in- and out-of-school suspensions, ex-
17 pulsions, school-based arrests, referrals to
18 law enforcement, chronic absenteeism, and
19 incidences of violence, including bullying
20 and harassment, that the State educational
21 agency reported to the Civil Rights Data
22 Collection biennial survey required by the
23 Office for Civil Rights of the Department
24 that is the most recent to the date of the
25 determination in the same manner that

1 such information is presented on such sur-
2 vey.

3 “(vi) The minimum number of stu-
4 dents that the State determines are nec-
5 essary to be included in each of the cat-
6 egories of students, as defined in sub-
7 section (b)(3)(A), for use in the account-
8 ability system under subsection (b)(3).

9 “(vii) The professional qualifications
10 of teachers, principals, and other school
11 leaders in the State, including information
12 (that shall be presented in the aggregate
13 and disaggregated by high-poverty com-
14 pared to low-poverty schools which, for the
15 purpose of this clause, means schools in
16 each quartile based on school poverty level,
17 and high-minority and low-minority
18 schools in the State) on the number, per-
19 centage, and distribution of—

20 “(I) inexperienced teachers, prin-
21 cipals, and other school leaders;

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

24 “(III) teachers who are not
25 teaching in the subject or field for

1 which the teacher is certified or li-
2 censed;

3 “(IV) teachers, principals, and
4 other school leaders who are not effec-
5 tive, as determined by the State, using
6 the methods or criteria under sub-
7 section (c)(1)(G); and

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

14 “(viii) Information on the perform-
15 ance of local educational agencies and
16 schools in the State, including the number
17 and names of each school identified for
18 intervention and support under section
19 1114.

20 “(ix) For a State that implements a
21 teacher, principal, and other school leader
22 evaluation system consistent with title II,
23 the evaluation results of teachers, prin-
24 cipals, and other school leaders, except
25 that such information shall not provide in-

1 dividually identifiable information on indi-
2 vidual teachers, principals, or other school
3 leaders.

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

12 “(xi) The number and percentages of
13 students with the most significant cog-
14 nitive disabilities that take an alternate as-
15 sessment under subsection (b)(2)(D), by
16 grade and subject.

17 “(xii) Information on the acquisition
18 of English language proficiency by stu-
19 dents who are English learners.

20 “(xiii) Information that the State re-
21 ported to the Civil Rights Data Collection
22 biennial survey required by the Office for
23 Civil Rights of the Department that is the
24 most recent to the date of the determina-
25 tion in the same manner that such infor-

1 “(xv) Information on the percentage
2 of students, including for each of the cat-
3 egories of students, as defined in sub-
4 section (b)(3)(A), who did not meet the an-
5 nual State goals established under sub-
6 section (b)(3)(B).

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

13 “(D) RULE OF CONSTRUCTION.—

14 “(i) IN GENERAL.—Nothing in clause
15 (v) or (xiii) of subparagraph (C) shall be
16 construed as requiring a State to report
17 any data that are not otherwise required or
18 voluntarily submitted to the Civil Rights
19 Data Collection biennial survey required by
20 the Office for Civil Rights of the Depart-
21 ment.

22 “(ii) CONTINUATION OF SUBMISSION
23 TO DEPARTMENT OF INFORMATION.—If, at
24 any time after the date of enactment of the
25 Every Child Achieves Act of 2015, the

1 Civil Rights Data Collection biennial sur-
2vey is no longer conducted by the Office
3for Civil Rights of the Department, a State
4educational agency shall still include the
5information under clauses (v) and (xiii) of
6subparagraph (C) in the State report card
7under this paragraph in the same manner
8that such information is presented on such
9survey.

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

12 “(A) IN GENERAL.—

13 “(i) PREPARATION AND DISSEMINA-
14TION.—A local educational agency that re-
15ceives assistance under this part shall pre-
16pare and disseminate an annual local edu-
17cational agency report card that includes—

18 “(I) information on such agency
19as a whole; and

20 “(II) for each school served by
21the agency, a school report card that
22meets the requirements of this para-
23graph.

24 “(ii) NO PERSONALLY IDENTIFIABLE
25INFORMATION.—No local educational agen-

1 cy report card required under this para-
2 graph shall include any personally identifi-
3 able information about any student.

4 “(iii) CONSISTENT WITH FERPA.—
5 Each local educational agency report card
6 shall be consistent with the privacy protec-
7 tions under section 444 of the General
8 Education Provisions Act (20 U.S.C.
9 1232g, commonly known as the ‘Family
10 Educational Rights and Privacy Act of
11 1974’).

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

14 “(i) concise;

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

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

21 “(I) placing such report card on
22 the website of the local educational
23 agency and on the website of each
24 school served by the agency; and

1 “(II) in any case in which a local
2 educational agency or school does not
3 operate a website, providing the infor-
4 mation to the public in another man-
5 ner determined by the local edu-
6 cational agency.

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

10 “(i) the information described in para-
11 graph (1)(C), disaggregated in the same
12 manner as under paragraph (1)(C), except
13 for clause (xiv) of such paragraph, as ap-
14 plied to the local educational agency, and
15 each school served by the local educational
16 agency, including—

17 “(I) in the case of a local edu-
18 cational agency, information that
19 shows how students served by the
20 local educational agency achieved on
21 the academic assessments described in
22 subsection (b)(2) compared to stu-
23 dents in the State as a whole; and

24 “(II) in the case of a school, in-
25 formation that shows how the school’s

1 students' achievement on the aca-
2 demic assessments described in sub-
3 section (b)(2) compared to students
4 served by the local educational agency
5 and the State as a whole;

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

8 “(iii) any other information that the
9 local educational agency determines is ap-
10 propriate and will best provide parents,
11 students, and other members of the public
12 with information regarding the progress of
13 each public school served by the local edu-
14 cational agency, whether or not such infor-
15 mation is included in the annual State re-
16 port card.

17 “(D) PUBLIC DISSEMINATION.—

18 “(i) IN GENERAL.—Except as pro-
19 vided in clause (ii), a local educational
20 agency shall—

21 “(I) publicly disseminate the in-
22 formation described in this paragraph
23 to all schools in the school district
24 served by the local educational agency

1 and to all parents of students attend-
2 ing such schools; and

3 “(II) make the information wide-
4 ly available through public means, in-
5 cluding through electronic means, in-
6 cluding posting in an easily accessible
7 manner on the local educational agen-
8 cy’s website, except in the case in
9 which an agency does not operate a
10 website, such agency shall determine
11 how to make the information avail-
12 able, such as through distribution to
13 the media, and distribution through
14 public agencies.

15 “(ii) EXCEPTION.—If a local edu-
16 cational agency issues a report card for all
17 students, the local educational agency may
18 include the information described in this
19 paragraph as part of such report.

20 “(3) PREEXISTING REPORT CARDS.—A State
21 educational agency or local educational agency that
22 was providing public report cards on the perform-
23 ance of students, schools, local educational agencies,
24 or the State prior to the date of enactment of the
25 Every Child Achieves Act of 2015, may use such re-

1 port cards for the purpose of disseminating informa-
2 tion under this subsection if the report card is modi-
3 fied, as may be needed, to contain the information
4 required by this subsection.

5 “(4) COST REDUCTION.—Each State edu-
6 cational agency and local educational agency receiv-
7 ing assistance under this part shall, wherever pos-
8 sible, take steps to reduce data collection costs and
9 duplication of effort by obtaining the information re-
10 quired under this subsection through existing data
11 collection efforts.

12 “(5) ANNUAL STATE REPORT TO THE SEC-
13 RETARY.—Each State educational agency receiving
14 assistance under this part shall report annually to
15 the Secretary, and make widely available within the
16 State—

17 “(A) information on student achievement
18 on the academic assessments described in sub-
19 section (b)(2) for all students and
20 disaggregated by each of the categories of stu-
21 dents, as defined in subsection (b)(3)(A), in-
22 cluding—

23 “(i) the percentage of students who
24 achieved at each level of achievement the
25 State has set in subsection (b)(1);

1 “(ii) the percentage of students who
2 did not meet the annual State goals set in
3 subsection (b)(3); and

4 “(iii) if applicable, the percent in-
5 crease in student academic growth over the
6 school year, as determined by the State;

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

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

15 “(i) information about student per-
16 formance on the measure of a student’s
17 readiness to enter postsecondary education
18 or the workforce without the need for post-
19 secondary remediation used by the State
20 under subsection (b)(3); and

21 “(ii) high school graduation rates, in-
22 cluding 4-year adjusted cohort graduation
23 rates and, at the State’s discretion, ex-
24 tended-year adjusted cohort graduation
25 rates;

1 “(D) information on the acquisition of
2 English language proficiency by students who
3 are English learners;

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

10 “(F) the number and percentage of stu-
11 dents with the most significant cognitive dis-
12 abilities that take an alternate assessment
13 under subsection (b)(2)(D), by grade and sub-
14 ject;

15 “(G) the number and names of the schools
16 identified under section 1114, and the school
17 intervention and support strategies developed
18 and implemented by the local educational agen-
19 cy under section 1114(b) to address the needs
20 of students in each school;

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

24 “(I) information on the quality and effec-
25 tiveness of teachers for each quartile of schools

1 based on the school's poverty level and high-mi-
2 nority and low-minority schools in the local
3 educational agencies in the State, including the
4 number, percentage, and distribution of—

5 “(i) inexperienced teachers;

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

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

13 “(J) if the State has a statewide teacher,
14 principal, or other school leader evaluation sys-
15 tem, information on the results of such teacher,
16 principal, or other school leader evaluation sys-
17 tems that does not reveal personally identifiable
18 information.

19 “(6) PRESENTATION OF DATA.—

20 “(A) IN GENERAL.—A State educational
21 agency or local educational agency shall only in-
22 clude in its annual report card described under
23 paragraphs (1) and (2) data that are sufficient
24 to yield statistically reliable information, and
25 that do not reveal personally identifiable infor-

1 mation about an individual student, teacher,
2 principal, or other school leader.

3 “(B) STUDENT PRIVACY.—In carrying out
4 this subsection, student education records shall
5 not be released without written consent con-
6 sistent with section 444 of the General Edu-
7 cation Provisions Act (20 U.S.C. 1232g, com-
8 monly known as the ‘Family Educational
9 Rights and Privacy Act of 1974’).

10 “(7) REPORT TO CONGRESS.—The Secretary
11 shall transmit annually to the Committee on Health,
12 Education, Labor, and Pensions of the Senate and
13 the Committee on Education and the Workforce of
14 the House of Representatives a report that provides
15 national and State level data on the information col-
16 lected under paragraph (5). Such report shall be
17 submitted through electronic means only.

18 “(8) SECRETARY’S REPORT CARD.—

19 “(A) IN GENERAL.—Not later than July 1,
20 2017, and annually thereafter, the Secretary,
21 acting through the Director of the Institute of
22 Education Sciences, shall transmit to the Com-
23 mittee on Health, Education, Labor, and Pen-
24 sions of the Senate and the Committee on Edu-
25 cation and the Workforce of the House of Rep-

1 representatives a national report card on the status
2 of elementary and secondary education in the
3 United States. Such report shall—

4 “(i) analyze existing data from State
5 reports required under this Act, the Indi-
6 viduals with Disabilities Education Act,
7 and the Carl D. Perkins Career and Tech-
8 nical Education Act of 2006, and summa-
9 rize major findings from such reports;

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

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

23 “(iv) analyze data on Federal, State,
24 and local expenditures on education, in-
25 cluding per-pupil spending, teacher sala-

1 ries, school level spending, and other finan-
2 cial data publicly available, and report on
3 current trends and major findings; and

4 “ (v) analyze information on the teach-
5 ing, principal, and other school leader pro-
6 fessions, including education and training,
7 retention and mobility, and effectiveness in
8 improving student achievement.

9 “(B) SPECIAL RULE.—The information
10 used to prepare the report described in sub-
11 paragraph (A) shall be derived from existing
12 State and local reporting requirements and data
13 sources. Nothing in this paragraph shall be con-
14 strued as authorizing, requiring, or allowing
15 any additional reporting requirements, data ele-
16 ments, or information to be reported to the Sec-
17 retary not otherwise explicitly authorized by any
18 other Federal law.

19 “(C) PUBLIC RECOGNITION.—The Sec-
20 retary may identify and publicly recognize
21 States, local educational agencies, schools, pro-
22 grams, and individuals for exemplary perform-
23 ance.

24 “(e) VOLUNTARY PARTNERSHIPS.—

1 “(1) IN GENERAL.—Nothing in this section
2 shall be construed to prohibit a State from entering
3 into a voluntary partnership with another State to
4 develop and implement the academic assessments,
5 challenging State academic standards, and account-
6 ability systems required under this section.

7 “(2) PROHIBITION.—The Secretary shall be
8 prohibited from requiring or coercing a State to
9 enter into a voluntary partnership described in para-
10 graph (1), including—

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

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

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

18 “(D) by providing any priority, preference,
19 or special consideration during the application
20 process under any grant, contract, or coopera-
21 tive agreement.

22 “(f) SPECIAL RULE WITH RESPECT TO BUREAU-
23 FUNDED SCHOOLS.—In determining the assessments to be
24 used by each school operated or funded by the Bureau
25 of Indian Education of the Department of the Interior

1 that receives funds under this part, the following shall
2 apply:

3 “(1) Each such school that is accredited by the
4 State in which it is operating shall use the assess-
5 ments the State has developed and implemented to
6 meet the requirements of this section, or such other
7 appropriate assessment as approved by the Secretary
8 of the Interior.

9 “(2) Each such school that is accredited by a
10 regional accrediting organization shall adopt an ap-
11 propriate assessment in consultation with, and with
12 the approval of, the Secretary of the Interior and
13 consistent with assessments adopted by other schools
14 in the same State or region, that meets the require-
15 ments of this section.

16 “(3) Each such school that is accredited by a
17 tribal accrediting agency or tribal division of edu-
18 cation shall use an assessment developed by such
19 agency or division, except that the Secretary of the
20 Interior shall ensure that such assessment meets the
21 requirements of this section.

22 **“SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.**

23 “(a) PLANS REQUIRED.—

24 “(1) SUBGRANTS.—A local educational agency
25 may receive a subgrant under this part for any fiscal

1 year only if such agency has on file with the State
2 educational agency a plan, approved by the State
3 educational agency, that is developed with timely
4 and meaningful consultation with teachers, prin-
5 cipals, other school leaders, and paraprofessionals
6 (including organizations representing teachers, prin-
7 cipals, other school leaders, and paraprofessionals),
8 administrators (including administrators of pro-
9 grams described in other parts of this title), other
10 appropriate school personnel, and with parents of
11 children in schools served under this part, that satis-
12 fies the requirements of this section and, as appro-
13 priate, that is coordinated with other programs
14 under this Act, the Individuals with Disabilities
15 Education Act, the Workforce Innovation and Op-
16 portunity Act, the Rehabilitation Act of 1973, the
17 Carl D. Perkins Career and Technical Education
18 Act of 2006, the Head Start Act, the Adult Edu-
19 cation and Family Literacy Act, and the McKinney-
20 Vento Homeless Assistance Act.

21 “(2) CONSOLIDATED APPLICATION.—The plan
22 may be submitted as part of a consolidated applica-
23 tion under section 9305.

24 “(3) STATE REVIEW AND APPROVAL.—

1 “(A) IN GENERAL.—Each local educational
2 agency plan shall be filed according to a sched-
3 ule established by the State educational agency.

4 “(B) APPROVAL.—The State educational
5 agency shall approve a local educational agen-
6 cy’s plan only if the State educational agency
7 determines that the local educational agency’s
8 plan meets the requirements of this part and
9 enables children served under this part to meet
10 the challenging State academic standards de-
11 scribed in section 1111(b)(1).

12 “(4) DURATION.—Each local educational agen-
13 cy plan shall be submitted for the first year for
14 which this part is in effect following the date of en-
15 actment of the Every Child Achieves Act of 2015
16 and shall remain in effect for the duration of the
17 agency’s participation under this part.

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

22 “(6) RENEWAL.—A local educational agency
23 that desires to continue participating in a program
24 under this part shall submit a renewed plan on a
25 periodic basis, as determined by the State.

1 “(b) PLAN PROVISIONS.—To ensure that all children
2 receive a high-quality education that prepares them for
3 postsecondary education or the workforce without the need
4 for postsecondary remediation, and to close the achieve-
5 ment gap between children meeting the challenging State
6 academic standards and those who are not, each local edu-
7 cational agency plan shall describe—

8 “(1) how the local educational agency will work
9 with each of the schools served by the agency so that
10 students meet the challenging State academic stand-
11 ards by—

12 “(A) developing and implementing a com-
13 prehensive program of instruction to meet the
14 academic needs of all students;

15 “(B) identifying quickly and effectively
16 students who may be at risk for academic fail-
17 ure;

18 “(C) providing additional educational as-
19 sistance to individual students determined as
20 needing help in meeting the challenging State
21 academic standards;

22 “(D) identifying significant gaps in stu-
23 dent academic achievement and graduation
24 rates between each of the categories of stu-
25 dents, as defined in section 1111(b)(3)(A) and

1 developing strategies to reduce such gaps in
2 achievement and graduation rates; and

3 “(E) identifying and implementing evi-
4 dence-based methods and instructional strate-
5 gies intended to strengthen the academic pro-
6 gram of the school and improve school climate;

7 “(2) how the local educational agency will mon-
8 itor and evaluate the effectiveness of school pro-
9 grams in improving student academic achievement
10 and academic growth, if applicable, especially for
11 students not meeting the challenging State academic
12 standards;

13 “(3) how the local educational agency will—

14 “(A) ensure that all teachers and para-
15 professionals working in a program supported
16 with funds under this part meet applicable
17 State certification and licensure requirements,
18 including alternative certification requirements;
19 and

20 “(B) identify and address, as required
21 under State plans as described in section
22 1111(c)(1)(F), any disparities that result in
23 low-income students and minority students
24 being taught at higher rates than other stu-

1 dents by ineffective, inexperienced, and out-of-
2 field teachers;

3 “(4) the actions the local educational agency
4 will take to assist schools identified under section
5 1114(a)(1)(B), including the lowest-performing
6 schools in the local educational agency, and schools
7 identified for other reasons, including schools with
8 categories of students described in section
9 1111(b)(3)(A) not meeting the goals described in
10 section 1111(b)(3)(B), to improve student academic
11 achievement, the funds used to conduct such actions,
12 and how such agency will monitor such actions;

13 “(5) the poverty criteria that will be used to se-
14 lect school attendance areas under section 1113;

15 “(6) the programs to be conducted by such
16 agency’s schools under section 1113, and where ap-
17 propriate, educational services outside such schools
18 for children living in local institutions for neglected
19 or delinquent children, and for neglected and delin-
20 quent children in community day school programs;

21 “(7) the services the local educational agency
22 will provide homeless children, including services
23 provided with funds reserved under section
24 1113(a)(4)(A)(i);

1 “(8) the strategy the local educational agency
2 will use to implement effective parent and family en-
3 gagement under section 1115;

4 “(9) if applicable, how the local educational
5 agency will coordinate and integrate services pro-
6 vided under this part with preschool educational
7 services at the local educational agency or individual
8 school level, such as Head Start programs, the lit-
9 eracy program under part D of title II, State-funded
10 preschool programs, and other community-based
11 early childhood education and preschool programs,
12 including plans for the transition of participants in
13 such programs to local elementary school programs;

14 “(10) how the local educational agency will co-
15 ordinate programs and integrate services under this
16 part with other Federal, State, tribal, and local serv-
17 ices and programs, including programs supported
18 under this Act, the Carl D. Perkins Career and
19 Technical Education Act of 2006, the Individuals
20 with Disabilities Education Act, the Rehabilitation
21 Act of 1973, the Head Start Act, the Child Care
22 and Development Block Grant Act of 1990, the
23 Workforce Innovation and Opportunity Act, the
24 McKinney-Vento Homeless Assistance Act, the Edu-
25 cation Sciences Reform Act of 2002, violence preven-

1 tion programs, nutrition programs, and housing pro-
2 grams;

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

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

19 “(13) how the local educational agency will pro-
20 vide opportunities for the enrollment, attendance,
21 and success of homeless children and youths con-
22 sistent with the requirements of the McKinney-
23 Vento Homeless Assistance Act and the services the
24 local educational agency will provide homeless chil-
25 dren and youths;

1 “(14) how the local educational agency will im-
2 plement strategies to facilitate effective transitions
3 for students from middle school to high school and
4 from high school to postsecondary education;

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

13 “(16) how the local educational agency will ad-
14 dress school climate issues, which may include iden-
15 tifying and improving performance on school climate
16 indicators related to student achievement and pro-
17 viding technical assistance to schools; and

18 “(17) any other information on how the local
19 educational agency proposes to use funds to meet
20 the purposes of this part, and that the local edu-
21 cational agency determines appropriate to provide,
22 which may include how the local educational agency
23 will—

24 “(A) assist schools in identifying and serv-
25 ing gifted and talented students; and

1 “(B) encourage the offering of a variety of
2 well-rounded education experiences to students.

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

6 “(1) ensure that migratory children and for-
7 merly migratory children who are eligible to receive
8 services under this part are selected to receive such
9 services on the same basis as other children who are
10 selected to receive services under this part;

11 “(2) provide services to eligible children attend-
12 ing private elementary schools and secondary schools
13 in accordance with section 1116, and timely and
14 meaningful consultation with private school officials
15 regarding such services;

16 “(3) participate, if selected, in the National As-
17 sessment of Educational Progress in 4th and 8th
18 grade reading and mathematics carried out under
19 section 303(b)(3) of the National Assessment of
20 Educational Progress Authorization Act; and

21 “(4) coordinate and integrate services provided
22 under this part with other educational services at
23 the local educational agency or individual school
24 level, such as services for English learners, children
25 with disabilities, migratory children, American In-

1 “(iii) The field of discipline of the cer-
2 tification of the teacher.

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

6 “(B) ADDITIONAL INFORMATION.—In ad-
7 dition to the information that parents may re-
8 quest under subparagraph (A), a school that re-
9 ceives funds under this part shall provide to
10 each individual parent of a child who is a stu-
11 dent in such school, with respect to such stu-
12 dent—

13 “(i) information on the level of
14 achievement and academic growth of the
15 student, if applicable and available, on
16 each of the State academic assessments re-
17 quired under this part; and

18 “(ii) timely notice that the student
19 has been assigned, or has been taught for
20 4 or more consecutive weeks by, a teacher
21 who does not meet applicable State certifi-
22 cation or licensure requirements at the
23 grade level and subject area in which the
24 teacher has been assigned.

25 “(2) LANGUAGE INSTRUCTION.—

1 “(A) NOTICE.—Each local educational
2 agency using funds under this part or title III
3 to provide a language instruction educational
4 program as determined under title III shall, not
5 later than 30 days after the beginning of the
6 school year, inform a parent or parents of a
7 child who is an English learner identified for
8 participation or participating in such a pro-
9 gram, of—

10 “(i) the reasons for the identification
11 of their child as an English learner and in
12 need of placement in a language instruc-
13 tion educational program;

14 “(ii) the child’s level of English pro-
15 ficiency, how such level was assessed, and
16 the status of the child’s academic achieve-
17 ment;

18 “(iii) the methods of instruction used
19 in the program in which their child is, or
20 will be participating, and the methods of
21 instruction used in other available pro-
22 grams, including how such programs differ
23 in content, instructional goals, and the use
24 of English and a native language in in-
25 struction;

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

5 “(v) how such program will specifi-
6 cally help their child learn English and
7 meet age-appropriate academic achieve-
8 ment standards for grade promotion and
9 graduation;

10 “(vi) the specific exit requirements for
11 the program, including the expected rate of
12 transition from such program into class-
13 rooms that are not tailored for children
14 who are English learners, and the expected
15 rate of graduation from high school (in-
16 cluding 4-year adjusted cohort graduation
17 rates and extended-year adjusted cohort
18 graduation rates for such program) if
19 funds under this part are used for children
20 in high schools;

21 “(vii) in the case of a child with a dis-
22 ability, how such program meets the objec-
23 tives of the individualized education pro-
24 gram of the child, as described in section

1 614(a)(1)(D) of the Individuals with Dis-
2 abilities Education Act; and

3 “(viii) information pertaining to pa-
4 rental rights that includes written guid-
5 ance—

6 “(I) detailing the right that par-
7 ents have to have their child imme-
8 diately removed from such program
9 upon their request;

10 “(II) detailing the options that
11 parents have to decline to enroll their
12 child in such program or to choose an-
13 other program or method of instruc-
14 tion, if available; and

15 “(III) assisting parents in select-
16 ing among various programs and
17 methods of instruction, if more than 1
18 program or method is offered by the
19 eligible entity.

20 “(B) SPECIAL RULE APPLICABLE DURING
21 THE SCHOOL YEAR.—For those children who
22 have not been identified as English learners
23 prior to the beginning of the school year but are
24 identified as English learners during such
25 school year, the local educational agency shall

1 notify the children’s parents during the first 2
2 weeks of the child being placed in a language
3 instruction educational program consistent with
4 subparagraph (A).

5 “(C) PARENTAL PARTICIPATION.—Each
6 local educational agency receiving funds under
7 this part and title III shall implement an effec-
8 tive means of outreach to parents of children
9 who are English learners to inform the parents
10 regarding how the parents can be involved in
11 the education of their children, and be active
12 participants in assisting their children to attain
13 English proficiency, achieve at high levels in
14 core academic subjects, and meet the chal-
15 lenging State academic standards expected of
16 all students, including holding, and sending no-
17 tice of opportunities for, regular meetings for
18 the purpose of formulating and responding to
19 recommendations from parents of students as-
20 sisted under this part and title III.

21 “(D) BASIS FOR ADMISSION OR EXCLU-
22 SION.—A student shall not be admitted to, or
23 excluded from, any Federally assisted education
24 program on the basis of a surname or language-
25 minority status.

1 “(3) NOTICE AND FORMAT.—The notice and in-
2 formation provided to parents under this subsection
3 shall be in an understandable and uniform format
4 and, to the extent practicable, provided in a lan-
5 guage that the parents can understand.

6 **“SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS;**
7 **SCHOOLWIDE PROGRAMS; TARGETED ASSIST-**
8 **ANCE PROGRAMS.**

9 “(a) ELIGIBLE SCHOOL ATTENDANCE AREAS.—

10 “(1) DETERMINATION.—

11 “(A) IN GENERAL.—A local educational
12 agency shall use funds received under this part
13 only in eligible school attendance areas.

14 “(B) ELIGIBLE SCHOOL ATTENDANCE
15 AREAS.—In this part—

16 “(i) the term ‘school attendance area’
17 means, in relation to a particular school,
18 the geographical area in which the children
19 who are normally served by that school re-
20 side; and

21 “(ii) the term ‘eligible school attend-
22 ance area’ means a school attendance area
23 in which the percentage of children from
24 low-income families is at least as high as
25 the percentage of children from low-income

1 families served by the local educational
2 agency as a whole.

3 “(C) RANKING ORDER.—

4 “(i) IN GENERAL.—Except as pro-
5 vided in clause (ii), if funds allocated in ac-
6 cordance with paragraph (3) are insuffi-
7 cient to serve all eligible school attendance
8 areas, a local educational agency shall—

9 “(I) annually rank, without re-
10 gard to grade spans, such agency’s el-
11 igible school attendance areas in
12 which the concentration of children
13 from low-income families exceeds 75
14 percent, or exceeds 50 percent in the
15 case of the high schools served by
16 such agency, from highest to lowest
17 according to the percentage of chil-
18 dren from low-income families; and

19 “(II) serve such eligible school
20 attendance areas in rank order.

21 “(ii) RULE OF CONSTRUCTION.—

22 Nothing in this subparagraph shall be con-
23 strued as requiring a local educational
24 agency to reduce, in order to comply with
25 clause (i), the amount of funding provided

1 under this part to elementary schools and
2 middle schools from the amount of funding
3 provided under this part to such schools
4 for the fiscal year preceding the date of en-
5 actment of the Every Child Achieves Act of
6 2015 in order to provide funding under
7 this part to high schools pursuant to clause
8 (i).

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

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

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

23 “(E) MEASURES.—

24 “(i) IN GENERAL.—Except as pro-
25 vided in clause (ii), a local educational

1 agency shall use the same measure of pov-
2 erty, which measure shall be the number of
3 children aged 5 through 17 in poverty
4 counted in the most recent census data ap-
5 proved by the Secretary, the number of
6 children eligible for a free or reduced
7 priced lunch under the Richard B. Russell
8 National School Lunch Act, the number of
9 children in families receiving assistance
10 under the State program funded under
11 part A of title IV of the Social Security
12 Act, or the number of children eligible to
13 receive medical assistance under the Med-
14 icaid program, or a composite of such indi-
15 cators, with respect to all school attend-
16 ance areas in the local educational agen-
17 cy—

18 “(I) to identify eligible school at-
19 tendance areas;

20 “(II) to determine the ranking of
21 each area; and

22 “(III) to determine allocations
23 under paragraph (3).

24 “(ii) SECONDARY SCHOOLS.—For
25 measuring the number of students in low-

1 income families in secondary schools, the
2 local educational agency shall use the same
3 measure of poverty, which shall be the:

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

6 “(II) an accurate estimate of the
7 number of students in low-income
8 families in a secondary school that is
9 calculated by applying the average
10 percentage of students in low-income
11 families of the elementary school at-
12 tendance areas as calculated under
13 clause (i) that feed into the secondary
14 school to the number of students en-
15 rolled in such school.

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

19 “(G) WAIVER FOR DESEGREGATION
20 PLANS.—The Secretary may approve a local
21 educational agency’s written request for a waiv-
22 er of the requirements of this paragraph and
23 paragraph (3) and permit such agency to treat
24 as eligible, and serve, any school that children
25 attend with a State-ordered, court-ordered

1 school desegregation plan or a plan that con-
2 tinues to be implemented in accordance with a
3 State-ordered or court-ordered desegregation
4 plan, if—

5 “(i) the number of economically dis-
6 advantaged children enrolled in the school
7 is at least 25 percent of the school’s total
8 enrollment; and

9 “(ii) the Secretary determines on the
10 basis of a written request from such agen-
11 cy and in accordance with such criteria as
12 the Secretary establishes, that approval of
13 that request would further the purposes of
14 this part.

15 “(2) LOCAL EDUCATIONAL AGENCY DISCRE-
16 TION.—

17 “(A) IN GENERAL.—Notwithstanding para-
18 graph (1)(B), a local educational agency may—

19 “(i) designate as eligible any school
20 attendance area or school in which at least
21 35 percent of the children are from low-in-
22 come families;

23 “(ii) use funds received under this
24 part in a school that is not in an eligible
25 school attendance area, if the percentage

1 of children from low-income families en-
2 rolled in the school is equal to or greater
3 than the percentage of such children in a
4 participating school attendance area of
5 such agency;

6 “(iii) designate and serve a school at-
7 tendance area or school that is not eligible
8 under this section, but that was eligible
9 and that was served in the preceding fiscal
10 year, but only for 1 additional fiscal year;
11 and

12 “(iv) elect not to serve an eligible
13 school attendance area or eligible school
14 that has a higher percentage of children
15 from low-income families if—

16 “(I) the school meets the com-
17 parability requirements of section
18 1117(c);

19 “(II) the school is receiving sup-
20 plemental funds from other State or
21 local sources that are spent according
22 to the requirements of this section;
23 and

24 “(III) the funds expended from
25 such other sources equal or exceed the

1 amount that would be provided under
2 this part.

3 “(B) SPECIAL RULE.—Notwithstanding
4 subparagraph (A)(iv), the number of children
5 attending private elementary schools and sec-
6 ondary schools who are to receive services, and
7 the assistance such children are to receive
8 under this part, shall be determined without re-
9 gard to whether the public school attendance
10 area in which such children reside is assisted
11 under subparagraph (A).

12 “(3) ALLOCATIONS.—

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

20 “(B) SPECIAL RULE.—

21 “(i) IN GENERAL.—Except as pro-
22 vided in clause (ii), the per-pupil amount
23 of funds allocated to each school attend-
24 ance area or school under subparagraph
25 (A) shall be at least 125 percent of the

1 per-pupil amount of funds a local edu-
2 cational agency received for that year
3 under the poverty criteria described by the
4 local educational agency in the plan sub-
5 mitted under section 1112, except that this
6 clause shall not apply to a local edu-
7 cational agency that only serves schools in
8 which the percentage of such children is 35
9 percent or greater.

10 “(ii) EXCEPTION.—A local edu-
11 cational agency may reduce the amount of
12 funds allocated under clause (i) for a
13 school attendance area or school by the
14 amount of any supplemental State and
15 local funds expended in that school attend-
16 ance area or school for programs that meet
17 the requirements of this section.

18 “(4) RESERVATION OF FUNDS.—

19 “(A) IN GENERAL.—A local educational
20 agency shall reserve such funds as are nec-
21 essary under this part to provide services com-
22 parable to those provided to children in schools
23 funded under this part to serve—

24 “(i) homeless children, including pro-
25 viding educationally related support serv-

1 ices to children in shelters and other loca-
2 tions where children may live;

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

5 “*(iii)* if appropriate, children in local
6 institutions for delinquent children, and
7 neglected or delinquent children in commu-
8 nity day programs.

9 “(B) HOMELESS CHILDREN AND YOUTH.—
10 Funds reserved under subparagraph (A)(i) may
11 be—

12 “*(i)* determined based on a needs as-
13 sessment of homeless children and youths
14 in the local educational agency, as con-
15 ducted under section 723(b)(1) of the
16 McKinney-Vento Homeless Assistance Act;
17 and

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

22 “*(I)* funding for the liaison des-
23 ignated pursuant to section
24 722(g)(1)(J)(ii) of such Act; and

1 “(II) transportation pursuant to
2 section 722(g)(1)(J)(iii) of such Act.

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

7 “(b) SCHOOLWIDE PROGRAMS AND TARGETED AS-
8 SISTANCE SCHOOLS.—

9 “(1) IN GENERAL.—For each school that will
10 receive funds under this part, the local educational
11 agency shall determine whether the school shall op-
12 erate a schoolwide program consistent with sub-
13 section (c) or a targeted assistance school program
14 consistent with subsection (d).

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

17 “(A) based on a comprehensive needs as-
18 sessment of the entire school that takes into ac-
19 count information on the academic achievement
20 of children in relation to the challenging State
21 academic standards under section 1111(b)(1),
22 particularly the needs of those children failing
23 or are at-risk of failing to meet the challenging
24 State academic standards and any other factors

1 as determined by the local educational agency;
2 and

3 “(B) conducted with the participation of
4 individuals who would carry out the schoolwide
5 plan, including those individuals under sub-
6 section (c)(2).

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

10 “(c) SCHOOLWIDE PROGRAMS.—

11 “(1) IN GENERAL.—

12 “(A) ELIGIBILITY.—A local educational
13 agency may consolidate and use funds under
14 this part, together with other Federal, State,
15 and local funds, in order to upgrade the entire
16 educational program of a school that serves an
17 eligible school attendance area in which not less
18 than 40 percent of the children are from low-
19 income families, or not less than 40 percent of
20 the children enrolled in the school are from
21 such families.

22 “(B) EXCEPTION.—A school that serves an
23 eligible school attendance area in which less
24 than 40 percent of the children are from low-
25 income families, or less than 40 percent of the

1 children enrolled in the school are from such
2 families may operate a schoolwide program
3 under this section if—

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

7 “(ii) the results of the comprehensive
8 needs assessment conducted under sub-
9 section (b)(2) determine a schoolwide pro-
10 gram will best serve the needs of the stu-
11 dents in the school in improving academic
12 achievement and other factors.

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

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

21 “(i) the local educational agency de-
22 termines in consultation with the school
23 that less time is needed to develop and im-
24 plement the schoolwide program; or

1 “(ii) the school is operating a
2 schoolwide program on the day before the
3 date of enactment of the Every Child
4 Achieves Act of 2015, in which case such
5 school may continue to operate such pro-
6 gram, but shall develop amendments to its
7 existing plan during the first year of as-
8 sistance after that date to reflect the provi-
9 sions of this section;

10 “(B) is developed with the involvement of
11 parents and other members of the community
12 to be served and individuals who will carry out
13 such plan, including teachers, principals, other
14 school leaders, paraprofessionals present in the
15 school, and administrators (including adminis-
16 trators of programs described in other parts of
17 this title), and, if appropriate, specialized in-
18 structional support personnel, technical assist-
19 ance providers, school staff, and students;

20 “(C) remains in effect for the duration of
21 the school’s participation under this part, ex-
22 cept that the plan and the implementation of,
23 and results achieved by, the schoolwide program
24 shall be regularly monitored and revised as nec-

1 including a description of how such strate-
2 gies will—

3 “(I) provide opportunities for all
4 children, including each of the cat-
5 egories of students, as defined in sec-
6 tion 1111(b)(3)(A), to meet the chal-
7 lenging State academic standards
8 under section 1111(b);

9 “(II) use evidence-based methods
10 and instructional strategies that
11 strengthen the academic program in
12 the school, increase the amount and
13 quality of learning time, and help pro-
14 vide an enriched and accelerated cur-
15 riculum;

16 “(III) address the needs of all
17 children in the school, but particularly
18 the needs of those at risk of not meet-
19 ing the challenging State academic
20 standards, which may include—

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

24 “(bb) preparation for and
25 awareness of opportunities for

1 postsecondary education and the
2 workforce, including career and
3 technical education programs;

4 “(cc) implementation of a
5 schoolwide multi-tiered system of
6 supports, including positive be-
7 havioral interventions and sup-
8 ports and early intervening serv-
9 ices, including through coordina-
10 tion with such activities and serv-
11 ices carried out under the Indi-
12 viduals with Disabilities Edu-
13 cation Act;

14 “(dd) implementation of
15 supports for teachers and other
16 school personnel, which may in-
17 clude professional development
18 and other activities to improve
19 instruction, activities to recruit
20 and retain effective teachers, par-
21 ticularly in high-need schools,
22 and using data from academic
23 assessments under section
24 1111(b)(2) and other formative

1 and summative assessments to
2 improve instruction;

3 “(ee) programs, activities,
4 and courses in the core academic
5 subjects to assist children in
6 meeting the challenging State
7 academic standards; and

8 “(ff) other strategies to im-
9 prove student’s academic and
10 non-academic skills essential for
11 success; and

12 “(IV) be monitored and improved
13 over time based on student needs, in-
14 cluding increased supports for those
15 students who are lowest- achieving;

16 “(iii) if programs are consolidated, a
17 list of State educational agency and local
18 educational agency programs and other
19 Federal programs that will be consolidated
20 in the schoolwide program; and

21 “(iv) if appropriate, how funds will be
22 used to establish or enhance preschool pro-
23 grams for children who are aged 5 or
24 younger, including how programs will help

1 transition such children to local elementary
2 school programs.

3 “(3) IDENTIFICATION OF STUDENTS NOT RE-
4 QUIRED.—

5 “(A) IN GENERAL.—No school partici-
6 pating in a schoolwide program shall be re-
7 quired to identify—

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

11 “(ii) individual services as supple-
12 mentary.

13 “(B) SUPPLEMENTAL FUNDS.—In accord-
14 ance with the method of determination de-
15 scribed in section 1117, a school participating
16 in a schoolwide program shall use funds avail-
17 able to carry out this paragraph only to supple-
18 ment the amount of funds that would, in the
19 absence of funds under this part, be made
20 available from non-Federal sources for the
21 school, including funds needed to provide serv-
22 ices that are required by law for children with
23 disabilities and children who are English learn-
24 ers.

1 “(4) EXEMPTION FROM STATUTORY AND REGU-
2 LATORY REQUIREMENTS.—

3 “(A) EXEMPTION.—The Secretary may,
4 through publication of a notice in the Federal
5 Register, exempt schoolwide programs under
6 this section from statutory or regulatory provi-
7 sions of any other noncompetitive formula grant
8 program administered by the Secretary (other
9 than formula or discretionary grant programs
10 under the Individuals with Disabilities Edu-
11 cation Act, except as provided in section
12 613(a)(2)(D) of such Act), or any discretionary
13 grant program administered by the Secretary,
14 to support schoolwide programs if the intent
15 and purposes of such other programs are met.

16 “(B) REQUIREMENTS.—A school that
17 chooses to use funds from such other programs
18 shall not be relieved of the requirements relat-
19 ing to health, safety, civil rights, student and
20 parental participation and involvement, services
21 to private school children, comparability of serv-
22 ices, maintenance of effort, uses of Federal
23 funds to supplement, not supplant non-Federal
24 funds (in accordance with the method of deter-
25 mination described in section 1117), or the dis-

1 tribution of funds to State educational agencies
2 or local educational agencies that apply to the
3 receipt of funds from such programs.

4 “(C) RECORDS.—A school that chooses to
5 consolidate and use funds from different Fed-
6 eral programs under this paragraph shall not be
7 required to maintain separate fiscal accounting
8 records, by program, that identify the specific
9 activities supported by those particular funds as
10 long as the school maintains records that dem-
11 onstrate that the schoolwide program, consid-
12 ered as a whole, addresses the intent and pur-
13 poses of each of the Federal programs that
14 were consolidated to support the schoolwide
15 program.

16 “(5) PRESCHOOL PROGRAMS.—A school that
17 operates a schoolwide program under this subsection
18 may use funds made available under this part to es-
19 tablish, expand, or enhance preschool programs for
20 children aged 5 or younger.

21 “(d) TARGETED ASSISTANCE SCHOOL PROGRAMS.—

22 “(1) IN GENERAL.—Each school selected to re-
23 ceive funds under subsection (a)(3) for which the
24 local educational agency serving such school, based
25 on the results of the comprehensive needs assess-

1 ment conducted under subsection (b)(2), determines
2 the school shall operate a targeted assistance school
3 program, may use funds received under this part
4 only for programs that provide services to eligible
5 children under subparagraph (B) who are identified
6 as having the greatest need for special assistance.

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

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

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

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

22 “(D) a description of how the program will
23 serve participating students identified under
24 subparagraph (B), including by—

1 “(i) using resources under this part,
2 such as support for programs, activities
3 and courses in core academic subjects to
4 help participating children meet the State’s
5 challenging academic standards;

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

10 “(I) expanded learning time,
11 before- and after-school programs,
12 and summer programs and opportuni-
13 ties; or

14 “(II) a multi-tiered system of
15 supports, positive behavioral interven-
16 tions and supports, and early inter-
17 vening services;

18 “(iii) coordinating with and sup-
19 porting the regular education program,
20 which may include services to assist pre-
21 school children in the transition from early
22 childhood programs such as Head Start,
23 the literacy program under part D of title
24 II, or State-run preschool programs to ele-
25 mentary school programs;

1 “(iv) supporting effective teachers,
2 principals, paraprofessionals, and if appro-
3 priate, specialized instructional support
4 personnel, and other school personnel who
5 work with participating children in pro-
6 grams under this subsection or in the reg-
7 ular education program with resources pro-
8 vided under this part, and, to the extent
9 practicable, from other sources, through
10 professional development;

11 “(v) providing strategies to increase
12 parental involvement of parents of partici-
13 pating children in accordance with section
14 1115; and

15 “(vi) if applicable, coordinating and
16 integrating Federal, State, and local serv-
17 ices and programs, such as programs sup-
18 ported under this Act, violence prevention
19 programs, nutrition programs, housing
20 programs, Head Start programs, adult
21 education programs, career and technical
22 education, and intervention and supports
23 in schools identified under section 1114;
24 and

25 “(E) assurances that the school will—

1 “(i) help provide an accelerated, high-
2 quality curriculum;

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

7 “(iii) on an ongoing basis, review the
8 progress of participating children and re-
9 vise the plan under this section, if nec-
10 essary, to provide additional assistance to
11 enable such children to meet the chal-
12 lenging State academic standards.

13 “(3) ELIGIBLE CHILDREN.—

14 “(A) ELIGIBLE POPULATION.—

15 “(i) IN GENERAL.—The eligible popu-
16 lation for services under this subsection
17 shall be—

18 “(I) children not older than age
19 21 who are entitled to a free public
20 education through grade 12; and

21 “(II) children who are not yet at
22 a grade level at which the local edu-
23 cational agency provides a free public
24 education.

1 the determination is made, participated in
2 a Head Start program, the literacy pro-
3 gram under part D of title II, or in pre-
4 school services under this title, is eligible
5 for services under this subsection.

6 “(iii) MIGRANT CHILDREN.—A child
7 who, at any time in the 2 years preceding
8 the year for which the determination is
9 made, received services under part C is eli-
10 gible for services under this subsection.

11 “(iv) NEGLECTED OR DELINQUENT
12 CHILDREN.—A child in a local institution
13 for neglected or delinquent children and
14 youth or attending a community day pro-
15 gram for such children is eligible for serv-
16 ices under this subsection.

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

21 “(C) SPECIAL RULE.—Funds received
22 under this subsection may not be used to pro-
23 vide services that are otherwise required by law
24 to be made available to children described in

1 subparagraph (B) but may be used to coordi-
2 nate or supplement such services.

3 “(4) INTEGRATION OF PROFESSIONAL DEVEL-
4 OPMENT.—To promote the integration of staff sup-
5 ported with funds under this subsection into the reg-
6 ular school program and overall school planning and
7 improvement efforts, public school personnel who are
8 paid with funds received under this subsection
9 may—

10 “(A) participate in general professional de-
11 velopment and school planning activities; and

12 “(B) assume limited duties that are as-
13 signed to similar personnel who are not so paid,
14 including duties beyond classroom instruction
15 or that do not benefit participating children, so
16 long as the amount of time spent on such du-
17 ties is the same proportion of total work time
18 as prevails with respect to similar personnel at
19 the same school.

20 “(5) SPECIAL RULES.—

21 “(A) SIMULTANEOUS SERVICE.—Nothing
22 in this subsection shall be construed to prohibit
23 a school from serving students under this sub-
24 section simultaneously with students with simi-

1 lar educational needs, in the same educational
2 settings where appropriate.

3 “(B) COMPREHENSIVE SERVICES.—If
4 health, nutrition, and other social services are
5 not otherwise available to eligible children in a
6 school operating a targeted assistance school
7 program and such school, if appropriate, has
8 established a collaborative partnership with
9 local service providers and funds are not rea-
10 sonably available from other public or private
11 sources to provide such services, then a portion
12 of the funds provided under this subsection may
13 be used to provide such services, including
14 through—

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

18 “(ii) compensation of a coordinator;

19 “(iii) family support and engagement
20 services;

21 “(iv) health care services and inte-
22 grated student supports to address the
23 physical, mental, and emotional well-being
24 of children; and

1 “(v) professional development nec-
2 essary to assist teachers, specialized in-
3 structional support personnel, other staff,
4 and parents in identifying and meeting the
5 comprehensive needs of eligible children.

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

13 **“SEC. 1114. SCHOOL IDENTIFICATION, INTERVENTIONS,**
14 **AND SUPPORTS.**

15 “(a) STATE REVIEW AND RESPONSIBILITIES.—

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

20 “(A) review the performance of each public
21 school in the State towards meeting the chal-
22 lenging State academic standards, and identify
23 the public schools that receive funds under this
24 part and are in need of intervention and sup-

1 port using the method established by the State
2 in section 1111(b)(3)(B)(iii), which shall—

3 “(i) be based on all indicators in the
4 State’s accountability system for all stu-
5 dents and for each of the categories of stu-
6 dents, as defined in section 1111(b)(3)(A);
7 and

8 “(ii) use indicators as described in
9 subclauses (I) and (II) of section
10 1111(b)(3)(B)(ii) as substantial factors in
11 the annual identification of schools, and
12 the weight of such factors shall be deter-
13 mined by the State;

14 “(B) require for inclusion—

15 “(i) on each local educational agency
16 report card required under section
17 1111(d), the names of schools served by
18 the agency identified under subparagraph
19 (A); and

20 “(ii) on each school report card re-
21 quired under section 1111(d), whether the
22 school was identified under subparagraph
23 (A);

24 “(C) ensure that all public schools that re-
25 ceive funds under this part and are identified as

1 in need of intervention or support under sub-
2 paragraph (B), implement an intervention or
3 support strategy designed by the State or local
4 educational agency described in subparagraph
5 (A) or (B) of subsection (b)(3)

6 “(D) prioritize intervention and supports
7 in the identified schools most in need of inter-
8 vention and supports, as determined by the
9 State, using the results of the accountability
10 system under 1111(b)(3)(B)(iii); and

11 “(E) monitor and evaluate the implementa-
12 tion of school intervention and support strate-
13 gies by local educational agencies, including in
14 the lowest-performing elementary schools and
15 secondary schools in the State, and use the re-
16 sults of the evaluation to take appropriate steps
17 to change or improve interventions or support
18 strategies as necessary.

19 “(2) STATE EDUCATIONAL AGENCY RESPON-
20 SIBILITIES.—The State educational agency shall—

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

24 “(B) if the State educational agency deter-
25 mines that a local educational agency failed to

1 carry out its responsibilities under this section,
2 take such actions as the State educational agen-
3 cy determines to be appropriate and in compli-
4 ance with State law to assist the local edu-
5 cational agency and ensure that such local edu-
6 cational agency is carrying out its responsibil-
7 ities;

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

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

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

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

23 “(A) conduct a review of such school, in-
24 cluding by examining the indicators and meas-
25 ures included in the State-determined account-

1 ability system described under section
2 1111(b)(3)(B) to determine the factors that led
3 to such identification;

4 “(B) conduct a review of the policies, pro-
5 cedures, personnel decisions, and budgetary de-
6 cisions of the local educational agency, includ-
7 ing the measures under section 1111(d) that
8 impact the school and could have contributed to
9 the identification of the school;

10 “(C) develop and implement appropriate
11 intervention and support strategies, as de-
12 scribed under paragraph (3), that are propor-
13 tional to the identified needs of the school, for
14 assisting the identified school;

15 “(D) develop a rigorous comprehensive
16 plan that will be publicly available and provided
17 to parents, for ensuring the successful imple-
18 mentation of the intervention and support strat-
19 egies described in paragraph (3) in identified
20 schools, which may include—

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

23 “(ii) improved delivery of services to
24 be provided by the local educational agen-
25 cy;

1 “(iii) increased support for stronger
2 curriculum, program of instruction, wrap-
3 around services, or other resources pro-
4 vided to students in the school;

5 “(iv) any changes to personnel nec-
6 essary to improve educational opportunities
7 for children in the school;

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

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

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

16 “(viii) improving school climate and
17 safety;

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

21 “(x) establishing partnerships with
22 entities, including private entities with a
23 demonstrated record of improving student
24 achievement, that will assist the local edu-

1 cational agency in fulfilling its responsibil-
2 ities under this section; and

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

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

14 “(A) an explanation of what the identifica-
15 tion means, and how the school compares in
16 terms of academic achievement and other meas-
17 ures in the State accountability system under
18 section 1111(b)(3)(B) to other schools served
19 by the local educational agency and the State
20 educational agency involved;

21 “(B) the reasons for the identification;

22 “(C) an explanation of what the local edu-
23 cational agency or State educational agency is
24 doing to help the school address student aca-
25 demic achievement and other measures, includ-

1 ing a description of the intervention and sup-
2 port strategies developed under paragraph
3 (1)(C) that will be implemented in the school;

4 “(D) an explanation of how the parents
5 can become involved in addressing academic
6 achievement and other measures that caused
7 the school to be identified; and

8 “(E) an explanation of the parents’ option
9 to transfer their child to another public school
10 under paragraph (4), if applicable.

11 “(3) SCHOOL INTERVENTION AND SUPPORT
12 STRATEGIES.—

13 “(A) IN GENERAL.—Consistent with sub-
14 section (a)(1) and paragraph (1), a local edu-
15 cational agency shall develop and implement
16 evidence-based intervention and support strate-
17 gies for an identified school that the local edu-
18 cational agency determines appropriate to ad-
19 dress the needs of students in such identified
20 school, which shall—

21 “(i) be designed to address the spe-
22 cific reasons for identification, as described
23 in subparagraphs (A) and (B) of para-
24 graph (1);

1 “(ii) be implemented, at a minimum,
2 in a manner that is proportional to the
3 specific reasons for identification, as de-
4 scribed in subparagraphs (A) and (B) of
5 paragraph (1); and

6 “(iii) distinguish between the lowest-
7 performing schools and other schools iden-
8 tified as in need of intervention and sup-
9 port for other reasons, including schools
10 with categories of students, as defined in
11 section 1111(b)(3)(A), not meeting the
12 goals described in section 1111(b)(3)(B)(i),
13 as determined by the review in subpara-
14 graphs (A) and (B) of paragraph (1).

15 “(B) STATE DETERMINED STRATEGIES.—
16 Consistent with State law, a State educational
17 agency may establish alternative evidence-based
18 State determined strategies that can be used by
19 local educational agencies to assist a school
20 identified under subsection (a)(1)(B), in addi-
21 tion to the assistance strategies developed by a
22 local educational agency under subparagraph
23 (A).

24 “(4) PUBLIC SCHOOL CHOICE.—

1 “(A) IN GENERAL.—A local educational
2 agency may provide all students enrolled in an
3 identified school with the option to transfer to
4 another public school served by the local edu-
5 cational agency, unless such an option is pro-
6 hibited by State law.

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

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

20 “(D) SPECIAL RULE.—A local educational
21 agency shall permit a child who transfers to an-
22 other public school under this paragraph to re-
23 main in that school until the child has com-
24 pleted the highest grade in that school.

1 “(E) FUNDING FOR TRANSPORTATION.—A
2 local educational agency may spend an amount
3 equal to not more than 5 percent of its alloca-
4 tion under subpart 2 to pay for the provision of
5 transportation for students who transfer under
6 this paragraph to the public schools to which
7 the students transfer.

8 “(5) PROHIBITIONS ON FEDERAL INTER-
9 FERENCE WITH STATE AND LOCAL DECISIONS.—
10 Nothing in this section shall be construed to author-
11 ize or permit the Secretary to establish any criterion
12 that specifies, defines, or prescribes—

13 “(A) any school intervention or support
14 strategy that States or local educational agen-
15 cies shall use to assist schools identified as in
16 need of assistance under this section; or

17 “(B) the weight of any indicator or meas-
18 ure that a State shall use to identify schools
19 under subsection (a).

20 “(c) FUNDS FOR LOCAL SCHOOL INTERVENTIONS
21 AND SUPPORTS.—

22 “(1) IN GENERAL.—

23 “(A) GRANTS AUTHORIZED.—From the
24 total amount appropriated under section
25 1002(f) for a fiscal year, the Secretary shall

1 award grants to States, the Bureau of Indian
2 Education of the Department of the Interior,
3 and outlying areas through an allotment as de-
4 termined under subparagraph (B) to carry out
5 the activities described in this subsection.

6 “(B) ALLOTMENTS.—From the total
7 amount appropriated under section 1002(f) for
8 a fiscal year, the Secretary shall allot to each
9 State, the Bureau of Indian Education of the
10 Department of the Interior, and each outlying
11 area for such fiscal year with an approved ap-
12 plication, an amount that bears the same rela-
13 tionship to such total amount as the amount
14 such State, the Bureau of Indian Education of
15 the Department of the Interior, or such out-
16 lying area received under parts A, C, and D of
17 this title for the most recent preceding fiscal
18 year for which the data are available bears to
19 the amount received by all such States, the Bu-
20 reau of Indian Education of the Department of
21 the Interior, and all such outlying areas under
22 parts A, C, and D of this title for such most
23 recent preceding fiscal year.

24 “(2) STATE APPLICATION.—A State that de-
25 sires to receive school improvement funds under this

1 subsection shall submit an application to the Sec-
2 retary at such time and in such manner as the Sec-
3 retary may require, which shall include a description
4 of—

5 “(A) the process and the criteria that the
6 State will use to award subgrants under para-
7 graph (4)(A), including how the subgrants will
8 benefit schools identified by the State as the
9 lowest-performing schools under subsection (a);

10 “(B) the process and the criteria the State
11 will use to determine whether the local edu-
12 cational agency’s proposal for serving each
13 identified school meets the requirements of
14 paragraph (6) and other provisions of this sec-
15 tion;

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

23 “(D) how the State will ensure geographic
24 diversity in making subgrants;

1 “(E) how the State will set priorities in
2 awarding subgrants to local educational agen-
3 cies, including how the State will prioritize local
4 educational agencies serving elementary schools
5 and secondary schools identified as the lowest-
6 performing schools under subsection (a);

7 “(F) how the State will monitor and evalu-
8 ate the implementation of school intervention
9 and support strategies supported by funds
10 under this subsection; and

11 “(G) how the State will reduce barriers for
12 schools in the implementation of school inter-
13 vention and support strategies, including by
14 providing operational flexibility that would en-
15 able complete implementation of the selected
16 school improvement strategy.

17 “(3) STATE ADMINISTRATION; TECHNICAL AS-
18 SISTANCE; EXCEPTION.—

19 “(A) IN GENERAL.—A State that receives
20 an allotment under this subsection may reserve
21 not more than a total of 5 percent of such allot-
22 ment for the administration of this subsection
23 to carry out its responsibilities under subsection
24 (a)(2) to support school and local educational
25 agency interventions and supports, which may

1 include activities aimed at building State capac-
2 ity to support and monitor the local educational
3 agency and school intervention and supports.

4 “(B) EXCEPTION.—Notwithstanding sub-
5 paragraph (A), a State educational agency may
6 reserve from the amount allotted under this
7 subsection additional funds to meet its respon-
8 sibilities under subsection (a)(2)(B) if a local
9 educational agency fails to carry out its respon-
10 sibilities under subsection (b), but shall not re-
11 serve more than necessary to meet such State
12 responsibilities .

13 “(4) SUBGRANTS TO LOCAL EDUCATIONAL
14 AGENCIES.—

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

22 “(B) DURATION.—The State educational
23 agency shall award subgrants under this para-
24 graph for a period of not more than 5 years,
25 which period may include a planning year.

1 “(C) CRITERIA.—Subgrants awarded
2 under this section shall be of sufficient size to
3 enable a local educational agency to effectively
4 implement the selected intervention and support
5 strategy.

6 “(D) RULE OF CONSTRUCTION.—Nothing
7 in this subsection shall be construed as prohib-
8 iting a State from allocating subgrants under
9 this subsection to a statewide school district,
10 consortium of local educational agencies, or an
11 educational service agency that serves schools
12 identified under this section, if such entities are
13 legally constituted or recognized as local edu-
14 cational agencies in the State.

15 “(5) APPLICATION.—In order to receive a
16 subgrant under this subsection, a local educational
17 agency shall submit an application to the State edu-
18 cational agency at such time, in such form, and in-
19 cluding such information as the State educational
20 agency may require. Each application shall include,
21 at a minimum—

22 “(A) a description of the process the local
23 educational agency has used for selecting an ap-
24 propriate school intervention and support strat-
25 egy for each school to be served, including how

1 the local educational agency has analyzed the
2 needs of each such school in accordance with
3 subsection (b)(1) and meaningfully consulted
4 with teachers, principals, and school leaders in
5 selecting such intervention and support strat-
6 egy;

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

14 “(C) a detailed budget covering the grant
15 period, including planned expenditures at the
16 school level for activities supporting full and ef-
17 fective implementation of the selected school
18 intervention and support strategy;

19 “(D) a description of how the local edu-
20 cational agency will—

21 “(i) design and implement the selected
22 school intervention and support strategy,
23 in accordance with the requirements under
24 subsection (b)(1)(C), including the use of

1 appropriate measures to monitor the effec-
2 tiveness of implementation;

3 “(ii) use a rigorous review process to
4 recruit, screen, select, and evaluate any ex-
5 ternal partners with whom the local edu-
6 cational agency will partner;

7 “(iii) align other Federal, State, and
8 local resources with the intervention and
9 support strategy to reduce duplication, in-
10 crease efficiency, and assist identified
11 schools in complying with reporting re-
12 quirements of State and Federal programs;

13 “(iv) modify practices and policies, if
14 necessary, to provide operational flexibility
15 that enables full and effective implementa-
16 tion of the selected school intervention and
17 support strategy;

18 “(v) collect and use data on an ongo-
19 ing basis to adjust the intervention and
20 support strategy during implementation,
21 and if necessary, modify or implement a
22 different strategy if implementation is not
23 effective, in order to improve student aca-
24 demic achievement;

1 “(vi) ensure that the implementation
2 of the intervention and support strategy
3 meets the needs of each of the categories
4 of students, as defined in section
5 1111(b)(3)(A);

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

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

13 “(E) a description of the technical assist-
14 ance and other support that the local edu-
15 cational agency will provide to ensure effective
16 implementation of school intervention and sup-
17 port strategies in identified schools, in accord-
18 ance with subsection (b)(1)(D), such as ensur-
19 ing identified schools have access to resources
20 like facilities, professional development, and
21 technology and adopting human resource poli-
22 cies that prioritize recruitment, retention, and
23 placement of effective staff in identified schools;
24 and

1 “(F) an assurance that each school the
2 local educational agency proposes to serve will
3 receive all of the State and local funds it would
4 have received in the absence of funds received
5 under this paragraph.

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

8 “(A) shall use the subgrant funds to imple-
9 ment school intervention and support strategies
10 in schools identified under subsection (a)(1)(B);
11 and

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

16 “(i) assistance in data collection and
17 analysis;

18 “(ii) recruiting and retaining staff;

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

21 “(iv) coordination of services to ad-
22 dress students’ non-academic needs; and

23 “(v) progress monitoring.

24 “(7) REPORTING.—A State that receives funds
25 under this subsection shall report to the Secretary a

1 list of all the local educational agencies that received
2 a subgrant under this subsection and for each local
3 educational agency that received a subgrant, a list of
4 all the schools that were served, the amount of funds
5 each school received, and the intervention and sup-
6 port strategies implemented in each school.

7 “(8) SUPPLEMENT NOT SUPPLANT.—A local
8 educational agency or State shall use Federal funds
9 received under this subsection only to supplement
10 the funds that would, in the absence of such Federal
11 funds, be made available from non-Federal sources
12 for the education of pupils participating in programs
13 funded under this subsection.

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

23 (2) by striking section 1119; and

1 (3) by redesignating sections 1118, 1120,
2 1120A, and 1120B, as sections 1115, 1116, 1117,
3 and 1118, respectively.

4 **SEC. 1005. PARENT AND FAMILY ENGAGEMENT.**

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

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

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

12 (ii) by inserting “and family mem-
13 bers” after “and procedures for the in-
14 volvement of parents”;

15 (B) in paragraph (2)—

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

18 (ii) by striking “written parent in-
19 volvement policy” and inserting “written
20 parent and family engagement policy”;

21 (iii) by striking “expectations for par-
22 ent involvement” and inserting “expecta-
23 tions and objectives for meaningful parent
24 and family involvement”; and

1 (iv) by striking subparagraphs (A)
2 through (F) and inserting the following:

3 “(A) involve parents and family members
4 in jointly developing a parent and family en-
5 gagement policy under section 1112(d), and the
6 process of school review and improvement under
7 section 1114;

8 “(B) provide the coordination, technical as-
9 sistance, and other support necessary to assist
10 and build the capacity of all participating
11 schools within the local educational agency in
12 planning and implementing effective parent and
13 family involvement activities to improve student
14 academic achievement and school performance,
15 which may include meaningful consultation with
16 employers, business leaders and philanthropic
17 organization, or individuals with expertise in ef-
18 fectively engaging parents and family members
19 in education;

20 “(C) coordinate and integrate parental in-
21 volvement strategies under this part with paren-
22 tal involvement strategies, to the extent feasible
23 and appropriate, with other relevant Federal,
24 State, and local laws and programs;

1 “(D) conduct, with the meaningful involve-
2 ment of parents and family members, an annual
3 evaluation of the content and effectiveness of
4 the parent and family engagement policy in im-
5 proving the academic quality of all schools
6 served under this part, including identifying—

7 “(i) barriers to greater participation
8 by parents in activities authorized by this
9 section (with particular attention to par-
10 ents who are economically disadvantaged,
11 are disabled, are English learners, have
12 limited literacy, or are of any racial or eth-
13 nic minority background);

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

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

20 “(E) use the findings of such evaluation in
21 subparagraph (D) to design evidence-based
22 strategies for more effective parental involve-
23 ment, and to revise, if necessary, the parental
24 involvement policies described in this section;
25 and

1 “(F) involve parents in the activities of the
2 schools served under this part, which may in-
3 clude establishing a parent advisory board com-
4 prised of a sufficient number and representative
5 group of parents or family members served by
6 the local educational agency to adequately rep-
7 resent the needs of the population served by
8 such agency for the purposes of developing, re-
9 vising, and reviewing the parent and family en-
10 gagement policy.”; and

11 (C) in paragraph (3)—

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

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

23 (iii) in subparagraph (C)—

24 (I) by striking “95 percent” and
25 inserting “85 percent”; and

1 (II) by inserting “, with priority
2 given to high–need schools” after
3 “schools served under this part”; and
4 (iv) by adding at the end the fol-
5 lowing:

6 “(D) USE OF FUNDS.—Funds reserved
7 under subparagraph (A) by a local educational
8 agency shall be used to carry out activities and
9 strategies consistent with the local educational
10 agency’s parent and family engagement policy,
11 including not less than 1 of the following:

12 “(i) Supporting schools and nonprofit
13 organizations in providing professional de-
14 velopment for local educational agency and
15 school personnel regarding parent and
16 family engagement strategies, which may
17 be provided jointly to teachers, school lead-
18 ers, early childhood educators, and parents
19 and family members.

20 “(ii) Supporting home visitation pro-
21 grams.

22 “(iii) Disseminating information on
23 best practices focused on parent and family
24 engagement, especially best practices for
25 increasing the engagement of economically

1 disadvantaged parents and family mem-
2 bers.

3 “(iv) Collaborating or providing sub-
4 grants to schools to enable such schools to
5 collaborate with community-based or other
6 organizations or employers with a dem-
7 onstrated track record of success in im-
8 proving and increasing parent and family
9 engagement.

10 “(v) Engaging in any other activities
11 and strategies that the local educational
12 agency determines are appropriate and
13 consistent with such agency’s parent and
14 family engagement policy, which may in-
15 clude adult education and literacy activi-
16 ties, as defined in section 203 of the Adult
17 Education and Family Literacy Act.”;

18 (2) in subsection (b)—

19 (A) in the heading, by striking “PARENTAL
20 INVOLVEMENT POLICY” and inserting PAREN-
21 TAL AND FAMILY ENGAGEMENT POLICY;

22 (B) in paragraph (1)—

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

1 (ii) by striking “written parental in-
2 volvement policy” and inserting “written
3 parent and family engagement policy”;

4 (C) in paragraph (2)—

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

8 (ii) by inserting “and family mem-
9 bers” after “that applies to all parents”;
10 and

11 (D) in paragraph (3)—

12 (i) by striking “school-district-level
13 parental involvement policy” and inserting
14 “district-level parent and family engage-
15 ment policy”; and

16 (ii) by inserting “and family members
17 in all schools served by the local edu-
18 cational agency” after “policy that applies
19 to all parents”;

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

24 (4) in subsection (d)—

25 (A) in paragraph (1)—

1 (i) by striking “the State’s student
2 academic achievement standards” and in-
3 sserting “the challenging State academic
4 standards”; and

5 (ii) by striking “, such as monitoring
6 attendance, homework completion, and tel-
7 evision watching”;

8 (B) in paragraph (2)—

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

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

13 (iii) by adding at the end the fol-
14 lowing:

15 “(D) ensuring regular two-way, meaningful
16 communication between family members and
17 school staff, to the extent practicable, in a lan-
18 guage that family members can understand and
19 access.”;

20 (5) in subsection (e)—

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

1 (B) in paragraph (3), by striking “pupil
2 services personnel, principals” and inserting
3 “instructional support services personnel, prin-
4 cipals, and other school leaders”; and

5 (C) in paragraph (4) by striking “Head
6 Start, Reading First, Early Reading First,
7 Even Start, the Home Instruction Programs for
8 Preschool Youngsters, the Parents as Teachers
9 Program” and inserting “other relevant Fed-
10 eral, State, and local laws,”;

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

13 “(f) ACCESSIBILITY.—In carrying out the parent and
14 family involvement requirements of this part, local edu-
15 cational agencies and schools, to the extent practicable,
16 shall provide opportunities for the full and informed par-
17 ticipation of parents and family members (including par-
18 ents and family members who are English learners, par-
19 ents and family members with disabilities, and parents of
20 migratory children), including providing information and
21 school reports required under section 1111 in a format
22 and, to the extent practicable, in a language such parents
23 understand.”; and

1 (7) in subsection (h), by striking “parental in-
2 volvement policies” and inserting “parent and family
3 engagement policies”.

4 **SEC. 1006. PARTICIPATION OF CHILDREN ENROLLED IN**
5 **PRIVATE SCHOOLS.**

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

8 (1) in subsection (a)—

9 (A) in paragraph (1), by striking “sections
10 1118 and 1119” and inserting “section 1115”;
11 and

12 (B) by striking paragraph (4) and insert-
13 ing the following:

14 “(4) EXPENDITURES.—

15 “(A) IN GENERAL.—Expenditures for edu-
16 cational services and other benefits to eligible
17 private school children shall be equal to the pro-
18 portion of funds allocated to participating
19 school attendance areas based on the number of
20 children from low-income families who attend
21 private schools.

22 “(B) TERM OF DETERMINATION.—The
23 local educational agency may determine the eq-
24 uitable share each year or every 2 years.

1 sponsibility for the provision of serv-
2 ices to a separate government agency,
3 consortium, or entity, or to a third-
4 party contractor.”; and

5 (B) in paragraph (5)(A)—

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

8 (ii) by inserting “, or did not make a
9 decision that treats the private school stu-
10 dents equitably as required by this section”
11 before the period at the end.

12 **SEC. 1007. SUPPLEMENT, NOT SUPPLANT.**

13 Section 1117, as redesignated by section 1004(3), is
14 amended by striking subsection (b) and inserting the fol-
15 lowing:

16 “(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUP-
17 PLANT, NON-FEDERAL FUNDS.—

18 “(1) IN GENERAL.—A State educational agency
19 or local educational agency shall use Federal funds
20 received under this part only to supplement the
21 funds that would, in the absence of such Federal
22 funds, be made available from non-Federal sources
23 for the education of pupils participating in programs
24 assisted under this part, and not to supplant such
25 funds.

1 “(2) COMPLIANCE.—To demonstrate compli-
2 ance with paragraph (1), a local educational agency
3 shall demonstrate that the methodology used to allo-
4 cate State and local funds to each school receiving
5 assistance under this part ensures that such school
6 receives all of the State and local funds it would oth-
7 erwise receive if it were not receiving assistance
8 under this part.

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

11 “(A) identify that an individual cost or
12 service supported under this part is supple-
13 mental; and

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

19 “(4) PROHIBITION.—Nothing in this section
20 shall be construed to authorize or permit the Sec-
21 retary to establish any criterion that specifies, de-
22 fines, or prescribes the specific methodology a local
23 educational agency uses to allocate State and local
24 funds to each school receiving assistance under this
25 part.

1 “(5) TIMELINE.—A local educational agency—

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

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

12 **SEC. 1008. MAINTENANCE OF EFFORT.**

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

15 “(e) MAINTENANCE OF EFFORT.—

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

1 “(2) REDUCTION IN CASE OF FAILURE TO
2 MEET.—

3 “(A) IN GENERAL.—The Secretary shall
4 reduce the amount of the allotment of funds
5 under this section in any fiscal year in the exact
6 proportion by which a State fails to meet the
7 requirement of paragraph (1) by falling below
8 90 percent of both the fiscal effort per student
9 and aggregate expenditures (using the measure
10 most favorable to the State), if such State has
11 also failed to meet such requirement (as deter-
12 mined using the measure most favorable to the
13 State) for 1 or more of the 5 immediately pre-
14 ceding fiscal years.

15 “(B) SPECIAL RULE.—No such lesser
16 amount shall be used for computing the effort
17 required under paragraph (1) for subsequent
18 years.

19 “(3) WAIVER.—The Secretary may waive the
20 requirements of this subsection if the Secretary de-
21 termines that a waiver would be equitable due to—

22 “(A) exceptional or uncontrollable cir-
23 cumstances, such as a natural disaster or a
24 change in the organizational structure of the
25 State; or

1 “(B) a precipitous decline in the financial
2 resources of the State.”.

3 **SEC. 1009. ACADEMIC ASSESSMENTS.**

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

6 **“PART B—ACADEMIC ASSESSMENTS**

7 **“SEC. 1201. GRANTS FOR STATE ASSESSMENTS AND RE-**
8 **LATED ACTIVITIES.**

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

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

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

20 “(A) Expanding the range of appropriate
21 accommodations available to children who are
22 English learners and children with disabilities
23 to improve the rates of inclusion in regular as-
24 sessments of such children, including profes-
25 sional development activities to improve the im-

1 plementation of such accommodations in in-
2 structional practice.

3 “(B) Developing challenging State aca-
4 demic standards and aligned assessments in
5 academic subjects for which standards and as-
6 sessments are not required under section
7 1111(b).

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

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

13 “(E) Refining State assessments to ensure
14 their continued alignment with the challenging
15 State academic standards and to improve the
16 alignment of curricula and instructional mate-
17 rials.

18 “(F) Developing or improving the quality,
19 validity, and reliability of assessments for chil-
20 dren who are English learners, including alter-
21 native assessments aligned with the challenging
22 State academic standards, testing accommoda-
23 tions for children who are English learners, and
24 assessments of English language proficiency.

1 “(G) Developing or improving balanced as-
2 sessment systems that include summative, in-
3 terim, and formative assessments, including
4 supporting local educational agencies in devel-
5 oping or improving such assessments.

6 **“SEC. 1202. FUNDING.**

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

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

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

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

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

23 “(A) \$3,000,000; and

24 “(B) with respect to any amounts remain-
25 ing after the allocation is made under subpara-

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

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

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

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

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

22 “(2) assessments that validate when students
23 are ready to demonstrate mastery and allow for dif-
24 ferentiated student support based on individual
25 learning needs.

1 “(b) DEMONSTRATION AUTHORITY.—

2 “(1) IN GENERAL.—The Secretary may provide
3 a State educational agency, in accordance with para-
4 graph (3), with the authority to establish, an innova-
5 tive assessment system.

6 “(2) DEMONSTRATION PERIOD.—Each author-
7 ization of demonstration authority under this section
8 shall be for a period of 3 years.

9 “(3) INITIAL DEMONSTRATION AUTHORITY; EX-
10 PANSION.—

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

16 “(B) EXPANSION OF DEMONSTRATION AU-
17 THORITY.—After the end of the initial dem-
18 onstration period described in subparagraph
19 (A), the Secretary may provide additional State
20 educational agencies with demonstration au-
21 thority described in paragraph (1), if the Sec-
22 retary determines that the innovative assess-
23 ment systems have—

24 “(i) demonstrated progress in increas-
25 ing student achievement and improving

1 academic outcomes, including increased
2 high school graduation rates for high
3 schools, among students served by the
4 State educational agencies, including each
5 of the categories of students, as defined in
6 section 1111(b)(3)(A);

7 “(ii) been developed in accordance
8 with the requirements of subsection (c), in-
9 cluding substantial evidence that such sys-
10 tem meets such requirements; and

11 “(iii) demonstrated that the same aca-
12 demic assessment system was used to
13 measure the achievement of all students,
14 and at least 95 percent of students overall
15 and in each of the categories of students,
16 as defined in section 1111(b)(3)(A), were
17 assessed under the innovative assessment
18 system.

19 “(c) APPLICATION.—A State educational agency that
20 desires to participate in the program of demonstration au-
21 thority under this section shall submit an application to
22 the Secretary at such time, in such manner, and con-
23 taining such information as the Secretary may reasonably
24 require. Such application shall include a description of the

1 innovative assessment system. In addition, the application
2 shall include the following:

3 “(1) A demonstration that the innovative as-
4 sessment system will—

5 “(A) meet all the requirements of section
6 1111(b)(2)(B), except the requirements of
7 clause (i) and items (aa) and (bb) of clause
8 (v)(I) of such section;

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

13 “(C) express student results or student
14 competencies in terms consistent with the
15 State’s student academic achievement stand-
16 ards;

17 “(D) be able to generate comparable, valid,
18 and reliable results for all students and for each
19 category of students described in section
20 1111(b)(2)(B)(xi), compared to the results for
21 such students on the State assessments under
22 section 1111(b)(2);

23 “(E) be developed in collaboration with
24 stakeholders representing the interests of chil-
25 dren with disabilities, English learners, and

1 other vulnerable children, educators, including
2 teachers, principals, and other school leaders,
3 and civil rights organizations in the State;

4 “(F) be accessible to all students, such as
5 by incorporating the principles of universal de-
6 sign for learning;

7 “(G) provide educators, students, and par-
8 ents with timely data, disaggregated by each
9 category of students under subclauses (I)
10 through (VI) of section 1111(b)(2)(B)(xi), to
11 inform and improve instructional practice and
12 student supports;

13 “(H) be able to identify which students are
14 not making progress toward the State’s aca-
15 demic achievement standards so that educators
16 can provide instructional support and targeted
17 intervention to all students to ensure every stu-
18 dent is making progress;

19 “(I) measure the annual progress of not
20 less than 95 percent of all students and each of
21 the categories of students, as defined in section
22 1111(b)(3)(A), who are enrolled in each school
23 that is participating in the innovative assess-
24 ment system and are required to take assess-
25 ments;

1 “(J) generate an annual, summative
2 achievement determination based on annual
3 data for each individual student based on the
4 State’s challenging academic standards under
5 section 1111(b)(1) and be able to validly and
6 reliably aggregate data from the innovative as-
7 sessment system for purposes of accountability,
8 consistent with the requirements of section
9 1111(b)(3), and reporting, consistent with the
10 requirements of section 1111(d); and

11 “(K) continue use of the high-quality
12 statewide academic assessments required under
13 section 1111(b)(2) if such assessments will be
14 used for accountability purposes for the dura-
15 tion of the demonstration.

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

18 “(A) identify the distinct purposes for each
19 assessment that is part of the innovative assess-
20 ment system;

21 “(B) provide support and training to local
22 educational agency and school staff to imple-
23 ment the innovative assessment system de-
24 scribed in this subsection;

1 “(C) inform parents of students in partici-
2 pating local educational agencies about the in-
3 novative assessment system at the beginning of
4 each school year during which the innovative
5 assessment system will be implemented;

6 “(D) engage and support teachers in devel-
7 oping and scoring assessments that are part of
8 the innovative assessment system, including
9 through the use of high quality professional de-
10 velopment, standardized and calibrated scoring
11 rubrics, and other strategies, consistent with
12 relevant nationally recognized professional and
13 technical standards, to ensure inter-rater reli-
14 ability and comparability;

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

17 “(F) ensure that students with the most
18 significant cognitive disabilities may be assessed
19 with alternate assessments consistent with sec-
20 tion 1111(b)(2)(D);

21 “(G) scale up the innovative assessment
22 system to administer such system statewide, in-
23 cluding the timeline that explains the process
24 for scaling to statewide implementation by the
25 end of the initial demonstration authority and

1 2-year renewal period, if the State is proposing
2 to administer the innovative assessment system
3 initially in a subset of local educational agen-
4 cies;

5 “(H) gather data, solicit regular feedback
6 from educators and parents, and assess the re-
7 sults of each year of the program of demonstra-
8 tion authority under this section, and respond
9 by making needed changes to the innovative as-
10 sessment system; and

11 “(I) report data from the innovative as-
12 sessment system annually to the Secretary, in-
13 cluding—

14 “(i) demographics of participating
15 local educational agencies, if such system
16 is not statewide, and additional local edu-
17 cational agencies if added to the system
18 during the course of the initial demonstra-
19 tion or 2-year renewal period;

20 “(ii) performance of all participating
21 students and for each category of students,
22 as defined in section 1111(b)(3)(A), on the
23 innovative assessment, consistent with the
24 requirements in section 1111(d); and

1 “(iii) feedback from teachers, prin-
2 cipals, other school leaders, and parents
3 about their satisfaction with the innovative
4 assessment system.

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

7 “(A) ensure that all students and each of
8 the categories of students, as defined in section
9 1111(b)(3)(A)—

10 “(i) are held to the same high stand-
11 ard as other students in the State; and

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

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

19 “(C) hold all participating schools in the
20 local educational agencies participating in the
21 program of demonstration authority account-
22 able for meeting the State’s expectations for
23 student achievement.

1 “(4) If the innovative assessment system will
2 initially be administered in a subset of local edu-
3 cational agencies—

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

10 “(B) assurances from such local edu-
11 cational agencies that such agencies will comply
12 with the requirements of this subsection; and

13 “(C) a demonstration that the partici-
14 pating local educational agencies will be demo-
15 graphically similar to the State as a whole.

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

17 “(1) implement a peer review process, which
18 shall include a review team comprised of practi-
19 tioners and experts who are knowledgeable about the
20 assessment innovation being proposed for all stu-
21 dents, including English learners and children with
22 disabilities, to inform—

23 “(A) the awarding, renewal, and expansion
24 of the demonstration authority under this sec-
25 tion; and

1 “(B) determinations about whether the in-
2 novative assessment system—

3 “(i) is valid, reliable, of high technical
4 quality, and consistent with relevant, na-
5 tionally recognized professional and tech-
6 nical standards; and

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

11 “(2) make publicly available the applications
12 submitted under subsection (c) and the peer review
13 comments and recommendations regarding such ap-
14 plications.

15 “(e) RENEWAL.—The Secretary may renew an au-
16 thorization of demonstration authority under this sub-
17 section for an additional 2 years if the State educational
18 agency demonstrates with evidence that the State edu-
19 cational agency’s innovative assessment system is con-
20 tinuing to meet the requirements of subsection (c).

21 “(f) USE OF INNOVATIVE ASSESSMENT SYSTEM.—A
22 State may, during the initial 3 year demonstration period
23 or 2-year renewal period include results from the innova-
24 tive assessment systems developed under this authority in
25 accountability determinations for each student in the par-

1 participating local educational agencies instead of, or in addi-
2 tion to, those from the assessment system under section
3 1111(b)(2), provided the State demonstrates that the
4 State has meet the requirements in subsection (c). The
5 State shall continue to meet all other requirements of sec-
6 tion 1111(b)(3).

7 “(g) AUTHORITY WITHDRAWN.—The Secretary shall
8 withdraw the authorization for demonstration authority
9 provided to a State educational agency under this section
10 and any participating local educational agency or the
11 State as a whole shall return to the statewide account-
12 ability system under section 1111(b)(2) if, at any point
13 after the 3-year demonstration period described in sub-
14 section (b)(2) or 2-year renewal period described in sub-
15 section (e), the State educational agency cannot present
16 to the Secretary a body of substantial evidence that the
17 innovative assessment system developed under this sec-
18 tion—

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

20 “(2) includes all students, including each of the
21 categories of students, as defined in section
22 1111(b)(3)(A), in the innovative assessment system
23 demonstration;

24 “(3) provides an unbiased, rational, and con-
25 sistent determination of progress toward annual

1 goals for schools, which are comparable to deter-
2 minations under section 1111(b)(3)(B)(iii) across
3 the State in which the local educational agencies are
4 located;

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

11 “(5) is equivalent to the statewide assessments
12 under section 1111(b)(2) in content coverage, dif-
13 ficulty, and quality.

14 “(h) TRANSITION.—

15 “(1) IN GENERAL.—If, after the initial dem-
16 onstration and renewal period, the State educational
17 agency has met all the requirements of this section,
18 such entity shall be permitted to operate the innova-
19 tive assessment system approved under the program
20 of demonstration authority under this section for the
21 purposes of paragraphs (2) and (3) of section
22 1111(b).

23 “(2) WAIVER AUTHORITY.—If, after the initial
24 demonstration and renewal period, the State has
25 met all of the requirements of this section, except

1 transition to full statewide use for States that will
2 initially administer an innovative assessment system
3 in a subset of local educational agencies, and con-
4 tinues to comply with the other requirements of this
5 section, and demonstrates a high quality plan for
6 transition to statewide use in a reasonable period of
7 time, the State may request, and the Secretary shall
8 review such request, a delay of the withdrawal of au-
9 thority under subsection (g) for the purpose of pro-
10 viding the State time necessary to implement the in-
11 novative assessment system statewide.”.

12 **SEC. 1010. EDUCATION OF MIGRATORY CHILDREN.**

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

15 (1) in section 1301—

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

20 (B) in paragraph (4), by striking “State
21 academic content and student academic achieve-
22 ment standards” and inserting “State academic
23 standards”; and

1 (C) in paragraph (5), by inserting “with-
2 out the need for postsecondary remediation”
3 after “employment”;

4 (2) in section 1303—

5 (A) by striking subsection (a) and insert-
6 ing the following:

7 “(a) STATE ALLOCATIONS.—

8 “(1) BASE AMOUNT.—

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

15 “(i) the amount that such State re-
16 ceived under this part for fiscal year 2002;
17 plus

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

20 “(B) NONPARTICIPATING STATES.—In the
21 case of a State (other than the Commonwealth
22 of Puerto Rico) that did not receive any funds
23 for fiscal year 2002 under this part, the State
24 shall receive, for fiscal year 2003 and suc-
25 ceeding fiscal years, an amount equal to—

1 “(i) the amount that such State would
2 have received under this part for fiscal
3 year 2002 if its application under section
4 1304 for the year had been approved; plus
5 “(ii) the amount allocated to the State
6 under paragraph (2).

7 “(2) ALLOCATION OF ADDITIONAL AMOUNT.—
8 For fiscal year 2003 and succeeding fiscal years, the
9 amount (if any) by which the funds appropriated to
10 carry out this part for the year exceed such funds
11 for fiscal year 2002 shall be allocated to a State
12 (other than the Commonwealth of Puerto Rico) so
13 that the State receives an amount equal to—

14 “(A) the sum of—

15 “(i) the number of identified eligible
16 migratory children, aged 3 through 21, re-
17 siding in the State during the previous
18 year; and

19 “(ii) the number of identified eligible
20 migratory children, aged 3 through 21,
21 who received services under this part in
22 summer or intercession programs provided
23 by the State during such year; multiplied
24 by

1 “(B) 40 percent of the average per-pupil
2 expenditure in the State, except that the
3 amount determined under this clause may not
4 be less than 32 percent, or more than 48 per-
5 cent, of the average per-pupil expenditure in the
6 United States.”;

7 (B) in subsection (c)—

8 (i) in paragraph (1)—

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

11 “(A) IN GENERAL.—If, after”; and

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

15 (ii) in paragraph (2)—

16 (I) by striking “(A) The Sec-
17 retary” and inserting the following:

18 “(A) FURTHER REDUCTIONS.—The Sec-
19 retary”; and

20 (II) in subparagraph (B), by
21 striking “The Secretary” and insert-
22 ing “REALLOCATION”; and

23 (C) in subsection (d)(3)(B), by striking
24 “welfare or educational attainment” and insert-
25 ing “academic achievement”; and

1 (D) in subsection (e)—

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

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

11 (3) in section 1304—

12 (A) in subsection (b)—

13 (i) in paragraph (1)—

14 (I) in the matter preceding sub-
15 paragraph (A)—

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

19 (bb) by inserting “and out
20 of school migratory children”
21 after “including preschool migra-
22 tory children”; and

23 (II) by striking subparagraph

24 (D) and inserting the following:

1 “(D) measurable program objectives and
2 outcomes;”;

3 (ii) in paragraph (2), by striking
4 “challenging State academic content stand-
5 ards and challenging State student aca-
6 demic achievement standards” and insert-
7 ing “challenging State academic stand-
8 ards”;

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

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

14 (v) by striking paragraph (6); and

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

17 (B) in subsection (c)—

18 (i) in the matter preceding paragraph
19 (1), by striking “, satisfactory to the Sec-
20 retary,”;

21 (ii) in paragraph (3), in the matter
22 before subparagraph (A), by striking “par-
23 ent advisory councils” and inserting “par-
24 ents of migratory children, including par-
25 ent advisory councils”;

1 (iii) in paragraph (4), by inserting
2 “and out of school migratory children”
3 after “addressing the unmet educational
4 needs of preschool”;

5 (iv) in paragraph (6)—

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

8 (II) by striking subparagraph (C)
9 and inserting the following:

10 “(C) evidence-based family literacy pro-
11 grams;”; and

12 (III) in subparagraph (E), by in-
13 sserting “, without the need for post-
14 secondary remediation” after “em-
15 ployment”; and

16 (v) in paragraph (7), by striking “,
17 through such procedures as the Secretary
18 may require”;

19 (C) by striking subsection (d) and insert-
20 ing the following:

21 “(d) PRIORITY FOR SERVICES.—In providing services
22 with funds received under this part, each recipient of such
23 funds shall give priority to migratory children who have
24 made a qualifying move within the previous 1-year period
25 and who—

1 “(1) are failing, or most at risk of failing, to
2 meet the challenging State academic standards; or

3 “(2) have dropped out of school.”; and

4 (D) in subsection (e)(3), by striking “sec-
5 ondary school students” and inserting “stu-
6 dents”;

7 (4) in section 1305(a), by inserting “, to the ex-
8 tent practicable” after “shall”;

9 (5) in section 1306 (a)(1)—

10 (A) by striking “special” both places the
11 term appears and inserting “unique”;

12 (B) in subparagraph (C), by striking
13 “challenging State academic content standards
14 and challenging State student academic
15 achievement standards” and inserting “chal-
16 lenging State academic standards”; and

17 (C) in subparagraph (F), by striking “or
18 B”; and

19 (6) in section 1307—

20 (A) in the matter preceding paragraph (1),
21 by striking “nonprofit”; and

22 (B) in paragraph (3), by striking “welfare
23 or educational attainment” and inserting “edu-
24 cational achievement”;

25 (7) in section 1308—

- 1 (A) in subsection (a)(1), by inserting
2 “through” after “including”; and
- 3 (B) in subsection (b)—
- 4 (i) in paragraph (1), by striking “de-
5 veloping effective methods for”;
- 6 (ii) in paragraph (2)—
- 7 (I) in subparagraph (A)—
- 8 (aa) in the matter preceding
9 clause (i), in the first sentence—
- 10 (AA) by striking “en-
11 sure the linkage of migrant
12 student” and inserting
13 “maintain a migratory”;
- 14 (BB) by striking “sys-
15 tems” and inserting “sys-
16 tem”;
- 17 (CC) by inserting
18 “within and” before “among
19 the States”; and
- 20 (DD) by striking “all
21 migratory students” and in-
22 sserting “all migratory chil-
23 dren eligible under this
24 part”;

1 (bb) in the matter preceding
2 clause (i), by striking “The Sec-
3 retary shall ensure” and all that
4 follows through “maintain.”; and

5 (cc) in clause (ii), by strik-
6 ing “required”;

7 (II) by redesignating subpara-
8 graph (B) as subparagraph (C);

9 (III) by inserting after subpara-
10 graph (A) the following:

11 “(B) CONSULTATION.—The Secretary
12 shall maintain ongoing consultation with the
13 States, local educational agencies, and other mi-
14 gratory student service providers on—

15 “(i) the effectiveness of the system de-
16 scribed in subparagraph (A); and

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

19 (IV) in subparagraph (C), as re-
20 designated by subclause (II)—

21 (aa) by striking “the pro-
22 posed data elements” and insert-
23 ing “any new proposed data ele-
24 ments”; and

1 (bb) by striking “Such pub-
2 lication shall occur not later than
3 120 days after the enactment of
4 the No Child Left Behind Act of
5 2001.”; and

6 (iii) by striking paragraph (4);
7 (8) in section 1309—

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

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

12 “(2) **MIGRATORY AGRICULTURAL WORKER.**—
13 The term ‘migratory agricultural worker’ means an
14 individual who made a qualifying move in the pre-
15 ceding 36 months and, after doing so, engaged in
16 new employment or personal subsistence in agri-
17 culture, which may be dairy work or the initial proc-
18 essing of raw agricultural products. If an individual
19 did not engage in such new employment soon after
20 a qualifying move, such individual may be considered
21 a migratory agricultural worker if the individual ac-
22 tively sought new employment and has a recent his-
23 tory of moves for agricultural employment.

1 “(3) MIGRATORY CHILD.—The term ‘migratory
2 child’ means a child or youth who made a qualifying
3 move in the preceding 36 months—

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

6 “(B) with, or to join, a parent or spouse
7 who is a migratory agricultural worker or a mi-
8 gratory fisher.

9 “(4) MIGRATORY FISHER.—The term ‘migra-
10 tory fisher’ means an individual who made a quali-
11 fying move in the preceding 36 months and, after
12 doing so, engaged in new employment or personal
13 subsistence in fishing. If the individual did not en-
14 gage in such new employment soon after the move,
15 the individual may be considered a migratory fisher
16 if the individual actively sought new employment and
17 has a recent history of moves for fishing work.

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

20 “(A) from one residence to another resi-
21 dence; and

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

24 “(i) in the case of a State that is com-
25 prised of a single school district, wherein a

1 qualifying move is from one administrative
2 area to another within such district;

3 “(ii) in the case of a school district of
4 more than 15,000 square miles, wherein a
5 qualifying move is a distance of 20 miles
6 or more to a temporary residence to en-
7 gage in a fishing activity; or

8 “(iii) in a case in which another ex-
9 ception applies, as defined by the Sec-
10 retary.”.

11 **SEC. 1011. PREVENTION AND INTERVENTION PROGRAMS**
12 **FOR CHILDREN AND YOUTH WHO ARE NE-**
13 **GLECTED, DELINQUENT, OR AT-RISK.**

14 Part D of title I (20 U.S.C. 6421 et seq.) is amend-
15 ed—

16 (1) in section 1401(a)—

17 (A) in paragraph (1)—

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

20 (ii) by striking “challenging State aca-
21 demic content standards and challenging
22 State student academic achievement stand-
23 ards” and inserting “challenging State
24 academic standards”; and

1 (B) in paragraph (3), by inserting “and
2 the involvement of their families and commu-
3 nities” after “to ensure their continued edu-
4 cation”;

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

7 “(2) MINIMUM PERCENTAGE.—The percentage
8 in paragraph (1)(A) shall not be less than 85 per-
9 cent.”;

10 (3) in section 1414—

11 (A) in subsection (a)—

12 (i) in paragraph (1)(B), by striking
13 “from correctional facilities to locally oper-
14 ated programs” and inserting “between
15 correctional facilities and locally operated
16 programs”; and

17 (ii) in paragraph (2)—

18 (I) in subparagraph (A)—

19 (aa) by striking “the pro-
20 gram goals, objectives, and per-
21 formance measures established
22 by the State” and inserting “the
23 program objectives and outcomes
24 established by the State”; and

1 (bb) by striking “vocational”
2 and inserting “career”;

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

6 (III) in subparagraph (C)—

7 (aa) in clause (i), by insert-
8 ing “and” after the semicolon;

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

12 (cc) by striking clause (iv);
13 and

14 (dd) by adding at the end
15 the following:

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

18 “(i) procedures to ensure the prompt
19 re-enrollment of each student who has been
20 placed in the juvenile justice system in sec-
21 ondary school or in a re-entry program
22 that best meets the needs of the student,
23 including the transfer of credits that such
24 students earn during placement; and

1 “(ii) opportunities for such students
2 to participate in higher education or career
3 pathways.”; and

4 (B) in subsection (c)—

5 (i) in paragraph (1)—

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

8 (II) by inserting “and to the ex-
9 tent practicable, provide for an assess-
10 ment upon entry into a correctional
11 facility” after “to be served under this
12 subpart”;

13 (ii) in paragraph (6)—

14 (I) by striking “carry out the
15 evaluation requirements of section
16 9601 and how” and inserting “use”;

17 (II) by inserting “under section
18 9601” after “recent evaluation”; and

19 (III) by striking “will be used”;

20 (iii) in paragraph (8) by striking “vo-
21 cational” and inserting “career”;

22 (iv) in paragraph (9)—

23 (I) by inserting “and following”
24 after “youth prior to”; and

1 (II) by inserting “and, to the ex-
2 tent practicable, to ensure that transi-
3 tion plans are in place” after “the
4 local educational agency or alternative
5 education program”;

6 (v) in paragraph (11), by striking
7 “transition of children and youth from
8 such facility or institution to” and insert-
9 ing “transition of such children and youth
10 between such facility or institution and”;

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

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

18 (4) in section 1415(a)—

19 (A) in paragraph (1)(B)—

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

22 (ii) by striking “vocational or tech-
23 nical training” and inserting “career and
24 technical education”; and

25 (B) in paragraph (2)—

1 (i) by striking subparagraph (A), and
2 inserting:

3 “(A) may include—

4 “(i) the acquisition of equipment; and

5 “(ii) pay for success initiatives that
6 produce a measurable, clearly defined out-
7 come that results in social benefit and di-
8 rect cost savings to the local, State, or
9 Federal Government;”;

10 (ii) in subparagraph (B)—

11 (I) in clause (i), by striking “con-
12 tent standards and student academic
13 achievement”; and

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

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

18 (iv) by striking subparagraph (D);

19 (5) in section 1416—

20 (A) in paragraph (3)—

21 (i) by striking “challenging State aca-
22 demic content standards and student aca-
23 demic achievement standards” and insert-
24 ing “challenging State academic stand-
25 ards”; and

1 (ii) by striking “complete secondary
2 school, attain a secondary diploma” and
3 inserting “attain a high school diploma”;

4 (B) in paragraph (4)—

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

7 (ii) by inserting “and, to the extent
8 practicable, the development and imple-
9 mentation of transition plans” after “chil-
10 dren and youth described in paragraph
11 (1)”; and

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

15 (6) in section 1418(a)—

16 (A) by striking paragraph (1) and insert-
17 ing the following:

18 “(1) projects that facilitate the transition of
19 children and youth between State-operated institu-
20 tions, or institutions in the State operated by the
21 Secretary of the Interior, and schools served by local
22 educational agencies or schools funded by the Bu-
23 reau of Indian Education; or”; and

24 (B) in paragraph (2)—

1 (i) by striking “vocational” each place
2 the term appears and inserting “career”;
3 and

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

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

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

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

14 (8) in section 1421—

15 (A) in paragraph (1), by inserting “, with-
16 out the need for remediation,” after “youth”;
17 and

18 (B) in paragraph (3), by inserting “, in-
19 cluding schools funded by the Bureau of Indian
20 Education,” after “local schools”;

21 (9) in section 1422(d)—

22 (A) by inserting “and may include the non-
23 academic needs” after “to meet the transitional
24 and academic needs”; and

1 (B) by striking “impact on meeting the
2 transitional” and inserting “impact on meeting
3 such transitional”;

4 (10) in section 1423—

5 (A) in paragraph (2)(B), by inserting “,
6 including such facilities operated by the Sec-
7 retary of the Interior and Indian tribes” after
8 “the juvenile justice system”;

9 (B) by striking paragraph (4) and insert-
10 ing the following:

11 “(4) a description of the activities that the local
12 educational agency will carry out to facilitate the
13 successful transition of children and youth in locally
14 operated institutions for neglected and delinquent
15 children and other correctional institutions into
16 schools served by the local educational agency, or as
17 appropriate, into career and technical education and
18 postsecondary education programs;”;

19 (C) in paragraph (8), by inserting “and
20 family members” after “will involve parents”;

21 (D) in paragraph (9), by striking “voca-
22 tional” and inserting “career”;

23 (E) by striking paragraph (11) and insert-
24 ing the following:

1 “(11) as appropriate, a description of how the
2 local educational agency and schools will address the
3 educational needs of children and youth who return
4 from institutions for neglected and delinquent chil-
5 dren and youth or from correctional institutions and
6 attend regular or alternative schools;” and

7 (F) in paragraph (12), by striking “par-
8 ticipating schools” and inserting “the local edu-
9 cational agency”;

10 (11) in section 1424—

11 (A) in paragraph (2), by striking “, includ-
12 ing” and all that follows through “gang mem-
13 bers”;

14 (B) in paragraph (4)—

15 (i) by striking “vocational” and in-
16 serting “career”; and

17 (ii) by striking “and” after the semi-
18 colon; and

19 (C) in paragraph (5), by striking the pe-
20 riod at the end and inserting a semicolon; and

21 (D) by inserting the following after para-
22 graph (5):

23 “(6) programs for at-risk Indian children and
24 youth, including such children and youth in correc-
25 tional facilities in the area served by the local edu-

1 cational agency that are operated by the Secretary
2 of the Interior or Indian tribes; and

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

7 (12) in section 1425—

8 (A) in paragraph (4)—

9 (i) by inserting “and obtain a high
10 school diploma” after “reenter school”;
11 and

12 (ii) by striking “or seek a secondary
13 school diploma or its recognized equiva-
14 lent”;

15 (B) in paragraph (6), by striking “high
16 academic achievement” and inserting “the chal-
17 lenging State academic standards”;

18 (C) in paragraph (9), by striking “voca-
19 tional” and inserting “career”;

20 (D) in paragraph (10), by striking “and”
21 after the semicolon;

22 (E) in paragraph (11), by striking the pe-
23 riod at the end and inserting “; and”; and

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

1 “(12) to the extent practicable, develop an ini-
2 tial educational services and transition plan for each
3 child or youth served under this subpart upon entry
4 into the correctional facility, in partnership with the
5 child’s or youth’s family members and the local edu-
6 cational agency that most recently provided services
7 to the child or youth (if applicable), consistent with
8 section 1414(a)(1); and

9 “(13) consult with the local educational agency
10 for a period jointly determined necessary by the cor-
11 rectional facility and local educational agency upon
12 discharge from that facility, to coordinate edu-
13 cational services so as to minimize disruption to the
14 child’s or youth’s achievement.”;

15 (13) in section 1426(2), by striking “sec-
16 ondary” and inserting “high”;

17 (14) in section 1431(a)—

18 (A) by striking “secondary” each place the
19 term appears and inserting “high”;

20 (B) in paragraph (1), by inserting “and to
21 graduate high school in the standard number of
22 years” after “educational achievement”; and

23 (C) in paragraph (3), by inserting “or
24 school funded by the Bureau of Indian Edu-
25 cation” after “local educational agency”; and

1 (15) in section 1432(2)—

2 (A) by striking “has limited English pro-
3 ficiency” and inserting “is an English learner”;
4 and

5 (B) by striking “or has a high absenteeism
6 rate at school.” and inserting “has a high ab-
7 senteeism rate at school, or has other life condi-
8 tions that make the individual at high risk for
9 dependency or delinquency adjudication.”.

10 **SEC. 1012. GENERAL PROVISIONS.**

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

12 (1) by striking parts E, F, G, and H;

13 (2) by redesignating part I as part E;

14 (3) by striking sections 1904, 1907, and 1908;

15 (4) by redesignating sections 1901, 1902, 1903,
16 1905, and 1906, as sections 1501, 1502, 1503,
17 1504, and 1505, respectively;

18 (5) in section 1501, as redesignated by para-
19 graph (4)—

20 (A) in subsection (a), by inserting “, in ac-
21 cordance with subsections (b) through (d),”
22 after “may issue”;

23 (B) in subsection (b)—

1 (i) in paragraph (1), by inserting
2 “principals, school leaders,” after “teach-
3 ers,”;

4 (ii) in paragraph (2), by adding at the
5 end the following: “All information from
6 such regional meetings and electronic ex-
7 changes shall be made public in an easily
8 accessible manner to interested parties.”;

9 (iii) in paragraph (3)(A), by striking
10 “standards and assessments” and inserting
11 “standards, assessments, the State ac-
12 countability system under section
13 1111(b)(3), school intervention and sup-
14 port under section 1114, and the require-
15 ment that funds be supplemented and not
16 supplanted under section 1117.”;

17 (iv) by striking paragraph (4) and in-
18 serting the following:

19 “(4) PROCESS.—Such process shall not be sub-
20 ject to the Federal Advisory Committee Act, but
21 shall, unless otherwise provided as described in sub-
22 section (c), follow the provisions of the Negotiated
23 Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).”;
24 and

1 (v) by striking paragraph (5) and in-
2 serting the following:

3 “(5) EMERGENCY SITUATION.—In an emer-
4 gency situation in which regulations to carry out this
5 title must be issued within a very limited time to as-
6 sist State educational agencies and local educational
7 agencies with the operation of a program under this
8 title, the Secretary may issue a proposed regulation
9 without following such process but shall—

10 “(A) designate the proposed regulation as
11 an emergency with an explanation of the emer-
12 gency in a notice provided to Congress;

13 “(B) publish the duration of the comment
14 and review period in such notice and in the
15 Federal Register; and

16 “(C) conduct regional meetings to review
17 such proposed regulation before issuing any
18 final regulation.”;

19 (C) by redesignating subsection (c) as sub-
20 section (d);

21 (D) by inserting after subsection (b) the
22 following:

23 “(c) ALTERNATIVE PROCESS IF FAILURE TO REACH
24 CONSENSUS.—If consensus, as defined in section 562 of
25 title 5, United States Code, on any proposed regulation

1 is not reached by the individuals selected under paragraph
2 (3)(B) for the negotiated rulemaking process, or if the
3 Secretary determines that a negotiated rulemaking proc-
4 ess is unnecessary, the Secretary may propose a regulation
5 in the following manner:

6 “(1) NOTICE TO CONGRESS.—Not less than 30
7 days prior to issuing a notice of proposed rule-
8 making in the Federal Register, the Secretary shall
9 provide to the Committee on Health, Education,
10 Labor, and Pensions of the Senate, the Committee
11 on Education and the Workforce of the House of
12 Representatives, and other relevant congressional
13 committees, notice of the Secretary’s intent to issue
14 a notice of proposed rulemaking that shall include—

15 “(A) a copy of the regulation to be pro-
16 posed;

17 “(B) a justification of the need to issue a
18 regulation;

19 “(C) the anticipated burden, including the
20 time, cost, and paperwork burden, the regula-
21 tions will have on State educational agencies,
22 local educational agencies, schools, and other
23 entities that may be impacted by the regulation;

24 “(D) the anticipated benefits to State edu-
25 cational agencies, local educational agencies,

1 schools, and other entities that may be im-
2 pacted by the regulation;

3 “(E) any regulations that will be repealed
4 when the new regulations are issued; and

5 “(F) an opportunity to comment on the in-
6 formation in subparagraphs (A) through (E).

7 “(2) COMMENT PERIOD FOR CONGRESS.—The
8 Secretary shall provide Congress with a 15-day pe-
9 riod, beginning after the date on which the Secretary
10 provided the notice of any proposed rulemaking to
11 Congress under paragraph (1), to make comments
12 on the proposed rule. After addressing all comments
13 received from Congress during such period, the Sec-
14 retary may proceed with the rulemaking process
15 under section 553 of title 5, United States Code, as
16 modified by this section.

17 “(3) PUBLIC COMMENT AND REVIEW PERIOD.—
18 The public comment and review period for any pro-
19 posed regulation shall be not less than 90 days un-
20 less an emergency requires a shorter period, in
21 which case the Secretary shall comply with the proc-
22 ess outlined in subsection (b)(5).

23 “(4) ASSESSMENT.—No regulation shall be
24 made final after the comment and review period de-

1 scribed in paragraph (3) until the Secretary has
2 published in the Federal Register—

3 “(A) an assessment of the proposed regula-
4 tion that—

5 “(i) includes a representative sam-
6 pling of local educational agencies based on
7 enrollment, geographic diversity (including
8 suburban, urban, and rural local edu-
9 cational agencies, and other factors im-
10 pacted by the proposed regulation); and

11 “(ii) addresses the burden, including
12 the time, cost, and paperwork burden, that
13 the regulation will impose on State edu-
14 cational agencies, local educational agen-
15 cies, schools, and other entities that may
16 be impacted by the regulation;

17 “(iii) addresses the benefits to State
18 educational agencies, local educational
19 agencies, schools, and other entities that
20 may be impacted by the regulation; and

21 “(iv) thoroughly addresses, based on
22 the comments received during the comment
23 and review period under paragraph (3),
24 whether the rule is financially and oper-
25 ationally viable at the local level; and

1 “(B) an explanation of how the entities de-
2 scribed in subparagraph (A)(ii) may cover the
3 cost of the burden assessed under such sub-
4 paragraph.”; and

5 (E) by inserting after subsection (d), as re-
6 designated by subparagraph (C), the following:

7 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion affects the applicability of subchapter II of chapter
9 5, and chapter 7, of title 5, United States Code (commonly
10 known as the ‘Administrative Procedure Act’) or chapter
11 8 of title 5, United States Code (commonly known as the
12 ‘Congressional Review Act’).”;

13 (6) in section 1502(a), as redesignated by para-
14 graph (4),

15 (A) by striking “section 1901” and insert-
16 ing “section 1501”; and

17 (B) by striking “or provides a written”
18 and all that follows through the period at the
19 end and inserting “or where negotiated rule-
20 making is not pursued, shall conform to section
21 1501(c).”;

22 (7) in section 1503, as redesignated by para-
23 graph (4)—

1 (A) in subsection (a)(2), by striking “stu-
2 dent academic achievement” and inserting
3 “academic”; and

4 (B) in subsection (b)(2)—

5 (i) in subparagraph (C), by striking “,
6 including vocational educators”;

7 (ii) in subparagraph (F), by striking
8 “and” after the semicolon; and

9 (iii) by striking subparagraph (G) and
10 inserting the following:

11 “(G) specialized instructional support per-
12 sonnel;

13 “(H) representatives of charter schools, as
14 appropriate; and

15 “(I) paraprofessionals.”.

16 **SEC. 1013. REPORT ON EDUCATIONAL STABILITY OF CHIL-**
17 **DREN IN FOSTER CARE.**

18 (a) IN GENERAL.—Not later than 2 years after the
19 date of the enactment of this Act, the Secretary of Edu-
20 cation and the Secretary of Health and Human Services
21 shall submit to the appropriate committees of Congress
22 a report that—

23 (1) describes any barriers to coordination be-
24 tween local educational agencies and child welfare
25 agencies, including in Federal law or regulation,

1 such as the Fostering Connections to Success and
2 Increasing Adoptions Act of 2008;

3 (2) describes the benefits and challenges of
4 keeping a foster care child in the school of origin
5 when such child moves to a new school attendance
6 area as a result of being placed in foster care,
7 changing foster care placements, or leaving foster
8 care, including—

9 (A) the academic impact of increased sta-
10 bility as a result of such child remaining in the
11 school of origin;

12 (B) challenges for local educational agen-
13 cies and child welfare agencies as a result of
14 such child remaining in the school of origin, in-
15 cluding challenges associated with transpor-
16 tation;

17 (C) estimates of transportation costs if
18 such child stays in the school of origin; and

19 (D) an analysis of the most appropriate
20 entity to pay transportation costs for a foster
21 care child who is changing or leaving place-
22 ments and remaining in the school of origin;

23 (3) examines barriers to credit transfer, includ-
24 ing awarding partial credit for coursework, for a
25 child in foster care who is changing schools;

1 (4) examines the impact on local educational
2 agencies of a local educational agency designating an
3 individual as a point of contact for a child welfare
4 agency, including—

5 (A) the entity most suited to having the re-
6 sponsibility for outreach on behalf of the edu-
7 cation of a child in foster care enrolled in a
8 school; and

9 (B) the benefits and limitations of desig-
10 nating the local educational agency liaison
11 under section 722(g)(1)(J)(ii) of the McKinney-
12 Vento Homeless Assistance Act as the same
13 point of contact at the local educational agency
14 for children in foster care;

15 (5) describes the impact of removing children
16 who are awaiting foster care placement from cov-
17 erage under the McKinney-Vento Homeless Assist-
18 ance Act; and

19 (6) examines the extent to which the child wel-
20 fare system takes into account a child's educational
21 stability when determining such child's foster care
22 placement.

23 (b) DEFINITIONS.—For the purposes of this section:

24 (1) CHILD IN FOSTER CARE.—The term “child
25 in foster care” means a child whose care and place-

1 ment is the responsibility of the agency that admin-
2 isters a State plan under part B or E of title IV of
3 the Social Security Act (42 U.S.C. 621 et seq., 670
4 et seq.), without regard to whether foster care main-
5 tenance payments are made under section 472 of the
6 Social Security Act (42 U.S.C. 672) on behalf of the
7 child.

8 (2) SCHOOL OF ORIGIN.—The term “school of
9 origin” means, with respect to a child in foster care,
10 any of the following:

11 (A) The public school in which the child
12 was enrolled prior to entry into foster care.

13 (B) The public school in which the child is
14 enrolled when a change in foster care placement
15 occurs.

16 (C) The public school the child attended
17 when last permanently housed, as such term is
18 used in section 722(g)(3)(G) of the McKinney-
19 Vento Homeless Assistance Act (42 U.S.C.
20 11432(g)(3)(G)), if such child was eligible for
21 assistance under such Act before the child be-
22 came a child in foster care.

23 **SEC. 1014. REPORT ON SUBGROUP SAMPLE SIZE.**

24 (a) REPORT.—Not later than 90 days after the date
25 of enactment of this Act, the Institute of Education

1 Sciences shall publish a report on best practices for deter-
2 mining valid, reliable, and statistically significant min-
3 imum numbers of students for each of the categories of
4 students, as defined in section 1111(b)(3)(A) of the Ele-
5 mentary and Secondary Education Act of 1965, for the
6 purposes of inclusion as categories of students in the ac-
7 countability system described in section 1111(b)(3) of the
8 Elementary and Secondary Education Act of 1965 (20
9 U.S.C. 6311(b)(3)) (as amended by this Act) and how
10 such minimum number that is determined will not reveal
11 personally identifiable information about students.

12 (b) PUBLIC DISSEMINATION.—The Institute of Edu-
13 cation Sciences shall work with the Department of Edu-
14 cation’s existing technical assistance providers and dis-
15 semination networks to ensure that the report described
16 under paragraph (1) is widely disseminated—

17 (1) to the public, State educational agencies,
18 local educational agencies, and schools; and

19 (2) through electronic transfer, and other
20 means, such as posting the report on the website of
21 the Institute of Education Science other in another
22 relevant place.

1 **TITLE II—HIGH-QUALITY TEACH-**
2 **ERS, PRINCIPALS, AND**
3 **OTHER SCHOOL LEADERS**

4 **SEC. 2001. TRANSFER OF CERTAIN PROVISIONS.**

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

6 (1) by redesignating subpart 5 of part C of title
7 II (20 U.S.C. 6731 et seq.) as subpart 3 of part F
8 of title IX, as redesignated by section 9106(1), and
9 moving that subpart to the end of part F of title IX;

10 (2) by redesignating sections 2361 through
11 2368 as sections 9541 through 9548, respectively;

12 (3) by striking the subpart heading of subpart
13 3 of part F of title IX, as redesignated by paragraph
14 (1), and inserting the following:

15 **“Subpart 3—Teacher Liability Protection”;**

16 (4) in section 9546(b), as redesignated by para-
17 graph (2), by striking the matter following para-
18 graph (2) and inserting the following:

19 “(3) A State law that makes a limitation of li-
20 ability inapplicable if the civil action was brought by
21 an officer of a State or local government pursuant
22 to State or local law.”;

23 (5) by redesignating subpart 4 of part D of title
24 II as subpart 4 of part F of title IX, as redesignated
25 by section 9106(1), and moving that subpart to fol-

1 low subpart 3 of part F of title IX, as redesignated
2 and moved by paragraph (1);

3 (6) by redesignating section 2441 as section
4 9551; and

5 (7) by striking the subpart heading of subpart
6 4 of part F of title IX, as redesignated by paragraph
7 (5), and inserting the following:

8 **“Subpart 4—Internet Safety”.**

9 **SEC. 2002. FUND FOR THE IMPROVEMENT OF TEACHING**
10 **AND LEARNING.**

11 The Act (20 U.S.C. 6301 et seq.) is amended by
12 striking title II (as amended by section 2001) and insert-
13 ing the following:

14 **“TITLE II—PREPARING, TRAIN-**
15 **ING, AND RECRUITING HIGH-**
16 **QUALITY TEACHERS, PRIN-**
17 **CIPALS, AND OTHER SCHOOL**
18 **LEADERS**

19 **“SEC. 2001. PURPOSE.**

20 “The purpose of this title is to improve student aca-
21 demic achievement by—

22 “(1) increasing the ability of local educational
23 agencies, schools, teachers, principals, and other
24 school leaders to provide a well-rounded and com-
25 plete education for all students;

1 “(2) improving the quality and effectiveness of
2 teachers, principals, and other school leaders;

3 “(3) increasing the number of teachers, prin-
4 cipals, and other school leaders who are effective in
5 improving student academic achievement in schools;
6 and

7 “(4) ensuring that low-income and minority
8 students are served by effective teachers, principals,
9 and other school leaders and have access to a high-
10 quality instructional program.

11 **“SEC. 2002. DEFINITIONS.**

12 “In this title:

13 “(1) SCHOOL LEADER RESIDENCY PROGRAM.—
14 The term ‘school leader residency program’ means a
15 school-based principal, school leader, or principal
16 and school leader preparation program in which a
17 prospective principal or school leader—

18 “(A) for 1 academic year, engages in sus-
19 tained and rigorous clinical learning with sub-
20 stantial leadership responsibilities and an op-
21 portunity to practice and be evaluated in an au-
22 thentic school setting; and

23 “(B) during that academic year—

1 “(i) participates in research-based
2 coursework that is integrated with the clin-
3 ical residency experience; and

4 “(ii) receives ongoing support from a
5 mentor principal or school leader who is ef-
6 fective.

7 “(2) STATE.—The term ‘State’ means each of
8 the 50 States, the District of Columbia, and the
9 Commonwealth of Puerto Rico.

10 “(3) TEACHER RESIDENCY PROGRAM.—The
11 term ‘teacher residency program’ means a school-
12 based teacher preparation program in which a pro-
13 spective teacher—

14 “(A) for not less than 1 academic year,
15 teaches alongside an effective teacher, as deter-
16 mined by a teacher evaluation system imple-
17 mented under part A (if applicable), who is the
18 teacher of record for the classroom;

19 “(B) receives concurrent instruction during
20 the year described in subparagraph (A)—

21 “(i) through courses that may be
22 taught by local educational agency per-
23 sonnel or by faculty of the teacher prepara-
24 tion program; and

1 “(ii) in the teaching of the content
2 area in which the teacher will become cer-
3 tified or licensed; and

4 “(C) acquires effective teaching skills, as
5 demonstrated through completion of a residency
6 program, or other measure determined by the
7 State, which may include a teacher performance
8 assessment.

9 **“SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.**

10 “(a) GRANTS TO STATES AND LOCAL EDUCATIONAL
11 AGENCIES.—For the purposes of carrying out part A
12 (other than section 2105), there are authorized to be ap-
13 propriated such sums as may be necessary for each of fis-
14 cal years 2016 through 2021.

15 “(b) NATIONAL ACTIVITIES.—For the purposes of
16 carrying out activities authorized under section 2105,
17 there are authorized to be appropriated such sums as may
18 be necessary for each of fiscal years 2016 through 2021.

19 “(c) TEACHER AND SCHOOL LEADER INCENTIVE
20 FUND.—For the purposes of carrying out part B, there
21 are authorized to be appropriated such sums as may be
22 necessary for each of fiscal years 2016 through 2021.

23 “(d) AMERICAN HISTORY AND CIVICS EDUCATION.—
24 For the purposes of carrying out part C, there are author-

1 ized to be appropriated such sums as may be necessary
2 for each of fiscal years 2016 through 2021.

3 “(e) LITERACY EDUCATION FOR ALL, RESULTS FOR
4 THE NATION.—For the purposes of carrying out part D,
5 there are authorized to be appropriated such sums as may
6 be necessary for each of fiscal years 2016 through 2021.

7 **“PART A—FUND FOR THE IMPROVEMENT OF**
8 **TEACHING AND LEARNING**

9 **“SEC. 2101. FORMULA GRANTS TO STATES.**

10 “(a) RESERVATION OF FUNDS.—From the total
11 amount appropriated under section 2003(a) for a fiscal
12 year, the Secretary shall reserve—

13 “(1) one-half of 1 percent for allotments for the
14 United States Virgin Islands, Guam, American
15 Samoa, and the Commonwealth of the Northern
16 Mariana Islands, to be distributed among those out-
17 lying areas on the basis of their relative need, as de-
18 termined by the Secretary, in accordance with the
19 purpose of this title; and

20 “(2) one-half of 1 percent for the Secretary of
21 the Interior for programs under this part in schools
22 operated or funded by the Bureau of Indian Edu-
23 cation.

24 “(b) STATE ALLOTMENTS.—

1 “(1) IN GENERAL.—Subject to paragraph (2),
2 from the funds appropriated under section 2003(a)
3 for a fiscal year that remain after the Secretary
4 makes the reservations under subsection (a), the
5 Secretary shall allot to each State for applications
6 approved under section 9451 the sum of—

7 “(A) an amount that bears the same rela-
8 tionship to 35 percent of the remaining amount
9 as the number of individuals age 5 through 17
10 in the State, as determined by the Secretary on
11 the basis of the most recent satisfactory data,
12 bears to the number of those individuals in all
13 States, as so determined; and

14 “(B) an amount that bears the same rela-
15 tionship to 65 percent of the remaining amount
16 as the number of individuals age 5 through 17
17 from families with incomes below the poverty
18 line in the State, as determined by the Sec-
19 retary on the basis of the most recent satisfac-
20 tory data, bears to the number of those individ-
21 uals in all States, as so determined.

22 “(2) EXCEPTIONS.—

23 “(A) SMALL STATE MINIMUM.—Notwith-
24 standing paragraph (1), no State receiving an
25 allotment under such paragraph shall receive

1 less than one-half of 1 percent of the total re-
2 maining amount allotted under such paragraph
3 for a fiscal year.

4 “(B) REALLOTMENT.—If a State does not
5 receive an allotment under paragraph (1) for a
6 fiscal year, the Secretary shall reallocate the
7 amount of the State’s allotment to the remain-
8 ing States in accordance with this subsection.

9 “(c) STATE USE OF FUNDS.—

10 “(1) IN GENERAL.—Except as provided for
11 under paragraph (3), each State that receives an al-
12 lotment under subsection (b) for a fiscal year shall
13 reserve not less than 95 percent of such allotment
14 to make subgrants to local educational agencies for
15 such fiscal year, as described in section 2102.

16 “(2) STATE ADMINISTRATION.—A State edu-
17 cational agency may use not more than 1 percent of
18 the amount allotted to such State under subsection
19 (b) for the administrative costs of carrying out such
20 State educational agency’s responsibilities under this
21 part.

22 “(3) PRINCIPALS AND OTHER SCHOOL LEAD-
23 ERS.—Notwithstanding paragraph (1) and in addi-
24 tion to funds otherwise available for activities under
25 paragraph (4), a State educational agency may re-

1 serve not more than 3 percent of the amount re-
2 served for subgrants to local educational agencies
3 under paragraph (1) for activities described in para-
4 graph (4) focused on the recruitment, preparation,
5 placement, support, and retention of effective prin-
6 cipals and other school leaders, if such reservation
7 would not result in a lower allocation to local edu-
8 cational agencies under section 2102, as compared
9 to such allocation for the preceding fiscal year.

10 “(4) STATE ACTIVITIES.—

11 “(A) IN GENERAL.—The State educational
12 agency for a State that receives an allotment
13 under subsection (b) may use funds not re-
14 served under paragraph (1) to carry out 1 or
15 more of the activities described in subparagraph
16 (B), which may be implemented in conjunction
17 with a State agency of higher education (if such
18 agencies are separate) and carried out through
19 a grant or contract with a for-profit or non-
20 profit entity, including an institution of higher
21 education.

22 “(B) TYPES OF STATE ACTIVITIES.—The
23 activities described in this subparagraph are the
24 following:

1 “(i) Reforming teacher, principal, and
2 other school leader certification, recertifi-
3 cation, licensing, or tenure systems or
4 preparation program standards and ap-
5 proval processes to ensure that—

6 “(I) teachers have the necessary
7 subject matter knowledge and teach-
8 ing skills, as demonstrated through
9 measures determined by the State,
10 which may include teacher perform-
11 ance assessments, in the academic
12 subjects that the teachers teach to
13 help students meet challenging State
14 academic standards described in sec-
15 tion 1111(b)(1);

16 “(II) principals and other school
17 leaders have the instructional leader-
18 ship skills to help teachers teach and
19 to help students meet such chal-
20 lenging State academic standards; and

21 “(III) teacher certification or li-
22 censing requirements are aligned with
23 such challenging State academic
24 standards.

1 “(ii) Developing, improving, or pro-
2 viding assistance to local educational agen-
3 cies to support the design and implementa-
4 tion of teacher, principal, and other school
5 leader evaluation and support systems that
6 are based in part on evidence of student
7 academic achievement, which may include
8 student growth, and shall include multiple
9 measures of educator performance and
10 provide clear, timely, and useful feedback
11 to teachers, principals, and other schools
12 leaders, such as by—

13 “(I) developing and dissemi-
14 nating high-quality evaluation tools,
15 such as classroom observation rubrics,
16 and methods, including training and
17 auditing, for ensuring inter-rater reli-
18 ability of evaluation results;

19 “(II) developing and providing
20 training to principals, other school
21 leaders, coaches, mentors, and eval-
22 uators on how to accurately differen-
23 tiate performance, provide useful and
24 timely feedback, and use evaluation
25 results to inform decision making

1 about professional development, im-
2 provement strategies, and personnel
3 decisions; and

4 “(III) developing a system for
5 auditing the quality of evaluation and
6 support systems.

7 “(iii) Improving equitable access to ef-
8 fective teachers, principals, and other
9 school leaders.

10 “(iv) Carrying out programs that es-
11 tablish, expand, or improve alternative
12 routes for State certification of teachers
13 (especially for teachers of students with
14 disabilities, English learners, science, tech-
15 nology, engineering, mathematics, or other
16 areas where the State demonstrates a
17 shortage of educators), principals, and
18 other school leaders, for—

19 “(I) individuals with a bacca-
20 laurate or master’s degree, or other
21 advanced degree;

22 “(II) mid-career professionals
23 from other occupations;

24 “(III) paraprofessionals;

1 “(IV) former military personnel;
2 and

3 “(V) recent graduates of institu-
4 tions of higher education with records
5 of academic distinction who dem-
6 onstrate the potential to become high-
7 ly effective teachers, principals, or
8 other school leaders.

9 “(v) Developing, improving, and im-
10 plementing mechanisms to assist local edu-
11 cational agencies and schools in effectively
12 recruiting and retaining teachers, prin-
13 cipals, and other school leaders who are ef-
14 fective in improving student academic
15 achievement, including highly effective
16 teachers from underrepresented minority
17 groups and teachers with disabilities.

18 “(vi) Fulfilling the State educational
19 agency’s responsibilities concerning proper
20 and efficient administration and moni-
21 toring of the programs carried out under
22 this part, including provision of technical
23 assistance to local educational agencies.

24 “(vii) Developing, or assisting local
25 educational agencies in developing—

1 “(I) teacher advancement initia-
2 tives that promote professional growth
3 and emphasize multiple career paths,
4 such as school leadership, mentoring,
5 involvement with school improvement,
6 and instructional coaching;

7 “(II) strategies that provide dif-
8 ferential pay, or other incentives, to
9 recruit and retain teachers in high-
10 need academic subjects and teachers,
11 principals, or other school leaders, in
12 low-income schools and school dis-
13 tricts, which may include perform-
14 ance-based pay systems; and

15 “(III) new teacher, principal, and
16 other school leader induction and
17 mentoring programs that are evi-
18 dence-based and designed to—

19 “(aa) improve classroom in-
20 struction and student learning
21 and achievement;

22 “(bb) increase the retention
23 of effective teachers, principals,
24 and other school leaders;

1 “(cc) improve school leader-
2 ship to improve classroom in-
3 struction and student learning
4 and achievement; and

5 “(dd) provide opportunities
6 for teachers, principals, and
7 other school leaders who are ex-
8 perienced, effective, and have
9 demonstrated an ability to work
10 with adult learners to be men-
11 tors.

12 “(viii) Providing assistance to local
13 educational agencies for—

14 “(I) the development and imple-
15 mentation of high-quality professional
16 development programs for principals
17 that enable the principals to be effec-
18 tive and prepare all students to meet
19 the challenging State academic stand-
20 ards described in section 1111(b)(1);
21 and

22 “(II) the development and sup-
23 port of other school leadership pro-
24 grams to develop educational leaders.

1 “(ix) Supporting efforts to train
2 teachers, principals, and other school lead-
3 ers to effectively integrate technology into
4 curricula and instruction, which may in-
5 clude blended learning projects that in-
6 clude an element of online learning, com-
7 bined with supervised learning time and
8 student-led learning, in which the elements
9 are connected to provide an integrated
10 learning experience.

11 “(x) Providing training, technical as-
12 sistance, and capacity-building to local
13 educational agencies that receive a
14 subgrant under this part.

15 “(xi) Supporting teacher, principal,
16 and other school leader residency pro-
17 grams.

18 “(xii) Reforming or improving teach-
19 er, principal, and other school leader prep-
20 aration programs.

21 “(xiii) Supporting the instructional
22 services provided by school librarians.

23 “(xiv) Supporting other activities
24 identified by the State that are evidence-

1 based and that meet the purpose of this
2 title.

3 “(d) STATE PLAN.—

4 “(1) IN GENERAL.—In order to receive an allot-
5 ment under this section for any fiscal year, a State
6 shall submit a plan to the Secretary, at such time,
7 in such manner, and containing such information as
8 the Secretary may reasonably require.

9 “(2) CONTENTS.—Each plan described under
10 paragraph (1) shall include the following:

11 “(A) A description of how the State edu-
12 cational agency will use funds received under
13 this title for State-level activities described in
14 subsection (c).

15 “(B) A description of a State’s system of
16 certification, licensing, and, professional growth
17 and improvement, such as clinical experience
18 for prospective educators, support for new edu-
19 cators, professional development, professional
20 growth and leadership opportunities, and com-
21 pensation systems for teachers, principals, and
22 other educators.

23 “(C) A description of how activities under
24 this subpart are aligned with challenging State
25 academic standards and State assessments

1 under section 1111, which may include, as ap-
2 propriate, relevant State early learning and de-
3 velopment guidelines, as required under section
4 658E(c)(2)(T) of the Child Care and Develop-
5 ment Block Grant Act of 1990 (42 U.S.C.
6 9858c(c)(2)(T)).

7 “(D) A description of how the activities
8 using funds under this part are expected to im-
9 prove student achievement.

10 “(E) If a State educational agency plans
11 to use funds under this part to improve equi-
12 table access to effective teachers, principals,
13 and other school leaders, a description of how
14 such funds will be used to meet the State’s
15 commitment described in section 1111(c)(1)(F)
16 to ensure equitable access to effective teachers,
17 principals, and school leaders.

18 “(F) An assurance that the State edu-
19 cational agency will monitor the implementation
20 of activities under this part and provide tech-
21 nical assistance to local educational agencies in
22 carrying out such activities.

23 “(G) An assurance that the State edu-
24 cational agency will work in consultation with
25 the entity responsible for teacher and principal

1 professional standards, certification, and licens-
2 ing under the State, and encourage collabora-
3 tion between educator preparation programs,
4 the State, and local educational agencies to pro-
5 mote the readiness of new educators entering
6 the profession.

7 “(H) A description of how the State edu-
8 cational agency will improve the skills of teach-
9 ers, principals, and other school leaders in order
10 to enable them to identify students with specific
11 learning needs, particularly students with dis-
12 abilities, English learners, students who are
13 gifted and talented, and students with low lit-
14 eracy levels, and provide instruction based on
15 the needs of such students.

16 “(I) A description of how the State will use
17 data and ongoing consultation with and input
18 from teachers and teacher organizations, prin-
19 cipals, other school leaders, specialized instruc-
20 tional support personnel, parents, community
21 partners, and (where applicable) institutions of
22 higher education, to continually update and im-
23 prove the activities supported under this part.

24 “(3) CONSULTATION.—In developing the State
25 plan under this subsection, a State shall—

1 “(A) involve teachers, teacher organiza-
2 tions, principals, other school leaders, special-
3 ized instructional support personnel, parents,
4 community partners, and other organizations or
5 partners with relevant and demonstrated exper-
6 tise in programs and activities designed to meet
7 the purpose of this title; and

8 “(B) seek advice from the individuals, or-
9 ganizations, or partners in subparagraph (A)
10 regarding how best to improve the States activi-
11 ties to meet the purpose of this title; and

12 “(C) coordinate the States activities under
13 this part with other related strategies, pro-
14 grams, and activities being conducted in the
15 State.

16 “(e) PROHIBITION.—Nothing in this section shall be
17 construed to authorize the Secretary or any other officer
18 or employee of the Federal Government to mandate, di-
19 rect, or control any of the following:

20 “(1) The development, improvement, or imple-
21 mentation of elements of any teacher, principal, or
22 school leader evaluation systems.

23 “(2) Any State or local educational agency’s
24 definition of teacher, principal, or other school lead-
25 er effectiveness.

1 “(3) Any teacher, principal, or other school
2 leader professional standards, certification, or licens-
3 ing.

4 **“SEC. 2102. SUBGRANTS TO LOCAL EDUCATIONAL AGEN-**
5 **CIES.**

6 “(a) ALLOCATION OF FUNDS TO LOCAL EDU-
7 CATIONAL AGENCIES.—

8 “(1) IN GENERAL.—From funds reserved by a
9 State under section 2101(c)(1) for a fiscal year, the
10 State, acting through the State educational agency,
11 shall award subgrants to eligible local educational
12 agencies from allocations described in paragraph (2).

13 “(2) ALLOCATION FORMULA.—From the funds
14 described in paragraph (1), the State educational
15 agency shall allocate to each of the eligible local edu-
16 cational agencies in the State for a fiscal year the
17 sum of—

18 “(A) an amount that bears the same rela-
19 tionship to 20 percent of such funds for such
20 fiscal year as the number of individuals aged 5
21 through 17 in the geographic area served by the
22 agency, as determined by the Secretary on the
23 basis of the most recent satisfactory data, bears
24 to the number of those individuals in the geo-
25 graphic areas served by all eligible local edu-

1 cational agencies in the State, as so determined;
2 and

3 “(B) an amount that bears the same rela-
4 tionship to 80 percent of the funds for such fis-
5 cal year as the number of individuals aged 5
6 through 17 from families with incomes below
7 the poverty line in the geographic area served
8 by the agency, as determined by the Secretary
9 on the basis of the most recent satisfactory
10 data, bears to the number of those individuals
11 in the geographic areas served by all the eligible
12 local educational agencies in the State, as so
13 determined.

14 “(3) ADMINISTRATIVE COSTS.—Of the amounts
15 allocated to a local educational agency under para-
16 graph (2), the local educational agency may use not
17 more than 2 percent for the direct administrative
18 costs of carrying out its responsibilities under this
19 part.

20 “(4) RULE OF CONSTRUCTION.—Nothing in
21 this section shall be construed to prohibit a Consor-
22 tium of local educational agencies that are des-
23 ignated with a school locale code of 41, 42, or 43,
24 or such local educational agencies designated with a
25 school locale code of 41, 42, or 43 that work in co-

1 operation with an educational service agency, from
2 voluntarily combining allocations received under this
3 part for the collective use of funding by the consor-
4 tium for activities under this section.

5 “(b) LOCAL APPLICATIONS.—

6 “(1) IN GENERAL.—To be eligible to receive a
7 subgrant under this section, a local educational
8 agency shall conduct a needs assessment described
9 in paragraph (2) and submit an application to the
10 State educational agency at such time, in such man-
11 ner, and containing such information as the State
12 educational agency may reasonably require.

13 “(2) NEEDS ASSESSMENT.—

14 “(A) IN GENERAL.—To be eligible to re-
15 ceive a subgrant under this section, a local edu-
16 cational agency shall periodically conduct a
17 comprehensive needs assessment of the local
18 educational agency and of all schools served by
19 the local educational agency.

20 “(B) REQUIREMENTS.—The needs assess-
21 ment under subparagraph (A) shall be designed
22 to determine the schools with the most acute
23 staffing needs related to—

24 “(i) increasing the number of teach-
25 ers, principals, and other school leaders

1 who are effective in improving student aca-
2 demic achievement;

3 “(ii) ensuring that low-income and mi-
4 nority students are not disproportionately
5 served by ineffective teachers, principals,
6 and other school leaders;

7 “(iii) ensuring that low-income and
8 minority students have access to a high-
9 quality instructional program and appro-
10 priate class sizes that are evidence-based;

11 “(iv) hiring, retention, and promotion;

12 “(v) supporting and developing all
13 educators, including preschool, kinder-
14 garten, elementary, middle, or high-school
15 teachers (including special education teach-
16 ers), principals, other school leaders, early
17 childhood directors, specialized instruc-
18 tional support personnel, paraprofessionals,
19 or other staff members who provide or di-
20 rectly support instruction;

21 “(vi) understanding and using data
22 and assessments to improve student learn-
23 ing and classroom practice;

24 “(vii) improving student behavior, in-
25 cluding the response of teachers, prin-

1 cipals, and other school leaders to student
2 behavior, in the classroom and school, in-
3 cluding the identification of early and ap-
4 propriate interventions, which may include
5 positive behavioral interventions and sup-
6 ports;

7 “(viii) teaching students who are
8 English learners, early learners, students
9 with disabilities, American Indian, Alaskan
10 Native children, and gifted and talented
11 students;

12 “(ix) ensuring funds are used to sup-
13 port schools served by the local educational
14 agency that are identified under section
15 1114(a)(1)(A) and schools with high per-
16 centages or numbers of children counted
17 under section 1124(c);

18 “(x) improving the academic and non-
19 academic skills of all students essential for
20 learning readiness and academic success;
21 and

22 “(xi) any other evidence-based factors
23 that the local educational agency deter-
24 mines are appropriate to meet the needs of
25 schools within the jurisdiction of the local

1 educational agency and meet the purpose
2 of this title.

3 “(3) CONSULTATION.—

4 “(A) IN GENERAL.—In conducting a needs
5 assessment as described in paragraph (2), a
6 local educational agency shall—

7 “(i) involve teachers, teacher organi-
8 zations, principals, and other school lead-
9 ers, specialized instructional support per-
10 sonnel, parents, community partners, and
11 others with relevant and demonstrated ex-
12 pertise in programs and activities designed
13 to meet the purpose of this title; and

14 “(ii) take into account the activities
15 that need to be conducted in order to give
16 teachers, principals, and other school lead-
17 ers the skills to provide students with the
18 opportunity to meet challenging State aca-
19 demic standards described in section
20 1111(b)(1).

21 “(B) CONTINUED CONSULTATION.—A local
22 educational agency receiving a subgrant under
23 this section shall consult with such individuals
24 and organizations described in subparagraph
25 (A) on an ongoing basis in order to—

1 “(i) seek advice regarding how best to
2 improve the local educational agency’s ac-
3 tivities to meet the purpose of this title;
4 and

5 “(ii) coordinate the local educational
6 agency’s activities under this part with
7 other related strategies, programs, and ac-
8 tivities being conducted in the community.

9 “(4) CONTENTS OF APPLICATION.—Each appli-
10 cation submitted under paragraph (1) shall be based
11 on the results of the needs assessment required
12 under paragraph (2) and shall include the following:

13 “(A) A description of the results of the
14 comprehensive needs assessment carried out
15 under paragraph (2).

16 “(B) A description of the activities to be
17 carried out by the local educational agency
18 under this section and how these activities will
19 be aligned with the challenging State academic
20 standards described in section 1111(b)(1).

21 “(C) A description of how such activities
22 will comply with the principles of effectiveness
23 described in section 2103(c).

24 “(D) A description of the activities, includ-
25 ing professional development, that will be made

1 available to meet needs identified by the needs
2 assessment described in paragraph (2).

3 “(E) A description of the local educational
4 agency’s systems of hiring and professional
5 growth and improvement, such as induction for
6 teachers, principals, and other school leaders.

7 “(F) A description of how the local edu-
8 cational agency will support efforts to train
9 teachers, principals, and other school leaders to
10 effectively integrate technology into curricula
11 and instruction.

12 “(G) A description of how the local edu-
13 cational agency will prioritize funds to schools
14 served by the agency that are identified under
15 section 1114(a)(1)(A) and have the highest per-
16 centage or number of children counted under
17 section 1124(e).

18 “(H) Where a local educational agency has
19 a significant number of schools identified under
20 section 1114(a)(1)(A), as determined by the
21 State, a description of how the local educational
22 agency will seek the input of the State edu-
23 cational agency in planning and implementing
24 activities under this part.

1 “(I) An assurance that the local edu-
2 cational agency will comply with section 9501
3 (regarding participation by private school chil-
4 dren and teachers).

5 “(J) An assurance that the local edu-
6 cational agency will coordinate professional de-
7 velopment activities authorized under this part
8 with professional development activities pro-
9 vided through other Federal, State, and local
10 programs.

11 **“SEC. 2103. LOCAL USE OF FUNDS.**

12 “(a) IN GENERAL.—A local educational agency that
13 receives a subgrant under section 2102 shall use the funds
14 made available through the subgrant to develop, imple-
15 ment, and evaluate comprehensive, evidence-based pro-
16 grams and activities described in subsection (b), which
17 may be carried out through a grant or contract with a
18 for-profit or nonprofit entity, in partnership with an insti-
19 tution of higher education, or in partnership with an In-
20 dian tribe or tribal organization (as defined under section
21 4 of the Indian Self-Determination and Education Assist-
22 ance Act (25 U.S.C. 450b)).

23 “(b) TYPES OF ACTIVITIES.—The activities described
24 in this subsection—

1 “(1) shall meet the needs identified in the needs
2 assessment described in section 2102(b)(2);

3 “(2) shall be in accordance with the purpose of
4 this title, evidence-based, and consistent with the
5 principles of effectiveness described in subsection
6 (c);

7 “(3) shall address the learning needs of all stu-
8 dents, including children with disabilities, English
9 learners, and gifted and talented students; and

10 “(4) may include, among other programs and
11 activities—

12 “(A) developing or improving a rigorous,
13 transparent, and fair evaluation and support
14 system for teachers, principals, and other school
15 leaders that is based in part on evidence of stu-
16 dent achievement, which may include student
17 growth, and shall include multiple measures of
18 educator performance and provide clear, timely,
19 and useful feedback to teachers, principals, and
20 other schools leaders;

21 “(B) developing and implementing initia-
22 tives to assist in recruiting, hiring, and retain-
23 ing highly effective teachers, principals, and
24 other school leaders, particularly in low-income
25 schools with high percentages of ineffective

1 teachers and high percentages of students who
2 do not meet the challenging State academic
3 standards described in section 1111(b)(1), to
4 improve within-district equity in the distribu-
5 tion of teachers, principals, and school leaders
6 consistent with the requirements of section
7 1111(c)(1)(F), such as initiatives that pro-
8 vide—

9 “(i) expert help in screening can-
10 didates and enabling early hiring;

11 “(ii) differential and incentive pay for
12 teachers, principals, and other school lead-
13 ers in high-need academic subject areas
14 and specialty areas, which may include
15 performance-based pay systems;

16 “(iii) teacher, paraprofessional, prin-
17 cipal, and other school leader advancement
18 and professional growth, and an emphasis
19 on leadership opportunities, multiple career
20 paths and pay differentiation;

21 “(iv) new teacher, principal, and other
22 school leader induction and mentoring pro-
23 grams that are designed to—

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1 “(I) improve classroom instruc-
2 tion and student learning and achieve-
3 ment;

4 “(II) increase the retention of ef-
5 fective teachers, principals, and other
6 school leaders;

7 “(III) improve school leadership
8 to improve classroom instruction and
9 student learning and achievement;
10 and

11 “(IV) provide opportunities for
12 mentor teachers, principals, and other
13 educators who are experienced, effec-
14 tive, and have demonstrated an ability
15 to work with adult learners;

16 “(v) the development and provision of
17 training for school leaders, coaches, men-
18 tors and evaluators on how to accurately
19 differentiate performance, provide useful
20 feedback, and use evaluation results to in-
21 form decision making about professional
22 development, improvement strategies, and
23 personnel decisions; and

24 “(vi) a system for auditing the quality
25 of evaluation and support systems;

1 “(C) recruiting qualified individuals from
2 other fields to become teachers, principals, or
3 other school leaders including mid-career pro-
4 fessionals from other occupations, former mili-
5 tary personnel, and recent graduates of institu-
6 tions of higher education with a record of aca-
7 demic distinction who demonstrate potential to
8 become effective teachers, principals, or other
9 school leaders;

10 “(D) reducing class size to an evidence-
11 based level to improve student achievement
12 through the recruiting and hiring of additional
13 effective teachers;

14 “(E) providing high-quality, personalized
15 professional development for teachers, prin-
16 cipals, and other school leaders and focused on
17 improving teaching and student learning and
18 achievement, including supporting efforts to
19 train teachers, principals, and other school lead-
20 ers to—

21 “(i) effectively integrate technology
22 into curricula and instruction;

23 “(ii) use data from such technology to
24 improve student achievement;

1 “(iii) effectively engage parents, fami-
2 lies and community partners, and coordi-
3 nate services between school and commu-
4 nity; and

5 “(iv) help all students develop the
6 academic and nonacademic skills essential
7 for learning readiness and academic suc-
8 cess;

9 “(F) developing programs and activities
10 that increase the ability of teachers to effec-
11 tively teach students with disabilities, including
12 students with significant cognitive disabilities,
13 which may include the use of multi-tier systems
14 of support and positive behavioral intervention
15 and supports, and students who are English
16 learners, so that such students with disabilities
17 and students who are English learners can meet
18 the challenging State academic standards de-
19 scribed in section 1111(b)(1);

20 “(G) providing programs and activities to
21 increase the knowledge base of teachers and
22 principals on instruction in the early grades,
23 and strategies to measure whether young chil-
24 dren are progressing which may include pro-
25 viding joint professional learning activities for

1 school staff and educators in preschool pro-
2 grams that address the transition to elementary
3 school;

4 “(H) providing training, technical assist-
5 ance, and capacity-building in local educational
6 agencies to assist teachers and school leaders
7 with selecting and implementing formative as-
8 sessments, designing classroom-based assess-
9 ments, and in using data from such assess-
10 ments to improve instruction and student aca-
11 demic achievement, which may include pro-
12 viding additional time for teachers to review
13 student data and respond, as appropriate;

14 “(I) supporting teacher, principal, and
15 school leader residency programs;

16 “(J) reforming or improving teacher, prin-
17 cipal, and other school leader preparation pro-
18 grams;

19 “(K) carrying out in-service training for
20 school personnel in—

21 “(i) the techniques and supports need-
22 ed for early identification of children with
23 trauma histories, and children with, or at
24 risk of, mental illness;

1 “(ii) the use of referral mechanisms
2 that effectively link such children to appro-
3 priate treatment and intervention services
4 in the school and in the community, where
5 appropriate; and

6 “(iii) forming partnerships between
7 school-based mental health programs and
8 public or private mental health organiza-
9 tions;

10 “(L) providing training to support the
11 identification of students who are gifted and
12 talented, including high-ability students who
13 have not been formally identified for gifted edu-
14 cation services, and implementing instructional
15 practices that support the education of such
16 students, such as early entrance to kinder-
17 garten, enrichment, acceleration, and cur-
18 riculum compacting activities, and dual enroll-
19 ment in secondary school and postsecondary
20 education;

21 “(M) supporting the instructional services
22 provided by school librarians;

23 “(N) providing general liability insurance
24 coverage for purchase by teachers related to ac-

1 tions performed in the scope of their duties;
2 and

3 “(O) carrying out other evidence-based ac-
4 tivities identified by the local educational agen-
5 cies that meet the purpose of this title.

6 “(c) PRINCIPLES OF EFFECTIVENESS.—

7 “(1) IN GENERAL.—For a program or activity
8 supported with funds provided under this part to
9 meet the principles of effectiveness, such program or
10 activity shall—

11 “(A) be based upon an assessment of ob-
12 jective data regarding the need for programs
13 and activities in the schools to be served to—

14 “(i) increase the number of teachers,
15 principals, and other school leaders who
16 are effective in improving student academic
17 achievement;

18 “(ii) ensure that low-income and mi-
19 nority students are served by effective
20 teachers, principals, and other school lead-
21 ers; and

22 “(iii) ensure that low-income and mi-
23 nority students have access to a high-qual-
24 ity instructional program;

1 “(B) be based upon established and evi-
2 dence-based criteria—

3 “(i) aimed at ensuring that all stu-
4 dents receive a high-quality education
5 taught by effective teachers and attend
6 schools led by effective principals and other
7 school leaders; and

8 “(ii) that result in improved student
9 academic achievement in the school served
10 by the program or activity;

11 “(C) reflect—

12 “(i) to the extent practicable, scientif-
13 ically valid research that provides evidence
14 that the program or activity will improve
15 student academic achievement; or

16 “(ii) in the absence of a strong re-
17 search base, reflect best practices in the
18 field that provide such evidence; and

19 “(D) include meaningful and ongoing con-
20 sultation with and input from teachers, teacher
21 organizations, principals, other school leaders,
22 specialized instructional support personnel, par-
23 ents, community partners, and (where applica-
24 ble) institutions of higher education, in the de-

1 velopment of the application and administration
2 of the program or activity.

3 “(2) PERIODIC EVALUATION.—

4 “(A) IN GENERAL.—A program or activity
5 carried out under this section shall undergo a
6 periodic evaluation to assess its progress toward
7 achieving the goal of providing students with a
8 high-quality education, taught by effective
9 teachers, in schools led by effective principals
10 and school leaders that results in improved stu-
11 dent academic achievement.

12 “(B) USE OF RESULTS.—The results of an
13 evaluation described in subparagraph (A) shall
14 be—

15 “(i) used to refine, improve, and
16 strengthen the program or activity, and to
17 refine the criteria described in paragraph
18 (1)(B); and

19 “(ii) made available to the public upon
20 request, with public notice of such avail-
21 ability provided.

22 “(3) PROHIBITION.—Nothing in this subsection
23 shall be construed to authorize the Secretary or any
24 other officer or employee of the Federal Government
25 to mandate, direct, or control the principles of effec-

1 tiveness developed by local educational agencies
2 under paragraph (1) or the specific programs or ac-
3 tivities that will be implemented by a local edu-
4 cational agency.

5 **“SEC. 2104. REPORTING.**

6 “(a) STATE REPORT.—Each State educational agen-
7 cy receiving funds under this part shall annually submit
8 to the Secretary a report that provides—

9 “(1) the number and percent of teachers, prin-
10 cipals, and other school leaders in the State and
11 each local educational agency in the State who are
12 licensed or certified, provided such information does
13 not reveal personally identifiable information;

14 “(2) the first-time passage rate of teachers and
15 principals in the State and each local educational
16 agency in the State on teacher and principal licen-
17 sure examinations, provided such information does
18 not reveal personally identifiable information;

19 “(3) a description of how chosen professional
20 development activities improved teacher and prin-
21 cipal performance using the evaluation and support
22 systems; and

23 “(4) if funds are used under this part to im-
24 prove equitable access to teachers, principals, and
25 other school leaders for low-income and minority

1 students, a description of how funds have been used
2 to improve such access.

3 “(b) LOCAL EDUCATIONAL AGENCY REPORT.—Each
4 local educational agency receiving funds under this part
5 shall submit to the State educational agency such informa-
6 tion that the State requires, which shall include the infor-
7 mation described in subsection (a) for the local edu-
8 cational agency.

9 “(c) AVAILABILITY.—The reports and information
10 provided under subsections (a) and (b) shall be made read-
11 ily available to the public.

12 “(d) LIMITATION.—The reports and information pro-
13 vided under subsections (a) and (b) shall not reveal per-
14 sonally identifiable information about any individual.

15 **“SEC. 2105. NATIONAL ACTIVITIES OF DEMONSTRATED EF-**
16 **ECTIVENESS.**

17 “(a) IN GENERAL.—From the funds appropriated
18 under section 2003(b) to carry out this section, the Sec-
19 retary—

20 “(1) may reserve not more than 20 percent to
21 carry out activities under subsection (b);

22 “(2) shall reserve not less than 40 percent to
23 carry out activities under subsection (c); and

24 “(3) shall reserve not less than 40 percent to
25 carry out activities under subsection (d).

1 “(b) TECHNICAL ASSISTANCE AND NATIONAL EVAL-
2 UATION.—From the funds reserved by the Secretary
3 under subsection (a)(1), the Secretary may carry out—

4 “(1) technical assistance to States and local
5 educational agencies carrying out activities under
6 this part, which may be carried out directly or
7 through grants and contracts; and

8 “(2) evaluations of activities carried out by
9 States and local educational agencies under this
10 part, which shall be conducted by a third party or
11 by the Institute of Education Sciences.

12 “(c) PROGRAMS OF NATIONAL SIGNIFICANCE.—

13 “(1) IN GENERAL.—From the funds reserved
14 by the Secretary under subsection (a)(2), the Sec-
15 retary shall award grants, on a competitive basis, to
16 eligible entities for the purposes of—

17 “(A) providing teachers, principals, and
18 other school leaders from nontraditional prepa-
19 ration and certification routes or pathways to
20 serve in traditionally underserved local edu-
21 cational agencies;

22 “(B) providing evidence-based professional
23 development activities that addresses literacy,
24 numeracy, remedial, or other needs of local edu-

1 cational agencies and the students the agencies
2 serve;

3 “(C) making freely available services and
4 learning opportunities to local educational agen-
5 cies, through partnerships and cooperative
6 agreements or by making the services or oppor-
7 tunities publicly accessible through electronic
8 means; or

9 “(D) providing teachers, principals, and
10 other school leaders with evidence-based profes-
11 sional enhancement activities, which may in-
12 clude activities that lead to an advanced creden-
13 tial.

14 “(2) PROGRAM PERIODS AND DIVERSITY OF
15 PROJECTS.—

16 “(A) IN GENERAL.—A grant awarded by
17 the Secretary to an eligible entity under this
18 subsection shall be for a period of not more
19 than 3 years.

20 “(B) RENEWAL.—The Secretary may
21 renew a grant awarded under this subsection
22 for 1 additional 2-year period.

23 “(C) DIVERSITY OF PROJECTS.—In award-
24 ing grants under this subsection, the Secretary
25 shall ensure that, to the extent practicable,

1 grants are distributed among eligible entities
2 that will serve geographically diverse areas, in-
3 cluding urban, suburban, and rural areas.

4 “(D) LIMITATION.—The Secretary shall
5 not award more than 1 grant under this sub-
6 section to an eligible entity during a grant com-
7 petition.

8 “(3) COST-SHARING.—

9 “(A) IN GENERAL.—An eligible entity that
10 receives a grant under this subsection shall pro-
11 vide, from non-Federal sources, not less than
12 25 percent of the funds for the total cost for
13 each year of activities carried out under this
14 subsection.

15 “(B) ACCEPTABLE CONTRIBUTIONS.—An
16 eligible entity that receives a grant under this
17 subsection may meet the requirement of sub-
18 paragraph (A) by providing contributions in
19 cash or in-kind, fairly evaluated, including
20 plant, equipment, and services.

21 “(C) WAIVERS.—The Secretary may waive
22 or modify the requirement of subparagraph (A)
23 in cases of demonstrated financial hardship.

24 “(4) APPLICATIONS.—In order to receive a
25 grant under this subsection, an eligible entity shall

1 submit an application to the Secretary at such time,
2 in such manner, and containing such information
3 that the Secretary may reasonably require. Such ap-
4 plication shall include, at a minimum, a certification
5 that the services provided by an eligible entity under
6 the grant to a local educational agency or to a school
7 served by the local educational agency will not result
8 in direct fees for participating students or parents.

9 “(5) DEFINITION OF ELIGIBLE ENTITY.—In
10 this subsection, the term ‘eligible entity’ means—

11 “(A) an institution of higher education
12 that provides course materials or resources that
13 are research proven to increase academic
14 achievement, graduation rates, or rates of post-
15 secondary education matriculation;

16 “(B) a national nonprofit entity with a
17 demonstrated track record of raising student
18 academic achievement, graduation rates, and
19 rates of higher education attendance, matricula-
20 tion, or completion, or of effectiveness in pro-
21 viding preparation and professional development
22 activities and programs for teachers, principals,
23 and other school leaders; or

24 “(C) a partnership consisting of—

1 “(i) 1 or more entities described in
2 subparagraph (A) or (B); and

3 “(ii) a for-profit entity.

4 “(d) SCHOOL LEADER RECRUITMENT AND SUPPORT
5 PROGRAMS.—

6 “(1) IN GENERAL.—From the funds reserved
7 by the Secretary under subsection (a)(3), the Sec-
8 retary shall award grants, on a competitive basis to
9 eligible entities to enable such entities to improve
10 the recruitment, preparation, placement, support,
11 and retention of effective principals and other school
12 leaders in high-need schools, which may include—

13 “(A) developing or implementing leader-
14 ship training programs designed to prepare and
15 support principals and other school leaders in
16 high-need schools, including through new or al-
17 ternative pathways and school leader residency
18 programs;

19 “(B) developing or implementing programs
20 or activities for recruiting, selecting, and devel-
21 oping aspiring or current principals and other
22 school leaders to serve in high-need schools;

23 “(C) developing or implementing programs
24 for recruiting, developing, and placing school
25 leaders to improve schools identified for inter-

1 vention and support under section
2 1114(a)(1)(A), including through cohort-based
3 activities that build effective instructional and
4 school leadership teams and develop a school
5 culture, design, instructional program, and pro-
6 fessional development program focused on im-
7 proving student learning;

8 “(D) providing continuous professional de-
9 velopment for principals and other school lead-
10 ers in high-need schools;

11 “(E) developing and disseminating infor-
12 mation on best practices and strategies for ef-
13 fective school leadership in high-need schools;
14 and

15 “(F) other evidence-based programs or ac-
16 tivities described in section 2101(e)(3) or sec-
17 tion 2103(b)(4) focused on principals and other
18 school leaders in high-need schools.

19 “(2) PROGRAM PERIODS AND DIVERSITY OF
20 PROJECTS.—

21 “(A) IN GENERAL.—A grant awarded by
22 the Secretary to an eligible entity under this
23 subsection shall be for a period of not more
24 than 5 years.

1 “(B) RENEWAL.—The Secretary may
2 renew a grant awarded under this subsection
3 for 1 additional 2-year period.

4 “(C) DIVERSITY OF PROJECTS.—In award-
5 ing grants under this subsection, the Secretary
6 shall ensure that, to the extent practicable,
7 grants are distributed among eligible entities
8 that will serve geographically diverse areas, in-
9 cluding urban, suburban, and rural areas.

10 “(D) LIMITATION.—The Secretary shall
11 not award more than 1 grant under this sub-
12 section to an eligible entity during a grant com-
13 petition.

14 “(3) APPLICATIONS.—An eligible entity that de-
15 sires a grant under this subsection shall submit to
16 the Secretary an application at such time, in such
17 manner, and accompanied by such information as
18 the Secretary may require.

19 “(4) PRIORITY.—In awarding grants under this
20 subsection, the Secretary shall give priority to an eli-
21 gible entity with a record of preparing or developing
22 principals who—

23 “(A) have improved school-level student
24 outcomes;

1 “(B) have become principals in high-need
2 schools; and

3 “(C) remain principals in high-need schools
4 for multiple years.

5 “(5) DEFINITIONS.—In this subsection—

6 “(A) the term ‘eligible entity’ means—

7 “(i) a local educational agency, includ-
8 ing an educational service agency, that
9 serves a high-need school or a consortium
10 of such agencies;

11 “(ii) a State educational agency or a
12 consortium of such agencies;

13 “(iii) a State educational agency in
14 partnership with 1 or more local edu-
15 cational agencies or educational service
16 agencies that serve a high-need school; or

17 “(iv) an entity described in clause (i),
18 (ii), or (iii) in partnership with 1 or more
19 nonprofit organizations or institutions of
20 higher education; and

21 “(B) the term ‘high-need school’ means—

22 “(i) an elementary school in which not
23 less than 50 percent of the enrolled stu-
24 dents are from families with incomes below
25 the poverty line; or

1 “(ii) a high school in which not less
2 than 40 percent of the enrolled students
3 are from families with incomes below the
4 poverty line.

5 **“SEC. 2106. SUPPLEMENT, NOT SUPPLANT.**

6 “Funds made available under this part shall be used
7 to supplement, and not supplant, non-Federal funds that
8 would otherwise be used for activities authorized under
9 this part.

10 **“PART B—TEACHER AND SCHOOL LEADER**
11 **INCENTIVE PROGRAM**

12 **“SEC. 2201. PURPOSES; DEFINITIONS.**

13 “(a) PURPOSES.—The purposes of this part are—

14 “(1) to assist States, local educational agencies,
15 and nonprofit organizations to develop, implement,
16 improve, or expand comprehensive performance-
17 based compensation systems or human capital man-
18 agement systems for teachers, principals, and other
19 school leaders (especially for teachers, principals,
20 and other school leaders in high-need schools) who
21 raise student academic achievement and close the
22 achievement gap between high- and low-performing
23 students; and

24 “(2) to study and review performance-based
25 compensation systems or human capital manage-

1 ment systems for teachers, principals, and other
2 school leaders to evaluate the effectiveness, fairness,
3 quality, consistency, and reliability of the systems.

4 “(b) DEFINITIONS.—In this part:

5 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
6 tity’ means—

7 “(A) a local educational agency, including
8 a charter school that is a local educational
9 agency, or a consortium of local educational
10 agencies;

11 “(B) a State educational agency or other
12 State agency designated by the chief executive
13 of a State to participate under this part; or

14 “(C) a partnership consisting of—

15 “(i) 1 or more agencies described in
16 subparagraph (A) or (B); and

17 “(ii) at least 1 nonprofit or for-profit
18 entity.

19 “(2) HIGH-NEED LOCAL EDUCATIONAL AGEN-
20 CY.—The term ‘high-need local educational agency’
21 means a local educational agency, public charter
22 school, or charter management organization—

23 “(A) that serves not fewer than 10,000
24 children from families with incomes below the
25 poverty line; or

1 “(B) for which not less than 20 percent of
2 the children served by the agency, school, or or-
3 ganization are from families with incomes below
4 the poverty line.

5 “(3) HIGH-NEED SCHOOL.—The term ‘high-
6 need school’ means a public elementary school or
7 secondary school that is located in an area in which
8 the percentage of students from families with in-
9 comes below the poverty line is 30 percent or more.

10 “(4) HUMAN CAPITAL MANAGEMENT SYSTEM.—
11 The term ‘human capital management system’
12 means a system—

13 “(A) by which a local educational agency
14 makes and implements human capital decisions,
15 such as decisions on preparation, recruitment,
16 hiring, placement, retention, dismissal, com-
17 pensation, professional development, tenure,
18 and promotion; and

19 “(B) that includes a performance-based
20 compensation system.

21 “(5) PERFORMANCE-BASED COMPENSATION
22 SYSTEM.—The term ‘performance-based compensa-
23 tion system’ means a system of compensation for
24 teachers, principals, and other school leaders that—

1 “(A) differentiates levels of compensation
2 based in part on measurable increases in stu-
3 dent academic achievement; and

4 “(B) may include—

5 “(i) differentiated levels of compensa-
6 tion, which may include bonus pay, on the
7 basis of the employment responsibilities
8 and success of effective teachers, prin-
9 cipals, and other school leaders in hard-to-
10 staff schools or high-need subject areas;
11 and

12 “(ii) recognition of the skills and
13 knowledge of teachers, principals, and
14 other school leaders as demonstrated
15 through—

16 “(I) successful fulfillment of ad-
17 ditional responsibilities or job func-
18 tions, such as teacher leadership roles;
19 and

20 “(II) evidence of professional
21 achievement and mastery of content
22 knowledge and superior teaching and
23 leadership skills.

1 **“SEC. 2202. TEACHER AND SCHOOL LEADER INCENTIVE**
2 **FUND GRANTS.**

3 “(a) GRANTS AUTHORIZED.—From the amounts ap-
4 propriated to carry out this part, the Secretary shall
5 award grants, on a competitive basis, to eligible entities
6 to enable the eligible entities to develop, implement, im-
7 prove, or expand performance-based compensation sys-
8 tems or human capital management systems, in schools
9 served by the eligible entity.

10 “(b) DURATION OF GRANTS.—

11 “(1) IN GENERAL.—A grant awarded under
12 this part shall be for a period of not more than 3
13 years.

14 “(2) RENEWAL.—The Secretary may renew a
15 grant awarded under this part for a period of up to
16 2 years if the grantee demonstrates to the Secretary
17 that it is effectively utilizing funds, including allow-
18 ing the grantee to scale up or replicate the success-
19 ful program.

20 “(3) LIMITATION.—A local educational agency
21 may receive (whether individually or as part of a
22 consortium or partnership) a grant under this part
23 only twice once, as of the date of enactment of the
24 Every Child Achieves Act of 2015.

25 “(c) APPLICATIONS.—An eligible entity desiring a
26 grant under this part shall submit an application to the

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-

1 able, and objective process to evaluate teacher, prin-
2 cipal, school leader, and student performance under
3 the system that is based in part on measures of stu-
4 dent academic achievement, including the baseline
5 performance against which evaluations of improved
6 performance will be made;

7 “(5) a description of the local educational agen-
8 cies or schools to be served under the grant, includ-
9 ing such student academic achievement, demo-
10 graphic, and socioeconomic information as the Sec-
11 retary may request;

12 “(6) a description of the quality of teachers,
13 principals, and other school leaders in the local edu-
14 cational agency and the schools to be served under
15 the grant and the extent to which the system will in-
16 crease the quality of teachers, principals, and other
17 school leaders in a high-need school;

18 “(7) a description of how the eligible entity will
19 use grant funds under this part in each year of the
20 grant, including a timeline for implementation of
21 such activities;

22 “(8) a description of how the eligible entity will
23 continue the activities assisted under the grant after
24 the grant period ends;

1 “(9) a description of the State, local, or other
2 public or private funds that will be used to supple-
3 ment the grant, including funds under part A, and
4 sustain the activities assisted under the grant at the
5 end of the grant period;

6 “(10) a description of the rational and evi-
7 dence-base for the proposed activities and, if applica-
8 ble, the prior experience of the eligible entity in de-
9 veloping and implementing such activities; and

10 “(11) a description of how activities funded
11 under this part will be evaluated, monitored, and
12 publically reported.

13 “(d) AWARD BASIS.—

14 “(1) PRIORITY.—In awarding a grant under
15 this part, the Secretary shall give priority to an eli-
16 gible entity that concentrates the activities proposed
17 to be assisted under the grant on teachers, prin-
18 cipals, and other school leaders serving in high-need
19 schools.

20 “(2) EQUITABLE DISTRIBUTION.—To the ex-
21 tent practicable, the Secretary shall ensure an equi-
22 table geographic distribution of grants under this
23 part, including the distribution of such grants be-
24 tween rural and urban areas.

25 “(e) USE OF FUNDS.—

1 “(1) IN GENERAL.—An eligible entity that re-
2 ceives a grant under this part shall use the grant
3 funds to develop, implement, improve, or expand, in
4 collaboration with teachers, principals, other school
5 leaders, and members of the public, a performance-
6 based compensation system or human capital man-
7 agement system consistent with this part.

8 “(2) AUTHORIZED ACTIVITIES.—Grant funds
9 under this part may be used for the following:

10 “(A) Developing or improving an evalua-
11 tion and support system, including as part of a
12 human capital management system as applica-
13 ble, that—

14 “(i) reflects clear and fair measures of
15 teacher, principal, and other school leader
16 performance, based in part on dem-
17 onstrated improvement in student aca-
18 demic achievement; and

19 “(ii) provides teachers, principals, and
20 other school leaders with ongoing, differen-
21 tiated, targeted and personalized support
22 and feedback for improvement, including
23 professional development opportunities de-
24 signed to increase effectiveness.

1 “(B) Conducting outreach within a local
2 educational agency or a State to gain input on
3 how to construct an evaluation system described
4 in subparagraph (A) and to develop support for
5 the evaluation system, including by training ap-
6 propriate personnel in how to observe and
7 evaluate teachers, principals, and other school
8 leaders.

9 “(C) Providing principals and other school
10 leaders with—

11 “(i) balanced autonomy to make
12 budgeting, scheduling, and other school-
13 level decisions in a manner that meets the
14 needs of the school without compromising
15 the intent or essential components of the
16 policies of the local educational agency or
17 State;

18 “(ii) authority to make staffing deci-
19 sions that meet the needs of the school,
20 such as building an instructional leader-
21 ship team that includes teacher leaders or
22 offering opportunities for teams or pairs of
23 effective teachers or candidates to teach or
24 start teaching in high-need schools to-
25 gether.

1 “(D) Paying, as part of a comprehensive
2 performance-based compensation system, a dif-
3 ferentiated salary structure, which may include
4 bonuses and stipends, to—

5 “(i) teachers who—

6 “(I)(aa) teach in high-need
7 schools; or

8 “(bb) teach in high-need subjects;

9 “(II) raise student academic
10 achievement; or

11 “(III) take on additional leader-
12 ship responsibilities; or

13 “(ii) principals and other school lead-
14 ers who serve in high-need schools and
15 raise student academic achievement in the
16 schools.

17 “(E) Improving the local educational agen-
18 cy’s system and process for the recruitment, se-
19 lection, placement, and retention of effective
20 teachers and school leaders in high-need
21 schools, such as by improving local educational
22 agency policies and procedures to ensure that
23 high-need schools are competitive and timely
24 in—

1 “(i) attracting, hiring, and retaining
2 effective educators;

3 “(ii) offering bonuses or higher sala-
4 ries to effective teachers; or

5 “(iii) establishing or strengthening
6 residency programs.

7 “(F) Instituting career advancement op-
8 portunities characterized by increased responsi-
9 bility and pay that reward and recognize effec-
10 tive teachers and school leaders in high-need
11 schools and enable them to expand their leader-
12 ship and results, such as through teacher-led
13 professional development, mentoring, coaching,
14 hybrid roles, administrative duties, and career
15 ladders.

16 “(f) MATCHING REQUIREMENT.—Each eligible entity
17 that receives a grant under this part shall provide, from
18 non-Federal sources, an amount equal to 50 percent of
19 the amount of the grant (which may be provided in cash
20 or in-kind) to carry out the activities supported by the
21 grant.

22 “(g) SUPPLEMENT, NOT SUPPLANT.—Grant funds
23 provided under this part shall be used to supplement, not
24 supplant, other Federal or State funds available to carry
25 out activities described in this part.

1 **“SEC. 2203. REPORTS.**

2 “(a) **ACTIVITIES SUMMARY.**—Each eligible entity re-
3 ceiving a grant under this part shall provide to the Sec-
4 retary a summary of the activities assisted under the
5 grant.

6 “(b) **REPORT.**—The Secretary shall provide to Con-
7 gress an annual report on the implementation of the pro-
8 gram carried out under this part, including—

9 “(1) information on eligible entities that re-
10 ceived grant funds under this part, including—

11 “(A) information provided by eligible enti-
12 ties to the Secretary in the applications sub-
13 mitted under section 2202(c);

14 “(B) the summaries received under sub-
15 section (a); and

16 “(C) grant award amounts; and

17 “(2) student academic achievement, and as ap-
18 plicable, growth data from the schools participating
19 in the programs supported under the grant.

20 “(c) **EVALUATION AND TECHNICAL ASSISTANCE.**—

21 “(1) **RESERVATION OF FUNDS.**—Of the total
22 amount reserved under section 2003(c) for this part
23 for a fiscal year, the Secretary may reserve for such
24 fiscal year not more than 1 percent for the cost of
25 the evaluation under paragraph (2) and for technical
26 assistance in carrying out this part.

1 “(2) EVALUATION.—From amounts reserved
2 under paragraph (1), the Secretary, acting through
3 the Director of the Institute of Education Sciences,
4 shall carry out an independent evaluation to meas-
5 ure the effectiveness of the program assisted under
6 this part.

7 “(3) CONTENTS.—The evaluation under para-
8 graph (2) shall measure—

9 “(A) the effectiveness of the program in
10 improving student academic achievement;

11 “(B) the satisfaction of the participating
12 teachers, principals, and other school leaders;
13 and

14 “(C) the extent to which the program as-
15 sisted the eligible entities in recruiting and re-
16 taining high-quality teachers, principals, and
17 other school leaders, especially in high-need
18 subject areas.”.

19 **SEC. 2003. AMERICAN HISTORY AND CIVICS EDUCATION.**

20 Title II (20 U.S.C. 6601 et seq.), as amended by sec-
21 tion 2002, is further amended by inserting after section
22 2203 the following:

1 **“SEC. 2302. TEACHING OF TRADITIONAL AMERICAN HIS-**
2 **TORY.**

3 “(a) IN GENERAL.—From the amounts reserved by
4 the Secretary under section 2301(b)(1), the Secretary
5 shall award grants on a competitive basis to local edu-
6 cational agencies—

7 “(1) to carry out activities to promote the
8 teaching of traditional American history in elemen-
9 tary schools and secondary schools as a separate
10 academic subject (not as a component of social stud-
11 ies); and

12 “(2) for the development, implementation, and
13 strengthening of programs to teach traditional
14 American history as a separate academic subject
15 (not as a component of social studies) within ele-
16 mentary school and secondary school curricula, in-
17 cluding the implementation of activities—

18 “(A) to improve the quality of instruction;
19 and

20 “(B) to provide professional development
21 and teacher education activities with respect to
22 American history.

23 “(b) REQUIRED PARTNERSHIP.—A local educational
24 agency that receives a grant under subsection (a) shall
25 carry out activities under the grant in partnership with
26 1 or more of the following:

1 “(b) APPLICATION.—An eligible entity that desires to
2 receive a grant under subsection (a) shall submit an appli-
3 cation to the Secretary at such time, in such manner, and
4 containing such information as the Secretary may reason-
5 ably require.

6 “(c) ELIGIBLE ENTITY.—The term ‘eligible entity’
7 under this section means—

8 “(1) an institution of higher education or non-
9 profit educational organization, museum, library, or
10 research center with demonstrated expertise in his-
11 torical methodology or the teaching of American his-
12 tory and civics; or

13 “(2) a consortium of entities described in para-
14 graph (1).

15 “(d) GRANT TERMS.—Grants awarded to eligible en-
16 tities under subsection (a) shall be for a term of not more
17 than 5 years.

18 “(e) PRESIDENTIAL ACADEMIES.—

19 “(1) USE OF FUNDS.—Each eligible entity that
20 receives a grant under subsection (a)(1) shall use
21 the grant funds to establish a Presidential Academy
22 that offers a seminar or institute for teachers of
23 American history and civics, which—

24 “(A) provides intensive professional devel-
25 opment opportunities for teachers of American

1 history and civics to strengthen such teachers'
2 knowledge of the subjects of American history
3 and civics;

4 “(B) is led by a team of primary scholars
5 and core teachers who are accomplished in the
6 field of American history and civics;

7 “(C) is conducted during the summer or
8 other appropriate time; and

9 “(D) is of not less than 2 weeks and not
10 more than 6 weeks in duration.

11 “(2) SELECTION OF TEACHERS.—Each year,
12 each Presidential Academy shall select between 50
13 and 300 teachers of American history and civics
14 from public or private elementary schools and sec-
15 ondary schools to attend the seminar or institute
16 under paragraph (1).

17 “(3) TEACHER STIPENDS.—Each teacher se-
18 lected to participate in a seminar or institute under
19 this subsection shall be awarded a fixed stipend
20 based on the length of the seminar or institute to
21 ensure that such teacher does not incur personal
22 costs associated with the teacher’s participation in
23 the seminar or institute.

24 “(4) PRIORITY.—In awarding grants under this
25 subsection, the Secretary shall give priority to eligi-

1 ble entities that coordinate or align their activities
2 with the National Park Service National Centennial
3 Parks initiative to develop innovative and com-
4 prehensive programs using the resources of the Na-
5 tional Parks.

6 “(f) CONGRESSIONAL ACADEMIES.—

7 “(1) USE OF FUNDS.—Each eligible entity that
8 receives a grant under subsection (a)(2) shall use
9 the grant funds to establish a Congressional Acad-
10 emy that offers a seminar or institute for out-
11 standing students of American history and civics,
12 which—

13 “(A) broadens and deepens such students’
14 understanding of American history and civics;

15 “(B) is led by a team of primary scholars
16 and core teachers who are accomplished in the
17 field of American history and civics;

18 “(C) is conducted during the summer or
19 other appropriate time; and

20 “(D) is of not less than 2 weeks and not
21 more than 6 weeks in duration.

22 “(2) SELECTION OF STUDENTS.—

23 “(A) IN GENERAL.—Each year, each Con-
24 gressional Academy shall select between 100

1 and 300 eligible students to attend the seminar
2 or institute under paragraph (1).

3 “(B) ELIGIBLE STUDENTS.—A student
4 shall be eligible to attend a seminar or institute
5 offered by a Congressional Academy under this
6 subsection if the student—

7 “(i) is recommended by the student’s
8 secondary school principal or other school
9 leader to attend the seminar or institute;
10 and

11 “(ii) will be a junior or senior in the
12 academic year following attendance at the
13 seminar or institute.

14 “(3) STUDENT STIPENDS.—Each student se-
15 lected to participate in a seminar or institute under
16 this subsection shall be awarded a fixed stipend
17 based on the length of the seminar or institute to
18 ensure that such student does not incur personal
19 costs associated with the student’s participation in
20 the seminar or institute.

21 “(g) MATCHING FUNDS.—

22 “(1) IN GENERAL.—An eligible entity that re-
23 ceives funds under subsection (a) shall provide, to-
24 ward the cost of the activities assisted under the

1 grant, from non-Federal sources, an amount equal
2 to 100 percent of the amount of the grant.

3 “(2) WAIVER.—The Secretary may waive all or
4 part of the matching requirement described in para-
5 graph (1) for any fiscal year for an eligible entity if
6 the Secretary determines that applying the matching
7 requirement would result in serious hardship or an
8 inability to carry out the activities described in sub-
9 section (e) or (f).

10 **“SEC. 2304. NATIONAL ACTIVITIES.**

11 “(a) PURPOSE.—The purpose of this section is to
12 promote innovative strategies to promote innovative his-
13 tory, civic, and geography instruction, learning strategies,
14 and professional development activities and programs for
15 teachers, principals, and other school leaders, particularly
16 for low-income students in underserved areas.

17 “(b) IN GENERAL.—From the funds reserved by the
18 Secretary under section 2301(b)(3), the Secretary shall
19 award grants, on a competitive basis, to eligible entities
20 for the purposes of—

21 “(1) developing, implementing, evaluating and
22 disseminating for voluntary use, innovative, evi-
23 denced-based approaches to civic learning and Amer-
24 ican history, which may include hands-on civic en-
25 gagement activities for teachers and low-income stu-

1 dents, that demonstrate innovation, scalability, ac-
2 countability, and a focus on underserved popu-
3 lations; or

4 “(2) other innovative evidence-based approaches
5 to improving the quality of student achievement and
6 teaching of American history, civics, and government
7 in elementary schools and secondary schools.

8 “(c) PROGRAM PERIODS AND DIVERSITY OF
9 PROJECTS.—

10 “(1) IN GENERAL.—A grant awarded by the
11 Secretary to an eligible entity under this section
12 shall be for a period of not more than 3 years.

13 “(2) RENEWAL.—The Secretary may renew a
14 grant awarded under this section for 1 additional 2-
15 year period.

16 “(3) DIVERSITY OF PROJECTS.—In awarding
17 grants under this section, the Secretary shall ensure
18 that, to the extent practicable, grants are distributed
19 among eligible entities that will serve geographically
20 diverse areas, including urban, suburban, and rural
21 areas.

22 “(d) APPLICATIONS.—In order to receive a grant
23 under this section, an eligible entity shall submit an appli-
24 cation to the Secretary at such time, and in such manner,

1 and containing such information that the Secretary may
2 reasonably require.

3 “(e) **ELIGIBLE ENTITY.**—In this section, the term
4 ‘eligible entity’ means an institution of higher education
5 or other nonprofit or for-profit organization with dem-
6 onstrated expertise in the development of evidence-based
7 approaches for improving the quality of American history
8 and civics learning and teaching.

9 **“SEC. 2305. AUTHORIZATION OF APPROPRIATIONS.**

10 “There are authorized to be appropriated to carry out
11 this part such sums as may be necessary for fiscal years
12 2016 through 2021.”.

13 **SEC. 2004. LITERACY EDUCATION.**

14 Title II (20 U.S.C. 6601 et seq.), as amended by sec-
15 tion 2003, is further amended by inserting after section
16 2305 the following:

17 **“PART D—LITERACY EDUCATION FOR ALL,**
18 **RESULTS FOR THE NATION.**

19 **“SEC. 2401. PURPOSES; DEFINITIONS.**

20 “(a) **PURPOSES.**—The purpose of this part is—

21 “(1) to improve student academic achievement
22 in reading and writing by providing Federal support
23 to States to develop, revise, or update comprehensive
24 literacy instruction plans that when implemented en-
25 sure high-quality instruction and effective strategies

1 in reading and writing from early education through
2 grade 12; and

3 “(2) for States to provide targeted subgrants to
4 State-designated early childhood education programs
5 and local educational agencies and their public or
6 private partners to implement evidenced-based pro-
7 grams that ensure high-quality comprehensive lit-
8 eracy instruction for students most in need.

9 “(b) DEFINITIONS.—In this part:

10 “(1) COMPREHENSIVE LITERACY INSTRU-
11 TION.—The term ‘comprehensive literacy instruc-
12 tion’ means instruction that—

13 “(A) includes developmentally appropriate,
14 contextually explicit, and systematic instruction,
15 and frequent practice, in reading and writing
16 across content areas;

17 “(B) includes age-appropriate, explicit, sys-
18 tematic, and intentional instruction in phono-
19 logical awareness, phonic decoding, vocabulary,
20 language structure, reading fluency, and read-
21 ing comprehension;

22 “(C) includes age-appropriate, explicit in-
23 struction in writing, including opportunities for
24 children to write with clear purposes, with crit-
25 ical reasoning appropriate to the topic and pur-

1 pose, and with specific instruction and feedback
2 from instructional staff;

3 “(D) makes available and uses diverse,
4 high-quality print materials that reflect the
5 reading and development levels, and interests,
6 of children;

7 “(E) uses differentiated instructional ap-
8 proaches, including individual and small group
9 instruction and discussion;

10 “(F) provides opportunities for children to
11 use language with peers and adults in order to
12 develop language skills, including developing vo-
13 cabulary;

14 “(G) includes frequent practice of reading
15 and writing strategies;

16 “(H) uses age-appropriate, valid, and reli-
17 able screening assessments, diagnostic assess-
18 ments, formative assessment processes, and
19 summative assessments to identify a child’s
20 learning needs, to inform instruction, and to
21 monitor the child’s progress and the effects of
22 instruction;

23 “(I) uses strategies to enhance children’s
24 motivation to read and write and children’s en-
25 gagement in self-directed learning;

1 “(J) incorporates the principles of uni-
2 versal design for learning;

3 “(K) depends on teachers’ collaboration in
4 planning, instruction, and assessing a child’s
5 progress and on continuous professional learn-
6 ing; and

7 “(L) links literacy instruction to the chal-
8 lenging State academic standards under section
9 1111(b)(1), including the ability to navigate,
10 understand, and write about, complex print and
11 digital subject matter.

12 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
13 tity’ means an entity that serves a high share or
14 percentage of high-need schools and consists of—

15 “(A) one or more local educational agen-
16 cies that—

17 “(i) have the highest number or pro-
18 portion of children who are counted under
19 section 1124(c), in comparison to other
20 local educational agencies in the State;

21 “(ii) are among the local educational
22 agencies in the State with the highest
23 number or percentages of children reading
24 or writing below grade level, based on the

1 most currently available State academic as-
2 sessment data under section 1111(b)(2); or

3 “(iii) serve a significant number or
4 percentage of schools that are identified
5 under section 1114(a)(1)(A);

6 “(B) one or more State-designated early
7 childhood education programs that have a dem-
8 onstrated record of providing comprehensive lit-
9 eracy instruction for the age group such pro-
10 gram proposes to serve; or

11 “(C) a local educational agency, described
12 in subparagraph (A), or consortium of such
13 local educational agencies, or a State-designated
14 early childhood education program acting in
15 partnership with 1 or more public or private
16 nonprofit organizations or agencies (which may
17 include State-designated early childhood edu-
18 cation programs) that have a demonstrated
19 record of effectiveness in—

20 “(i) improving literacy achievement of
21 children, consistent with the purposes of
22 their participation, from birth through
23 grade 12; and

24 “(ii) providing professional develop-
25 ment in comprehensive literacy instruction.

1 “(3) HIGH-NEED SCHOOL.—

2 “(A) IN GENERAL.—The term ‘high-need
3 school’ means—

4 “(i) an elementary school or middle
5 school in which not less than 50 percent of
6 the enrolled students are children from
7 low-income families; or

8 “(ii) a high school in which not less
9 than 40 percent of the enrolled students
10 are children from low-income families,
11 which may be calculated using comparable
12 data from the schools that feed into the
13 high school.

14 “(B) LOW-INCOME FAMILY.—For purposes
15 of subparagraph (A), the term ‘low-income fam-
16 ily’ means a family—

17 “(i) in which the children are eligible
18 for a free or reduced price lunch under the
19 Richard B. Russell National School Lunch
20 Act (42 U.S.C. 1751 et seq.);

21 “(ii) receiving assistance under the
22 program of block grants to States for tem-
23 porary assistance for needy families estab-
24 lished under part A of title IV of the So-

1 cial Security Act (42 U.S.C. 601 et seq.);
2 or
3 “(iii) in which the children are eligible
4 to receive medical assistance under the
5 Medicaid program.

6 **“SEC. 2402. COMPREHENSIVE LITERACY STATE DEVELOP-**
7 **MENT GRANTS.**

8 “(a) GRANTS AUTHORIZED.—From the amounts ap-
9 propriated to carry out this part and not reserved under
10 subsection (b), the Secretary shall award grants, on a
11 competitive basis, to States to enable the States to—

12 “(1) provide subgrants to eligible entities serv-
13 ing a diversity of geographic areas, giving priority to
14 entities serving greater numbers or percentages of
15 disadvantaged children; and

16 “(2) develop or enhance comprehensive literacy
17 instruction plans that ensure high-quality instruction
18 and effective strategies in reading and writing for
19 children from early childhood education through
20 grade 12, including English learners and students
21 with disabilities.

22 “(b) RESERVATION.—From the amounts appro-
23 priated to carry out this part for a fiscal year, the Sec-
24 retary shall reserve—

1 “(1) not more than a total of 5 percent for na-
2 tional activities including a national evaluation, tech-
3 nical assistance and training, data collection, and re-
4 porting;

5 “(2) one-half of 1 percent for the Secretary of
6 the Interior to carry out a program described in this
7 part at schools operated or funded by the Bureau of
8 Indian Education; and

9 “(3) one-half of 1 percent for the outlying areas
10 to carry out a program under this part.

11 “(c) DURATION OF GRANTS.—A grant awarded
12 under this part shall be awarded for a period of not more
13 than 5 years. Such grant may be renewed for an additional
14 2-year period upon the termination of the initial period
15 of the grant if the grant recipient demonstrates to the sat-
16 isfaction of the Secretary that—

17 “(1) the State has made adequate progress; and

18 “(2) renewing the grant for an additional 2-
19 year period is necessary to carry out the objectives
20 of the grant described in subsection (d).

21 “(d) STATE APPLICATIONS.—

22 “(1) IN GENERAL.—A State educational agency
23 desiring a grant under this part shall submit an ap-
24 plication to the Secretary, at such time and in such
25 manner as the Secretary may require. The State

1 educational agency shall collaborate with the State
2 agency responsible for administering early childhood
3 education programs and the State agency respon-
4 sible for administering child care programs in the
5 State in writing and implementing the early child-
6 hood education portion of the grant application
7 under this subsection.

8 “(2) CONTENTS.—An application described in
9 paragraph (1) shall include, at a minimum, the fol-
10 lowing:

11 “(A) A needs assessment that analyzes lit-
12 eracy needs across the State and in high-need
13 schools and high-need local educational agen-
14 cies, including identifying the most pressing
15 gaps in literacy proficiency and inequities in
16 student access to effective teachers of literacy,
17 considering each of the categories of students,
18 as defined in section 1111(b)(3)(A).

19 “(B) A description of how the State edu-
20 cational agency, in collaboration with the State
21 literacy team, if applicable, will develop a State
22 comprehensive literacy instruction plan or will
23 revise and update an already existing State
24 comprehensive literacy instruction plan.

1 “(C) An implementation plan that includes
2 a description of how the State educational agen-
3 cy will carry out the State activities described
4 in subsection (e).

5 “(D) An assurance that the State edu-
6 cational agency will use implementation grant
7 funds described in subsection (e)(1) for com-
8 prehensive literacy instruction programs as fol-
9 lows:

10 “(i) Not less than 15 percent of such
11 grant funds shall be used for State and
12 local programs and activities pertaining to
13 children from birth through kindergarten
14 entry.

15 “(ii) Not less than 40 percent of such
16 grant funds shall be used for State and
17 local programs and activities, allocated eq-
18 uitably among the grades of kindergarten
19 through grade 5.

20 “(iii) Not less than 40 percent of such
21 grant funds shall be used for State and
22 local programs and activities, allocated eq-
23 uitably among grades 6 through 12.

24 “(E) An assurance that the State edu-
25 cational agency shall give priority to awarding

1 a subgrant under section 2403 to an eligible en-
2 tity that—

3 “(i) serves children from birth
4 through age 5 who are from families with
5 income levels at or below 200 percent of
6 the Federal poverty line; or

7 “(ii) consists of a local educational
8 agency serving a high number or percent-
9 age of high-need schools.

10 “(e) STATE ACTIVITIES.—

11 “(1) IN GENERAL.—A State educational agency
12 receiving a grant under this section shall use not
13 less than 95 percent of such grant funds to award
14 subgrants to eligible entities, based on their needs
15 assessment and a competitive application process.

16 “(2) RESERVATION.—A State educational agen-
17 cy receiving a grant under this section may reserve
18 not more than 5 percent for activities identified
19 through the needs assessment and comprehensive lit-
20 eracy plan described in subparagraphs (A) and (B)
21 of subsection (d)(2), including the following activi-
22 ties:

23 “(A) Providing technical assistance, or en-
24 gaging qualified providers to provide technical
25 assistance, to eligible entities to enable the eligi-

1 ble entities to design and implement literacy
2 programs.

3 “(B) Coordinating with institutions of
4 higher education in the State to provide rec-
5 ommendations to strengthen and enhance pre-
6 service courses for students preparing to teach
7 children from birth through grade 12 in ex-
8 plicit, systematic, and intensive instruction in
9 evidence-based literacy methods.

10 “(C) Reviewing and updating, in collabora-
11 tion with teachers, statewide educational and
12 professional organizations representing teach-
13 ers, and statewide educational and professional
14 organizations representing institutions of higher
15 education, State licensure or certification stand-
16 ards in the area of literacy instruction in early
17 education through grade 12.

18 “(D) Making publicly available, including
19 on the State educational agency’s website, in-
20 formation on promising instructional practices
21 to improve child literacy achievement.

22 “(E) Administering and monitoring the
23 implementation of subgrants by eligible entities.

24 “(3) ADDITIONAL USES.—After carrying out
25 the activities described in paragraphs (1) and (2), a

1 State educational agency may use any remaining
2 amount to carry out 1 or more of the following ac-
3 tivities:

4 “(A) Developing literacy coach training
5 programs and training literacy coaches.

6 “(B) Administration and evaluation of ac-
7 tivities carried out under this part.

8 **“SEC. 2403. SUBGRANTS TO ELIGIBLE ENTITIES IN SUP-
9 PORT OF BIRTH THROUGH KINDERGARTEN
10 ENTRY LITERACY.**

11 “(a) SUBGRANTS.—

12 “(1) IN GENERAL.—A State educational agency
13 receiving a grant under this section shall, in con-
14 sultation with the State agencies responsible for ad-
15 ministering early childhood education programs and
16 services, including the State agency responsible for
17 administering child care programs, and, if applica-
18 ble, the State Advisory Council on Early Childhood
19 Education and Care designated or established pursu-
20 ant to section 642B(b)(1)(A)(i) of the Head Start
21 Act (42 U.S.C. 9837b(b)(1)(A)(i)), use a portion of
22 the grant funds, in accordance with section
23 2402(d)(1)(D)(i), to award subgrants, on a competi-
24 tive basis, to eligible entities to enable the eligible
25 entities to support high-quality early literacy initia-

1 tives for children from birth through kindergarten
2 entry.

3 “(2) DURATION.—The term of a subgrant
4 under this section shall be determined by the State
5 educational agency awarding the subgrant and shall
6 in no case exceed 5 years.

7 “(3) SUFFICIENT SIZE AND SCOPE.—Each
8 subgrant awarded under this section shall be of suf-
9 ficient size and scope to allow the eligible entity to
10 carry out high-quality early literacy initiatives for
11 children from birth through kindergarten entry.

12 “(b) LOCAL APPLICATIONS.—An eligible entity desir-
13 ing to receive a subgrant under this section shall submit
14 an application to the State educational agency, at such
15 time, in such manner, and containing such information as
16 the State educational agency may require. Such applica-
17 tion shall include a description of—

18 “(1) how the subgrant funds will be used to en-
19 hance the language and literacy development and
20 school readiness of children, from birth through kin-
21 dergarten entry, in early childhood education pro-
22 grams, which shall include an analysis of data that
23 support the proposed use of subgrant funds;

24 “(2) how the subgrant funds will be used to
25 prepare and provide ongoing assistance to staff in

1 the programs, through high-quality professional de-
2 velopment;

3 “(3) how the activities assisted under the
4 subgrant will be coordinated with comprehensive lit-
5 eracy instruction at the kindergarten through grade
6 12 levels;

7 “(4) how the subgrant funds will be used to
8 evaluate the success of the activities assisted under
9 the subgrant in enhancing the early language and
10 literacy development of children from birth through
11 kindergarten entry; and

12 “(5) such other information as the State edu-
13 cational agency may require.

14 “(c) LOCAL USES OF FUNDS.—An eligible entity that
15 receives a subgrant under this section shall use the
16 subgrant funds, consistent with the entity’s approved ap-
17 plication under subsection (c), to—

18 “(1) carry out high-quality professional develop-
19 ment opportunities for early childhood educators,
20 teachers, paraprofessionals, and instructional lead-
21 ers;

22 “(2) train providers and personnel to develop
23 and administer high-quality early childhood edu-
24 cation literacy initiatives; and

1 “(3) coordinate the involvement of families,
2 early childhood education program staff, principals,
3 other school leaders, and teachers in literacy devel-
4 opment of children served under the subgrant.

5 **“SEC. 2404. SUBGRANTS TO ELIGIBLE ENTITIES IN SUP-**
6 **PORT OF KINDERGARTEN THROUGH GRADE**
7 **12 LITERACY.**

8 “(a) SUBGRANTS TO ELIGIBLE ENTITIES.—

9 “(1) SUBGRANTS.—A State educational agency
10 receiving a grant under this part shall use a portion
11 of the grant funds, in accordance with clauses (ii)
12 and (iii) of section 2402(d)(1)(D), to award sub-
13 grants, on a competitive basis, to eligible entities to
14 enable the eligible entities to carry out the author-
15 ized activities described in subsection (b) and (c).

16 “(2) SUFFICIENT SIZE AND SCOPE.—A State
17 educational agency shall award subgrants under this
18 section of sufficient size and scope to allow the eligi-
19 ble entities to carry out high-quality comprehensive
20 literacy instruction in each grade level for which the
21 subgrant funds are provided.

22 “(3) LOCAL APPLICATIONS.—An eligible entity
23 desiring to receive a subgrant under this section
24 shall submit an application to the State educational
25 agency at such time, in such manner, and containing

1 such information as the State educational agency
2 may require. Such application shall include, for each
3 school that the eligible entity identifies as partici-
4 pating in a subgrant program under this section, the
5 following information:

6 “(A) A description of the eligible entity’s
7 needs assessment conducted to identify how
8 subgrant funds will be used to inform and im-
9 prove comprehensive literacy instruction at the
10 school.

11 “(B) How the school, the local educational
12 agency, or a provider of high-quality profes-
13 sional development will provide ongoing high-
14 quality professional development to all teachers,
15 including early childhood educators, principals,
16 and other instructional leaders served by the
17 school, including early childhood education pro-
18 gram administrators.

19 “(C) How the school will identify children
20 in need of literacy interventions or other sup-
21 port services.

22 “(D) An explanation of how the school will
23 integrate comprehensive literacy instruction into
24 core academic subjects.

1 “(E) A description of how the school will
2 coordinate comprehensive literacy instruction
3 with early childhood education and after-school
4 programs and activities in the area served by
5 the local educational agency.

6 “(b) LOCAL USES OF FUNDS FOR KINDERGARTEN
7 THROUGH GRADE 5.—An eligible entity that receives a
8 subgrant under this section shall use the subgrant funds
9 to carry out the following activities pertaining to children
10 in kindergarten through grade 5:

11 “(1) Developing and implementing a com-
12 prehensive literacy instruction plan across content
13 areas for such children that—

14 “(A) serves the needs of all children, in-
15 cluding children with disabilities and English
16 learners, especially children who are reading or
17 writing below grade level;

18 “(B) provides intensive, supplemental, ac-
19 celerated, and explicit intervention and support
20 in reading and writing for children whose lit-
21 eracy skills are below grade level; and

22 “(C) supports activities that are provided
23 primarily during the regular school day but
24 which may be augmented by after-school and
25 out-of-school time instruction.

1 “(2) Providing high-quality professional devel-
2 opment opportunities for teachers, literacy coaches,
3 literacy specialists, English as a second language
4 specialists (as appropriate), principals, paraprofes-
5 sionals, and other program staff.

6 “(3) Training principals, specialized instruc-
7 tional support personnel, and other school district
8 personnel to support, develop, administer, and evalu-
9 ate high-quality kindergarten through grade 5 lit-
10 eracy initiatives.

11 “(4) Coordinating the involvement of early
12 childhood education program staff, principals, other
13 instructional leaders, teachers, teacher literacy
14 teams, English as a second language specialists (as
15 appropriate), special educators, and school librarians
16 in the literacy development of children served under
17 this part.

18 “(5) Engaging families and encouraging family
19 literacy experiences and practices to support literacy
20 development.

21 “(c) LOCAL USES OF FUNDS FOR GRADES 6
22 THROUGH 12.—An eligible entity that receives a subgrant
23 under this section shall use subgrant funds to carry out
24 the following activities pertaining to children in grades 6
25 through 12:

1 “(1) Developing and implementing a com-
2 prehensive literacy instruction plan described in sub-
3 section (a)(3) for children in grades 6 through 12.

4 “(2) Training principals, specialized instruction
5 support personnel, and other school district per-
6 sonnel to support, develop, administer, and evaluate
7 high-quality kindergarten through grade 5 com-
8 prehensive literacy instruction initiatives.

9 “(3) Assessing the quality of adolescent com-
10 prehensive literacy instruction in core academic sub-
11 jects, and career and technical education subjects
12 where such career and technical education subjects
13 provide for the integration of core academic subjects.

14 “(4) Providing time for teachers to meet to
15 plan research-based adolescent comprehensive lit-
16 eracy instruction in core academic subjects, and ca-
17 reer and technical education subjects where such ca-
18 reer and technical education subjects provide for the
19 integration of core academic subjects.

20 “(5) Coordinating the involvement of principals,
21 other instructional leaders, teachers, teacher literacy
22 teams, English as a second language specialists (as
23 appropriate), paraprofessionals, special educators,
24 and school librarians in the literacy development of
25 children served under this part.

1 “(d) ALLOWABLE USES.—An eligible entity that re-
2 ceives a subgrant under this section may, in addition to
3 carrying out the activities described in subsection (c), use
4 subgrant funds to carry out the following activities per-
5 taining to children in kindergarten through grade 12:

6 “(1) Recruiting, placing, training, and compen-
7 sating literacy coaches.

8 “(2) Connecting out-of-school learning opportu-
9 nities to in-school learning in order to improve the
10 literacy achievement of the children.

11 “(3) Training families and caregivers to sup-
12 port the improvement of adolescent literacy.

13 “(4) Providing for a multitier system of sup-
14 port.

15 “(5) Forming a school literacy leadership team
16 to help implement, assess, and identify necessary
17 changes to the literacy initiatives in 1 or more
18 schools to ensure success.

19 “(6) Providing time for teachers (and other lit-
20 eracy staff, as appropriate, such as school librarians)
21 to meet to plan comprehensive literacy instruction.

22 **“SEC. 2405. NATIONAL EVALUATION AND INFORMATION**
23 **DISSEMINATION.**

24 “(a) NATIONAL EVALUATION.—From funds reserved
25 under section 2402(b)(1), the Director of the Institute of

1 Education Sciences shall conduct a national evaluation of
2 the grant and subgrant programs assisted under this part.
3 Such evaluation shall include evidence-based research that
4 applies rigorous and systematic procedures to obtain valid
5 knowledge relevant to the implementation and effect of the
6 programs and shall directly coordinate with individual
7 State evaluations of the programs' implementation and
8 impact.

9 “(b) PROGRAM IMPROVEMENT.—The Secretary
10 shall—

11 “(1) provide the findings of the evaluation con-
12 ducted under this section to State educational agen-
13 cies and subgrant recipients for use in program im-
14 provement;

15 “(2) make such findings publicly available, in-
16 cluding on the websites of the Department and the
17 Institute of Education Science; and

18 “(3) submit such findings to the Committee on
19 Health, Education, Labor, and Pensions of the Sen-
20 ate and the Committee on Education and the Work-
21 force of the House of Representatives.

22 **“SEC. 2406. SUPPLEMENT, NOT SUPPLANT.**

23 “Grant funds provided under this part shall be used
24 to supplement, and not supplant, other Federal or State

1 funds available to carry out activities described in this
2 part.”.

3 **SEC. 2005. GENERAL PROVISIONS.**

4 Title II (20 U.S.C. 6601 et seq.), as amended by sec-
5 tion 2004, is further amended by inserting after section
6 2405 the following:

7 **“PART E—GENERAL PROVISIONS**

8 **“SEC. 2504. RULES OF CONSTRUCTION.**

9 “(a) PROHIBITION AGAINST FEDERAL MANDATES,
10 DIRECTION, OR CONTROL.—Nothing in this title shall be
11 construed to authorize the Secretary or any other officer
12 or employee of the Federal Government to mandate, di-
13 rect, or control a State, local educational agency, or
14 school’s—

15 “(1) instructional content or materials, cur-
16 riculum, program of instruction, academic stand-
17 ards, or academic assessments;

18 “(2) teacher, principal, or other school leader
19 evaluation system;

20 “(3) specific definition of teacher, principal, or
21 other school leader effectiveness; or

22 “(4) teacher, principal, or other school leader
23 professional standards, certification, and licensing.

24 “(b) SCHOOL OR DISTRICT EMPLOYEES.—Nothing in
25 this title shall be construed to alter or otherwise affect

1 the rights, remedies, and procedures afforded school or
2 school district employees under Federal, State, or local
3 laws (including applicable regulations or court orders) or
4 under the terms of collective bargaining agreements,
5 memoranda of understanding, or other agreements be-
6 tween such employees and their employers.”.

7 **TITLE III—LANGUAGE INSTRU-**
8 **CTION FOR ENGLISH LEARN-**
9 **ERS AND IMMIGRANT STU-**
10 **DENTS**

11 **SEC. 3001. GENERAL PROVISIONS.**

12 Title III (20 U.S.C. 6801 et seq.) is amended—

13 (1) in part A—

14 (A) by striking section 3122; and

15 (B) redesignating sections 3123, 3124,
16 3125, 3126, 3127, 3128, and 3129 as sections
17 3122, 3123, 3124, 3125, 3126, 3127, and
18 3128, respectively;

19 (2) by striking part B;

20 (3) by redesignating part C as part B; and

21 (4) in part B, as redesignated by paragraph

22 (2)—

23 (A) by redesignating section 3301 as sec-
24 tion 3201;

25 (B) by striking section 3302; and

1 (C) by redesignating sections 3303 and
2 3304 as sections 3202 and 3203, respectively.

3 **SEC. 3002. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 3001 (20 U.S.C. 6801) is amended to read
5 as follows:

6 **“SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated to carry out
8 this title and such sums as may be necessary for each of
9 fiscal years 2016 through 2021.”

10 **SEC. 3003. ENGLISH LANGUAGE ACQUISITION, LANGUAGE**

11 **ENHANCEMENT, AND ACADEMIC ACHIEVE-**

12 **MENT.**

13 Part A of title III (20 U.S.C. 6811 et seq.) is amend-
14 ed—

15 (1) in section 3102, by striking paragraphs (1)
16 through (9) and inserting the following:

17 “(1) to help ensure that English learners, in-
18 cluding immigrant children and youth, attain
19 English proficiency, and develop high levels of aca-
20 demic attainment in English;

21 “(2) to assist all English learners, including im-
22 migrant children and youth, to achieve at high levels
23 in academic subjects so that children who are
24 English learners can meet the same challenging

1 State academic standards that all children are ex-
2 pected to meet, consistent with section 1111(b)(1);

3 “(3) to assist early childhood educators, teach-
4 ers, principals and other school leaders, State edu-
5 cational agencies, and local educational agencies in
6 establishing, implementing, and sustaining effective
7 language instruction educational programs designed
8 to assist in teaching English learners, including im-
9 migrant children and youth;

10 “(4) to assist early childhood educators, teach-
11 ers, principals and other school leaders, State edu-
12 cational agencies, and local educational agencies to
13 develop and enhance their capacity to provide effec-
14 tive instruction programs designed to prepare
15 English learners, including immigrant children and
16 youth, to enter all English instruction settings;

17 “(5) to promote parental, family, and commu-
18 nity participation in language instruction edu-
19 cational programs for the parents, families, and
20 communities of English learners; and

21 “(6) to provide incentives to grantees to imple-
22 ment policies and practices that will lead to signifi-
23 cant improvements in the instruction and achieve-
24 ment of English learners.”;

25 (2) in section 3111—

1 (A) in subsection (b)—

2 (i) in paragraph (2), by striking sub-
3 paragraphs (A) through (D) and inserting
4 the following:

5 “(A) Establishing and implementing stand-
6 ardized statewide entrance and exit procedures,
7 including a requirement that all students who
8 may be English learners are assessed for such
9 status within 30 days of enrollment in a school
10 in the State.

11 “(B) Providing effective teacher and prin-
12 cipal preparation, professional development ac-
13 tivities, and other evidence-based activities re-
14 lated to the education of English learners,
15 which may include assisting teachers, prin-
16 cipals, and other educators in—

17 “(i) meeting State and local certifi-
18 cation and licensing requirements for
19 teaching English learners; and

20 “(ii) improving teaching skills in
21 meeting the diverse needs of English learn-
22 ers, including how to implement effective
23 programs and curricula on teaching
24 English learners.

1 “(C) Planning, evaluation, administration,
2 and interagency coordination related to the sub-
3 grants referred to in paragraph (1).

4 “(D) Providing technical assistance and
5 other forms of assistance to eligible entities that
6 are receiving subgrants from a State edu-
7 cational agency under this subpart, including
8 assistance in—

9 “(i) identifying and implementing ef-
10 fective language instruction educational
11 programs and curricula for teaching
12 English learners, including those in early
13 childhood settings;

14 “(ii) helping English learners meet
15 the same State academic standards that all
16 children are expected to meet;

17 “(iii) identifying or developing, and
18 implementing, measures of English pro-
19 ficiency; and

20 “(iv) strengthening and increasing
21 parent, family, and community engagement
22 in programs that serve English learners.

23 “(E) Providing recognition, which may in-
24 clude providing financial awards, to recipients
25 of subgrants under section 3115 that have sig-

1 significantly improved the achievement and
2 progress of English learners in meeting—

3 “(i) annual timelines and goals for
4 progress established under section
5 1111(c)(1)(J) based on the State’s English
6 language proficiency assessment under sec-
7 tion 1111(b)(2)(G); and

8 “(ii) the challenging State academic
9 standards described in section
10 1111(b)(1).”; and

11 (ii) in paragraph (3)—

12 (I) in the heading, by inserting
13 “DIRECT” before “ADMINISTRATIVE”;
14 and

15 (II) by inserting “direct” before
16 “administrative costs”; and

17 (B) in subsection (c)—

18 (i) in paragraph (1)—

19 (I) in the matter preceding sub-
20 paragraph (A), by striking “section
21 3001(a)” and inserting “section
22 3001”;

23 (II) in subparagraph (B), by in-
24 serting “and” after the semicolon;

25 (III) in subparagraph (C)—

1 (aa) by striking “not more
2 than 0.5 percent of such amount
3 shall be reserved for evaluation
4 activities conducted by the Sec-
5 retary and”; and

6 (bb) by striking “; and” and
7 inserting a period; and

8 (IV) by striking subparagraph
9 (D);

10 (ii) by striking paragraphs (2) and
11 (4);

12 (iii) by redesignating paragraph (3) as
13 paragraph (2);

14 (iv) in paragraph (2)(A), as redesign-
15 nated by clause (iii)—

16 (I) in the matter preceding clause
17 (i), by striking “section 3001(a)” and
18 inserting “section 3001”; and

19 (II) in clause (i), by striking
20 “limited English proficient” and all
21 that follows through “States;” and in-
22 serting “English learners in the State
23 bears to the number of English learn-
24 ers in all States, as determined by the
25 Secretary under paragraph (3);”; and

1 (v) by adding at the end the following:

2 “(3) USE OF DATA FOR DETERMINATIONS.—In
3 making State allotments under paragraph (2)(A)(i)
4 for each fiscal year, the Secretary shall—

5 “(A) determine the number of English
6 learners in a State and in all States, using the
7 most accurate, up-to-date data, which shall
8 be—

9 “(i) data available from the American
10 Community Survey conducted by the De-
11 partment of Commerce, which may be
12 multiyear estimates;

13 “(ii) the number of students being as-
14 sessed for English language proficiency,
15 based on the State’s English language pro-
16 ficiency assessment under section
17 1111(b)(2)(G), which may be multiyear es-
18 timates; or

19 “(iii) a combination of data available
20 under clauses (i) and (ii); and

21 “(B) determine the number of immigrant
22 children and youth in the State and in all
23 States based only on data available from the
24 American Community Survey conducted by the

1 Department of Commerce, which may be
2 multiyear estimates.”;

3 (3) in section 3113—

4 (A) in subsection (a), by inserting “reason-
5 ably” before “require”;

6 (B) in subsection (b)—

7 (i) in paragraph (1), by striking
8 “making” and inserting “awarding”; and

9 (ii) by striking paragraphs (2)
10 through (6) and inserting the following:

11 “(2) describe how the agency will establish and
12 implement standardized, statewide entrance and exit
13 procedures, including an assurance that all students
14 who may be English learners are assessed for such
15 status within 30 days of enrollment in a school in
16 the State;

17 “(3) provide an assurance that—

18 “(A) the agency will ensure that eligible
19 entities receiving a subgrant under this subpart
20 comply with the requirement in section
21 1111(b)(2)(B)(ix) to annually assess in English
22 all English learners who have been in the
23 United States for 3 or more years;

24 “(B) the agency will ensure that eligible
25 entities receiving a subgrant under this subpart

1 annually assess the English proficiency of all
2 English learners participating in a program
3 funded under this subpart, consistent with sec-
4 tion 1111(b)(2)(G);

5 “(C) in awarding subgrants under section
6 3114, the agency will address the needs of
7 school systems of all sizes and in all geographic
8 areas, including school systems with rural and
9 urban schools;

10 “(D) subgrants to eligible entities under
11 section 3114(d)(1) will be of sufficient size and
12 scope to allow such entities to carry out effec-
13 tive language instruction educational programs
14 for English learners;

15 “(E) the agency will require an eligible en-
16 tity receiving a subgrant under this subpart to
17 use the subgrant in ways that will build such
18 recipient’s capacity to continue to offer effective
19 language instruction educational programs that
20 assist English learners in meeting challenging
21 State academic standards described in section
22 1111(b)(1);

23 “(F) the agency will monitor each eligible
24 entity receiving a subgrant under this subpart

1 for compliance with applicable Federal fiscal re-
2 quirements; and

3 “(G) the plan has been developed in con-
4 sultation with local educational agencies, teach-
5 ers, administrators of programs implemented
6 under this subpart, parents of English learners,
7 and other relevant stakeholders;

8 “(4) describe how the agency will coordinate its
9 programs and activities under this subpart with
10 other programs and activities under this Act and
11 other Acts, as appropriate;

12 “(5) describe how each eligible entity will be
13 given the flexibility to teach English learners—

14 “(A) using a high quality, effective lan-
15 guage instruction curriculum for teaching
16 English learners; and

17 “(B) in the manner the eligible entities de-
18 termine to be the most effective;

19 “(6) describe how the agency will assist eligible
20 entities in meeting—

21 “(A) annual timelines and goals for
22 progress established under section
23 1111(c)(1)(J) based on the State’s English lan-
24 guage proficiency assessment under section
25 1111(b)(2)(G); and

1 “(B) the challenging State academic stand-
2 ards described in section 1111(b)(1);

3 “(7) describe how the agency will assist eligible
4 entities in decreasing the number of English learners
5 who have not yet acquired English proficiency within
6 5 years of their initial classification as an English
7 learner;

8 “(8) describe how the agency will ensure that
9 the unique needs of the State’s population of
10 English learners and immigrant children and youth
11 are being addressed; and

12 “(9) describe how the agency will monitor and
13 evaluate the progress of each eligible entity receiving
14 funds under this part toward meeting the timelines
15 and goals for English proficiency required under sec-
16 tion 1111(c)(1)(J) and the steps the State will take
17 to further assist eligible entities if such strategies
18 funded under this part are not effective in making
19 such progress and meeting academic goals estab-
20 lished under section 1111(b)(3)(B)(i) for English
21 learners, such as providing technical assistance and
22 modifying such strategies.”;

23 (C) in subsection (d)(2)(B), by striking
24 “part” and inserting “subpart”; and

1 (D) in subsection (f), by striking “, objec-
2 tives,”;

3 (4) in section 3114—

4 (A) in subsection (a)—

5 (i) by striking “section 3111(c)(3)”
6 and inserting “section 3111(c)(2)”; and

7 (ii) by striking “limited English pro-
8 ficient children” both places the term ap-
9 pears and inserting “English learners”;
10 and

11 (B) in subsection (d)(1)—

12 (i) by striking “section 3111(c)(3)”
13 and inserting “section 3111(c)(2)”; and

14 (ii) by striking “preceding the fiscal
15 year”;

16 (5) by striking section 3115 and inserting the
17 following:

18 **“SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.**

19 “(a) PURPOSES OF SUBGRANTS.—A State edu-
20 cational agency may make a subgrant to an eligible entity
21 from funds received by the agency under this subpart only
22 if the entity agrees to expend the funds to improve the
23 education of English learners by assisting the children to
24 learn English and meet the challenging State academic
25 standards described in section 1111(b)(1). In carrying out

1 activities with such funds, the eligible entity shall use ef-
2 fective approaches and methodologies for teaching English
3 learners and immigrant children and youth for the fol-
4 lowing purposes:

5 “(1) Developing and implementing new lan-
6 guage instruction educational programs and aca-
7 demic content instruction programs for English
8 learners and immigrant children and youth, includ-
9 ing early childhood education programs, elementary
10 school programs, and secondary school programs.

11 “(2) Carrying out highly focused, innovative, lo-
12 cally designed activities to expand or enhance exist-
13 ing language instruction educational programs and
14 academic content instruction programs for such chil-
15 dren, and such children and youth.

16 “(3) Implementing, within an individual school,
17 schoolwide programs for restructuring, reforming,
18 and upgrading all relevant programs, activities, and
19 operations relating to language instruction edu-
20 cational programs and academic content instruction
21 for English learners and immigrant children and
22 youth.

23 “(4) Implementing, within the entire jurisdic-
24 tion of a local educational agency, agency-wide pro-
25 grams for restructuring, reforming, and upgrading

1 all relevant programs, activities, and operations re-
2 lating to language instruction educational programs
3 and academic content instruction for English learn-
4 ers and immigrant children and youth.

5 “(b) DIRECT ADMINISTRATIVE EXPENSES.—Each el-
6 igible entity receiving funds under section 3114(a) for a
7 fiscal year may use not more than 2 percent of such funds
8 for the cost of administering this subpart.

9 “(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligi-
10 ble entity receiving funds under section 3114(a) shall use
11 the funds—

12 “(1) to increase the English language pro-
13 ficiency of English learners by providing effective
14 language instruction educational programs that meet
15 the needs of English learners and are based on high-
16 quality research demonstrating success in increas-
17 ing—

18 “(A) English language proficiency; and

19 “(B) student academic achievement;

20 “(2) to provide effective professional develop-
21 ment to classroom teachers (including teachers in
22 classroom settings that are not the settings of lan-
23 guage instruction educational programs), principals,
24 other school leaders, administrators, and other

1 school or community-based organizational personnel,
2 that is—

3 “(A) designed to improve the instruction
4 and assessment of English learners;

5 “(B) designed to enhance the ability of
6 such teachers, principals, and other school lead-
7 ers to understand and implement appropriate
8 curricula, assessment practices, and instruction
9 strategies for English learners;

10 “(C) effective in increasing children’s
11 English language proficiency or substantially
12 increasing the subject matter knowledge, teach-
13 ing knowledge, and teaching skills of such
14 teachers; and

15 “(D) of sufficient intensity and duration
16 (which shall not include activities such as one-
17 day or short-term workshops and conferences)
18 to have a positive and lasting impact on the
19 teachers’ performance in the classroom, except
20 that this subparagraph shall not apply to an ac-
21 tivity that is one component of a long-term,
22 comprehensive professional development plan
23 established by a teacher and the teacher’s su-
24 pervisor based on an assessment of the needs of
25 the teacher, the supervisor, the students of the

1 teacher, and any local educational agency em-
2 ploying the teacher, as appropriate; and

3 “(3) to provide and implement effective paren-
4 tal, family, and community engagement activities in
5 order to enhance or supplement language instruction
6 educational programs for English Learners.

7 “(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Sub-
8 ject to subsection (c), an eligible entity receiving funds
9 under section 3114(a) may use the funds to achieve 1 of
10 the purposes described in subsection (a) by undertaking
11 1 or more of the following activities:

12 “(1) Upgrading program objectives and effec-
13 tive instruction strategies.

14 “(2) Improving the instruction program for
15 English learners by identifying, acquiring, and up-
16 grading curricula, instruction materials, educational
17 software, and assessment procedures.

18 “(3) Providing to English learners—

19 “(A) tutorials and academic or career and
20 technical education; and

21 “(B) intensified instruction.

22 “(4) Developing and implementing effective pre-
23 school, elementary school, or secondary school lan-
24 guage instruction educational programs that are co-
25 ordinated with other relevant programs and services.

1 “(5) Improving the English language pro-
2 ficiency and academic achievement of English learn-
3 ers.

4 “(6) Providing community participation pro-
5 grams, family literacy services, and parent and fam-
6 ily outreach and training activities to English learn-
7 ers and their families—

8 “(A) to improve the English language
9 skills of English learners; and

10 “(B) to assist parents and families in help-
11 ing their children to improve their academic
12 achievement and becoming active participants
13 in the education of their children.

14 “(7) Improving the instruction of English learn-
15 ers, including English learners with a disability, by
16 providing for—

17 “(A) the acquisition or development of
18 educational technology or instructional mate-
19 rials;

20 “(B) access to, and participation in, elec-
21 tronic networks for materials, training, and
22 communication; and

23 “(C) incorporation of the resources de-
24 scribed in subparagraphs (A) and (B) into cur-

1 ricula and programs, such as those funded
2 under this subpart.

3 “(8) Carrying out other activities that are con-
4 sistent with the purposes of this section.

5 “(e) ACTIVITIES BY AGENCIES EXPERIENCING SUB-
6 STANTIAL INCREASES IN IMMIGRANT CHILDREN AND
7 YOUTH.—

8 “(1) IN GENERAL.—An eligible entity receiving
9 funds under section 3114(d)(1) shall use the funds
10 to pay for activities that provide enhanced instruc-
11 tional opportunities for immigrant children and
12 youth, which may include—

13 “(A) family literacy, parent and family
14 outreach, and training activities designed to as-
15 sist parents and families to become active par-
16 ticipants in the education of their children;

17 “(B) recruitment of, and support for per-
18 sonnel, including early childhood educators,
19 teachers, paraprofessionals who have been spe-
20 cifically trained, or are being trained, to provide
21 services to immigrant children and youth;

22 “(C) provision of tutorials, mentoring, and
23 academic or career counseling for immigrant
24 children and youth;

1 “(D) identification and acquisition of cur-
2 ricular materials, educational software, and
3 technologies to be used in the program carried
4 out with funds;

5 “(E) basic instruction services that are di-
6 rectly attributable to the presence in the local
7 educational agency involved of immigrant chil-
8 dren and youth, including the payment of costs
9 of providing additional classroom supplies, costs
10 of transportation, or such other costs as are di-
11 rectly attributable to such additional basic in-
12 struction services;

13 “(F) other instruction services that are de-
14 signed to assist immigrant children and youth
15 to achieve in elementary schools and secondary
16 schools in the United States, such as programs
17 of introduction to the educational system and
18 civics education; and

19 “(G) activities, coordinated with commu-
20 nity-based organizations, institutions of higher
21 education, private sector entities, or other enti-
22 ties with expertise in working with immigrants,
23 to assist parents and families of immigrant chil-
24 dren and youth by offering comprehensive com-
25 munity services.

1 “(2) DURATION OF SUBGRANTS.—The duration
2 of a subgrant made by a State educational agency
3 under section 3114(d)(1) shall be determined by the
4 agency in its discretion.

5 “(f) SELECTION OF METHOD OF INSTRUCTION.—

6 “(1) IN GENERAL.—To receive a subgrant from
7 a State educational agency under this subpart, an el-
8 igible entity shall select one or more methods or
9 forms of effective instruction to be used in the pro-
10 grams and activities undertaken by the entity to as-
11 sist English learners to attain English language pro-
12 ficiency and meet challenging State academic stand-
13 ards described in section 1111(b)(1).

14 “(2) CONSISTENCY.—Such selection shall be
15 consistent with sections 3125 through 3127.

16 “(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds
17 made available under this subpart shall be used so as to
18 supplement the level of Federal, State and local public
19 funds that, in the absence of such availability, would have
20 been expended for programs for English learners and im-
21 migrant children and youth and in no case to supplant
22 such Federal, State and local public funds.”;

23 (6) in section 3116—

1 (A) in subsection (b), by striking para-
2 graphs (1) through (6) and inserting the fol-
3 lowing:

4 “(1) describe the high-quality programs and ac-
5 tivities proposed to be developed, implemented, and
6 administered under the subgrant and how these ac-
7 tivities will help English learners increase their
8 English language proficiency and meet the chal-
9 lenging State academic standards described in sec-
10 tion 1111(b)(1);

11 “(2) describe how the eligible entity will ensure
12 elementary schools and secondary schools receiving
13 funds under this subpart assist English learners in
14 meeting—

15 “(A) annual timelines and goals for
16 progress established under 1111(c)(1)(J) based
17 on the State’s English language proficiency as-
18 sessment under section 1111(b)(2)(G); and

19 “(B) the challenging State academic stand-
20 ards described in section 1111(b)(1);

21 “(3) describe how the eligible entity will pro-
22 mote parental, family, and community engagement
23 in the education of English learners;

24 “(4) describe how language instruction edu-
25 cational programs carried out under the subgrant

1 will ensure that English learners being served by the
2 programs develop English proficiency and dem-
3 onstrate such proficiency through academic content
4 mastery;

5 “(5) contain assurances that—

6 “(A) each local educational agency that is
7 included in the eligible entity is complying with
8 section 1112(d)(2) prior to, and throughout,
9 each school year as of the date of application,
10 and will continue to comply with such section
11 throughout each school year for which the grant
12 is received;

13 “(B) the eligible entity complies with any
14 State law, including State constitutional law,
15 regarding the education of English learners,
16 consistent with sections 3125 and 3126;

17 “(C) the eligible entity has based its pro-
18 posed plan on high quality research on teaching
19 English learners;

20 “(D) the eligible entity consulted with
21 teachers, researchers, school administrators,
22 parents and family members, community mem-
23 bers, public or private entities, and institutions
24 of higher education, in developing and imple-
25 menting such plan; and

1 “(E) the eligible entity will, if applicable,
2 coordinate activities and share relevant data
3 under the plan with local Head Start and Early
4 Head Start agencies, including migrant and
5 seasonal Head Start agencies, and other early
6 childhood education providers.”;

7 (B) in subsection (c), by striking “limited
8 English proficient children” and inserting
9 “English learners”; and

10 (C) by striking subsection (d);

11 (7) by striking section 3121 and inserting the
12 following:

13 **“SEC. 3121. REPORTING.**

14 “(a) IN GENERAL.—Each eligible entity that receives
15 a subgrant from a State educational agency under subpart
16 1 shall provide such agency, at the conclusion of every sec-
17 ond fiscal year during which the subgrant is received, with
18 a report, in a form prescribed by the agency, on the activi-
19 ties conducted and children served under such subpart
20 that includes—

21 “(1) a description of the programs and activi-
22 ties conducted by the entity with funds received
23 under subpart 1 during the 2 immediately preceding
24 fiscal years;

1 “(2) the number and percentage of English
2 learners in the programs and activities who meet the
3 annual State-determined goals for progress estab-
4 lished under section 1111(c)(1)(J), including
5 disaggregated, at a minimum, by—

6 “(A) long-term English learners; and

7 “(B) English learners with a disability;

8 “(3) the number and percentage of English
9 learners in the programs and activities attaining
10 English language proficiency based on State English
11 language proficiency standards established under
12 section 1111(b)(1)(F) by the end of each school
13 year, as determined by the State’s English language
14 proficiency assessment under section 1111(b)(2)(G);

15 “(4) the number and percentage of English
16 learners who exit the language instruction edu-
17 cational programs based on their attainment of
18 English language proficiency;

19 “(5) the number and percentage of English
20 learners meeting challenging State academic stand-
21 ards described in section 1111(b)(1) for each of the
22 2 years after such children are no longer receiving
23 services under this part, including disaggregated, at
24 a minimum, by—

25 “(A) long-term English learners; and

1 “(B) English learners with a disability;

2 “(6) the number and percentage of English
3 learners who have not attained English language
4 proficiency within 5 years of initial classification as
5 an English learner; and

6 “(7) any other information as the State edu-
7 cational agency may require.

8 “(b) REPORT.—A report provided by an eligible enti-
9 ty under subsection (a) shall be used by the entity and
10 the State educational agency for improvement or pro-
11 grams and activities under this part.

12 “(c) SPECIAL RULE FOR SPECIALLY QUALIFIED
13 AGENCIES.—Each specially qualified agency receiving a
14 grant under this part shall provide the evaluations de-
15 scribed in subsection (a) to the Secretary subject to the
16 same requirements as apply to eligible entities providing
17 such evaluations to State educational agencies under such
18 subsection.”;

19 (8) in section 3122, as redesignated by section
20 3001(1)—

21 (A) in subsection (a)—

22 (i) by striking “evaluations” and in-
23 sserting “reports”; and

- 1 (ii) by striking “children who are lim-
2 ited English proficient” and inserting
3 “English learners”; and
4 (B) in subsection (b)—
5 (i) in paragraph (1)—
6 (I) by striking “limited English
7 proficient children” and inserting
8 “English learners”; and
9 (II) by striking “children who are
10 limited English proficient” and insert-
11 ing “English learners”;
12 (ii) in paragraph (6), by striking
13 “major findings of scientifically based re-
14 search carried out under this part” and in-
15 serting “findings of the evaluation related
16 to English learners carried out under sec-
17 tion 9601”;
18 (iii) in paragraph (8)—
19 (I) by striking “of limited
20 English proficient children” and in-
21 serting “of English learners”; and
22 (II) by striking “into classrooms
23 where instruction is not tailored for
24 limited English proficient children”;
25 and

1 (iv) in paragraph (9), by striking
2 “title” and inserting “part”;

3 (9) in section 3123, as redesignated by section
4 3001(1)—

5 (A) by striking “children of limited
6 English proficiency” and inserting “English
7 learners”; and

8 (B) by striking “limited English proficient
9 children” and inserting “English learners”;

10 (10) in section 3124, as redesignated by section
11 3001(1)—

12 (A) in paragraph (1), by striking “limited
13 English proficient children” and inserting
14 “English learners”; and

15 (B) in paragraph (2), by striking “limited
16 English proficient children” and inserting
17 “English learners”;

18 (11) in section 3128, as redesignated by section
19 3001(1), by striking “limited English proficient chil-
20 dren” and inserting “English learners”;

21 (12) by striking section 3131 and inserting the
22 following:

1 **“SEC. 3131. NATIONAL PROFESSIONAL DEVELOPMENT**
2 **PROJECT.**

3 “The Secretary shall use funds made available under
4 section 3111(e)(1)(C) to award grants on a competitive
5 basis, for a period of not more than 5 years, to institutions
6 of higher education (or public or private entities with rel-
7 evant experience and capacity, in consortia with State edu-
8 cational agencies or local educational agencies) to provide
9 for professional development, capacity building, or evi-
10 dence-based activities that will improve classroom instruc-
11 tion for English learners and assist educational personnel
12 working with such children to meet high professional
13 standards, including standards for certification and licen-
14 sure as teachers who work in language instruction edu-
15 cational programs or serve English learners. Grants
16 awarded under this section may be used—

17 “(1) for preservice or inservice effective profes-
18 sional development programs that will assist local
19 schools and may assist institutions of higher edu-
20 cation to upgrade the qualifications and skills of
21 educational personnel who are not certified or li-
22 censed, especially educational paraprofessionals, and
23 for other activities to increase teacher and school
24 leader effectiveness;

1 “(2) for the development of curricula or other
2 instructional strategies appropriate to the needs of
3 the consortia participants involved;

4 “(3) to support strategies that strengthen and
5 increase parent, family, and community member en-
6 gagement in the education of English learners;

7 “(4) to develop, share, and disseminate effective
8 practices in the instruction of English learners and
9 in increasing the student academic achievement of
10 English learners, such as technology-based pro-
11 grams;

12 “(5) in conjunction with other Federal need-
13 based student financial assistance programs, for fi-
14 nancial assistance, and costs related to tuition, fees,
15 and books for enrolling in courses required to com-
16 plete the degree involved, to meet certification or li-
17 censing requirements for teachers who work in lan-
18 guage instruction educational programs or serve
19 English learners; and

20 “(6) as appropriate, to support strategies that
21 promote school readiness of English learners and
22 their transition from early childhood education pro-
23 grams, such as Head Start or State-run preschool
24 programs to elementary school programs.”; and

1 (13) by striking section 3141 and inserting the
2 following:

3 **“SEC. 3141. DEFINITIONS.**

4 “In this part—

5 “(1) the term ‘eligible entity’ means—

6 “(A) one or more local educational agen-
7 cies; or

8 “(B) one or more local educational agen-
9 cies, in collaboration with an institution of high-
10 er education, educational service agency, com-
11 munity-based organization, or State educational
12 agency;

13 “(2) the term ‘English Learner with a dis-
14 ability’ means an English learner who is also a ‘child
15 with a disability,’ as that term is defined in section
16 602 of the Individuals with Disabilities Education
17 Act; and

18 “(3) the term ‘long-term English learner’
19 means an English learner who has attended schools
20 in the United States for not less than 5 years and
21 who has not yet been exited from English learner
22 status by the culmination of the fifth year of serv-
23 ices.”.

1 **SEC. 3004. OTHER PROVISIONS.**

2 Part B of title III, as redesignated by section
3 3001(3), is amended—

4 (1) in section 3201, as redesignated by section
5 3001(4)—

6 (A) in paragraph (5)—

7 (i) in subparagraph (A)—

8 (I) in clause (i), by striking “lim-
9 ited English proficient” and inserting
10 “English learner”; and

11 (II) in clause (ii), by inserting
12 “and” after the semicolon;

13 (ii) by striking subparagraph (B); and

14 (iii) by redesignating subparagraph
15 (C) as subparagraph (B); and

16 (B) in paragraph (8)(A), by striking “a
17 limited English proficient child” and inserting
18 “an English learner”;

19 (2) in section 3202, as redesignated by section
20 3001(4)—

21 (A) in the matter preceding paragraph (1),
22 by striking “limited English proficient children”
23 and inserting “English learners”; and

24 (B) in paragraph (4)—

25 (i) in subparagraph (A), by striking
26 “limited English proficient children” and

1 inserting “English learners, including
2 English learners with a disability”; and

3 (ii) in subparagraph (B), by striking
4 “limited English proficient children” and
5 inserting “English learners”; and

6 (3) in section 3203, as redesignated by section
7 3001(4)—

8 (A) by striking “limited English proficient
9 individuals” and inserting “English learners”;
10 and

11 (B) by striking “limited English proficient
12 children” and inserting “English learners”.

13 **TITLE IV—SAFE AND HEALTHY** 14 **STUDENTS**

15 **SEC. 4001. GENERAL PROVISIONS.**

16 Title IV (20 U.S.C. 7101 et seq.) is amended—

17 (1) by redesignating subpart 3 of part A as
18 subpart 5 of part F of title IX, as redesignated by
19 section 9106(1), and moving that subpart to follow
20 subpart 4 of part F of title IX, as redesignated by
21 sections 2001 and 9106(1);

22 (2) by redesignating section 4141 as section
23 9561;

1 (3) by redesignating section 4155 as section
2 9537 and moving that section so as to follow section
3 9536;

4 (4) by redesignating part C as subpart 6 of
5 part F of title IX, as redesignated by section
6 9106(1), and moving that subpart to follow subpart
7 5 of part F of title IX, as redesignated by section
8 9106(1) and paragraph (1); and

9 (5) by redesignating sections 4301, 4302, 4303,
10 and 4304, as sections 9571, 9572, 9573, and 9574,
11 respectively; and

12 (6) by striking the title heading and inserting
13 the following:

14 **“TITLE IV—SAFE AND HEALTHY**
15 **STUDENTS”.**

16 **SEC. 4002. GRANTS TO STATES AND LOCAL EDUCATIONAL**
17 **AGENCIES.**

18 Part A of title IV (20 U.S.C. 7101 et seq.) is amend-
19 ed to read as follows:

20 **“PART A—GRANTS TO STATES AND LOCAL**
21 **EDUCATIONAL AGENCIES**

22 **“SEC. 4101. PURPOSE.**

23 “The purpose of this part is to improve students’
24 safety, health, well-being, and academic achievement dur-
25 ing and after the school day by—

1 “(1) increasing the capacity of local educational
2 agencies, schools, and local communities to improve
3 conditions for learning through the creation of safe,
4 healthy, supportive, and drug-free environments;

5 “(2) carrying out programs designed to improve
6 school safety and promote students’ physical and
7 mental health and well-being;

8 “(3) preventing and reducing substance use and
9 abuse, school violence, harassment, and bullying; and

10 “(4) strengthening parent and community en-
11 gagement to ensure a healthy, safe, and supportive
12 school environment.

13 **“SEC. 4102. DEFINITIONS.**

14 “In this part:

15 “(1) CONTROLLED SUBSTANCE.—The term
16 ‘controlled substance’ means a drug or other sub-
17 stance identified under Schedule I, II, III, IV, or V
18 in section 202(c) of the Controlled Substances Act
19 (21 U.S.C. 812(e)).

20 “(2) DRUG.—The term ‘drug’ includes con-
21 trolled substances, the illegal use of alcohol or to-
22 bacco, and the harmful, abusive, or addictive use of
23 substances, including inhalants and anabolic
24 steroids.

1 “(3) DRUG AND VIOLENCE PREVENTION.—The
2 term ‘drug and violence prevention’ means—

3 “(A) with respect to drugs, prevention,
4 early intervention, rehabilitation referral, or
5 education related to the illegal use of drugs;
6 and

7 “(B) with respect to violence, the pro-
8 motion of school safety, such that students and
9 school personnel are free from violent and dis-
10 ruptive acts, including sexual harassment and
11 abuse, and victimization associated with preju-
12 dice and intolerance, on school premises, going
13 to and from school, and at school-sponsored ac-
14 tivities, through the creation and maintenance
15 of a school environment that is free of weapons
16 and fosters individual responsibility and respect
17 for the rights of others.

18 “(4) SCHOOL-BASED MENTAL HEALTH SERV-
19 ICES PROVIDER.—The term ‘school-based mental
20 health services provider’ includes a State licensed or
21 State certified school counselor, school psychologist,
22 school social worker, or other State licensed or cer-
23 tified mental health professional qualified under
24 State law to provide such mental health services to

1 children and adolescents, including children in early
2 childhood education programs.

3 “(5) STATE.—The term ‘State’ means each of
4 the 50 States, the District of Columbia, and the
5 Commonwealth of Puerto Rico.

6 **“SEC. 4103. FORMULA GRANTS TO STATES.**

7 “(a) RESERVATIONS.—From the total amount appro-
8 priated under section 4108 for a fiscal year, the Secretary
9 shall reserve—

10 “(1) not more than 5 percent for national ac-
11 tivities, which the Secretary may carry out directly
12 or through grants, contracts, or agreements with
13 public or private entities or individuals, or other
14 Federal agencies, such as providing technical assist-
15 ance to States and local educational agencies car-
16 rying out activities under this part or conducting a
17 national evaluation;

18 “(2) $\frac{1}{2}$ 1 percent for allotments for the United
19 States Virgin Islands, Guam, American Samoa, and
20 the Commonwealth of the Northern Mariana Is-
21 lands, to be distributed among those outlying areas
22 on the basis of their relative need, as determined by
23 the Secretary, in accordance with the purpose of this
24 part; and

1 “(3) 1/2 of 1 percent for the Secretary of the In-
2 terior for programs under this part in schools oper-
3 ated or funded by the Bureau of Indian Education.

4 “(b) STATE ALLOTMENTS.—

5 “(1) ALLOTMENT.—

6 “(A) IN GENERAL.—In accordance with
7 subparagraph (B), the Secretary shall allot
8 among each of the States the total amount
9 made available to carry out this part for any
10 fiscal year and not reserved under subsection
11 (a).

12 “(B) DETERMINATION OF STATE ALLOT-
13 MENT AMOUNTS.—Subject to paragraph (2),
14 the Secretary shall allot the amount made avail-
15 able under subparagraph (A) for a fiscal year
16 among the States in proportion to the number
17 of individuals, aged 5 to 17, who reside within
18 the State and are from families with incomes
19 below the poverty line for the most recent fiscal
20 year for which satisfactory data are available,
21 compared to the number of such individuals
22 who reside in all such States for that fiscal
23 year.

24 “(2) SMALL STATE MINIMUM.—No State receiv-
25 ing an allotment under paragraph (1) shall receive

1 less than $\frac{1}{2}$ of 1 percent of the total amount allot-
2 ted under such paragraph.

3 “(3) PUERTO RICO.—The amount allotted
4 under subparagraph (A) to the Commonwealth of
5 Puerto Rico for a fiscal year may not exceed $\frac{1}{2}$ of
6 1 percent of the total amount allotted under such
7 subparagraph.

8 “(4) REALLOTMENT.—If a State does not re-
9 ceive an allotment under this part for a fiscal year,
10 the Secretary shall reallocate the amount of the State’s
11 allotment to the remaining States in accordance with
12 this section.

13 “(c) STATE USE OF FUNDS.—

14 “(1) IN GENERAL.—Each State that receives an
15 allotment under this section shall reserve not less
16 than 95 percent of the amount allotted to such State
17 under subsection (b), for each fiscal year, for sub-
18 grants to local educational agencies, which may in-
19 clude consortia of such agencies, under section 4104.

20 “(2) STATE ADMINISTRATION.—A State edu-
21 cational agency shall use not more than 1 percent of
22 the amount made available to the State under sub-
23 section (b) for the administrative costs of carrying
24 out its responsibilities under this part.

1 “(3) STATE ACTIVITIES.—A State educational
2 agency shall use the amount made available to the
3 State under subsection (b) and not reserved under
4 paragraph (1) for activities and programs designed
5 to meet the purposes of this part, which—

6 “(A) shall include—

7 “(i) providing training, technical as-
8 sistance, and capacity building to local
9 educational agencies that are recipients of
10 a subgrant under section 4104, which may
11 include identifying and disseminating best
12 practices for professional development and
13 capacity building for teachers, administra-
14 tors, and specialized instructional support
15 personnel in schools that are served by
16 local educational agencies under this part;
17 and

18 “(ii) publicly reporting on how funds
19 made available under this part are being
20 expended by local educational agencies
21 under section 4104; and

22 “(B) may include—

23 “(i) identifying and eliminating State
24 barriers to the coordination and integra-
25 tion of programs, initiatives, and funding

1 streams that meet the purposes of this
2 part, so that local educational agencies can
3 better coordinate with other agencies,
4 schools and community-based services and
5 programs;

6 “(ii) assisting local educational agen-
7 cies to expand access to or coordination of
8 resources for school-based counseling and
9 mental health programs, such as through
10 school-based mental health services part-
11 nership programs described in section
12 4105(a)(4);

13 “(iii) supporting programs and activi-
14 ties that offer a variety of well-rounded
15 educational experiences to students;

16 “(iv) supporting activities that pro-
17 mote physical and mental health and well-
18 being for students and staff; and

19 “(v) other activities identified by the
20 State that meet the purposes of this part.

21 “(d) STATE PLAN.—

22 “(1) IN GENERAL.—In order to receive an allot-
23 ment under this section for any fiscal year, a State
24 shall submit a plan to the Secretary, at such time

1 and in such manner as the Secretary may reason-
2 ably require.

3 “(2) CONTENTS.—Each plan submitted by a
4 State under this section shall include the following:

5 “(A) A description of how the State edu-
6 cational agency will use funds received under
7 this part for State-level activities.

8 “(B) A description of program objectives
9 and outcomes for activities under this part.

10 “(C) An assurance that the State edu-
11 cational agency will review existing resources
12 and programs across the State and will coordi-
13 nate any new plans and resources under this
14 part with such existing programs and resources.

15 “(D) An assurance that the State edu-
16 cational agency will monitor the implementation
17 of activities under this part and provide tech-
18 nical assistance to local educational agencies in
19 carrying out such activities.

20 “(3) ANNUAL REPORT.—Each State receiving a
21 grant under this part shall annually prepare and
22 submit a report to the Secretary, which shall in-
23 clude—

1 “(A) how the State and local educational
2 agencies used funds provided under this part;
3 and

4 “(B) the degree to which the State and
5 local educational agencies have made progress
6 toward meeting the objectives and outcomes de-
7 scribed in the plan submitted by the State
8 under paragraph (2)(B).

9 **“SEC. 4104. SUBGRANTS TO LOCAL EDUCATIONAL AGEN-**
10 **CIES.**

11 “(a) ALLOCATIONS TO LOCAL EDUCATIONAL AGEN-
12 CIES.—

13 “(1) IN GENERAL.—A State that receives an al-
14 lotment under this part for a fiscal year shall pro-
15 vide the amount made available under section
16 4103(c)(1) for subgrants to local educational agen-
17 cies, which may include consortia of such agencies,
18 in accordance with this section.

19 “(2) FUNDS TO LOCAL EDUCATIONAL AGEN-
20 CIES.—From the funds reserved by a State under
21 section 4103(c)(1), the State shall allocate to each
22 local educational agency or consortium of such agen-
23 cies in the State an amount that bears the same re-
24 lationship to such funds as the number of individ-
25 uals aged 5 to 17 from families with incomes below

1 the poverty line in the geographic area served by the
2 agency, as determined by the Secretary on the basis
3 of the most recent satisfactory data, bears to the
4 number of such individuals in the geographic areas
5 served by all the local educational agencies in the
6 State, as so determined.

7 “(3) ADMINISTRATIVE COSTS.—Of the amount
8 received under paragraph (2), a local educational
9 agency or consortium of such agencies may use not
10 more than 2 percent for the direct administrative
11 costs of carrying out its responsibilities under this
12 part.

13 “(b) LOCAL APPLICATIONS.—

14 “(1) IN GENERAL.—To be eligible to receive a
15 subgrant under this section, a local educational
16 agency or consortium of such agencies shall submit
17 an application to the State educational agency at
18 such time, in such manner, and containing such in-
19 formation as the State educational agency may rea-
20 sonably require.

21 “(2) CONSULTATION.—

22 “(A) IN GENERAL.—A local educational
23 agency or consortium of such agencies shall
24 conduct a needs assessment described in para-
25 graph (3), and develop its application, through

1 consultation with parents, teachers, principals,
2 school leaders, specialized instructional support
3 personnel, early childhood educators, students,
4 community-based organizations, local govern-
5 ment representatives, Indian tribes or tribal or-
6 ganizations (if applicable) that may be located
7 in the region served by the local educational
8 agency, and others with relevant and dem-
9 onstrated expertise in programs and activities
10 designed to meet the purpose of this part.

11 “(B) CONTINUED CONSULTATION.—On an
12 ongoing basis, the local educational agency or
13 consortium of such agencies shall consult with
14 the individuals and organizations described in
15 subparagraph (A) in order to seek advice re-
16 garding how best—

17 “(i) to improve the local activities in
18 order to meet the purpose of this part; and

19 “(ii) to coordinate such activities
20 under this part with other related strate-
21 gies, programs, and activities being con-
22 ducted in the community.

23 “(3) NEEDS ASSESSMENT.—

24 “(A) IN GENERAL.—To be eligible to re-
25 ceive a subgrant under this section, a local edu-

1 cational agency or consortium of such agencies
2 shall conduct a comprehensive needs assessment
3 of the local educational agency or agencies pro-
4 posed to be served and of all schools within the
5 jurisdiction of the local educational agency or
6 agencies proposed to be served.

7 “(B) REQUIREMENTS.—In conducting the
8 needs assessment required under subparagraph
9 (A), the local educational agency or consortium
10 of such agencies shall take into account—

11 “(i) applicable and available school-
12 level data on indicators or measures of
13 school quality, climate and safety, and dis-
14 cipline, including those described in section
15 1111(d)(1)(C)(v); and

16 “(ii) risk factors in the community,
17 school, family, or peer-individual domains
18 that are known, through prospective, longi-
19 tudinal research efforts, to be predictive of
20 drug use, violent behavior, harassment,
21 disciplinary issues, and having an effect on
22 the physical and mental health and well-
23 being of youth in the school and commu-
24 nity.

1 “(4) CONTENTS.—Each application submitted
2 under this subsection shall be based on the needs as-
3 sessment described in paragraph (3) and shall in-
4 clude the following:

5 “(A) The results of the needs assessment
6 described in paragraph (3) and an identification
7 of each school that will be served by a subgrant
8 under this section.

9 “(B) A description of the activities that
10 the local educational agency or consortium of
11 such agencies will carry out under this part and
12 how these activities are aligned with the results
13 of the needs assessment conducted under para-
14 graph (3).

15 “(C) A description of the performance in-
16 dicators that the local educational agency or
17 consortium of such agencies will use to evaluate
18 the effectiveness of the activities carried out
19 under this section.

20 “(D) An assurance that such activities will
21 comply with the principles of effectiveness de-
22 scribed in section 4105(b), and foster a healthy,
23 safe, and supportive school environment that
24 improves students’ safety, health, and well-
25 being during and after the school day.

1 “(E) An assurance that the local edu-
2 cational agency or consortium of such agencies
3 will prioritize the distribution of funds to
4 schools served by the local educational agency
5 or consortium of such agencies that—

6 “(i) are among the schools with the
7 greatest needs as identified through the
8 needs assessment conducted under para-
9 graph (3);

10 “(ii) have the highest percentages or
11 numbers of children counted under section
12 1124(c);

13 “(iii) are identified under section
14 1114(a)(1)(B); or

15 “(iv) are identified as a persistently
16 dangerous public elementary school or sec-
17 ondary school under section 9532.

18 “(F) An assurance that the local edu-
19 cational agency or consortium of such agencies
20 will comply with section 9501 (regarding equi-
21 table participation by private school children
22 and teachers).

1 **“SEC. 4105. LOCAL EDUCATIONAL AGENCY AUTHORIZED**
2 **ACTIVITIES.**

3 “(a) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—A
4 local educational agency or consortium of such agencies
5 that receives a subgrant under section 4104 shall use the
6 subgrant funds to develop, implement, and evaluate com-
7 prehensive programs and activities, which are coordinated
8 with other schools and community-based services and pro-
9 grams and may be conducted in partnership with non-
10 profit organizations with a demonstrated track-record of
11 success in implementing activities, that are in accordance
12 with the purpose of this part and—

13 “(1) foster safe, healthy, supportive, and drug-
14 free environments that support student academic
15 achievement;

16 “(2) are consistent with the principles of effec-
17 tiveness described in subsection (b);

18 “(3) promote the involvement of parents in the
19 activity or program, as appropriate; and

20 “(4) may include, among other programs and
21 activities—

22 “(A) drug and violence prevention activi-
23 ties and programs, including professional devel-
24 opment and training for school and specialized
25 instructional support personnel and interested
26 community members in prevention, education,

1 early identification, and intervention mentoring,
2 and, where appropriate, rehabilitation referral,
3 as related to drug and violence prevention;

4 “(B) programs that support extended
5 learning opportunities, including before and
6 after school programs and activities, programs
7 during summer recess periods, and programs
8 that extend the school day, week, or school-year
9 calendar;

10 “(C) in accordance with subsections (c)
11 and (d), school-based mental health services, in-
12 cluding early identification of mental-health
13 symptoms, drug use and violence, and appro-
14 priate referrals to direct individual or group
15 counseling services provided by qualified school
16 or community-based mental health services pro-
17 viders;

18 “(D) in accordance with subsections (c)
19 and (d), school-based mental health services
20 partnership programs that—

21 “(i) are conducted in partnership with
22 a public or private mental-health entity or
23 health care entity, which may also include
24 a child welfare agency, family-based mental

1 health entity, trauma network, or other
2 community-based entity; and

3 “(ii) provide comprehensive school-
4 based mental health services and supports
5 and staff development for school and com-
6 munity personnel working in the school
7 that are based on trauma-informed and
8 evidence practices, are coordinated (where
9 appropriate) with early intervening services
10 carried out under the Individuals with Dis-
11 abilities Education Act, are provided by
12 qualified mental and behavioral health pro-
13 fessionals who are certified or licensed by
14 the State involved and practicing within
15 their area of expertise, and may include—

16 “(I) the early identification of so-
17 cial, emotional, or behavioral prob-
18 lems, or substance use disorders, and
19 the provision of early intervening serv-
20 ices;

21 “(II) notwithstanding section
22 4107, the treatment or referral for
23 treatment of students with social,
24 emotional, or behavioral health prob-
25 lems, or substance use disorders;

1 “(III) the development and im-
2 plementation of programs to assist
3 children in dealing with trauma and
4 violence; and

5 “(IV) the development of mecha-
6 nisms, based on best practices, for
7 children to report incidents of violence
8 or plans by other children or adults to
9 commit violence;

10 “(E) emergency planning and intervention
11 services following traumatic crisis events;

12 “(F) programs that train school personnel
13 to identify warning signs of youth drug abuse
14 and suicide;

15 “(G) mentoring programs and activities for
16 children who are at risk of academic failure,
17 dropping out of school, or involvement in crimi-
18 nal or delinquent activities, drug use and abuse,
19 or who lack strong positive role models;

20 “(H) early childhood, elementary school,
21 and secondary school counseling programs, in-
22 cluding college and career guidance programs;

23 “(I) programs or activities that support a
24 healthy, active lifestyle, including nutritional
25 education and regular, structured physical edu-

1 cation programs for early childhood, elementary
2 school, and secondary school students;

3 “(J) implementation of schoolwide positive
4 behavioral interventions and supports, including
5 through coordination with similar activities car-
6 ried out under the Individuals with Disabilities
7 Education Act, in order to improve academic
8 outcomes for students and reduce the need for
9 suspensions, expulsions, and other actions that
10 remove students from instruction;

11 “(K) programs and activities that offer a
12 variety of well-rounded educational experience
13 for students, such as those that—

14 “(i) use music and the arts as a tool
15 to promote constructive student engage-
16 ment, problem solving, and conflict resolu-
17 tion; or

18 “(ii) further students’ understanding
19 of and knowledge in computer science from
20 elementary school through secondary
21 school;

22 “(L) systems of high-capacity, integrated
23 student supports;

24 “(M) strategies that establish learning en-
25 vironments to further students’ academic and

1 non-academic skills essential for school readi-
2 ness and academic success, such as by pro-
3 viding integrated systems of student and family
4 supports and building teacher, principal, and
5 other school leader capacity;

6 “(N) bullying and harassment prevention
7 programs or activities, including professional
8 development and training for school and spe-
9 cialized instructional support personnel in the
10 prevention, early identification, and early inter-
11 vention, as related to bullying and harassment;

12 “(O) programs or activities designed to in-
13 crease school safety and climate, including con-
14 flict resolution practices, crisis management
15 techniques, and other school-based violence pre-
16 vention strategies;

17 “(P) pay for success initiatives that
18 produce a measurable, clearly defined outcome
19 that results in social benefit and direct cost sav-
20 ings to the local, State, or Federal Government;
21 and

22 “(Q) other activities and programs identi-
23 fied as necessary by the local educational agen-
24 cy through the needs assessment conducted
25 under section 4104(b)(3) that will increase stu-

1 dent achievement and otherwise meet the pur-
2 pose of this part.

3 “(b) PRINCIPLES OF EFFECTIVENESS.—

4 “(1) IN GENERAL.—For a program or activity
5 developed or carried out under this part to meet the
6 principles of effectiveness, such program or activity
7 shall—

8 “(A) be based upon an assessment of ob-
9 jective data regarding the need for programs
10 and activities in the early childhood, elementary
11 school, secondary school, or community to be
12 served to—

13 “(i) improve school safety and pro-
14 mote students’ physical and mental health
15 and well-being, healthy eating and nutri-
16 tion, and physical fitness; and

17 “(ii) strengthen parent and commu-
18 nity engagement to ensure a healthy, safe,
19 and supportive school environment;

20 “(B) be based upon established State re-
21 quirements and locally-determined criteria
22 aimed at ensuring a healthy, safe, and sup-
23 portive school environment for students in the
24 early childhood, elementary school, secondary

1 school, or community that will be served by the
2 program;

3 “(C) reflect, to the extent practicable, evi-
4 dence-based research, or in the absence of a
5 strong research base, reflect best practices in
6 the field, that provides evidence that the pro-
7 gram or activity will provide students a healthy,
8 safe, and supportive school environment; and

9 “(D) include meaningful and ongoing con-
10 sultation with and input from teachers, prin-
11 cipals, school leaders, and parents in the devel-
12 opment of the application and administration of
13 the program or activity.

14 “(2) PERIODIC EVALUATION.—

15 “(A) IN GENERAL.—The program or activ-
16 ity shall undergo a periodic independent, third
17 party evaluation to assess the extent to which
18 the program or activity has helped the local
19 educational agency or school provide students
20 with a healthy, safe, and supportive school envi-
21 ronment that promotes school safety and stu-
22 dents’ physical and mental health and well-
23 being.

24 “(B) USE OF RESULTS.—The local edu-
25 cational agency or consortium of such agencies

1 shall ensure that the results of the periodic
2 evaluations described under subparagraph (A)
3 are—

4 “(i) used to refine, improve, and
5 strengthen the program or activity, and to
6 refine locally determined criteria described
7 under paragraph (1)(B); and

8 “(ii) made available to the public and
9 the State.

10 “(3) PROHIBITION.—Nothing in this subsection
11 shall be construed to authorize the Secretary or any
12 other officer or employee of the Federal Government
13 to mandate, direct, or control, the principles of effec-
14 tiveness developed or utilized by a local educational
15 agency under this subsection.

16 “(c) PARENTAL CONSENT.—

17 “(1) IN GENERAL.—Each local educational
18 agency receiving a subgrant under this part shall ob-
19 tain prior written, informed consent from the parent
20 of each child who is under 18 years of age to partici-
21 pate in any mental-health assessment service or
22 treatment that is funded under this part and con-
23 ducted in connection with an elementary school or
24 secondary school under this part.

1 “(2) EXCEPTION.—Notwithstanding paragraph
2 (1), the written, informed consent described in such
3 paragraph shall not be required in—

4 “(A) an emergency, where it is necessary
5 to protect the immediate health and safety of
6 the student, other students, or school personnel;
7 or

8 “(B) other instances where parental con-
9 sent cannot be reasonably obtained, as defined
10 by the Secretary.

11 “(d) PRIVACY.—Each local educational agency receiv-
12 ing a subgrant under this part shall ensure that student
13 mental health records are accorded the privacy protections
14 provided under the regulations promulgated under section
15 264(e) of the Health Insurance Portability and Account-
16 ability Act of 1996 (Public Law 104–191; 110 Stat. 2033)
17 and section 444 of the General Education Provisions Act
18 (20 U.S.C. 1232g)(commonly referred to as the ‘Family
19 Educational Rights and Privacy Act of 1974’).

20 **“SEC. 4106. SUPPLEMENT, NOT SUPPLANT.**

21 “Funds made available under this part shall be used
22 to supplement, and not supplant, non-Federal funds that
23 would otherwise be used for activities authorized under
24 this part.

1 **“SEC. 4107. PROHIBITIONS.**

2 “(a) PROHIBITED USE OF FUNDS.—No funds under
3 this part may be used for—

4 “(1) construction; or

5 “(2) medical services or drug treatment or re-
6 habilitation, except for integrated student supports
7 or referral to treatment for impacted students,
8 which may include students who are victims of, or
9 witnesses to, crime or who illegally use drugs.

10 **“(b) PROHIBITION ON MANDATORY MEDICATION.—**

11 No child shall be required to obtain a prescription for a
12 substance covered by the Controlled Substances Act (21
13 U.S.C. 801 et seq.) as a condition of receiving an evalua-
14 tion, services, or attending a school receiving assistance
15 under this part.

16 **“SEC. 4108. AUTHORIZATION OF APPROPRIATIONS.**

17 “There are authorized to be appropriated to carry out
18 this part such sums as may be necessary for each of fiscal
19 years 2016 through 2021.”.

20 **TITLE V—EMPOWERING PAR-**
21 **ENTS AND EXPANDING OP-**
22 **PORTUNITY THROUGH INNO-**
23 **VATION**

24 **SEC. 5001. GENERAL PROVISIONS.**

25 Title V (20 U.S.C. 7201 et seq.) is amended—

26 (1) by striking part A;

- 1 (2) by striking subparts 2 and 3 of part B;
- 2 (3) by striking part D;
- 3 (4) by redesignating parts B and C as parts A
- 4 and B, respectively;
- 5 (5) in part A, as so redesignated by paragraph
- 6 (4), by striking “**Subpart 1—Charter School**
- 7 **Programs**”;
- 8 (6) by redesignating sections 5201 through
- 9 5211 as sections 5101 through 5111, respectively;
- 10 (7) by redesignating sections 5301 through
- 11 5307 as sections 5201 through 5207, respectively;
- 12 (8) by striking sections 5308 and 5310; and
- 13 (9) by redesignating sections 5309 and 5311 as
- 14 sections 5208 and 5209, respectively.

15 **SEC. 5002. PUBLIC CHARTER SCHOOLS.**

16 Part A of title V (20 U.S.C. 7221 et seq.), as so re-

17 designated by section 5001(4), is amended—

- 18 (1) by striking sections 5101 through 5105, as
- 19 so redesignated by section 5001(6), and inserting
- 20 the following:

21 **“SEC. 5101. PURPOSE.**

22 “It is the purpose of this part to—

- 23 “(1) provide financial assistance for the plan-
- 24 ning, program design, and initial implementation of
- 25 charter schools;

1 “(2) increase the number of high-quality char-
2 ter schools available to students across the United
3 States;

4 “(3) evaluate the impact of such schools on stu-
5 dent achievement, families, and communities, and
6 share best practices among charter schools and other
7 public schools;

8 “(4) encourage States to provide support to
9 charter schools for facilities financing in an amount
10 more nearly commensurate to the amount the States
11 have typically provided for traditional public schools;

12 “(5) expand opportunities for children with dis-
13 abilities, students who are English learners, and
14 other traditionally underserved students to attend
15 charter schools and meet the challenging State aca-
16 demic standards under section 1111(b)(1); and

17 “(6) support efforts to strengthen the charter
18 school authorizing process to improve performance
19 management, including transparency, monitoring, in-
20 cluding financial audits, and evaluation of such
21 schools.

22 **“SEC. 5102. PROGRAM AUTHORIZED.**

23 “(a) IN GENERAL.—The Secretary is authorized to
24 carry out a charter school program that supports charter

1 schools that serve early childhood, elementary school, and
2 secondary school students by—

3 “(1) supporting the startup of charter schools,
4 the replication of high-quality charter schools, and
5 the expansion of high-quality charter schools;

6 “(2) assisting charter schools in accessing cred-
7 it to acquire and renovate facilities for school use;
8 and

9 “(3) carrying out national activities to sup-
10 port—

11 “(A) the startup of charter schools, the
12 replication of high-quality charter schools, and
13 the expansion of high-quality charter schools;

14 “(B) the dissemination of best practices of
15 charter schools for all schools;

16 “(C) the evaluation of the impact of the
17 charter school program under this part on
18 schools participating in such program; and

19 “(D) stronger charter school authorizing.

20 “(b) FUNDING ALLOTMENT.—From the amount
21 made available under section 5111 for a fiscal year, the
22 Secretary shall—

23 “(1) reserve 12.5 percent to support charter
24 school facilities assistance under section 5104;

1 “(1) award subgrants to eligible applicants to
2 enable such eligible applicants to—

3 “(A) open new charter schools;

4 “(B) replicate high-quality charter school
5 models; or

6 “(C) expand high-quality charter schools;
7 and

8 “(2) provide technical assistance to eligible ap-
9 plicants and authorized public chartering agencies in
10 carrying out the activities described in paragraph
11 (1), and work with authorized public chartering
12 agencies in the State to improve authorizing quality,
13 including developing capacity for and conducting fis-
14 cal oversight and auditing of charter schools.

15 “(c) STATE ENTITY USES OF FUNDS.—

16 “(1) IN GENERAL.—A State entity receiving a
17 grant under this section shall—

18 “(A) use not less than 90 percent of the
19 grant funds to award subgrants to eligible ap-
20 plicants, in accordance with the quality charter
21 school program described in the State entity’s
22 application pursuant to subsection (f), for the
23 purposes described in subparagraphs (A)
24 through (C) of subsection (b)(1);

1 “(B) reserve not less than 7 percent of
2 such funds to carry out the activities described
3 in subsection (b)(2); and

4 “(C) reserve not more than 3 percent of
5 such funds for administrative costs, which may
6 include the administrative costs of providing
7 technical assistance.

8 “(2) CONTRACTS AND GRANTS.—A State entity
9 may use a grant received under this section to carry
10 out the activities described in paragraph (1)(A) di-
11 rectly or through grants, contracts, or cooperative
12 agreements.

13 “(3) RULES OF CONSTRUCTION.—

14 “(A) USE OF LOTTERY MECHANISMS.—
15 Nothing in this Act shall prohibit the Secretary
16 from awarding grants to State entities, or State
17 entities from awarding subgrants to eligible ap-
18 plicants, that use a weighted lottery, or an
19 equivalent lottery mechanism, to give better
20 chances for school admission to all or a subset
21 of educationally disadvantaged students if—

22 “(i) the use of a weighted lottery in
23 favor of such students is not prohibited by
24 State law, and such State law is consistent

1 with the laws described in section
2 5110(2)(G); and

3 “(ii) such weighted lottery is not used
4 for the purpose of creating schools exclu-
5 sively to serve a particular subset of stu-
6 dents.

7 “(B) STUDENTS WITH SPECIAL NEEDS.—
8 Nothing in this paragraph shall be construed to
9 prohibit schools from specializing in providing
10 specific services for students with a dem-
11 onstrated need for such services, such as stu-
12 dents who need specialized instruction in read-
13 ing, spelling, or writing.

14 “(d) PROGRAM PERIODS; PEER REVIEW; DISTRIBU-
15 TION OF SUBGRANTS; WAIVERS.—

16 “(1) PROGRAM PERIODS.—

17 “(A) GRANTS.—A grant awarded by the
18 Secretary to a State entity under this section
19 shall be for a period of not more than 3 years,
20 and may be renewed by the Secretary for one
21 additional 2-year period.

22 “(B) SUBGRANTS.—A subgrant awarded
23 by a State entity under this section—

24 “(i) shall be for a period of not more
25 than 3 years, of which an eligible applicant

1 may use not more than 18 months for
2 planning and program design; and

3 “(ii) may be renewed by the State en-
4 tity for one additional 2-year period.

5 “(2) PEER REVIEW.—The Secretary, and each
6 State entity awarding subgrants under this section,
7 shall use a peer review process to review applications
8 for assistance under this section.

9 “(3) DISTRIBUTION OF SUBGRANTS.—Each
10 State entity awarding subgrants under this section
11 shall award subgrants in a manner that, to the ex-
12 tent practicable and applicable, ensures that such
13 subgrants—

14 “(A) prioritize eligible applicants that plan
15 to serve a significant number of students from
16 low-income families;

17 “(B) are distributed throughout different
18 areas, including urban, suburban, and rural
19 areas; and

20 “(C) will assist charter schools rep-
21 resenting a variety of educational approaches.

22 “(4) WAIVERS.—The Secretary may waive any
23 statutory or regulatory requirement over which the
24 Secretary exercises administrative authority under
25 this Act with respect to charter schools supported

1 under this part, except any such requirement relat-
2 ing to the elements of a charter school described in
3 section 5110(2), if—

4 “(A) the waiver is requested in an ap-
5 proved application under this section; and

6 “(B) the Secretary determines that grant-
7 ing such waiver will promote the purposes of
8 this part.

9 “(e) LIMITATIONS.—

10 “(1) GRANTS.—A State entity may not receive
11 more than 1 grant under this section at a time.

12 “(2) SUBGRANTS.—An eligible applicant may
13 not receive more than 1 subgrant under this section
14 for each individual charter school for each grant pe-
15 riod or renewal period, unless the eligible applicant
16 demonstrates to the State entity that such individual
17 charter school has demonstrated a strong track
18 record of positive results over the course of the
19 grant period regarding the elements described in
20 subparagraphs (A) and (D) of section 5110(8).

21 “(f) APPLICATIONS.—A State entity desiring to re-
22 ceive a grant under this section shall submit an application
23 to the Secretary at such time and in such manner as the
24 Secretary may require. The application shall include the
25 following:

1 “(1) DESCRIPTION OF PROGRAM.—A descrip-
2 tion of the State entity’s objectives in running a
3 quality charter school program under this section
4 and how the objectives of the program will be car-
5 ried out, including—

6 “(A) a description of how the State entity
7 will—

8 “(i) support the opening of new char-
9 ter schools and, if applicable, the replica-
10 tion of high-quality charter schools and the
11 expansion of high-quality charter schools,
12 and the proposed number of charter
13 schools to be opened, replicated, or ex-
14 panded under the State entity’s program;

15 “(ii) inform eligible charter schools,
16 developers, and authorized public char-
17 tering agencies of the availability of funds
18 under the program;

19 “(iii) work with eligible applicants to
20 ensure that the eligible applicants access
21 all Federal funds that such applicants are
22 eligible to receive, and help the charter
23 schools supported by the applicants and
24 the students attending those charter
25 schools—

1 “(I) participate in the Federal
2 programs in which the schools and
3 students are eligible to participate;
4 and

5 “(II) receive the commensurate
6 share of Federal funds the schools
7 and students are eligible to receive
8 under such programs;

9 “(iv) in the case of a State entity that
10 is not a State educational agency—

11 “(I) work with the State edu-
12 cational agency and the charter
13 schools in the State to maximize char-
14 ter school participation in Federal and
15 State programs for charter schools;
16 and

17 “(II) work with the State edu-
18 cational agency to operate the State
19 entity’s program under this section, if
20 applicable;

21 “(v) ensure each eligible applicant
22 that receives a subgrant under the State
23 entity’s program—

24 “(I) is opening or expanding
25 schools that meet the definition of a

1 charter school under section 5110;
2 and

3 “(II) is prepared to continue to
4 operate such charter schools once the
5 subgrant funds under this section are
6 no longer available;

7 “(vi) support charter schools in local
8 educational agencies with schools that have
9 been identified by the State under section
10 1114(a)(1)(A);

11 “(vii) work with charter schools to
12 promote inclusion of all students and sup-
13 port all students upon enrollment in order
14 to promote retention of students in the
15 school;

16 “(viii) work with charter schools on
17 recruitment practices, including efforts to
18 engage groups that may otherwise have
19 limited opportunities to attend charter
20 schools;

21 “(ix) share best and promising prac-
22 tices among charter schools and other pub-
23 lic schools;

24 “(x) ensure that charter schools re-
25 ceiving funds under the State entity’s pro-

1 gram meet the educational needs of their
2 students, including students with disabil-
3 ities and students who are English learn-
4 ers; and

5 “(xi) support efforts to increase char-
6 ter school quality initiatives, including
7 meeting the quality authorizing elements
8 described in paragraph (2)(D);

9 “(B) a description of how the State will ac-
10 tively monitor and hold authorized public char-
11 tering agencies accountable to ensure high-qual-
12 ity authorizing activity, including by estab-
13 lishing authorizing standards and by approving,
14 reapproving, and revoking the authority of an
15 authorized public chartering agency based on
16 the performance of the charter schools author-
17 ized by such agency in the areas of student
18 achievement, student safety, financial manage-
19 ment, and compliance with all applicable stat-
20 utes;

21 “(C) a description of the extent to which
22 the State entity—

23 “(i) is able to meet and carry out the
24 priorities described in subsection (g)(2);

1 including the administrative and con-
2 tractual roles and responsibilities of
3 such partners;

4 “(II) a description of the quality
5 controls agreed to between the eligible
6 applicant and the authorized public
7 chartering agency involved, such as a
8 contract or performance agreement,
9 financial audits to ensure adequate
10 fiscal oversight, and how a school’s
11 performance on the State’s account-
12 ability system and impact on student
13 achievement (which may include stu-
14 dent academic growth) will be a pri-
15 mary factor for renewal or revocation
16 of the school’s charter;

17 “(III) a description of how the
18 autonomy and flexibility granted to a
19 charter school is consistent with the
20 definition of a charter school in sec-
21 tion 5110; and

22 “(IV) a description of the eligible
23 applicant’s planned activities and ex-
24 penditures of subgrant funds for pur-
25 poses of opening a new charter school,

1 replicating a high-quality charter
2 school, or expanding a high-quality
3 charter school, and how the eligible
4 applicant will maintain fiscal sustain-
5 ability after the end of the subgrant
6 period; and

7 “(ii) a description of how the State
8 entity will review applications from eligible
9 applicants;

10 “(E) in the case of a State entity that
11 partners with an outside organization to carry
12 out the entity’s quality charter school program,
13 in whole or in part, a description of the roles
14 and responsibilities of the partner; and

15 “(F) a description of how the State entity
16 will help the charter schools receiving funds
17 under the State entity’s program address the
18 transportation needs of the schools’ students.

19 “(2) ASSURANCES.—Assurances that—

20 “(A) each charter school receiving funds
21 through the State entity’s program will have a
22 high degree of autonomy over budget and oper-
23 ations, including autonomy over personnel deci-
24 sions;

1 “(B) the State entity will support charter
2 schools in meeting the educational needs of
3 their students, as described in paragraph
4 (1)(A)(x);

5 “(C) the State entity will ensure that the
6 authorized public chartering agency of any
7 charter school that receives funds under the en-
8 tity’s program—

9 “(i) ensures that the charter school
10 under the authority of such agency is
11 meeting the requirements of this Act, part
12 B of the Individuals with Disabilities Edu-
13 cation Act, title VI of the Civil Rights Act
14 of 1964, and section 504 of the Rehabilita-
15 tion Act of 1973; and

16 “(ii) adequately monitors and provides
17 adequate technical assistance to each char-
18 ter school under the authority of such
19 agency in recruiting, enrolling, retaining,
20 and meeting the needs of all students, in-
21 cluding students with disabilities and stu-
22 dents who are English learners;

23 “(D) the State entity will promote quality
24 authorizing, such as through providing technical
25 assistance to support each authorized public

1 chartering agency in the State to improve such
2 agency's ability to monitor the charter schools
3 authorized by the agency, including by—

4 “(i) using annual performance data,
5 which may include graduation rates and
6 student academic growth data, as appro-
7 priate, to measure a school's progress to-
8 ward becoming a high-quality charter
9 school;

10 “(ii) reviewing the schools' inde-
11 pendent, annual audits of financial state-
12 ments conducted in accordance with gen-
13 erally accepted accounting principles, and
14 ensuring any such audits are publically re-
15 ported; and

16 “(iii) holding charter schools account-
17 able to the academic, financial, and oper-
18 ational quality controls agreed to between
19 the charter school and the authorized pub-
20 lic chartering agency involved, such as
21 through renewal, non-renewal, or revoca-
22 tion of the school's charter; and

23 “(E) the State entity will ensure that each
24 charter school in the State makes publicly avail-
25 able, consistent with the dissemination require-

1 ments of the annual State report card, includ-
2 ing on the website of the school, information to
3 help parents make informed decisions about the
4 education options available to their children, in-
5 cluding information on the educational pro-
6 gram, student support services, parent contract
7 requirements (as applicable), including any fi-
8 nancial obligations or fees, enrollment criteria
9 (as applicable), and annual performance and
10 enrollment data for each of the categories of
11 students, as defined in section 1111(b)(3)(A).

12 “(3) REQUESTS FOR WAIVERS.—

13 “(A) FEDERAL STATUTE AND REGULA-
14 TION.—A request and justification for waivers
15 of any Federal statutory or regulatory provi-
16 sions that the State entity believes are nec-
17 essary for the successful operation of the char-
18 ter schools that will receive funds under the en-
19 tity’s program under this section.

20 “(B) STATE AND LOCAL RULES.—A de-
21 scription of any State or local rules, generally
22 applicable to public schools, that will be waived,
23 or otherwise not apply, to such schools or, in
24 the case of a State entity defined in subsection
25 (a)(4), a description of how the State entity will

1 work with the State to request necessary waiv-
2 ers, if applicable.

3 “(g) SELECTION CRITERIA; PRIORITY.—

4 “(1) SELECTION CRITERIA.—The Secretary
5 shall award grants to State entities under this sec-
6 tion on the basis of the quality of the applications
7 submitted under subsection (f), after taking into
8 consideration—

9 “(A) the degree of flexibility afforded by
10 the State’s public charter school law and how
11 the State entity will work to maximize the flexi-
12 bility provided to charter schools under such
13 law;

14 “(B) the proposed number of new charter
15 schools to be opened, and, if applicable, the
16 number of high-quality charter schools to be
17 replicated or expanded under the program, and
18 the number of new students to be served by
19 such schools;

20 “(C) the likelihood that the schools opened,
21 replicated, or expanded by eligible applicants re-
22 ceiving subgrant funds will increase the aca-
23 demic achievement of the school’s students and
24 progress toward becoming high-quality charter
25 schools; and

1 “(D) the quality of the State entity’s plan
2 to—

3 “(i) monitor the eligible applicants re-
4 ceiving subgrants under the State entity’s
5 program;

6 “(ii) provide technical assistance and
7 support for—

8 “(I) the eligible applicants receiv-
9 ing subgrants under the State entity’s
10 program; and

11 “(II) quality authorizing efforts
12 in the State.

13 “(2) PRIORITY.—In awarding grants under this
14 section, the Secretary shall give priority to a State
15 entity to the extent that the entity meets the fol-
16 lowing criteria:

17 “(A) The State entity is located in a State
18 that—

19 “(i) allows at least one entity that is
20 not the local educational agency to be an
21 authorized public chartering agency for
22 each developer seeking to open a charter
23 school in the State; or

24 “(ii) in the case of a State in which
25 local educational agencies are the only au-

1 thorized public chartering agencies, the
2 State has an appeals process for the denial
3 of an application for a charter school.

4 “(B) The State entity is located in a State
5 that ensures that charter schools receive equi-
6 table financing, as compared to traditional pub-
7 lic schools, in a prompt manner.

8 “(C) The State entity is located in a State
9 that provides charter schools one or more of the
10 following:

11 “(i) Funding for facilities.

12 “(ii) Assistance with facilities acqui-
13 sition.

14 “(iii) Access to public facilities.

15 “(iv) The ability to share in bonds or
16 mill levies.

17 “(v) The right of first refusal to pur-
18 chase public school buildings.

19 “(vi) Low- or no-cost leasing privi-
20 leges.

21 “(D) The State entity is located in a State
22 that uses best practices from charter schools to
23 help improve struggling schools and local edu-
24 cational agencies.

1 “(E) The State entity supports charter
2 schools that support at-risk students through
3 activities such as dropout prevention or dropout
4 recovery.

5 “(F) The State entity ensures that each
6 charter school has a high degree of autonomy
7 over the charter school’s budget and operations,
8 including autonomy over personnel decisions.

9 “(G) The State entity has taken steps to
10 ensure that all authorizing public chartering
11 agencies implement best practices for charter
12 school authorizing.

13 “(h) LOCAL USES OF FUNDS.—An eligible applicant
14 receiving a subgrant under this section shall use such
15 funds to carry out activities related to opening a new char-
16 ter school, replicating a high-quality charter school, or ex-
17 panding a high-quality charter school, which may in-
18 clude—

19 “(1) supporting the acquisition, expansion, or
20 preparation of a charter school building to meet in-
21 creasing enrollment needs, including financing the
22 development of a new building and ensuring that a
23 school building complies with applicable statutes and
24 regulations;

1 “(2) paying costs associated with hiring addi-
2 tional teachers to serve additional students;

3 “(3) providing transportation to students to
4 and from the charter school;

5 “(4) providing instructional materials, imple-
6 menting teacher and principal or other school leader
7 professional development programs, and hiring addi-
8 tional non-teaching staff;

9 “(5) supporting any necessary activities that as-
10 sist the charter school in carrying out this section,
11 such as preparing individuals to serve as members of
12 the charter school’s board; and

13 “(6) providing early childhood education pro-
14 grams for children, including direct support to, and
15 coordination with school- or community-based early
16 childhood education programs.

17 “(i) REPORTING REQUIREMENTS.—Each State entity
18 receiving a grant under this section shall submit to the
19 Secretary, at the end of the third year of the grant period
20 and at the end of any renewal period, a report that in-
21 cludes the following:

22 “(1) The number of students served by each
23 subgrant awarded under this section and, if applica-
24 ble, the number of new students served during each
25 year of the grant period.

1 “(2) The number and amount of subgrants
2 awarded under this section to carry out each of the
3 following:

4 “(A) The opening of new charter schools.

5 “(B) The replication of high-quality char-
6 ter schools.

7 “(C) The expansion of high-quality charter
8 schools.

9 “(3) The progress the State entity made toward
10 meeting the priorities described in subparagraphs
11 (E) through (G) of subsection (g)(2).

12 “(4) A description of—

13 “(A) how the State entity complied with,
14 and ensured that eligible applicants complied
15 with, the assurances described in the State enti-
16 ty’s application;

17 “(B) how the State entity worked with au-
18 thorized public chartering agencies, and how
19 the agencies worked with the management com-
20 pany or leadership of the schools that receive
21 subgrant funds, if applicable; and

22 “(C) how each recipient of a subgrant
23 under this section uses the subgrant funds on
24 early childhood education programs described in

1 subsection (h)(6), if such recipient chooses to
2 use such funds on such programs.

3 **“SEC. 5104. FACILITIES FINANCING ASSISTANCE.**

4 “(a) GRANTS TO ELIGIBLE ENTITIES.—

5 “(1) IN GENERAL.—From the amount reserved
6 under section 5102(b)(1), the Secretary shall use
7 not less than 50 percent to award not less than 3
8 grants, on a competitive basis, to eligible entities
9 that have the highest-quality applications approved
10 under subsection (d) to demonstrate innovative
11 methods of helping charter schools to address the
12 cost of acquiring, constructing, and renovating facili-
13 ties by enhancing the availability of loans or bond fi-
14 nancing.

15 “(2) ELIGIBLE ENTITY DEFINED.—For the
16 purposes of this section, the term ‘eligible entity’
17 means—

18 “(A) a public entity, such as a State or
19 local governmental entity;

20 “(B) a private nonprofit entity; or

21 “(C) a consortium of entities described in
22 subparagraphs (A) and (B).

23 “(b) GRANTEE SELECTION.—The Secretary shall
24 evaluate each application submitted under subsection (d),

1 and shall determine whether the application is sufficient
2 to merit approval.

3 “(c) GRANT CHARACTERISTICS.—Grants under sub-
4 section (a) shall be of a sufficient size, scope, and quality
5 so as to ensure an effective demonstration of an innovative
6 means of enhancing credit for the financing of charter
7 school acquisition, construction, or renovation.

8 “(d) APPLICATIONS.—

9 “(1) IN GENERAL.—An eligible entity desiring
10 to receive a grant under this section shall submit an
11 application to the Secretary in such form as the Sec-
12 retary may reasonably require.

13 “(2) CONTENTS.—An application submitted
14 under paragraph (1) shall contain—

15 “(A) a statement identifying the activities
16 that the eligible entity proposes to carry out
17 with funds received under subsection (a), in-
18 cluding how the eligible entity will determine
19 which charter schools will receive assistance,
20 and how much and what types of assistance
21 charter schools will receive;

22 “(B) a description of the involvement of
23 charter schools in the application’s development
24 and the design of the proposed activities;

1 “(C) a description of the eligible entity’s
2 expertise in capital market financing;

3 “(D) a description of how the proposed ac-
4 tivities will leverage the maximum amount of
5 private-sector financing capital relative to the
6 amount of government funding used and other-
7 wise enhance credit available to charter schools,
8 including how the entity will offer a combina-
9 tion of rates and terms more favorable than the
10 rates and terms that a charter school could re-
11 ceive without assistance from the entity under
12 this section;

13 “(E) a description of how the eligible enti-
14 ty possesses sufficient expertise in education to
15 evaluate the likelihood of success of a charter
16 school program for which facilities financing is
17 sought; and

18 “(F) in the case of an application sub-
19 mitted by a State governmental entity, a de-
20 scription of the actions that the entity has
21 taken, or will take, to ensure that charter
22 schools within the State receive the funding
23 that charter schools need to have adequate fa-
24 cilities.

1 “(e) CHARTER SCHOOL OBJECTIVES.—An eligible
2 entity receiving a grant under this section shall use the
3 funds deposited in the reserve account established under
4 subsection (f) to assist one or more charter schools to ac-
5 cess private sector capital to accomplish one or more of
6 the following objectives:

7 “(1) The acquisition (by purchase, lease, dona-
8 tion, or otherwise) of an interest (including an inter-
9 est held by a third party for the benefit of a charter
10 school) in improved or unimproved real property
11 that is necessary to commence or continue the oper-
12 ation of a charter school.

13 “(2) The construction of new facilities, includ-
14 ing predevelopment costs, or the renovation, repair,
15 or alteration of existing facilities, necessary to com-
16 mence or continue the operation of a charter school.

17 “(3) The predevelopment costs required to as-
18 sess sites for purposes of paragraph (1) or (2) and
19 which are necessary to commence or continue the
20 operation of a charter school.

21 “(f) RESERVE ACCOUNT.—

22 “(1) USE OF FUNDS.—To assist charter schools
23 in accomplishing the objectives described in sub-
24 section (e), an eligible entity receiving a grant under
25 subsection (a) shall, in accordance with State and

1 local law, directly or indirectly, alone or in collabora-
2 tion with others, deposit the funds received under
3 subsection (a) (other than funds used for adminis-
4 trative costs in accordance with subsection (g)) in a
5 reserve account established and maintained by the
6 eligible entity for this purpose. Amounts deposited in
7 such account shall be used by the eligible entity for
8 one or more of the following purposes:

9 “(A) Guaranteeing, insuring, and rein-
10 suring bonds, notes, evidences of debt, loans,
11 and interests therein, the proceeds of which are
12 used for an objective described in subsection
13 (e).

14 “(B) Guaranteeing and insuring leases of
15 personal and real property for an objective de-
16 scribed in such subsection.

17 “(C) Facilitating financing by identifying
18 potential lending sources, encouraging private
19 lending, and other similar activities that di-
20 rectly promote lending to, or for the benefit of,
21 charter schools.

22 “(D) Facilitating the issuance of bonds by
23 charter schools, or by other public entities for
24 the benefit of charter schools, by providing
25 technical, administrative, and other appropriate

1 assistance (including the recruitment of bond
2 counsel, underwriters, and potential investors
3 and the consolidation of multiple charter school
4 projects within a single bond issue).

5 “(2) INVESTMENT.—Funds received under this
6 section and deposited in the reserve account estab-
7 lished under paragraph (1) shall be invested in obli-
8 gations issued or guaranteed by the United States or
9 a State, or in other similarly low-risk securities.

10 “(3) REINVESTMENT OF EARNINGS.—Any earn-
11 ings on funds received under subsection (a) shall be
12 deposited in the reserve account established under
13 paragraph (1) and used in accordance with this sub-
14 section.

15 “(g) LIMITATION ON ADMINISTRATIVE COSTS.—An
16 eligible entity may use not more than 2.5 percent of the
17 funds received under subsection (a) for the administrative
18 costs of carrying out its responsibilities under this section
19 (excluding subsection (k)).

20 “(h) AUDITS AND REPORTS.—

21 “(1) FINANCIAL RECORD MAINTENANCE AND
22 AUDIT.—The financial records of each eligible entity
23 receiving a grant under subsection (a) shall be main-
24 tained in accordance with generally accepted ac-

1 counting principles and shall be subject to an annual
2 audit by an independent public accountant.

3 “(2) REPORTS.—

4 “(A) GRANTEE ANNUAL REPORTS.—Each
5 eligible entity receiving a grant under sub-
6 section (a) annually shall submit to the Sec-
7 retary a report of the entity’s operations and
8 activities under this section.

9 “(B) CONTENTS.—Each annual report
10 submitted under subparagraph (A) shall in-
11 clude—

12 “(i) a copy of the most recent finan-
13 cial statements, and any accompanying
14 opinion on such statements, prepared by
15 the independent public accountant review-
16 ing the financial records of the eligible en-
17 tity;

18 “(ii) a copy of any report made on an
19 audit of the financial records of the eligible
20 entity that was conducted under paragraph
21 (1) during the reporting period;

22 “(iii) an evaluation by the eligible en-
23 tity of the effectiveness of its use of the
24 Federal funds provided under subsection
25 (a) in leveraging private funds;

1 “(iv) a listing and description of the
2 charter schools served during the reporting
3 period, including the amount of funds used
4 by each school, the type of project facili-
5 tated by the grant, and the type of assist-
6 ance provided to the charter schools;

7 “(v) a description of the activities car-
8 ried out by the eligible entity to assist
9 charter schools in meeting the objectives
10 set forth in subsection (e); and

11 “(vi) a description of the characteris-
12 tics of lenders and other financial institu-
13 tions participating in the activities carried
14 out by the eligible entity under this section
15 (excluding subsection (k)) during the re-
16 porting period.

17 “(C) SECRETARIAL REPORT.—The Sec-
18 retary shall review the reports submitted under
19 subparagraph (A) and shall provide a com-
20 prehensive annual report to Congress on the ac-
21 tivities conducted under this section (excluding
22 subsection (k)).

23 “(i) NO FULL FAITH AND CREDIT FOR GRANTEE
24 OBLIGATION.—No financial obligation of an eligible entity
25 entered into pursuant to this section (such as an obliga-

1 tion under a guarantee, bond, note, evidence of debt, or
2 loan) shall be an obligation of, or guaranteed in any re-
3 spect by, the United States. The full faith and credit of
4 the United States is not pledged to the payment of funds
5 which may be required to be paid under any obligation
6 made by an eligible entity pursuant to any provision of
7 this section.

8 “(j) RECOVERY OF FUNDS.—

9 “(1) IN GENERAL.—The Secretary, in accord-
10 ance with chapter 37 of title 31, United States
11 Code, shall collect—

12 “(A) all of the funds in a reserve account
13 established by an eligible entity under sub-
14 section (f)(1) if the Secretary determines, not
15 earlier than 2 years after the date on which the
16 eligible entity first received funds under this
17 section (excluding subsection (k)), that the eli-
18 gible entity has failed to make substantial
19 progress in carrying out the purposes described
20 in subsection (f)(1); or

21 “(B) all or a portion of the funds in a re-
22 serve account established by an eligible entity
23 under subsection (f)(1) if the Secretary deter-
24 mines that the eligible entity has permanently
25 ceased to use all or a portion of the funds in

1 “(2) GRANTS.—

2 “(A) IN GENERAL.—From the amount re-
3 served under section 5102(b)(1) and remaining
4 after the Secretary makes grants under sub-
5 section (a), the Secretary shall make grants, on
6 a competitive basis, to States to pay for the
7 Federal share of the cost of establishing or en-
8 hancing, and administering, per-pupil facilities
9 aid programs.

10 “(B) PERIOD.—The Secretary shall award
11 grants under this subsection for periods of not
12 more than 5 years.

13 “(C) FEDERAL SHARE.—The Federal
14 share of the cost described in subparagraph (A)
15 for a per-pupil facilities aid program shall be
16 not more than—

17 “(i) 90 percent of the cost, for the
18 first fiscal year for which the program re-
19 ceives assistance under this subsection;

20 “(ii) 80 percent for the second such
21 year;

22 “(iii) 60 percent for the third such
23 year;

24 “(iv) 40 percent for the fourth such
25 year; and

1 “(v) 20 percent for the fifth such
2 year.

3 “(D) STATE SHARE.—A State receiving a
4 grant under this subsection may partner with 1
5 or more organizations, and such organizations
6 may provide not more than 50 percent of the
7 State share of the cost of establishing or en-
8 hancing, and administering, the per-pupil facili-
9 ties aid program.

10 “(E) MULTIPLE GRANTS.—A State may
11 receive more than 1 grant under this sub-
12 section, so long as the amount of such grant
13 funds provided to charter schools increases with
14 each successive grant.

15 “(3) USE OF FUNDS.—

16 “(A) IN GENERAL.—A State that receives
17 a grant under this subsection shall use the
18 funds made available through the grant to es-
19 tablish or enhance, and administer, a per-pupil
20 facilities aid program for charter schools in the
21 State of the applicant.

22 “(B) EVALUATIONS; TECHNICAL ASSIST-
23 ANCE; DISSEMINATION.—From the amount
24 made available to a State through a grant
25 under this subsection for a fiscal year, the State

1 may reserve not more than 5 percent to carry
2 out evaluations, to provide technical assistance,
3 and to disseminate information.

4 “(C) SUPPLEMENT, NOT SUPPLANT.—In
5 accordance with the method of determination
6 described in section 1117, funds made available
7 under this subsection shall be used to supple-
8 ment, and not supplant, State and local public
9 funds expended to provide per-pupil facilities
10 aid programs, operations financing programs,
11 or other programs, for charter schools.

12 “(4) REQUIREMENTS.—

13 “(A) VOLUNTARY PARTICIPATION.—No
14 State may be required to participate in a pro-
15 gram carried out under this subsection.

16 “(B) STATE LAW.—

17 “(i) IN GENERAL.—To be eligible to
18 receive a grant under this subsection, a
19 State shall establish or enhance, and ad-
20 minister, a per-pupil facilities aid program
21 for charter schools in the State, that—

22 “(I) is specified in State law; and

23 “(II) provides annual financing,
24 on a per-pupil basis, for charter
25 school facilities.

1 “(ii) SPECIAL RULE.—A State that is
2 required under State law to provide its
3 charter schools with access to adequate fa-
4 cility space may be eligible to receive a
5 grant under this subsection if the State
6 agrees to use the funds to develop a per-
7 pupil facilities aid program consistent with
8 the requirements of this subsection.

9 “(5) APPLICATIONS.—To be eligible to receive a
10 grant under this subsection, a State shall submit an
11 application to the Secretary at such time, in such
12 manner, and containing such information as the Sec-
13 retary may require.

14 **“SEC. 5105. NATIONAL ACTIVITIES.**

15 “(a) IN GENERAL.—From the amount reserved
16 under section 5102(b)(2), the Secretary shall—

17 “(1) use not less than 80 percent of such funds
18 to award grants in accordance with subsection (b);
19 and

20 “(2) use the remainder of such funds to—

21 “(A) disseminate technical assistance to
22 State entities in awarding subgrants under sec-
23 tion 5103(b)(1)(A);

24 “(B) disseminate best practices regarding
25 public charter schools;

1 “(C) evaluate the impact of the charter
2 school program carried out under this part, in-
3 cluding the impact on student achievement; and

4 “(D) award grants, on a competitive basis,
5 for the purpose of carrying out the activities de-
6 scribed in section 5103(h), to eligible applicants
7 that desire to open a charter school, replicate a
8 high-quality charter school, or expand a high-
9 quality charter school in—

10 “(i) a State that did not apply for a
11 grant under section 5103; or

12 “(ii) a State that did not receive a
13 grant under section 5103.

14 “(b) GRANTS FOR THE REPLICATION AND EXPAN-
15 SION OF HIGH-QUALITY CHARTER SCHOOLS.—The Sec-
16 retary shall make grants, on a competitive basis, to eligible
17 entities having applications approved under paragraph (2)
18 to enable such entities to replicate a high-quality charter
19 school or expand a high-quality charter school.

20 “(1) DEFINITION OF ELIGIBLE ENTITY.—For
21 purposes of this subsection, the term ‘eligible entity’
22 means—

23 “(A) a charter management organization
24 that, at the time of the application, operates or

1 manages one or more high-quality charter
2 schools; or

3 “(B) a nonprofit organization that oversees
4 and coordinates the activities of a group of such
5 charter management organizations.

6 “(2) APPLICATION REQUIREMENTS.—An eligi-
7 ble entity desiring to receive a grant under this sub-
8 section shall submit an application to the Secretary
9 at such time and in such manner as the Secretary
10 may require. The application shall include the fol-
11 lowing:

12 “(A) A description of the eligible entity’s
13 objectives for implementing a high-quality char-
14 ter school program with funding under this sub-
15 section, including a description of the proposed
16 number of high-quality charter schools to be
17 replicated or expanded with funding under this
18 subsection.

19 “(B) A description of the educational pro-
20 gram that the eligible entity will implement in
21 the charter schools that the eligible entity pro-
22 poses to replicate or expand, including informa-
23 tion on how the program will enable all stu-
24 dents to meet the challenging State academic
25 standards under section 1111(b)(1), the grade

1 levels or ages of students that will be served,
2 and the instructional practices that will be
3 used.

4 “(C) A multi-year financial and operating
5 model for the eligible entity, including a de-
6 scription of how the operation of the charter
7 schools to be replicated or expanded will be sus-
8 tained after the grant under this subsection has
9 ended.

10 “(D) A description of how the eligible enti-
11 ty will inform all students in the community, in-
12 cluding students with disabilities, students who
13 are English learners, and other educationally
14 disadvantaged students, about the charter
15 schools to be replicated or expanded with fund-
16 ing under this subsection.

17 “(E) For each charter school currently op-
18 erated or managed by the eligible entity—

19 “(i) student assessment results for all
20 students and for each category of students
21 described in section 1111(b)(2)(B)(xi); and

22 “(ii) attendance and student retention
23 rates for the most recently completed
24 school year and, if applicable, the most re-
25 cent available 4-year adjusted cohort and

1 extended-year adjusted cohort secondary
2 school graduation rates (as such rates were
3 calculated on the day before enactment of
4 the Every Child Achieves Act of 2015).

5 “(F) Information on any significant com-
6 pliance issues encountered, within the last 3
7 years, by any school operated or managed by
8 the eligible entity, including in the areas of stu-
9 dent safety and financial management.

10 “(G) A request and justification for any
11 waivers of Federal statutory or regulatory re-
12 quirements that the eligible entity believes are
13 necessary for the successful operation of the
14 charter schools to be replicated or expanded
15 with funding under this subsection.

16 “(3) SELECTION CRITERIA.—The Secretary
17 shall select eligible entities to receive grants under
18 this subsection, on the basis of the quality of the ap-
19 plications submitted under paragraph (2), after tak-
20 ing into consideration such factors as—

21 “(A) the degree to which the eligible entity
22 has demonstrated success in increasing aca-
23 demic achievement and attainment for all stu-
24 dents attending the charter schools the eligible
25 entity operates or manages;

1 “(B) the degree to which the eligible entity
2 has demonstrated success in increasing aca-
3 demic achievement and attainment for each of
4 the categories of students, as defined in section
5 1111(b)(3)(A);

6 “(C) the quality of the eligible entity’s fi-
7 nancial and operating model as described under
8 paragraph (2)(C), including the quality of the
9 eligible entity’s plan for sustaining the oper-
10 ation of the charter schools to be replicated or
11 expanded after the grant under this subsection
12 has ended;

13 “(D) a determination that the eligible enti-
14 ty has not operated or managed a significant
15 proportion of charter schools that—

16 “(i) have been closed;

17 “(ii) have had a school charter re-
18 voked due to problems with statutory or
19 regulatory compliance; or

20 “(iii) have had the school’s affiliation
21 with the eligible entity revoked; and

22 “(E) a determination that the eligible enti-
23 ty has not experienced significant problems with
24 statutory or regulatory compliance that could
25 lead to the revocation of a school’s charter.

1 “(4) PRIORITY.—In awarding grants under this
2 section, the Secretary shall give priority to eligible
3 entities that operate or manage charter schools that,
4 in the aggregate, serve students at least 60 percent
5 of whom are eligible for a free or reduced price
6 lunch under the Richard B. Russell National School
7 Lunch Act.

8 “(5) TERMS AND CONDITIONS.—Except as oth-
9 erwise provided in this subsection, grants awarded
10 under subsection (a)(2)(D) and subsection (b) shall
11 have the same terms and conditions as grants
12 awarded to State entities under section 5103.”;

13 (2) in section 5108 (20 U.S.C. 7221g), as so
14 redesignated by section 5001(6), by inserting “as
15 quickly as possible and” before “to the extent prac-
16 ticable”;

17 (3) in section 5110 (20 U.S.C. 7221i), as so re-
18 designated by section 5001(6)—

19 (A) by redesignating paragraphs (1), (2),
20 and (3) as paragraphs (2), (5), and (6), respec-
21 tively;

22 (B) by redesignating paragraph (4) as
23 paragraph (1), and moving such paragraph so
24 as to precede paragraph (2), as so redesignated
25 by subparagraph (A);

1 (C) in paragraph (2), as so redesignated
2 by subparagraph (A)—

3 (i) in subparagraph (G), by striking “,
4 and part B” and inserting “, the Ameri-
5 cans with Disabilities Act of 1990 (42
6 U.S.C. 12101 et seq.), section 444 of the
7 General Education Provisions Act (20
8 U.S.C. 1232g) (commonly referred to as
9 the ‘Family Educational Rights and Pri-
10 vacy Act of 1974’), and part B”;

11 (ii) by striking subparagraph (H) and
12 inserting the following:

13 “(H) is a school to which parents choose to
14 send their children, and which—

15 “(i) admits students on the basis of a
16 lottery, if more students apply for admis-
17 sion than can be accommodated; or

18 “(ii) in the case of a school that has
19 an affiliated charter school (such as a
20 school that is part of the same network of
21 schools), automatically enrolls students
22 who are enrolled in the immediate prior
23 grade level of the affiliated charter school
24 and, for any additional student openings or
25 student openings created through regular

1 attrition in student enrollment in the affili-
2 ated charter school and the enrolling
3 school, admits students on the basis of a
4 lottery as described in clause (i);”;

5 (iii) by striking subparagraph (I) and
6 inserting the following:

7 “(I) agrees to comply with the same Fed-
8 eral and State audit requirements as do other
9 elementary schools and secondary schools in the
10 State, unless such State audit requirements are
11 waived by the State;”;

12 (iv) in subparagraph (K), by striking
13 “and” at the end;

14 (v) in subparagraph (L), by striking
15 the period at the end and inserting “;
16 and”; and

17 (vi) by adding at the end, the fol-
18 lowing:

19 “(M) may serve students in early
20 childhood education programs or post-
21 secondary students.”;

22 (D) by inserting after paragraph (2), as so
23 redesignated by subparagraph (A), the fol-
24 lowing:

1 “(3) CHARTER MANAGEMENT ORGANIZATION.—

2 The term ‘charter management organization’ means
3 a nonprofit organization that operates or manages
4 multiple charter schools by centralizing or sharing
5 certain functions or resources.

6 “(4) CHARTER SCHOOL SUPPORT ORGANIZA-
7 TION.—The term ‘charter school support organiza-
8 tion’ means a nonprofit, nongovernmental entity that
9 is not an authorized public chartering agency and
10 provides, on a statewide basis—

11 “(A) assistance to developers during the
12 planning, program design, and initial implemen-
13 tation of a charter school; and

14 “(B) technical assistance to operating
15 charter schools.”;

16 (E) in paragraph (6)(B), as so redesign-
17 ated by subparagraph (A), by striking “under
18 section 5203(d)(3)”; and

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

20 “(7) EXPANSION OF A HIGH-QUALITY CHARTER
21 SCHOOL.—The term ‘expansion of a high-quality
22 charter school’ means increasing the enrollment at a
23 high-quality charter school by not less than 50 per-
24 cent or adding 2 or more grades to a high-quality
25 charter school.

1 “(8) HIGH-QUALITY CHARTER SCHOOL.—The
2 term ‘high-quality charter school’ means a charter
3 school that—

4 “(A) shows evidence of strong academic re-
5 sults, which may include strong student aca-
6 demic growth, as determined by a State;

7 “(B) has no significant issues in the areas
8 of student safety, financial management, or
9 statutory or regulatory compliance;

10 “(C) has demonstrated success in signifi-
11 cantly increasing student academic achieve-
12 ment, including graduation rates where applica-
13 ble, for all students served by the charter
14 school; and

15 “(D) has demonstrated success in increas-
16 ing student academic achievement, including
17 graduation rates where applicable, for each of
18 the categories of students, as defined in section
19 1111(b)(3)(A), except that such demonstration
20 is not required in a case in which the number
21 of students in a group is insufficient to yield
22 statistically reliable information or the results
23 would reveal personally identifiable information
24 about an individual student.

1 “(9) REPLICATION OF A HIGH-QUALITY CHAR-
2 TER SCHOOL.—The term ‘replication of a high-qual-
3 ity charter school’ means the opening of a charter
4 school—

5 “(A) under an existing charter or an addi-
6 tional charter, if permitted by State law;

7 “(B) based on the model of a high-quality
8 charter school; and

9 “(C) that will be operated or managed by
10 the same nonprofit organization that operates
11 or manages such high-quality charter school
12 under an existing charter.”; and

13 (4) by striking section 5111 (20 U.S.C. 7221j),
14 as so redesignated by section 5001(6), and inserting
15 the following:

16 **“SEC. 5111. AUTHORIZATION OF APPROPRIATIONS.**

17 “‘There are authorized to be appropriated to carry out
18 this part such sums as may be necessary for each of fiscal
19 years 2016 through 2021.’”.

20 **SEC. 5003. MAGNET SCHOOLS ASSISTANCE.**

21 Part B of title V (20 U.S.C. 7231 et seq.), as so re-
22 designated by section 5001(4), is amended—

23 (1) in section 5201(b), as so redesignated by
24 section 5001(7)—

25 (A) in paragraph (1)—

1 (i) by inserting “and the increase of
2 socioeconomic integration” before “in ele-
3 mentary schools and secondary schools”;
4 and

5 (ii) by inserting “low-income and” be-
6 fore “minority students”;

7 (B) in paragraph (2)—

8 (i) by striking “and implementation”
9 and inserting “, implementation, and ex-
10 pansion”; and

11 (ii) by striking “content standards
12 and student academic achievement stand-
13 ards” and inserting “standards under sec-
14 tion 1111(b)(1)”;

15 (C) in paragraph (3), by striking “and de-
16 sign” and inserting “, design, and expansion”;

17 (D) in paragraph (4), by striking “voca-
18 tional” and inserting “career”; and

19 (E) in paragraph (6), by striking “produc-
20 tive employment” and inserting “to enter into
21 the workforce without the need for postsec-
22 ondary education”;

23 (2) in section 5202, as so redesignated by sec-
24 tion 5001(7), by striking “backgrounds” and insert-
25 ing “, ethnic, and socioeconomic backgrounds”;

1 (3) in section 5205(b), as so redesignated by
2 section 5001(7)—

3 (A) in paragraph (1)—

4 (i) in subparagraph (A), by inserting
5 “any available evidence on” before “how
6 the proposed magnet school programs”;

7 (ii) in subparagraph (B), by inserting
8 “, including any evidence available to sup-
9 port such description” before the semi-
10 colon;

11 (iii) by redesignating subparagraphs
12 (D) and (E) as subparagraphs (E) and
13 (F), respectively;

14 (iv) by inserting after subparagraph
15 (C) the following:

16 “(D) how the applicant will assess, mon-
17 itor, and evaluate the impact of the activities
18 funded under this part on student achievement
19 and integration;” and

20 (B) in paragraph (2)—

21 (i) in the manner preceding subpara-
22 graph (A), by striking “will”;

23 (ii) in subparagraph (A)—

24 (I) by inserting “will” before
25 “use grant funds”; and

1 (II) by striking “section
2 5301(b)” and inserting “section
3 5201(b)”;

4 (iii) in subparagraph (B), by striking
5 “employ highly qualified” and inserting
6 “will employ effective”;

7 (iv) in subparagraph (C), by striking
8 “not engage in” and inserting “is not cur-
9 rently engaging in and will not engage in”;

10 (v) in subparagraph (D), by inserting
11 “will” before carry out; and

12 (vi) in subparagraph (E), by inserting
13 “will” before “give students”;

14 (4) in section 5206, as so redesignated by sec-
15 tion 5001(7), by striking paragraph (2) and insert-
16 ing the following:

17 “(2) propose to—

18 “(A) carry out a new, evidence-based mag-
19 net school program;

20 “(B) significantly revise an existing mag-
21 net school program, using evidence-based meth-
22 ods and practices, as available; or

23 “(C) expand an existing magnet school
24 program that has a demonstrated record of suc-
25 cess in increasing student academic achieve-

1 ment, reducing isolation of minority groups,
2 and increasing socioeconomic integration; and”;
3 (5) in section 5207, as so redesignated by sec-
4 tion 5001(7)—

5 (A) in subsection (a)—

6 (i) in paragraph (3), by striking “who
7 are highly qualified”;

8 (ii) in paragraph (6), by striking
9 “and” at the end;

10 (iii) in paragraph (7), by striking the
11 period and inserting “; and”; and

12 (iv) by adding at the end the fol-
13 lowing:

14 “(8) to enable the local educational agency, or
15 consortium of such agencies, or other organizations
16 partnered with such agency or consortium, to estab-
17 lish, expand, or strengthen inter-district and regional
18 magnet programs.”; and

19 (B) in subsection (b), by striking “the
20 State’s challenging academic content” and all
21 that follows through the period and inserting
22 “the challenging State academic standards
23 under section 1111(b)(1) or are directly related
24 to improving student academic, career, or tech-
25 nological skills and professional skills.”;

1 (6) in section 5208, as so redesignated by sec-
2 tion 5001(9)—

3 (A) in subsection (a), by striking “for a
4 period” and all that follows through the period
5 and inserting “for an initial period of not more
6 than 3 fiscal years, and may be renewed for not
7 more than an additional 2 years if the Sec-
8 retary finds that the recipient of a grant under
9 this part is achieving the intended outcomes of
10 the grant and shows improvement in increasing
11 student academic achievement, reducing minor-
12 ity group isolation, and increasing socio-
13 economic integration, or other indicators of suc-
14 cess established by the Secretary.”; and

15 (B) in subsection (d), by striking “July”
16 and inserting “June”; and

17 (7) in section 5209, as so redesignated by sec-
18 tion 5001(9)—

19 (A) in subsection (a), by striking
20 “\$125,000,000” and all that follows through
21 the period and inserting “such sums as may be
22 necessary for each of fiscal years 2016 through
23 2021.”;

24 (B) by redesignating subsection (b) as sub-
25 section (c); and

1 (C) by inserting after subsection (a) the
2 following:

3 “(b) RESERVATION FOR TECHNICAL ASSISTANCE.—
4 The Secretary may reserve not more than 1 percent of
5 the funds appropriated under subsection (a) for any fiscal
6 year to provide technical assistance and carry out dissemi-
7 nation projects with respect to magnet school programs
8 assisted under this part.”.

9 **TITLE VI—INNOVATION AND**
10 **FLEXIBILITY**

11 **SEC. 6001. PURPOSES.**

12 Title VI (20 U.S.C. 7301 et seq.) is amended by in-
13 serting before part A of title VI, the following:

14 **“SEC. 6001. PURPOSES.**

15 “The purposes of this title are—

16 “(1) to support State and local innovation in
17 preparing all students to meet challenging State aca-
18 demic standards under section 1111(b);

19 “(2) to provide States and local educational
20 agencies with maximum flexibility in using Federal
21 funds provided under this Act; and

22 “(3) to support education in rural areas.”.

23 **SEC. 6002. IMPROVING ACADEMIC ACHIEVEMENT.**

24 Part A of title VI (20 U.S.C. 7301 et seq.) is amend-
25 ed—

1 (1) by striking subparts 1, 3, and 4;

2 (2) by striking the subpart heading for subpart
3 2;

4 (3) by redesignating sections 6121 through
5 6123 as sections 6111 through 6113, respectively;

6 (4) in section 6111, as redesignated by para-
7 graph (3), by striking “subpart” and inserting
8 “part”;

9 (5) in section 6112, as redesignated by para-
10 graph (3), in the matter preceding paragraph (1), by
11 striking “subpart” and inserting “part”; and

12 (6) in section 6113, as redesignated by para-
13 graph (3)—

14 (A) in subsection (a)—

15 (i) in paragraph (1)—

16 (I) in the matter preceding sub-
17 paragraph (A)—

18 (aa) by striking “subpart”
19 and inserting “part”; and

20 (bb) by striking “not more
21 than 50 percent of the non-
22 administrative State funds” and
23 inserting “all, or any lesser
24 amount, of State funds”; and

- 1 (II) by striking subparagraphs
2 (A) through (D) and inserting the fol-
3 lowing:
- 4 “(A) Any provision of title II.
5 “(B) Any provision of title IV.”; and
6 (ii) in paragraph (2), by striking “this
7 subpart and subject to the 50 percent limi-
8 tation described in paragraph (1)” and in-
9 serting “this part”;
- 10 (B) in subsection (b)—
11 (i) in paragraph (1)—
12 (I) in subparagraph (A)—
13 (aa) by striking “subpart”
14 and inserting “part”; and
15 (bb) by striking “(except”
16 and all that follows through
17 “subparagraph (C))” and insert-
18 ing “may transfer all, or any
19 lesser amount, of the funds allo-
20 cated to it”;
- 21 (II) by striking subparagraph
22 (B);
23 (III) by redesignating subpara-
24 graph (C) as subparagraph (B); and

1 (IV) in subparagraph (B), as re-
2 designated by subclause (III), by
3 striking “this subpart and subject to
4 the percentage limitation described in
5 subparagraph (A) or (B), as applica-
6 ble” and inserting “this part”; and

7 (ii) in paragraph (2)—

8 (I) by striking “subparagraph
9 (A), (B), or (C)” and inserting “sub-
10 paragraph (A) or (B)”; and

11 (II) by striking subparagraphs
12 (A) through (D) and inserting the fol-
13 lowing:

14 “(A) Any provision of title II.

15 “(B) Any provision of title IV.”; and

16 (C) in subsection (c), by striking “sub-
17 part” and inserting “part”; and

18 (D) in subsection (e)(1), by striking “sub-
19 part” and inserting “part”.

20 **SEC. 6003. RURAL EDUCATION INITIATIVE.**

21 Part B of title VI (20 U.S.C. 7341 et seq.) is amend-
22 ed—

23 (1) in section 6211—

1 (A) in subsection (a)(1), by striking sub-
2 paragraphs (A) through (E) and inserting the
3 following:

4 “(A) Part A of title I.

5 “(B) Title II.

6 “(C) Title III.

7 “(D) Title IV.”;

8 (B) in subsection (b)(1)—

9 (i) in subparagraph (A)(ii), by strik-
10 ing “7 or 8, as determined by the Sec-
11 retary; or” and inserting “41, 42, or 43, as
12 determined by the Secretary;”;

13 (ii) in subparagraph (B), by striking
14 the period at the end and inserting “; or”;
15 and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(C) the local educational agency is a
19 member of an educational service agency that
20 does not receive funds under this subpart and
21 the local educational agency meets the require-
22 ments of this part.”; and

23 (C) in subsection (c), by striking para-
24 graphs (1) through (3) and inserting the fol-
25 lowing:

1 “(1) Title II.

2 “(2) Title IV.”;

3 (2) in section 6212—

4 (A) in subsection (a), by striking para-
5 graphs (1) through (5) and inserting the fol-
6 lowing:

7 “(1) Part A of title I.

8 “(2) Title II.

9 “(3) Title III.

10 “(4) Title IV.”;

11 (B) in subsection (b)—

12 (i) by striking paragraph (1) and in-
13 serting the following:

14 “(1) ALLOCATION.—

15 “(A) IN GENERAL.—Except as provided in
16 paragraph (3), the Secretary shall award a
17 grant under subsection (a) to a local edu-
18 cational agency eligible under section 6211(b)
19 for a fiscal year in an amount equal to the ini-
20 tial amount determined under paragraph (2) for
21 the fiscal year minus the total amount received
22 by the agency under the provisions of law de-
23 scribed in section 6211(c) for the preceding fis-
24 cal year.

1 “(B) SPECIAL DETERMINATION.—For a
2 local educational agency that is eligible under
3 section 6211 and is a member of an educational
4 service agency, the Secretary may determine the
5 award amount by subtracting from the initial
6 amount determined under paragraph (2), an
7 amount that is equal to that local educational
8 agency’s per-pupil share of the total amount re-
9 ceived by the educational service agency under
10 titles II and IV, as long as a determination
11 under this subparagraph would not dispropor-
12 tionately affect any State.”;

13 (ii) by striking paragraph (2) and in-
14 serting the following:

15 “(2) DETERMINATION OF INITIAL AMOUNT.—

16 “(A) IN GENERAL.—The initial amount re-
17 ferred to in paragraph (1) is equal to \$100
18 multiplied by the total number of students in
19 excess of 50 students, in average daily attend-
20 ance at the schools served by the local edu-
21 cational agency, plus \$20,000, except that the
22 initial amount may not exceed \$60,000.

23 “(B) SPECIAL RULE.—For any fiscal year
24 in which the amount made available to carry

1 out this part is \$252,000,000 or more, subpara-
2 graph (A) shall be applied—

3 “(i) by substituting ‘\$25,000’ for
4 ‘\$20,000’; and

5 “(ii) by substituting ‘\$80,000’ for
6 ‘\$60,000.’”; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(4) HOLD HARMLESS.—For a local edu-
10 cational agency that is not eligible under this sub-
11 part but met the eligibility requirements under sec-
12 tion 6211(b) as such section was in effect on the day
13 before the date of enactment of the Every Child
14 Achieves Act of 2015, the agency shall receive—

15 “(A) for fiscal year 2016, 75 percent of
16 the amount such agency received for fiscal year
17 2015;

18 “(B) or fiscal year 2017, 50 percent of the
19 amount such agency received for fiscal year
20 2015; and

21 “(C) for fiscal year 2018, 25 percent of
22 the amount such agency received for fiscal year
23 2015.”; and

24 (C) by striking subsection (d);

1 (3) by striking section 6213 and inserting the
2 following:

3 **“SEC. 6213. ACADEMIC ACHIEVEMENT ASSESSMENTS.**

4 “Each local educational agency that uses or receives
5 funds under this subpart for a fiscal year shall administer
6 an assessment that is consistent with section
7 1111(b)(2).”;

8 (4) in section 6221—

9 (A) in subsection (b)(1)(B), by striking “6,
10 7, or 8” and inserting “32, 33, 41, 42, or 43”;
11 and

12 (B) in subsection (c)(1), by striking “Bu-
13 reau of Indian Affairs” and inserting “Bureau
14 of Indian Education”;

15 (5) in section 6222(a), by striking paragraphs
16 (1) through (7) and inserting the following:

17 “(1) Activities authorized under part A of title
18 I.

19 “(2) Activities authorized under title II.

20 “(3) Activities authorized under title III.

21 “(4) Activities authorized under title IV.

22 “(5) Parental involvement activities.”;

23 (6) in section 6223—

24 (A) in subsection (a), by striking “at such
25 time, in such manner, and accompanied by such

1 information” and inserting “at such time and
2 in such manner”; and

3 (B) by striking subsection (b) and insert-
4 ing the following:

5 “(b) CONTENTS.—Each application submitted under
6 subsection (a) shall include information on—

7 “(1) program objectives and outcomes for ac-
8 tivities under this subpart, including how the State
9 educational agency or specially qualified agency will
10 use funds to help all students meet the challenging
11 State academic standards under section 1111(b);

12 “(2) if the State educational agency or specially
13 qualified agency will competitively award grants to
14 eligible local educational agencies, as described in
15 section 6221(b)(2)(A), the application under the sec-
16 tion shall include—

17 “(A) the methods and criteria the State
18 educational agency or specially qualified agency
19 will use for reviewing applications and awarding
20 funds to local educational agencies on a com-
21 petitive basis; and

22 “(B) how the State educational agency or
23 specially qualified agency will notify eligible
24 local educational agencies of the grant competi-
25 tion; and

1 “(3) a description of how the State educational
2 agency or specially qualified agency will provide
3 technical assistance to eligible local educational
4 agencies to help such agencies implement the activi-
5 ties described in section 6222.”;

6 (7) in section 6224—

7 (A) in subsection (a)—

8 (i) in the matter preceding paragraph
9 (1), by inserting “or specially qualified
10 agency” after “Each State educational
11 agency”;

12 (ii) by striking paragraph (1) and in-
13 serting the following:

14 “(1) if the report is submitted by a State edu-
15 cational agency, the method the State educational
16 agency used to award grants to eligible local edu-
17 cational agencies, and to provide assistance to
18 schools, under this subpart;” and

19 (iii) by striking paragraph (3) and in-
20 serting the following:

21 “(3) the degree to which progress has been
22 made toward meeting the objectives and outcomes
23 described in the application submitted under section
24 6223, including having all students in the State or
25 the area served by the specially qualified agency, as

1 applicable, meet the challenging State academic
2 standards under section 1111(b).”;

3 (B) by striking subsection (b) and (c) and
4 inserting the following:

5 “(b) REPORT TO CONGRESS.—The Secretary shall
6 prepare a summary of the reports under subsection (a)
7 and submit a biennial report to the Committee on Health,
8 Education, Labor, and Pensions of the Senate and the
9 Committee on Education and the Workforce of the House
10 of Representatives.”;

11 (C) by redesignating subsection (d) as sub-
12 section (e); and

13 (D) by striking subsection (e);

14 (8) by inserting after section 6224 the fol-
15 lowing:

16 **“SEC. 6225. CHOICE OF PARTICIPATION.**

17 “(a) IN GENERAL.—If a local educational agency is
18 eligible for funding under both subparts 1 and 2 of this
19 part, such local educational agency may receive funds
20 under either subpart 1 or subpart 2 for a fiscal year, but
21 may not receive funds under both subparts for such fiscal
22 year.

23 “(b) NOTIFICATION.—A local educational agency eli-
24 gible for funding under both subparts 1 and 2 of this part
25 shall notify the Secretary and the State educational agen-

1 cy under which of such subparts the local educational
2 agency intends to receive funds for a fiscal year by a date
3 that is established by the Secretary for the notification.”;
4 and

5 (9) in section 6234, by striking “\$300,000,000
6 for fiscal year 2002 and such sums as may be nec-
7 essary for each of the 5 succeeding fiscal years,”
8 and inserting “such sums as may be necessary for
9 each of the fiscal years 2016 through 2021,”.

10 **SEC. 6004. GENERAL PROVISIONS.**

11 Part C of title VI (20 U.S.C. 7371) is amended to
12 read as follows:

13 **“PART C—GENERAL PROVISIONS**

14 **“SEC. 6301. PROHIBITION AGAINST FEDERAL MANDATES,**
15 **DIRECTION, OR CONTROL.**

16 “Nothing in this title shall be construed to authorize
17 an officer or employee of the Federal Government to man-
18 date, direct, or control a State, local educational agency,
19 or school’s specific instructional content, academic stand-
20 ards and assessments, curriculum, or program of instruc-
21 tion, as a condition of eligibility to receive funds under
22 this Act.

1 **“SEC. 6302. RULE OF CONSTRUCTION ON EQUALIZED**
2 **SPENDING.**

3 “Nothing in this title shall be construed to mandate
4 equalized spending per pupil for a State, local educational
5 agency, or school.”.

6 **TITLE VII—INDIAN, NATIVE HA-**
7 **WAIAN, AND ALASKA NATIVE**
8 **EDUCATION**

9 **SEC. 7001. INDIAN EDUCATION.**

10 Part A of title VII (20 U.S.C. 7401 et seq.) is amend-
11 ed—

12 (1) by striking sections 7132, 7133, 7134, and
13 7136;

14 (2) by redesignating section 7135 as section
15 7132;

16 (3) by striking section 7102 and inserting the
17 following:

18 **“SEC. 7102. PURPOSE.**

19 “It is the purpose of this part to support the efforts
20 of local educational agencies, Indian tribes and organiza-
21 tions, postsecondary institutions, and other entities—

22 “(1) to ensure the academic achievement of
23 American Indian and Alaska Native students by
24 meeting their unique culture, language, and edu-
25 cational needs, consistent with section 1111;

1 “(2) to ensure that American Indian and Alas-
2 ka Native students gain knowledge and under-
3 standing of Native communities, languages, tribal
4 histories, traditions, and cultures; and

5 “(3) to ensure that teachers, principals, other
6 school leaders, and other staff who serve American
7 Indian and Alaska Native students have the ability
8 to provide effective instruction and supports to such
9 students.”;

10 (4) by striking section 7111 and inserting the
11 following:

12 **“SEC. 7111. PURPOSE.**

13 “‘It is the purpose of this subpart to support local
14 educational agencies in developing elementary school and
15 secondary school programs for American Indian and Alas-
16 ka Native students that are designed to—

17 “(1) meet the unique cultural, language, and
18 educational needs of such students; and

19 “(2) ensure that all students meet the chal-
20 lenging State academic standards adopted under sec-
21 tion 1111(b).”;

22 (5) in section 7112—

23 (A) by striking subsection (a) and insert-
24 ing the following:

1 “(a) IN GENERAL.—The Secretary may make grants,
2 from allocations made under section 7113, and in accord-
3 ance with this section and section 7113, to—

4 “(1) local educational agencies;

5 “(2) Indian tribes; and

6 “(3) consortia of 2 or more local educational
7 agencies, provided that each local educational agency
8 participating in such a consortium—

9 “(A) provides an assurance that the eligi-
10 ble Indian children served by such local edu-
11 cational agency receive the services of the pro-
12 grams funded under this subpart; and

13 “(B) is subject to all the requirements, as-
14 surances, and obligations applicable to local
15 educational agencies under this subpart.”;

16 (B) in subsection (b)—

17 (i) in paragraph (1), by striking “A
18 local educational agency shall” and insert-
19 ing “Subject to paragraph (2), a local edu-
20 cational agency shall”;

21 (ii) by redesignating paragraph (2) as
22 paragraph (3); and

23 (iii) by inserting after paragraph (1)
24 the following:

1 “(2) COOPERATIVE AGREEMENTS.—A local edu-
2 cational agency may enter into a cooperative agree-
3 ment with an Indian tribe under this subpart if such
4 Indian tribe—

5 “(A) represents not less than 25 percent of
6 the eligible Indian children who are served by
7 such local educational agency; and

8 “(B) requests that the local educational
9 agency enters into a cooperative agreement
10 under this subpart.”; and

11 (C) by striking subsection (c) and inserting
12 the following:

13 “(c) INDIAN TRIBES AND INDIAN ORGANIZATIONS.—

14 “(1) IN GENERAL.—If a local educational agen-
15 cy that is otherwise eligible for a grant under this
16 subpart does not establish a committee under section
17 7114(c)(4) for such grant, an Indian tribe, an In-
18 dian organization, or a consortium of such entities,
19 that represents more than one-half of the eligible In-
20 dian children who are served by such local edu-
21 cational agency may apply for such grant.

22 “(2) UNAFFILIATED INDIAN TRIBES.—An In-
23 dian tribe that operates a school and is not affiliated
24 with either the local educational agency or the Bu-

1 reau of Indian Education shall be eligible to apply
2 for a grant under this subpart.

3 “(3) SPECIAL RULE.—

4 “(A) IN GENERAL.—The Secretary shall
5 treat each Indian tribe, Indian organization, or
6 consortium of such entities applying for a grant
7 pursuant to paragraph (1) or (2) as if such
8 tribe, Indian organization, or consortium were a
9 local educational agency for purposes of this
10 subpart.

11 “(B) EXCEPTIONS.—Notwithstanding sub-
12 paragraph (A), such Indian tribe, Indian orga-
13 nization, or consortium shall not be subject to
14 the requirements of subsections (b)(7) or (c)(4)
15 of section 7114 or section 7118(c) or 7119.

16 “(4) ASSURANCE TO SERVE ALL INDIAN CHIL-
17 DREN.—An Indian tribe, Indian organization, or
18 consortium of such entities that is eligible to apply
19 for a grant under paragraph (1) shall include, in the
20 application required under section 7114, an assur-
21 ance that the entity will use the grant funds to pro-
22 vide services to all Indian students served by the
23 local educational agency.

24 “(d) INDIAN COMMUNITY-BASED ORGANIZATION.—

1 “(1) IN GENERAL.—If no local educational
2 agency pursuant to subsection (b), and no Indian
3 tribe, Indian organization, or consortium pursuant
4 to subsection (c), applies for a grant under this sub-
5 part, an Indian community-based organization serv-
6 ing the community of the local educational agency
7 may apply for such grant.

8 “(2) APPLICABILITY OF SPECIAL RULE.—The
9 Secretary shall apply the special rule in subsection
10 (c)(3) to a community-based organization applying
11 or receiving a grant under paragraph (1) in the
12 same manner as such rule applies to an Indian tribe,
13 Indian organization, or consortium.

14 “(3) DEFINITION OF INDIAN COMMUNITY-
15 BASED ORGANIZATION.—In this subsection, the term
16 ‘Indian community-based organization’ means any
17 organization that—

18 “(A) is composed primarily of Indian par-
19 ents and community members, tribal govern-
20 ment education officials, and tribal members
21 from a specific community;

22 “(B) assists in the social, cultural, and
23 educational development of Indians in such
24 community;

1 “(C) meets the unique cultural, language,
2 and academic needs of Indian students; and

3 “(D) demonstrates organizational capacity
4 to manage the grant.

5 “(e) CONSORTIA.—

6 “(1) IN GENERAL.—A local educational agency,
7 Indian tribe, or Indian organization that meets the
8 eligibility requirements under this section may form
9 a consortium with other eligible local educational
10 agencies, Indian tribes, or Indian organizations for
11 the purpose of obtaining grants and operating pro-
12 grams under this subpart.

13 “(2) REQUIREMENTS.—In any case where 2 or
14 more local educational agencies that are eligible
15 under subsection (b) form or participate in a consor-
16 tium to obtain a grant, or operate a program, under
17 this subpart, each local educational agency partici-
18 pating in such a consortium shall—

19 “(A) provide, in the application submitted
20 under section 7114, an assurance that the eligi-
21 ble Indian children served by such local edu-
22 cational agency will receive the services of the
23 programs funded under this subpart; and

24 “(B) agree to be subject to all require-
25 ments, assurances, and obligations applicable to

1 a local educational agency receiving a grant
2 under this subpart.”;

3 (6) in section 7113—

4 (A) in subsection (b)—

5 (i) in paragraph (1), by striking “Bu-
6 reau of Indian Affairs” and inserting “Bu-
7 reau of Indian Education”; and

8 (ii) by striking paragraph (2) and in-
9 serting the following:

10 “(2) CONSORTIA.—Local educational agencies
11 and Indian tribes may form a consortium with other
12 local educational agencies and Indian tribes for the
13 purpose of obtaining grants and operating programs
14 under this subpart.”; and

15 (B) in subsection (d)—

16 (i) in the subsection heading, by strik-
17 ing “INDIAN AFFAIRS” and inserting “IN-
18 DIAN EDUCATION”; and

19 (ii) in paragraph (1)(A)(i), by striking
20 “Bureau of Indian Affairs” and inserting
21 “Bureau of Indian Education”;

22 (7) in section 7114—

23 (A) in subsection (a), by inserting “Indian
24 tribe, or consortia as described in section

1 7113(b)(2)” after “Each local educational
2 agency,”;

3 (B) in subsection (b)—

4 (i) in paragraph (2)—

5 (I) in subparagraph (A), by strik-
6 ing “is consistent with the State and
7 local plans” and inserting “supports
8 the State, tribal, and local plans”; and

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

11 “(B) includes program objectives and out-
12 comes for activities under this subpart that are
13 based on the same challenging State academic
14 standards developed by the State under title I
15 for all students;”;

16 (ii) by striking paragraph (3) and in-
17 serting the following:

18 “(3) explains how the local educational agency,
19 tribe, or consortium will use funds made available
20 under this subpart to supplement other Federal,
21 State, and local programs that meet the needs of
22 such students;”;

23 (iii) in paragraph (5)(B), by striking
24 “and” after the semicolon;

25 (iv) in paragraph (6)—

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1 (I) in subparagraph (B)—

2 (aa) in clause (i), by striking

3 “and” after the semicolon;

4 (bb) by adding at the end
5 the following:

6 “(iii) the Indian tribes whose children
7 are served by the local educational agency,
8 consistent with section 444 of the General
9 Education Provisions Act (20 U.S.C.
10 1232g) (commonly referred to as the
11 ‘Family Educational Rights and Privacy
12 Act of 1974’); and”;

13 (II) in subparagraph (C), by
14 striking the period at the end and in-
15 sserting “; and”;

16 (v) by adding at the end the following:

17 “(7) describes the process the local educational
18 agency used to collaborate with Indian tribes located
19 in the community in the development of the com-
20 prehensive programs and the actions taken as a re-
21 sult of such collaboration.”;

22 (C) in subsection (c)—

23 (i) in paragraph (1), by striking “the
24 education of Indian children,” and insert-

1 ing “services and activities consistent with
2 those described in this subpart,”;

3 (ii) in paragraph (2)—

4 (I) in subparagraph (A), by strik-
5 ing “and” after the semicolon;

6 (II) in subparagraph (B), by
7 striking “served by such agency;” and
8 inserting “served by such agency, and
9 meet program objectives and outcomes
10 for activities under this subpart;
11 and”;

12 (III) by adding at the end the
13 following:

14 “(C) determine the extent to which such
15 activities address the unique cultural, language,
16 and educational needs of Indian students;”;

17 (iii) in paragraph (3)(C)—

18 (I) by inserting “representatives
19 of Indian tribes with reservations lo-
20 cated within 50 miles of any school
21 that the agency will serve if such tribe
22 has any children in such school,” after
23 “parents of Indian children and teach-
24 ers,”; and

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1 (II) by striking “and” after the
2 semicolon;

3 (iv) in paragraph (4)—

4 (I) in subparagraph (A)—

5 (aa) in clause (i), by insert-
6 ing “and family members” after
7 “parents”;

8 (bb) by redesignating
9 clauses (ii) and (iii) as clauses
10 (iii) and (iv), respectively; and

11 (cc) by inserting after clause
12 (i) the following:

13 “(ii) representatives of Indian tribes
14 with reservations located within 50 miles of
15 any school that the agency will serve if
16 such tribe has any children in such
17 school;”;

18 (II) by striking subparagraph (B)
19 and inserting the following:

20 “(B) a majority of whose members are
21 parents and family members of Indian children
22 and representatives of Indian tribes described
23 in subparagraph (A)(ii), as applicable;”;

1 (III) in subparagraph (C), by in-
2 sserting “and family members” after “,
3 parents”;

4 (IV) in subparagraph (D)(ii), by
5 striking “and” after the semicolon;

6 (V) in subparagraph (E), by
7 striking the period at the end and in-
8 sserting “; and”;

9 (VI) by adding at the end the fol-
10 lowing:

11 “(F) that will determine the extent to
12 which the activities of the local educational
13 agency will address the unique cultural, lin-
14 guistic, and educational needs of Indian stu-
15 dents;”;

16 (v) by adding at the end the following:

17 “(5) the local educational agency will coordinate
18 activities under this title with other Federal pro-
19 grams supporting educational and related services
20 administered by such agency;

21 “(6) the local educational agency conducted
22 outreach to parents and family members to meet the
23 requirements under this paragraph; and

1 “(7) the local educational agency will use funds
2 received under this subpart only for activities de-
3 scribed and authorized in this subpart.”; and

4 (D) by adding at the end the following:

5 “(d) OUTREACH.—The Secretary shall monitor the
6 applications for grants under this subpart to identify eligi-
7 ble local educational agencies and schools operated by the
8 Bureau of Indian Education that have not applied for such
9 grants, and shall undertake appropriate outreach activities
10 to encourage and assist eligible entities to submit applica-
11 tions for such grants.

12 “(e) TECHNICAL ASSISTANCE.—The Secretary shall,
13 directly or by contract, provide technical assistance to a
14 local educational agency upon request (in addition to any
15 technical assistance available under other provisions of
16 this Act or available through the Institute of Education
17 Sciences) to support the services and activities provided
18 under this subpart, including technical assistance for—

19 “(1) the development of applications under this
20 subpart;

21 “(2) improvement in the quality of implementa-
22 tion, content, and evaluation of activities supported
23 under this subpart; and

1 “(3) integration of activities under this subpart
2 with other educational activities carried out by the
3 local educational agency.”;

4 (8) in section 7115—

5 (A) in subsection (a)—

6 (i) in paragraph (1), by inserting
7 “solely for the services and activities de-
8 scribed in such application” after “under
9 section 7114(a)”;

10 (ii) in paragraph (2), by inserting “to
11 be responsive to the unique learning styles
12 of Indian and Alaska Native children”
13 after “Indian students”;

14 (B) by striking subsection (b) and insert-
15 ing the following:

16 “(b) PARTICULAR ACTIVITIES.—The services and ac-
17 tivities referred to in subsection (a) may include—

18 “(1) activities that support Native American
19 language programs and Native American language
20 restoration programs, which may be taught by tradi-
21 tional leaders;

22 “(2) culturally-related activities that support
23 the program described in the application submitted
24 by the local educational agency;

1 “(3) high-quality early childhood and family
2 programs that emphasize school readiness;

3 “(4) enrichment programs that focus on prob-
4 lem solving and cognitive skills development and di-
5 rectly support the attainment of challenging State
6 academic standards described in 1111(b);

7 “(5) integrated educational services in combina-
8 tion with other programs that meet the needs of In-
9 dian children and their families, including programs
10 that promote parental involvement in school activi-
11 ties and increase student achievement;

12 “(6) career preparation activities to enable In-
13 dian students to participate in programs such as the
14 programs supported by the Carl D. Perkins Career
15 and Technical Education Act of 2006, including pro-
16 grams for tech-prep education, mentoring, and ap-
17 prenticeship;

18 “(7) activities to educate individuals so as to
19 prevent violence, suicide, and substance abuse;

20 “(8) the acquisition of equipment, but only if
21 the acquisition of the equipment is essential to
22 achieve the purpose described in section 7111;

23 “(9) activities that promote the incorporation of
24 culturally responsive teaching and learning strategies

1 into the educational program of the local educational
2 agency;

3 “(10) family literacy services;

4 “(11) activities that recognize and support the
5 unique cultural and educational needs of Indian chil-
6 dren, and incorporate appropriately qualified tribal
7 elders and seniors; and

8 “(12) dropout prevention strategies and strate-
9 gies—

10 “(A) to meet the educational needs of at-
11 risk Indian students in correctional facilities;
12 and

13 “(B) to support Indian students who are
14 transitioning from such facilities to schools
15 served by local educational agencies.”;

16 (C) in subsection (c)—

17 (i) in paragraph (1), by striking
18 “and” after the semicolon;

19 (ii) in paragraph (2), by striking the
20 period and inserting “; and”; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(3) the local educational agency identifies in
24 its application how the use of such funds in a

1 schoolwide program will produce benefits to Indian
2 students.”; and

3 (D) by adding at the end the following:

4 “(e) LIMITATION ON USE OF FUNDS.—Funds pro-
5 vided to a grantee under this subpart may not be used
6 for long-distance travel expenses for training activities
7 available locally or regionally.”;

8 (9) in section 7116—

9 (A) in subsection (g)—

10 (i) by striking “No Child Left Behind
11 Act of 2001” and inserting “Every Child
12 Achieves Act of 2015”;

13 (ii) by inserting “the Secretary of
14 Health and Human Services,” after “the
15 Secretary of the Interior,”; and

16 (iii) by inserting “and coordination”
17 after “providing for the implementation”;
18 and

19 (B) in subsection (o)—

20 (i) in paragraph (1), by striking “Not
21 later than 2 years after the date of enact-
22 ment of the No Child Left Behind Act of
23 2001,” and inserting “Not later than 2
24 years after date of enactment of the Every

1 Child Achieves Act of 2015, and every 5
2 years thereafter,”; and

3 (ii) by striking paragraph (2) and in-
4 sserting the following:

5 “(2) CONTENTS.—The report required under
6 paragraph (1) shall identify—

7 “(A) any statutory barriers to the ability
8 of participants to more effectively integrate
9 their education and related services to Indian
10 students in a manner consistent with the objec-
11 tives of this section; and

12 “(B) the effective practices for program in-
13 tegration that result in increased student
14 achievement, graduation rates, and other rel-
15 evant outcomes for Indian students.”;

16 (10) in section 7117—

17 (A) in subsection (b)(1)—

18 (i) in subparagraph (A)(ii), by insert-
19 ing “or membership” after “the enroll-
20 ment”; and

21 (ii) in subparagraph (B), by inserting
22 “or membership” after “the enrollment”;

23 (B) by striking subsection (e) and insert-
24 ing the following:

25 “(e) DOCUMENTATION.—

1 “(1) IN GENERAL.—For purposes of deter-
2 mining whether a child is eligible to be counted for
3 the purpose of computing the amount of a grant
4 award under section 7113, the membership of the
5 child, or any parent or grandparent of the child, in
6 a tribe or band of Indians (as so defined) may be
7 established by proof other than an enrollment num-
8 ber, notwithstanding the availability of an enroll-
9 ment number for a member of such tribe or band.
10 Nothing in subsection (b) shall be construed to re-
11 quire the furnishing of an enrollment number.

12 “(2) NO NEW OR DUPLICATE DETERMINA-
13 TIONS.—Once a child is determined to be an Indian
14 eligible to be counted for such grant award, the local
15 educational agency shall maintain a record of such
16 determination and shall not require a new or dupli-
17 cate determination to be made for such child for a
18 subsequent application for a grant under this sub-
19 part.

20 “(3) PREVIOUSLY FILED FORMS.—An Indian
21 student eligibility form that was on file as required
22 by this section on the day before the date of enact-
23 ment of the Every Child Achieves Act of 2015 and
24 that met the requirements of this section, as this
25 section was in effect on the day before the date of

1 enactment of such Act, shall remain valid for such
2 Indian student.”;

3 (C) in subsection (g), by striking “Bureau
4 of Indian Affairs” and inserting “Bureau of In-
5 dian Education”; and

6 (D) by adding at the end the following:

7 “(i) TECHNICAL ASSISTANCE.—The Secretary shall,
8 directly or through contract, provide technical assistance
9 to a local educational agency upon request, in addition to
10 any technical assistance available under section 1114 or
11 available through the Institute of Education Sciences, to
12 support the services and activities described under this
13 section, including for the—

14 “(1) development of applications under this sec-
15 tion;

16 “(2) improvement in the quality of implementa-
17 tion, content of activities, and evaluation of activities
18 supported under this subpart;

19 “(3) integration of activities under this title
20 with other educational activities established by the
21 local educational agency; and

22 “(4) coordination of activities under this title
23 with programs administered by each Federal agency
24 providing grants for the provision of educational and
25 related services and sharing of best practices.”;

1 (11) in section 7118, by striking subsection (c)
2 and inserting the following:

3 “(c) **REDUCTION OF PAYMENT FOR FAILURE TO**
4 **MAINTAIN FISCAL EFFORT.**—Each local educational
5 agency shall maintain fiscal effort in accordance with sec-
6 tion 9521 or be subject to reduced payments under this
7 subpart in accordance with such section 9521.”;

8 (12) in section 7121—

9 (A) by striking the section header and in-
10 serting the following:

11 **“SEC. 7121. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**
12 **TIES FOR INDIAN CHILDREN AND YOUTH.”;**

13 (B) in subsection (a)—

14 (i) in paragraph (1), by inserting
15 “and youth” after “Indian children”; and

16 (ii) in paragraph (2)(B), by inserting
17 “and youth” after “Alaska Native chil-
18 dren”;

19 (C) in subsection (c)—

20 (i) in paragraph (1)—

21 (I) in subparagraph (A), by in-
22 serting “and youth” after “disadvan-
23 taged children”;

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1 (II) in subparagraph (B), by in-
2 sserting “and youth” after “such chil-
3 dren”;

4 (III) in subparagraph (D), by in-
5 sserting “and youth” after “Indian
6 children”;

7 (IV) in subparagraph (E), by in-
8 sserting “and youth” after “Indian
9 children”;

10 (V) by striking subparagraph (G)
11 and inserting the following:

12 “(G) high-quality early childhood education
13 programs that are effective in preparing young
14 children to be making sufficient academic
15 progress by the end of grade 3, including kin-
16 dergarten and prekindergarten programs, fam-
17 ily-based preschool programs that emphasize
18 school readiness, and the provision of services
19 to Indian children with disabilities;” and

20 (VI) in subparagraph (L), by
21 striking “appropriately qualified tribal
22 elders and seniors” and inserting
23 “traditional leaders”; and

1 (ii) in paragraph (2), by striking
2 “Professional development” and inserting
3 “High-quality professional development”;

4 (D) in subsection (d)—

5 (i) in paragraph (1)(C), by striking
6 “make a grant payment for a grant de-
7 scribed in this paragraph to an eligible en-
8 tity after the initial year of the multiyear
9 grant only if the Secretary determines”
10 and inserting “award grants for an initial
11 period of not more than 3 years and may
12 renew such grants for not more than an
13 additional 2 years if the Secretary deter-
14 mines”; and

15 (ii) in paragraph (3)(B)—

16 (I) in clause (i), by striking “par-
17 ents of Indian children” and inserting
18 “parents and family of Indian chil-
19 dren”; and

20 (II) in clause (iii), by striking
21 “information demonstrating that the
22 proposed program for the activities is
23 a scientifically based research pro-
24 gram” and inserting “evidence dem-

1 onstrating that the proposed program
2 is an evidence-based program”; and

3 (E) by adding at the end the following:

4 “(f) CONTINUATION.—Notwithstanding any other
5 provision of this section, a grantee that is carrying out
6 activities pursuant to a grant awarded under this section
7 prior to the date of enactment of the Every Child Achieves
8 Act of 2015 may continue to carry out such activities after
9 such date of enactment under such grant in accordance
10 with the terms of such grant award.”;

11 (13) in section 7122—

12 (A) in subsection (a)—

13 (i) in paragraph (1), by striking “indi-
14 viduals in teaching or other education pro-
15 fessions that serve Indian people” and in-
16 serting “teachers and administrators serv-
17 ing Indian students”; and

18 (ii) in paragraph (2)—

19 (I) by inserting “and support”
20 after “to provide training”; and

21 (II) by striking “ancillary edu-
22 cational personnel” and inserting
23 “specialized instructional support per-
24 sonnel”;

1 (B) in subsection (d)(2), by adding at the
2 end the following:

3 “(C) CONTINUATION.—Notwithstanding
4 any other provision of this section, a grantee
5 that is carrying out activities pursuant to a
6 grant awarded under this section prior to the
7 date of enactment of the Every Child Achieves
8 Act of 2015 may continue to carry out such ac-
9 tivities under such grant in accordance with the
10 terms of that award.”;

11 (C) by striking subsection (e) and inserting
12 the following:

13 “(e) APPLICATION.—Each eligible entity desiring a
14 grant under this section shall submit an application to the
15 Secretary at such time, in such manner, and accompanied
16 by such information, as the Secretary may reasonably re-
17 quire. At a minimum, an application under this section
18 shall describe how the eligible entity will—

19 “(1) recruit qualified Indian individuals, such
20 as students who may not be of traditional college
21 age, to become teachers, or principals, or school
22 leaders;

23 “(2) use funds made available under the grant
24 to support the recruitment, preparation, and profes-
25 sional development of Indian teachers or principals

1 in local educational agencies that serve a high pro-
2 portion of Indian students; and

3 “(3) assist participants in meeting the require-
4 ments under subsection (h).”;

5 (D) by striking subsection (g) and insert-
6 ing the following:

7 “(g) GRANT PERIOD.—The Secretary shall award
8 grants under this section for an initial period of not more
9 than 3 years, and may renew such grants for an additional
10 period of not more than 2 years if the Secretary finds that
11 the grantee is achieving the objectives of the grant.”; and

12 (E) in subsection (h)(1)(A)(ii), by striking
13 “people” and inserting “students in a local edu-
14 cational agency that serves a high proportion of
15 Indian students”;

16 (14) by striking section 7132, as redesignated
17 by section 7001(2), and inserting the following:

18 **“SEC. 7132. GRANTS TO TRIBES FOR EDUCATION ADMINIS-**
19 **TRATIVE PLANNING, DEVELOPMENT, AND CO-**
20 **ORDINATION.**

21 “(a) IN GENERAL.—The Secretary may award grants
22 under this section to eligible applicants to enable the eligi-
23 ble applicants to—

24 “(1) promote tribal self-determination in edu-
25 cation;

1 “(2) improve the academic achievement of In-
2 dian children and youth; and

3 “(3) promote the coordination and collaboration
4 of tribal educational agencies with State and local
5 educational agencies to meet the unique educational
6 and culturally related academic needs of Indian stu-
7 dents.

8 “(b) DEFINITIONS.—In this section:

9 “(1) ELIGIBLE APPLICANT.—In this section,
10 the term ‘eligible applicant’ means—

11 “(A) an Indian tribe or tribal organization
12 approved by an Indian tribe; or

13 “(B) a tribal educational agency.

14 “(2) INDIAN TRIBE.—The term ‘Indian tribe’
15 means a Federally recognized tribe or a State-recog-
16 nized tribe.

17 “(3) TRIBAL EDUCATIONAL AGENCY.—The
18 term ‘tribal educational agency’ means the agency,
19 department, or instrumentality of an Indian tribe
20 that is primarily responsible for supporting tribal
21 students’ elementary and secondary education.

22 “(c) GRANT PROGRAM.—The Secretary may award
23 grants to—

24 “(1) eligible applicants described under sub-
25 section (b)(1)(A) to plan and develop a tribal edu-

1 cational agency, if the tribe or organization has no
2 current tribal educational agency, for a period of not
3 more than 1 year; and

4 “(2) eligible applicants described under sub-
5 section (b)(1)(B), for a period of not more than 3
6 years, in order to—

7 “(A) directly administer education pro-
8 grams, including formula grant programs under
9 this Act, consistent with State law and under a
10 written agreement between the parties;

11 “(B) build capacity to administer and co-
12 ordinate such education programs, and to im-
13 prove the relationship and coordination between
14 such applicants and the State educational agen-
15 cies and local educational agencies that educate
16 students from the tribe;

17 “(C) receive training and support from the
18 State educational agency and local educational
19 agency, in areas such as data collection and
20 analysis, grants management and monitoring,
21 fiscal accountability, and other areas as needed;

22 “(D) train and support the State edu-
23 cational agency and local educational agency in
24 areas related to tribal history, language, or cul-
25 ture;

1 “(E) build on existing activities or re-
2 sources rather than replacing other funds; and

3 “(F) carry out other activities, subject to
4 the approval of the Secretary.

5 “(d) GRANT APPLICATION.—

6 “(1) IN GENERAL.—Each eligible applicant de-
7 siring a grant under this section shall submit an ap-
8 plication to the Secretary at such time, in such man-
9 ner, containing such information, and consistent
10 with such criteria, as the Secretary may reasonably
11 prescribe.

12 “(2) CONTENTS.—Each application described in
13 paragraph (1) shall contain—

14 “(A) a statement describing the activities
15 to be conducted, and the objectives to be
16 achieved, under the grant;

17 “(B) a description of the method to be
18 used for evaluating the effectiveness of the ac-
19 tivities for which assistance is sought and for
20 determining whether such objectives are
21 achieved; and

22 “(C) for applications for activities under
23 subsection (c)(2), evidence of—

24 “(i) a preliminary agreement with the
25 appropriate State educational agency, 1 or

1 more local educational agencies, or both
2 the State educational agency and a local
3 educational agency; and

4 “(ii) existing capacity as a tribal edu-
5 cational agency.

6 “(3) APPROVAL.—The Secretary may approve
7 an application submitted by an eligible applicant
8 under this subsection only if the Secretary is satis-
9 fied that such application, including any documenta-
10 tion submitted with the application—

11 “(A) demonstrates that the eligible appli-
12 cant has consulted with other education enti-
13 ties, if any, within the territorial jurisdiction of
14 the applicant that will be affected by the activi-
15 ties to be conducted under the grant;

16 “(B) provides for consultation with such
17 other education entities in the operation and
18 evaluation of the activities conducted under the
19 grant; and

20 “(C) demonstrates that there will be ade-
21 quate resources provided under this section or
22 from other sources to complete the activities for
23 which assistance is sought.

24 “(e) RESTRICTIONS.—

1 “(1) IN GENERAL.—A tribe may not receive
2 funds under this section if such tribe receives funds
3 under section 1144 of the Education Amendments of
4 1978.

5 “(2) DIRECT SERVICES.—No funds under this
6 section may be used to provide direct services.

7 “(f) SUPPLEMENT, NOT SUPPLANT.—Funds under
8 this section shall be used to supplement, and not supplant,
9 other Federal, State, and local programs that meet the
10 needs of tribal students.”;

11 (15) in section 7141(b)(1), by inserting “and
12 the Secretary of the Interior” after “advise the Sec-
13 retary”;

14 (16) in section 7151, by adding at the end the
15 following:

16 “(4) TRADITIONAL LEADERS.—The term ‘tradi-
17 tional leaders’ has the meaning given the term in
18 section 103 of the Native American Languages Act
19 (25 U.S.C. 2902).”; and

20 (17) in section 7152—

21 (A) in subsection (a), by striking
22 “\$96,400,000 for fiscal year 2002 and such
23 sums as may be necessary for each of the 5
24 succeeding fiscal years” and inserting “such

1 sums as may be necessary for each of fiscal
2 years 2016 through 2021”; and

3 (B) in subsection (b) by striking
4 “\$24,000,000 for fiscal year 2002 and such
5 sums as may be necessary for each of the 5
6 succeeding fiscal years” and inserting “such
7 sums as may be necessary for each of fiscal
8 years 2016 through 2021”.

9 **SEC. 7002. NATIVE HAWAIIAN EDUCATION.**

10 Part B of title VII is amended—

11 (1) in section 7202, by striking paragraphs (11)
12 through (21);

13 (2) by striking section 7204 and inserting the
14 following:

15 **“SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL AND**
16 **ISLAND COUNCILS.**

17 “(a) GRANT AUTHORIZED.—In order to better effec-
18 tuate the purposes of this part through the coordination
19 of educational and related services and programs available
20 to Native Hawaiians, including those programs that re-
21 ceive funding under this part, the Secretary shall award
22 a grant to an education council, as described under sub-
23 section (b).

24 “(b) EDUCATION COUNCIL.—

1 “(1) ELIGIBILITY.—To be eligible to receive the
2 grant under subsection (a), the council shall be an
3 education council (referred to in this section as the
4 ‘Education Council’) that meets the requirements of
5 this subsection.

6 “(2) COMPOSITION.—The Education Council
7 shall consist of 15 members, of whom—

8 “(A) 1 shall be the President of the Uni-
9 versity of Hawaii (or a designee);

10 “(B) 1 shall be the Governor of the State
11 of Hawaii (or a designee);

12 “(C) 1 shall be the Superintendent of the
13 State of Hawaii Department of Education (or a
14 designee);

15 “(D) 1 shall be the chairperson of the Of-
16 fice of Hawaiian Affairs (or a designee);

17 “(E) 1 shall be the executive director of
18 Hawaii’s Charter School Network (or a des-
19 ignee);

20 “(F) 1 shall be the chief executive officer
21 of the Kamehameha Schools (or a designee);

22 “(G) 1 shall be the Chief Executive Officer
23 of the Queen Liliuokalani Trust (or a designee);

1 “(H) 1 shall be a member, selected by the
2 other members of the Education Council, who
3 represents a private grant-making entity;

4 “(I) 1 shall be the Mayor of the County of
5 Hawaii (or a designee);

6 “(J) 1 shall be the Mayor of Maui County
7 (or a designee from the Island of Maui);

8 “(K) 1 shall be the Mayor of the County
9 of Kauai (or a designee);

10 “(L) 1 shall be appointed by the Mayor of
11 Maui County from the Island of Molokai or the
12 Island of Lanai;

13 “(M) 1 shall be the Mayor of the City and
14 County of Honolulu (or a designee);

15 “(N) 1 shall be the chairperson of the Ha-
16 waiian Homes Commission (or a designee); and

17 “(O) 1 shall be the chairperson of the Ha-
18 waii Workforce Development Council (or a des-
19 igned representing the private sector).

20 “(3) REQUIREMENTS.—Any designee serving on
21 the Education Council shall demonstrate, as deter-
22 mined by the individual who appointed such designee
23 with input from the Native Hawaiian community,
24 not less than 5 years of experience as a consumer
25 or provider of Native Hawaiian education or cultural

1 activities, with traditional cultural experience given
2 due consideration.

3 “(4) LIMITATION.—A member (including a des-
4 ignee), while serving on the Education Council, shall
5 not be a recipient of grant funds that are awarded
6 under this part.

7 “(5) TERM OF MEMBERS.—A member who is a
8 designee shall serve for a term of not more than 4
9 years.

10 “(6) CHAIR, VICE CHAIR.—

11 “(A) SELECTION.—The Education Council
12 shall select a Chairperson and a Vice-Chair-
13 person from among the members of the Edu-
14 cation Council.

15 “(B) TERM LIMITS.—The Chairperson and
16 Vice-Chairperson shall each serve for a 2-year
17 term.

18 “(7) ADMINISTRATIVE PROVISIONS RELATING
19 TO EDUCATION COUNCIL.—The Education Council
20 shall meet at the call of the Chairperson of the
21 Council, or upon request by a majority of the mem-
22 bers of the Education Council, but in any event not
23 less often than every 120 days.

24 “(8) NO COMPENSATION.—None of the funds
25 made available through the grant may be used to

1 provide compensation to any member of the Edu-
2 cation Council or member of a working group estab-
3 lished by the Education Council, for functions de-
4 scribed in this section.

5 “(c) USE OF FUNDS FOR COORDINATION ACTIVI-
6 TIES.—The Education Council shall use funds made avail-
7 able through a grant under subsection (a) to carry out
8 each of the following activities:

9 “(1) Providing advice about the coordination,
10 and serving as a clearinghouse for, the educational
11 and related services and programs available to Na-
12 tive Hawaiians, including the programs assisted
13 under this part.

14 “(2) Assessing the extent to which such services
15 and programs meet the needs of Native Hawaiians,
16 and collecting data on the status of Native Hawaiian
17 education.

18 “(3) Providing direction and guidance, through
19 the issuance of reports and recommendations, to ap-
20 propriate Federal, State, and local agencies in order
21 to focus and improve the use of resources, including
22 resources made available under this part, relating to
23 Native Hawaiian education, and serving, where ap-
24 propriate, in an advisory capacity.

1 “(4) Awarding grants, if such grants enable the
2 Education Council to carry out the activities de-
3 scribed in paragraphs (1) through (3).

4 “(5) Hiring an executive director who shall as-
5 sist in executing the duties and powers of the Edu-
6 cation Council, as described in subsection (d).

7 “(d) USE OF FUNDS FOR TECHNICAL ASSIST-
8 ANCE.—The Education Council shall use funds made
9 available through a grant under subsection (a) to—

10 “(1) provide technical assistance to Native Ha-
11 waiian organizations that are grantees or potential
12 grantees under this part;

13 “(2) obtain from such grantees information and
14 data regarding grants awarded under this part, in-
15 cluding information and data about—

16 “(A) the effectiveness of such grantees in
17 meeting the educational priorities established by
18 the Education Council, as described in para-
19 graph (6)(D), using metrics related to these
20 priorities; and

21 “(B) the effectiveness of such grantees in
22 carrying out any of the activities described in
23 paragraphs (2) and (3) of section 7205(a) that
24 are related to the specific goals and purposes of

1 each grantee’s grant project, using metrics re-
2 lated to these priorities;

3 “(3) assess and define the educational needs of
4 Native Hawaiians;

5 “(4) assess the programs and services available
6 to address the educational needs of Native Hawai-
7 ians;

8 “(5) assess and evaluate the individual and ag-
9 gregate impact achieved by grantees under this part
10 in improving Native Hawaiian educational perform-
11 ance and meeting the goals of this part, using
12 metrics related to these goals; and

13 “(6) prepare and submit to the Secretary, at
14 the end of each calendar year, an annual report that
15 contains—

16 “(A) a description of the activities of the
17 Education Council during the calendar year;

18 “(B) a description of significant barriers to
19 achieving the goals of this part;

20 “(C) a summary of each community con-
21 sultation session described in subsection (e);
22 and

23 “(D) recommendations to establish prior-
24 ities for funding under this part, based on an
25 assessment of—

1 “(i) the educational needs of Native
2 Hawaiians;

3 “(ii) programs and services available
4 to address such needs;

5 “(iii) the effectiveness of programs in
6 improving the educational performance of
7 Native Hawaiian students to help such stu-
8 dents meet challenging State academic
9 standards under section 1111(b)(1); and

10 “(iv) priorities for funding in specific
11 geographic communities.

12 “(e) USE OF FUNDS FOR COMMUNITY CONSULTA-
13 TIONS.—The Education Council shall use funds made
14 available through the grant under subsection (a) to hold
15 not less than 1 community consultation each year on each
16 of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and
17 Kauai, at which—

18 “(1) not less than 3 members of the Education
19 Council shall be in attendance;

20 “(2) the Education Council shall gather com-
21 munity input regarding—

22 “(A) current grantees under this part, as
23 of the date of the consultation;

24 “(B) priorities and needs of Native Hawai-
25 ians; and

1 “(C) other Native Hawaiian education
2 issues; and

3 “(3) the Education Council shall report to the
4 community on the outcomes of the activities sup-
5 ported by grants awarded under this part.

6 “(f) FUNDING.—For each fiscal year, the Secretary
7 shall use the amount described in section 7205(c)(2), to
8 make a payment under the grant. Funds made available
9 through the grant shall remain available until expended.”;

10 (3) in section 7205—

11 (A) in subsection (a)(1)—

12 (i) in subparagraph (C), by striking
13 “and” after the semicolon;

14 (ii) by redesignating subparagraph
15 (D) as subparagraph (E); and

16 (iii) by inserting after subparagraph
17 (C) the following:

18 “(D) charter schools; and”; and

19 (B) in subsection (c)—

20 (i) in paragraph (1), by striking “for
21 fiscal year 2002 and each of the 5 suc-
22 ceeding 5 fiscal years” and inserting “for
23 each of fiscal years 2016 through 2021”;
24 and

1 “(1) It is the policy of the Federal Government
2 to maximize the leadership of and participation by
3 Alaska Native peoples in the planning and the man-
4 agement of Alaska Native education programs and
5 to support efforts developed by and undertaken with-
6 in the Alaska Native community to improve edu-
7 cational opportunity for all students.

8 “(2) Many Alaska Native children enter and
9 exit school with serious educational disadvantages.

10 “(3) Overcoming the magnitude of the geo-
11 graphic challenges, historical inequities, and other
12 barriers to successfully improving educational out-
13 comes for Alaska Native students in rural, village,
14 and urban settings is challenging. Significant dis-
15 parities between academic achievement of Alaska
16 Native students and non-Native students continues,
17 including lower graduation rates, increased school
18 dropout rates, and lower achievement scores on
19 standardized tests.

20 “(4) The preservation of Alaska Native cultures
21 and languages and the integration of Alaska Native
22 cultures and languages into education, positive iden-
23 tity development for Alaska Native students, and
24 local, place-based, and culture-based programming
25 are critical to the attainment of educational success

1 and the long-term well-being of Alaska Native stu-
2 dents.

3 “(5) Improving educational outcomes for Alaska
4 Native students increases access to employment op-
5 portunities.

6 “(6) The programs and activities authorized
7 under this subpart give priority to Alaska Native or-
8 ganizations as a means of increasing Alaska Native
9 parents’ and community involvement in the pro-
10 motion of academic success of Alaska Native stu-
11 dents.

12 “(7) The Federal Government should lend sup-
13 port to efforts developed by and undertaken within
14 the Alaska Native community to improve educational
15 opportunity for Alaska Native students. In 1983,
16 pursuant to Public Law 98–63, Alaska ceased to re-
17 ceive educational funding from the Bureau of Indian
18 Affairs. The Bureau of Indian Education does not
19 operate any schools in Alaska, nor operate or fund
20 Alaska Native education programs. The program
21 under this subpart supports the Federal trust re-
22 sponsibility of the United States to Alaska Na-
23 tives.”;

24 (2) in section 7303—

1 (A) in paragraph (1), by inserting “and
2 address” after “To recognize”;

3 (B) by striking paragraph (3);

4 (C) by redesignating paragraph (2) as
5 paragraph (4) and paragraph (4) as paragraph
6 (5);

7 (D) by inserting after paragraph (1) the
8 following:

9 “(2) To recognize the role of Alaska Native lan-
10 guages and cultures in the educational success and
11 long term well-being of Alaska Native students.

12 “(3) To integrate Alaska Native cultures and
13 languages into education, develop Alaska Native stu-
14 dents’ positive identity, and support local place-
15 based and culture-based curriculum and program-
16 ming.”;

17 (E) in paragraph (4), as redesignated by
18 subparagraph (C), by striking “of supple-
19 mental” and inserting “, management, and ex-
20 pansion of effective”; and

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

22 “(6) To ensure the maximum participation by
23 Alaska Native educators and leaders in the planning,
24 development, management, and evaluation of pro-
25 grams designed to serve Alaska Native students, and

1 to ensure Alaska Native organizations play a mean-
2 ingful role in supplemental educational services pro-
3 vided to Alaska Native students.”;

4 (3) by striking section 7304 and inserting the
5 following:

6 **“SEC. 7304. PROGRAM AUTHORIZED.**

7 “(a) GENERAL AUTHORITY.—

8 “(1) GRANTS AND CONTRACTS.—The Secretary
9 is authorized to make grants to, or enter into con-
10 tracts with, Indian tribes or tribal organizations that
11 are in partnership with a State educational agency
12 or a local educational agency to carry out programs
13 that meet the purposes of this subpart, or with In-
14 dian tribes or tribal organizations that operate pro-
15 grams that fulfill the purposes under this subpart.

16 “(2) MANDATORY ACTIVITIES.—Activities pro-
17 vided through the programs carried out under this
18 part shall include the following:

19 “(A) The development and implementation
20 of plans, methods, strategies and activities to
21 improve the educational outcomes of Alaska
22 Native peoples.

23 “(B) The collection of data to assist in the
24 evaluation of the programs carried out under
25 this subpart.

1 “(3) PERMISSIBLE ACTIVITIES.—Activities pro-
2 vided through programs carried out under this sub-
3 part may include the following:

4 “(A) The development of curricula and
5 programs that address the educational needs of
6 Alaska Native students, including the following:

7 “(i) Curriculum materials that reflect
8 the cultural diversity, languages, history,
9 or the contributions of Alaska Native peo-
10 ple.

11 “(ii) Instructional programs that
12 make use of Alaska Native languages and
13 cultures.

14 “(iii) Networks that develop, test, and
15 disseminate best practices and introduce
16 successful programs, materials, and tech-
17 niques to meet the educational needs of
18 Alaska Native students in urban and rural
19 schools.

20 “(iv) Methods to evaluate teachers’ in-
21 clusion of diverse Alaska Native cultures in
22 their lesson plans.

23 “(B) Training and professional develop-
24 ment activities for educators, including the fol-
25 lowing:

1 “(i) Pre-service and in-service training
2 and professional development programs to
3 prepare teachers to develop appreciation
4 for and understanding of Alaska Native
5 history, cultures, values, and ways of
6 knowing and learning in order to effec-
7 tively address the cultural diversity and
8 unique needs of Alaska Native students
9 and incorporate them into lesson plans and
10 teaching methods.

11 “(ii) Recruitment and preparation of
12 teachers who are Alaska Native.

13 “(iii) Programs that will lead to the
14 certification and licensing of Alaska Native
15 teachers, principals, other school leaders,
16 and superintendents.

17 “(C) Early childhood and parenting edu-
18 cation activities designed to improve the school
19 readiness of Alaska Native children, including—

20 “(i) the development and operation of
21 home visiting programs for Alaska Native
22 preschool children, to ensure the active in-
23 volvement of parents in their children’s
24 education from the earliest ages;

1 “(ii) training, education, and support,
2 including in-home visitation, for parents
3 and caregivers of Alaska Native children to
4 improve parenting and caregiving skills
5 (including skills relating to discipline and
6 cognitive development, reading readiness,
7 observation, storytelling, and critical think-
8 ing);

9 “(iii) family literacy services;

10 “(iv) activities carried out under the
11 Head Start Act;

12 “(v) programs for parents and their
13 infants, from the prenatal period of the in-
14 fant through age 3;

15 “(vi) early childhood education pro-
16 grams; and

17 “(vii) Native language immersion
18 within early childhood, Head Start, or pre-
19 school programs.

20 “(D) The development and operation of
21 student enrichment programs, including those
22 in science, technology, engineering, and mathe-
23 matics that—

24 “(i) are designed to prepare Alaska
25 Native students to excel in such subjects;

1 “(ii) provide appropriate support serv-
2 ices to enable such students to benefit
3 from the programs; and

4 “(iii) include activities that recognize
5 and support the unique cultural and edu-
6 cational needs of Alaska Native children
7 and incorporate appropriately qualified
8 Alaska Native elders and other tradition
9 bearers.

10 “(E) Research and data collection activi-
11 ties to determine the educational status and
12 needs of Alaska Native children and adults and
13 other such research and evaluation activities re-
14 lated to programs funded under this subpart.

15 “(F) Activities designed to increase Alaska
16 Native students’ graduation rates and assist
17 Alaska Native students to be prepared for post-
18 secondary education or the workforce without
19 the need for postsecondary remediation, such
20 as—

21 “(i) remedial and enrichment pro-
22 grams;

23 “(ii) culturally-based education pro-
24 grams such as—

1 “(I) programs of study and other
2 instruction in Alaska Native history
3 and ways of living to share the rich
4 and diverse cultures of Alaska Native
5 peoples among Alaska Native youth
6 and elders non-Native students and
7 teachers, and the larger community;

8 “(II) instructing Alaska Native
9 youth in leadership, communication,
10 Native culture, arts, and languages;

11 “(III) inter-generational learning
12 and internship opportunities to Alaska
13 Native youth and young adults;

14 “(IV) cultural immersion activi-
15 ties;

16 “(V) culturally-informed cur-
17 riculum intended to preserve and pro-
18 mote Alaska Native culture;

19 “(VI) Native language instruc-
20 tion and immersion activities;

21 “(VII) school-within-a-school
22 model programs; and

23 “(VIII) college preparation and
24 career planning; and

1 “(iii) holistic school or community-
2 based support services to enable such stu-
3 dents to benefit from the supplemental
4 programs offered, including those that ad-
5 dress family instability, school climate,
6 trauma, safety, and non-academic learning.

7 “(G) The establishment or operation of
8 Native language immersion nests or schools.

9 “(H) Student and teacher exchange pro-
10 grams, cross-cultural immersion programs, and
11 culture camps designed to build mutual respect
12 and understanding among participants.

13 “(I) Education programs for at-risk urban
14 Alaska Native students that are designed to im-
15 prove academic proficiency and graduation
16 rates, utilize strategies otherwise permissible
17 under this subpart, and incorporate a strong
18 data collection and continuous evaluation com-
19 ponent.

20 “(J) Strategies designed to increase par-
21 ents’ involvement in their children’s education.

22 “(K) Programs and strategies that provide
23 technical assistance and support to schools and
24 communities to engage adults in promoting the

1 academic progress and overall well-being of
2 Alaska Native people such as through—

3 “(i) strength-based approaches to
4 child and youth development;

5 “(ii) positive youth-adult relation-
6 ships; and

7 “(iii) improved conditions for learning
8 (school climate, student connection to
9 school and community), and increased con-
10 nections between schools and families.

11 “(L) Career preparation activities to en-
12 able Alaska Native children and adults to pre-
13 pare for meaningful employment, including pro-
14 grams providing tech-prep, mentoring, training,
15 and apprenticeship activities.

16 “(M) Provision of operational support and
17 purchasing of equipment, to develop regional
18 vocational schools in rural areas of Alaska, in-
19 cluding boarding schools, for Alaska Native stu-
20 dents in grades 9 through 12, or at higher lev-
21 els of education, to provide the students with
22 necessary resources to prepare for skilled em-
23 ployment opportunities.

24 “(N) Regional leadership academies that
25 demonstrate effectiveness in building respect,

1 understanding, and fostering a sense of Alaska
2 Native identity to promote their pursuit of and
3 success in completing higher education or ca-
4 reer training.

5 “(O) Other activities, consistent with the
6 purposes of this subpart, to meet the edu-
7 cational needs of Alaska Native children and
8 adults.

9 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this section
11 such sums as may be necessary for each of fiscal years
12 2016 through 2021.”;

13 (4) by striking section 7305 and inserting the
14 following:

15 **“SEC. 7305. FUNDS FOR ADMINISTRATIVE PURPOSES.**

16 “Not more than 5 percent of funds provided to an
17 award recipient under this part for any fiscal year may
18 be used for administrative purposes.”; and

19 (5) in section 7306—

20 (A) in paragraph (1), by inserting “(43
21 U.S.C. 1602(b)) and includes the descendants
22 of individuals so defined” after “Settlement
23 Act”; and

24 (B) by inserting after paragraph (2), the
25 following:

1 “(3) INDIAN TRIBE.—The term ‘Indian tribe’
2 has the meaning given the term in section 4 of the
3 Indian Self-Determination and Education Assistance
4 Act.

5 “(4) TRIBAL ORGANIZATION.—The term ‘tribal
6 organization’ has the meaning given the term in sec-
7 tion 4 of the Indian Self-Determination and Edu-
8 cation Assistance Act.”.

9 **TITLE VIII—IMPACT AID**

10 **SEC. 8001. PURPOSE.**

11 Section 8001 (20 U.S.C. 7701) is amended in the
12 matter preceding paragraph (1), by striking “challenging
13 State standards” and inserting “the same challenging
14 State academic standards”.

15 **SEC. 8002. AMENDMENT TO IMPACT AID IMPROVEMENT** 16 **ACT OF 2012.**

17 Section 563(c) of the National Defense Authorization
18 Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.
19 1748; 20 U.S.C. 6301 note) is amended—

20 (1) by striking paragraphs (1) and (4); and

21 (2) by redesignating paragraphs (2) and (3) as
22 paragraphs (1) and (2), respectively.

23 **SEC. 8003. PAYMENTS RELATING TO FEDERAL ACQUISI-** 24 **TION OF REAL PROPERTY.**

25 Section 8002 (20 U.S.C. 7702) is amended—

1 (1) in subsection (b)(3), by striking subpara-
2 graph (B) and inserting the following:

3 “(B) SPECIAL RULE.—In the case of Fed-
4 eral property eligible under this section that is
5 within the boundaries of 2 or more local edu-
6 cational agencies that are eligible under this
7 section, any of such agencies may ask the Sec-
8 retary to calculate (and the Secretary shall cal-
9 culate) the taxable value of the eligible Federal
10 property that is within its boundaries by—

11 “(i) first calculating the per-acre
12 value of the eligible Federal property sepa-
13 rately for each eligible local educational
14 agency that shared the Federal property,
15 as provided in subparagraph (A)(ii);

16 “(ii) then averaging the resulting per-
17 acre values of the eligible Federal property
18 from each eligible local educational agency
19 that shares the Federal property; and

20 “(iii) then applying the average per-
21 acre value to determine the total taxable
22 value of the eligible Federal property under
23 subparagraph (A)(iii) for the requesting
24 local educational agency.”;

1 (2) in subsection (e)(2), by adding at the end
2 the following: “For each fiscal year beginning with
3 fiscal year 2015, the Secretary shall treat local edu-
4 cational agencies chartered in 1871 having more
5 than 70 percent of the county in Federal ownership
6 as meeting the eligibility requirements of subpara-
7 graphs (A) and (C) of subsection (a)(1).”;

8 (3) by striking subsection (f) and inserting the
9 following:

10 “(f) SPECIAL RULE.—Beginning with fiscal year
11 2015, a local educational agency shall be deemed to meet
12 the requirements of subsection (a)(1)(C) if the agency was
13 eligible under paragraph (1) or (3) of this subsection, as
14 such subsection was in effect on the day before the date
15 of enactment of the Every Child Achieves Act of 2015.”;

16 (4) in subsection (h)(4), by striking “For each
17 local educational agency that received a payment
18 under this section for fiscal year 2010 through the
19 fiscal year in which the Impact Aid Improvement
20 Act of 2012 is enacted” and inserting “For each
21 local educational agency that received a payment
22 under this section for fiscal year 2010 or any suc-
23 ceeding fiscal year”;

24 (5) by striking subsection (k); and

1 (6) by redesignating subsections (l), (m), and
2 (n), as subsections (j), (k), and (l), respectively.

3 **SEC. 8004. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
4 **NECTED CHILDREN.**

5 Section 8003 (20 U.S.C. 7703) is amended—

6 (1) in subsection (a)(5)(A), by striking “to be
7 children” and all that follows through the period at
8 the end and inserting “or under lease of off-base
9 property under subchapter IV of chapter 169 of title
10 10, United States Code, to be children described
11 under paragraph (1)(B) if the property described is
12 within the fenced security perimeter of the military
13 facility or attached to and under any type of force
14 protection agreement with the military installation
15 upon which such housing is situated.”;

16 (2) in subsection (b)—

17 (A) in paragraph (1)—

18 (i) by striking subparagraph (E); and

19 (ii) by redesignating subparagraphs

20 (F) and (G) as subparagraphs (E) and

21 (F), respectively;

22 (B) in paragraph (2), by striking subpara-

23 graphs (B) through (H) and inserting the fol-

24 lowing:

1 “(B) ELIGIBILITY FOR HEAVILY IMPACTED
2 LOCAL EDUCATIONAL AGENCIES.—

3 “(i) IN GENERAL.—A heavily im-
4 pacted local educational agency is eligible
5 to receive a basic support payment under
6 subparagraph (A) with respect to a num-
7 ber of children determined under sub-
8 section (a)(1) if the agency—

9 “(I) is a local educational agen-
10 cy—

11 “(aa) whose boundaries are
12 the same as a Federal military
13 installation or an island property
14 designated by the Secretary of
15 the Interior to be property that is
16 held in trust by the Federal Gov-
17 ernment; and

18 “(bb) that has no taxing au-
19 thority;

20 “(II) is a local educational agen-
21 cy that—

22 “(aa) has an enrollment of
23 children described in subsection
24 (a)(1) that constitutes a percent-
25 age of the total student enroll-

501

1 ment of the agency that is not
2 less than 45 percent;

3 “(bb) has a per-pupil ex-
4 penditure that is less than—

5 “(AA) for an agency
6 that has a total student en-
7 rollment of 500 or more stu-
8 dents, 125 percent of the av-
9 erage per-pupil expenditure
10 of the State in which the
11 agency is located; or

12 “(BB) for any agency
13 that has a total student en-
14 rollment less than 500, 150
15 percent of the average per-
16 pupil expenditure of the
17 State in which the agency is
18 located or the average per-
19 pupil expenditure of 3 or
20 more comparable local edu-
21 cational agencies in the
22 State in which the agency is
23 located; and

24 “(cc) is an agency that—

1 “(AA) has a tax rate
2 for general fund purposes
3 that is not less than 95 per-
4 cent of the average tax rate
5 for general fund purposes of
6 comparable local educational
7 agencies in the State; or

8 “(BB) was eligible to
9 receive a payment under this
10 subsection for fiscal year
11 2013 and is located in a
12 State that by State law has
13 eliminated ad valorem tax as
14 a revenue for local edu-
15 cational agencies;

16 “(III) is a local educational agen-
17 cy that—

18 “(aa) has an enrollment of
19 children described in subsection
20 (a)(1) that constitutes a percent-
21 age of the total student enroll-
22 ment of the agency that is not
23 less than 20 percent;

24 “(bb) for the 3 fiscal years
25 preceding the fiscal year for

1 which the determination is made,
2 the average enrollment of chil-
3 dren who are not described in
4 subsection (a)(1) and who are eli-
5 gible for a free or reduced price
6 lunch under the Richard B. Rus-
7 sell National School Lunch Act
8 constitutes a percentage of the
9 total student enrollment of the
10 agency that is not less than 65
11 percent; and

12 “(cc) has a tax rate for gen-
13 eral fund purposes which is not
14 less than 125 percent of the aver-
15 age tax rate for general fund
16 purposes for comparable local
17 educational agencies in the State;

18 “(IV) is a local educational agen-
19 cy that has a total student enrollment
20 of not less than 25,000 students, of
21 which—

22 “(aa) not less than 50 per-
23 cent are children described in
24 subsection (a)(1); and

1 “(bb) not less than 5,000 of
2 such children are children de-
3 scribed in subparagraphs (A) and
4 (B) of subsection (a)(1); or

5 “(V) is a local educational agency
6 that—

7 “(aa) has an enrollment of
8 children described in subsection
9 (a)(1) including, for purposes of
10 determining eligibility, those chil-
11 dren described in subparagraphs
12 (F) and (G) of such subsection,
13 that is not less than 35 percent
14 of the total student enrollment of
15 the agency; and

16 “(bb) was eligible to receive
17 assistance under subparagraph
18 (A) for fiscal year 2001.

19 “(ii) LOSS OF ELIGIBILITY.—

20 “(I) IN GENERAL.—Subject to
21 subclause (II), a heavily impacted
22 local educational agency that met the
23 requirements of clause (i) for a fiscal
24 year shall be ineligible to receive a
25 basic support payment under subpara-

1 graph (A) if the agency fails to meet
2 the requirements of clause (i) for a
3 subsequent fiscal year, except that
4 such agency shall continue to receive
5 a basic support payment under this
6 paragraph for the fiscal year for
7 which the ineligibility determination is
8 made.

9 “(II) LOSS OF ELIGIBILITY DUE
10 TO FALLING BELOW 95 PERCENT OF
11 THE AVERAGE TAX RATE FOR GEN-
12 ERAL FUND PURPOSES.—In a case of
13 a heavily impacted local educational
14 agency that is eligible to receive a
15 basic support payment under subpara-
16 graph (A), but that has had, for 2
17 consecutive fiscal years, a tax rate for
18 general fund purposes that falls below
19 95 percent of the average tax rate for
20 general fund purposes of comparable
21 local educational agencies in the
22 State, such agency shall be deter-
23 mined to be ineligible under clause (i)
24 and ineligible to receive a basic sup-
25 port payment under subparagraph (A)

1 for each fiscal year succeeding such 2
2 consecutive fiscal years for which the
3 agency has such a tax rate for general
4 fund purposes, and until the fiscal
5 year for which the agency resumes
6 such eligibility in accordance with
7 clause (iii).

8 “(III) TAKEN OVER BY STATE
9 BOARD OF EDUCATION.—In the case
10 of a heavily impacted local educational
11 agency that is eligible to receive a
12 basic support payment under subpara-
13 graph (A), but that has been taken
14 over by a State board of education in
15 2 previous years, such agency shall be
16 deemed to maintain heavily impacted
17 status for 2 fiscal years from after the
18 date of enactment of the Every Child
19 Achieves Act of 2015.

20 “(iii) RESUMPTION OF ELIGIBILITY.—
21 A heavily impacted local educational agen-
22 cy described in clause (i) that becomes in-
23 eligible under such clause for 1 or more
24 fiscal years may resume eligibility for a
25 basic support payment under this para-

1 graph for a subsequent fiscal year only if
2 the agency meets the requirements of
3 clause (i) for that subsequent fiscal year,
4 except that such agency shall not receive a
5 basic support payment under this para-
6 graph until the fiscal year succeeding the
7 fiscal year for which the eligibility deter-
8 mination is made.

9 “(C) MAXIMUM AMOUNT FOR HEAVILY IM-
10 PACTED LOCAL EDUCATIONAL AGENCIES.—

11 “(i) IN GENERAL.—Except as pro-
12 vided in subparagraph (D), the maximum
13 amount that a heavily impacted local edu-
14 cational agency is eligible to receive under
15 this paragraph for any fiscal year is the
16 sum of the total weighted student units, as
17 computed under subsection (a)(2) and sub-
18 ject to clause (ii), multiplied by the greater
19 of—

20 “(I) four-fifths of the average
21 per-pupil expenditure of the State in
22 which the local educational agency is
23 located for the third fiscal year pre-
24 ceding the fiscal year for which the
25 determination is made; or

1 “(II) four-fifths of the average
2 per-pupil expenditure of all of the
3 States for the third fiscal year pre-
4 ceding the fiscal year for which the
5 determination is made.

6 “(ii) CALCULATION OF WEIGHTED
7 STUDENT UNITS.—

8 “(I) IN GENERAL.—

9 “(aa) IN GENERAL.—For a
10 local educational agency with re-
11 spect to which 35 percent or
12 more of the total student enroll-
13 ment of the schools of the agency
14 are children described in sub-
15 paragraph (D) or (E) (or a com-
16 bination thereof) of subsection
17 (a)(1), and that has an enroll-
18 ment of children described in
19 subparagraph (A), (B), or (C) of
20 such subsection equal to at least
21 10 percent of the agency’s total
22 enrollment, the Secretary shall
23 calculate the weighted student
24 units of those children described
25 in subparagraph (D) or (E) of

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1 such subsection by multiplying
2 the number of such children by a
3 factor of 0.55.

4 “(bb) EXCEPTION.—Not-
5 withstanding item (aa), a local
6 educational agency that received
7 a payment under this paragraph
8 for fiscal year 2013 shall not be
9 required to have an enrollment of
10 children described in subpara-
11 graph (A), (B), or (C) of sub-
12 section (a)(1) equal to at least 10
13 percent of the agency’s total en-
14 rollment.

15 “(II) ENROLLMENT OF 100 OR
16 FEWER CHILDREN.—For a local edu-
17 cational agency that has an enroll-
18 ment of 100 or fewer children de-
19 scribed in subsection (a)(1), the Sec-
20 retary shall calculate the total number
21 of weighted student units for purposes
22 of subsection (a)(2) by multiplying the
23 number of such children by a factor of
24 1.75.

1 “(III) ENROLLMENT OF MORE
2 THAN 100 CHILDREN BUT LESS THAN
3 1000.—For a local educational agency
4 that is not described under subpara-
5 graph (B)(i)(I) and has an enrollment
6 of more than 100 but not more than
7 1,000 children described in subsection
8 (a)(1), the Secretary shall calculate
9 the total number of weighted student
10 units for purposes of subsection (a)(2)
11 by multiplying the number of such
12 children by a factor of 1.25.

13 “(D) MAXIMUM AMOUNT FOR LARGE
14 HEAVILY IMPACTED LOCAL EDUCATIONAL
15 AGENCIES.—

16 “(i) IN GENERAL.—

17 “(I) IN GENERAL.—Subject to
18 clause (ii), the maximum amount that
19 a heavily impacted local educational
20 agency described in subclause (II) is
21 eligible to receive under this para-
22 graph for any fiscal year shall be de-
23 termined in accordance with the for-
24 mula described in paragraph (1)(C).

1 “(II) HEAVILY IMPACTED LOCAL
2 EDUCATIONAL AGENCY.—A heavily
3 impacted local educational agency de-
4 scribed in this subclause is a local
5 educational agency that has a total
6 student enrollment of not less than
7 25,000 students, of which not less
8 than 50 percent are children described
9 in subsection (a)(1) and not less than
10 5,000 of such children are children
11 described in subparagraphs (A) and
12 (B) of subsection (a)(1).

13 “(ii) FACTOR.—For purposes of calcu-
14 lating the maximum amount described in
15 clause (i), the factor used in determining
16 the weighted student units under sub-
17 section (a)(2) with respect to children de-
18 scribed in subparagraphs (A) and (B) of
19 subsection (a)(1) shall be 1.35.

20 “(E) DATA.—For purposes of providing
21 assistance under this paragraph the Secretary
22 shall use student, revenue, expenditure, and tax
23 data from the third fiscal year preceding the
24 fiscal year for which the local educational agen-

1 meet the average tax rate requirement
2 for general fund purposes in subpara-
3 graph (B)(i)(II)(bb), shall be consid-
4 ered to have met that requirement, if
5 its State determined, through an al-
6 ternate calculation of average tax
7 rates for general fund purposes, that
8 such local educational agency met
9 that requirement.

10 “(II) SUBSEQUENT FISCAL
11 YEARS AFTER 2015.—For any suc-
12 ceeding fiscal year after 2015, any
13 local educational agency identified in
14 subclause (I) may continue to have its
15 State use that alternate methodology
16 to calculate whether the average tax
17 rate requirement for general fund
18 purposes under subparagraph
19 (B)(i)(II)(bb) is met.

20 “(III) AVAILABILITY OF
21 FUNDS.—Notwithstanding any other
22 provision of law limiting the period
23 during which the Secretary may obli-
24 gate funds appropriated for any fiscal
25 year after 2012, the Secretary shall

1 be, for the period during which the housing
2 units are undergoing such conversion or
3 during such time as activities associated
4 with base closure and realignment,
5 modularization, force structure change, or
6 force relocation are ongoing.

7 “(ii) AMOUNT OF PAYMENT.—The
8 amount of a payment to a heavily impacted
9 local educational agency for a fiscal year
10 by reason of the application of clause (i),
11 and calculated in accordance with subpara-
12 graph (C) or (D), as the case may be, shall
13 be based on the number of children in av-
14 erage daily attendance in the schools of
15 such agency for the fiscal year and under
16 the same provisions of subparagraph (C)
17 or (D) under which the agency was paid
18 during the prior fiscal year.

19 “(iii) CONVERSION OF MILITARY
20 HOUSING UNITS TO PRIVATE HOUSING DE-
21 SCRIBED.—For purposes of clause (i),
22 ‘conversion of military housing units to
23 private housing’ means the conversion of
24 military housing units to private housing
25 units pursuant to subchapter IV of chapter

1 169 of title 10, United States Code, or
2 pursuant to any other related provision of
3 law.”; and

4 (C) in paragraph (3)—

5 (i) in subparagraph (B), by striking
6 clause (iii) and inserting the following:

7 “(iii) In the case of a local educational
8 agency providing a free public education to stu-
9 dents enrolled in kindergarten through grade
10 12, that enrolls students described in subpara-
11 graphs (A), (B), and (D) of subsection (a)(1)
12 only in grades 9 through 12, and that received
13 a final payment in fiscal year 2009 calculated
14 under this paragraph (as this paragraph was in
15 effect on the day before the date of enactment
16 of the Every Child Achieves Act of 2015) for
17 students in grades 9 through 12, the Secretary
18 shall, in calculating the agency’s payment, con-
19 sider only that portion of such agency’s total
20 enrollment of students in grades 9 through 12
21 when calculating the percentage under clause
22 (i)(I) and only that portion of the total current
23 expenditures attributed to the operation of
24 grades 9 through 12 in such agency when cal-
25 culating the percentage under clause (i)(II).”;

1 (ii) in subparagraph (C), by striking
2 “subparagraph (D) or (E) of paragraph
3 (2),” and inserting “paragraph (2)(D)”;
4 and

5 (iii) by striking subparagraph (D) and
6 inserting the following:

7 “(D) RATABLE DISTRIBUTION.—For fiscal
8 years described in subparagraph (A), for which
9 the sums available exceed the amount required
10 to pay each local educational agency 100 per-
11 cent of its threshold payment, the Secretary
12 shall distribute the excess sums to each eligible
13 local educational agency that has not received
14 its full amount computed under paragraphs (1)
15 or (2) (as the case may be) by multiplying—

16 “(i) a percentage, the denominator of
17 which is the difference between the full
18 amount computed under paragraph (1) or
19 (2) (as the case may be) for all local edu-
20 cational agencies and the amount of the
21 threshold payment (as calculated under
22 subparagraphs (B) and (C)) of all local
23 educational agencies, and the numerator of
24 which is the aggregate of the excess sums,
25 by

1 “(ii) the difference between the full
2 amount computed under paragraph (1) or
3 (2) (as the case may be) for the agency
4 and the amount of the threshold payment
5 as calculated under subparagraphs (B) and
6 (C) of the agency.

7 “(E) INSUFFICIENT PAYMENTS.—For each
8 fiscal year described in subparagraph (A) for
9 which the sums appropriated are insufficient to
10 pay each local educational agency all of the
11 local educational agency’s threshold payment
12 described in subparagraph (D), the Secretary
13 shall ratably reduce the payment to each local
14 educational agency under this paragraph.

15 “(F) INCREASES.—If the sums appro-
16 priated are sufficient to increase the threshold
17 payment above the 100 percent threshold pay-
18 ment described in subparagraph (D), then the
19 Secretary shall increase payments on the same
20 basis as such payments were reduced, except no
21 local educational agency may receive a payment
22 amount greater than 100 percent of the max-
23 imum payment calculated under this subsection.

24 “(G) PROVISION OF TAX RATE AND RE-
25 SULTING PERCENTAGE.—The Secretary shall

1 provide the local educational agency's tax rate
2 and the resulting percentage to each eligible
3 local educational agency immediately following
4 the payments of funds under paragraph (2).";
5 (3) in subsection (c), by striking paragraph (2)
6 and inserting the following:

7 "(2) EXCEPTION.—Calculation of payments for
8 a local educational agency shall be based on data
9 from the fiscal year for which the agency is making
10 an application for payment if such agency—

11 "(A) is newly established by a State, for
12 the first year of operation of such agency only;

13 "(B) was eligible to receive a payment
14 under this section for the previous fiscal year
15 and has had an overall increase in enrollment
16 (as determined by the Secretary in consultation
17 with the Secretary of Defense, the Secretary of
18 Interior, or the heads of other Federal agen-
19 cies)—

20 "(i) of not less than 10 percent, or
21 100 students, of children described in—

22 "(I) subparagraph (A), (B), (C),
23 or (D) of subsection (a)(1); or

24 "(II) subparagraphs (F) and (G)
25 of subsection (a)(1), but only to the

1 extent such children are civilian de-
2 pendants of employees of the Depart-
3 ment of Defense or the Department of
4 Interior; and

5 “(ii) that is the direct result of closure
6 or realignment of military installations
7 under the base closure process or the relo-
8 cation of members of the Armed Forces
9 and civilian employees of the Department
10 of Defense as part of the force structure
11 changes or movements of units or per-
12 sonnel between military installations or be-
13 cause of actions initiated by the Secretary
14 of the Interior or the head of another Fed-
15 eral agency; or

16 “(C) was eligible to receive a payment
17 under this section for the previous fiscal year
18 and has had an increase in enrollment (as de-
19 termined by the Secretary)—

20 “(i) of not less than 10 percent of
21 children described in subsection (a)(1) or
22 not less than 100 of such children; and

23 “(ii) that is the direct result of the
24 closure of a local educational agency that

1 received a payment under subsection (b)(1)
2 or (b)(2) in the previous fiscal year.”;

3 (4) in subsection (d)—

4 (A) in the subsection heading, by striking
5 “CHILDREN” and inserting “STUDENTS”;

6 (B) in paragraph (1), by striking “chil-
7 dren” both places the term appears and insert-
8 ing “students”; and

9 (C) in paragraph (2), by striking “chil-
10 dren” and inserting “students”;

11 (5) in subsection (e), by striking paragraphs (1)
12 and (2) and inserting the following:

13 “(1) IN GENERAL.—

14 “(A) IN GENERAL.—In the case of any
15 local educational agency whose payment under
16 subsection (b) for a fiscal year is determined to
17 be reduced by an amount greater than
18 \$5,000,000 or by 20 percent, as compared to
19 the amount received in the previous fiscal year,
20 the Secretary shall, subject to subparagraph
21 (B), pay a local educational agency, for each of
22 the 3 years following the reduction under sub-
23 section (b), the amount determined under sub-
24 paragraph (B).

1 “(B) AMOUNT OF REDUCTION.—Subject to
2 subparagraph (C), a local educational agency
3 described in subparagraph (A) shall receive—

4 “(i) for the first year for which the re-
5 duced payment is determined, the amount
6 shall not be less than 90 percent of the
7 total amount that the local educational
8 agency received under paragraph (1) or (2)
9 of subsection (b) in the fiscal year prior to
10 the reduction (referred to in this para-
11 graph as the ‘base year’);

12 “(ii) for the second year following
13 such reduction, the amount shall be not
14 less than 85 percent of the total amount
15 that the local educational agency received
16 under paragraph (1) or (2) of subsection
17 (b) in the base year; and

18 “(iii) for the third year following such
19 reduction, the amount shall not be less
20 than 80 percent of the total amount that
21 the local educational agency received under
22 paragraph (1) or (2) of subsection (b) in
23 the base year.

24 “(C) SPECIAL RULE.—For any fiscal year
25 for which a local educational agency would be

1 subject to a reduced payment under clause (ii)
2 or (iii) of subparagraph (B), but the total
3 amount of the payment that the local edu-
4 cational agency is eligible for under subsection
5 (b) for that fiscal year is greater than the
6 amount that initially subjected the local edu-
7 cational agency to the requirements of this sub-
8 section, the Secretary shall pay the greater
9 amount to the local educational agency for such
10 year.

11 “(2) MAXIMUM AMOUNT.—The total amount
12 provided to a local educational agency under sub-
13 paragraph (A), (B), or (C) of paragraph (1) for a
14 fiscal year shall not exceed the maximum basic sup-
15 port payment amount for such agency determined
16 under paragraph (1) or (2) of subsection (b), as the
17 case may be, for such fiscal year.”; and

18 (6) by striking subsection (g).

19 **SEC. 8005. POLICIES AND PROCEDURES RELATING TO**
20 **CHILDREN RESIDING ON INDIAN LANDS.**

21 Section 8004(e)(9) (20 U.S.C. 7704(e)(9)) is amend-
22 ed by striking “Affairs” both places the term appears and
23 inserting “Education”.

1 **SEC. 8006. APPLICATION FOR PAYMENTS UNDER SECTIONS**
2 **8002 AND 8003.**

3 Section 8005 (20 U.S.C. 7705) is amended—

4 (1) in subsection (b), in the matter preceding
5 paragraph (1), by striking “, and shall contain such
6 information,”;

7 (2) by redesignating subsections (c) and (d) as
8 subsections (d) and (e), respectively; and

9 (3) by inserting after subsection (b) the fol-
10 lowing:

11 “(c) STUDENT COUNT.—In collecting information to
12 determine the eligibility of a local educational agency and
13 the number of Federally connected children for the local
14 educational agency, the Secretary shall, in addition to any
15 options provided under section 222.35 of title 34, Code
16 of Federal Regulations, or a successor regulation, allow
17 a local educational agency to count the number of such
18 children served by the agency as of the date by which the
19 agency requires all students to register for the school year
20 of the fiscal year for which the application is filed.”.

21 **SEC. 8007. CONSTRUCTION.**

22 Section 8007(b) (20 U.S.C. 7707(b)) is amended—

23 (1) in paragraph (3)(C)(i)(I), by adding at the
24 end the following:

25 “(cc) Not less than 10 percent of
26 the property in the agency is exempt

1 from State and local taxation under
2 Federal law.”; and

3 (2) in paragraph (6), by striking subparagraph
4 (F).

5 **SEC. 8008. STATE CONSIDERATION OF PAYMENTS IN PRO-**
6 **VIDING STATE AID.**

7 Section 8009(c)(1)(B) (20 U.S.C. 7709(c)(1)(B)) is
8 amended by striking “and contain the information”.

9 **SEC. 8009. DEFINITIONS.**

10 Section 8013(5)(A) (20 U.S.C. 7713(5)(A)) is
11 amended—

12 (1) in clause (ii), by striking subclause (III)
13 and inserting the following:

14 “(III) conveyed at any time under the
15 Alaska Native Claims Settlement Act to a
16 Native individual, Native group, or village
17 or regional corporation (including single
18 family occupancy properties that may have
19 been subsequently sold or leased to a third
20 party), except that property that is con-
21 veyed under such Act—

22 “(aa) that is not taxed is, for the
23 purposes of this paragraph, consid-
24 ered tax-exempt due to Federal law;
25 or

1 (2) in subsection (b), by striking
2 “\$809,400,000 for fiscal year 2000 and such sums
3 as may be necessary for each of the seven succeeding
4 fiscal years” and inserting “such sums as may be
5 necessary for each of fiscal years 2016 through
6 2021”;

7 (3) in subsection (c), by striking “\$50,000,000
8 for fiscal year 2000 and such sums as may be nec-
9 essary for each of the seven succeeding fiscal years”
10 and inserting “such sums as may be necessary for
11 each of fiscal years 2016 through 2021”;

12 (4) by redesignating subsections (e) and (f) as
13 subsections (d) and (e), respectively;

14 (5) in subsection (d), as redesignated by para-
15 graph (4), by striking “\$10,052,000 for fiscal year
16 2000 and such sums as may be necessary for fiscal
17 year 2001, \$150,000,000 for fiscal year 2002, and
18 such sums as may be necessary for each of the five
19 succeeding fiscal years” and inserting “such sums as
20 may be necessary for each of fiscal years 2016
21 through 2021”; and

22 (6) in subsection (e), as redesignated by para-
23 graph (4), by striking “\$5,000,000 for fiscal year
24 2000 and such sums as may be necessary for each
25 of the seven succeeding fiscal years” and inserting

1 “such sums as may be necessary for each of fiscal
2 years 2016 through 2021”.

3 **TITLE IX—GENERAL** 4 **PROVISIONS**

5 **SEC. 9101. DEFINITIONS.**

6 Section 9101 (20 U.S.C. 7801) is amended—

7 (1) by striking paragraphs (3), (19), (35), (36),
8 (37), and (42);

9 (2) by redesignating paragraphs (1), (2), (17),
10 (18), (20), (21), (22), (23), (24), (25), (26), (27),
11 (28), (29), (30), (31), (32), (33), (34), (38), (39),
12 (41), and (43) as paragraphs (2), (3), (18), (19),
13 (24), (25), (26), (27), (28), (20), (29), (30), (32),
14 (33), (34), (35), (36), (37), (38), (40), (41), (43),
15 and (44), respectively, and by transferring such
16 paragraph (20) so as to follow such paragraph (19);

17 (3) by inserting before paragraph (2), as reded-
18 icated by paragraph (2), the following:

19 “(1) 4-YEAR ADJUSTED COHORT GRADUATION
20 RATE.—The term ‘4-year adjusted cohort graduation
21 rate’ has the meaning given the term ‘four-year ad-
22 justed cohort graduation rate’ in section
23 200.19(b)(1) of title 34, Code of Federal Regula-
24 tions, as such section was in effect on November 28,
25 2008.”;

1 (4) by striking paragraph (11) and inserting
2 the following:

3 “(11) CORE ACADEMIC SUBJECTS.—The term
4 ‘core academic subjects’ means English, reading or
5 language arts, writing, science, technology, engineer-
6 ing, mathematics, foreign languages, civics and gov-
7 ernment, economics, arts, history, geography, com-
8 puter science, music, and physical education, and
9 any other subject as determined by the State or local
10 educational agency.”;

11 (5) in paragraph (13)—

12 (A) by striking subparagraphs (B), (E),
13 (G), (J), and (K);

14 (B) by redesignating subparagraphs (C),
15 (D), (F), (H), (I), and (L) as subparagraphs
16 (B), (C), (D), (E), (F), and (G), respectively;
17 and

18 (C) in subparagraph (F), as redesignated
19 by subparagraph (B)—

20 (i) by striking “part A of”; and

21 (ii) by inserting “and” after the semi-
22 colon;

23 (6) by inserting after paragraph (16) the fol-
24 lowing:

1 “(17) EARLY CHILDHOOD EDUCATION PRO-
2 GRAM.—The term ‘early childhood education pro-
3 gram’ has the meaning given the term in section 103
4 of the Higher Education Act of 1965.”;

5 (7) in paragraph (20), as redesignated and
6 moved by paragraph (2)—

7 (A) in the paragraph heading, by striking
8 “LIMITED ENGLISH PROFICIENT” and inserting
9 “ENGLISH LEARNER”;

10 (B) in the matter preceding subparagraph
11 (A), by striking “limited English proficient”
12 and inserting “English learner”; and

13 (C) in subparagraph (D)(i), by striking
14 “State’s proficient level of achievement on State
15 assessments described in section 1111(b)(3)”
16 and inserting “challenging State academic
17 standards described in section 1111(b)(1)”;

18 (8) by inserting after paragraph (20), as trans-
19 ferred and redesignated by paragraph (2), the fol-
20 lowing:

21 “(21) EVIDENCE-BASED.—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), the term ‘evidence-based’,
24 when used with respect to an activity, means an
25 activity that—

1 “(i) demonstrates a statistically sig-
2 nificant effect on improving student out-
3 comes or other relevant outcomes based
4 on—

5 “(I) strong evidence from at least
6 1 well-designed and well-implemented
7 experimental study;

8 “(II) moderate evidence from at
9 least 1 well-designed and well-imple-
10 mented quasi-experimental study; or

11 “(III) promising evidence from at
12 least 1 well-designed and well-imple-
13 mented correlational study with statis-
14 tical controls for selection bias; or

15 “(ii)(I) demonstrates a rationale that
16 is based on high-quality research findings
17 that such activity is likely to improve stu-
18 dent outcomes or other relevant outcomes;
19 and

20 “(II) includes ongoing efforts to ex-
21 amine the effects of such activity.

22 “(B) DEFINITION FOR PART A OF TITLE
23 I.—For purposes of part A of title I, the term
24 ‘evidence-based’, when used with respect to an
25 activity, means an activity that meets the re-

1 requirements of subclause (I) or (II) of subpara-
2 graph (A)(i).

3 “(22) EXPANDED LEARNING TIME.—The term
4 ‘expanded learning time’ means using a longer
5 school day, week, or year schedule to significantly
6 increase the total number of school hours, in order
7 to include additional time for—

8 “(A) instruction and enrichment in core
9 academic subjects, other academic subjects, and
10 other activities that contribute to a well-round-
11 ed education; and

12 “(B) instructional and support staff to col-
13 laborate, plan, and engage in professional devel-
14 opment (including professional development on
15 family and community engagement) within and
16 across grades and subjects.

17 “(23) EXTENDED-YEAR ADJUSTED COHORT
18 GRADUATION RATE.—The term ‘extended-year ad-
19 justed cohort graduation rate’ has the meaning given
20 the term in section 200.19(b)(1)(v) of title 34, Code
21 of Federal Regulations, as such section was in effect
22 on November 28, 2008.”;

23 (9) by striking paragraph (27), as redesignated
24 by paragraph (2), and inserting the following:

1 “(27) HIGH SCHOOL.—The term ‘high school’
2 means a secondary school that—

3 “(A) grants a diploma, as defined by the
4 State; and

5 “(B) includes, at least, grade 12.”;

6 (10) in paragraph (29), as redesignated by
7 paragraph (2), in subparagraph (C)—

8 (A) in the subparagraph heading, by strik-
9 ing “BIA” and inserting “BIE”; and

10 (B) by striking “Affairs” both places the
11 term appears and inserting “Education”;

12 (11) by inserting after paragraph (30), as re-
13 designated by paragraph (2), the following:

14 “(31) MULTI-TIER SYSTEM OF SUPPORTS.—The
15 term ‘multi-tier system of supports’ means a com-
16 prehensive continuum of evidence-based, system-wide
17 practices to support a rapid response to academic
18 and behavioral needs, with frequent data-based mon-
19 itoring for instructional decision-making.”;

20 (12) in paragraph (33), as redesignated by
21 paragraph (2), by striking “pupil services” and in-
22 serting “specialized instructional support”;

23 (13) in paragraph (34), as redesignated by
24 paragraph (2), by striking “includes the freely asso-
25 ciated states” and all that follows through the period

1 at the end and inserting “includes the Republic of
2 Palau except during any period for which the Sec-
3 retary determines that a Compact of Free Associa-
4 tion is in effect that contains provisions for edu-
5 cation assistance prohibiting the assistance provided
6 under this Act.”;

7 (14) in paragraph (36), as redesignated by
8 paragraph (2)—

9 (A) in subparagraph (C), by inserting
10 “and” after the semicolon; and

11 (B) in subparagraph (D), by striking “sec-
12 tion 1118” and inserting “section 1115”;

13 (15) by striking paragraph (38), as redesign-
14 nated by paragraph (2), and inserting the following:

15 “(38) PROFESSIONAL DEVELOPMENT.—The
16 term ‘professional development’ means activities
17 that—

18 “(A) are coordinated and aligned to sup-
19 port educators (including teachers, principals,
20 other school leaders, specialized instructional
21 support personnel, paraprofessionals, and, as
22 applicable, early childhood educators); and

23 “(B) are designed and implemented to im-
24 prove student achievement and classroom prac-
25 tice, which may include activities that—

1 “(i) improve and increase teachers’—

2 “(I) knowledge of the academic
3 subjects the teachers teach;

4 “(II) understanding of how stu-
5 dents learn; and

6 “(III) ability to analyze student
7 work and achievement from multiple
8 sources, including how to adjust in-
9 structional strategies, assessments,
10 and materials based on such analysis;

11 “(ii) are an integral part of broad
12 schoolwide and districtwide educational im-
13 provement plans;

14 “(iii) allow personalized plans for each
15 educator to address the educator’s specific
16 needs identified in observation or other
17 feedback;

18 “(iv) give teachers, principals, other
19 school leaders, and administrators the
20 knowledge and skills to provide students
21 with the opportunity to meet challenging
22 State academic standards;

23 “(v) improve classroom management
24 skills;

1 “(vi)(I) are high-quality, sustained,
2 intensive, collaborative, job-embedded,
3 data-driven, and classroom-focused in
4 order to have a positive and lasting impact
5 on classroom instruction and the teacher’s
6 performance in the classroom; and

7 “(II) are not 1-day or short-term
8 workshops or conferences;

9 “(vii) support the recruiting, hiring,
10 and training of effective teachers, including
11 teachers who became certified through
12 State and local alternative routes to certifi-
13 cation;

14 “(viii) advance teacher understanding
15 of—

16 “(I) effective instructional strate-
17 gies that are evidence-based; and

18 “(II) strategies for improving
19 student academic achievement or sub-
20 stantially increasing the knowledge
21 and teaching skills of teachers;

22 “(ix) are aligned with and directly re-
23 lated to—

1 “(I) challenging State academic
2 standards and assessments under sec-
3 tion 1111(b);

4 “(II) the curricula and programs
5 tied to the standards described in sub-
6 clause (I); and

7 “(III) related academic goals of
8 the school or local educational agency;

9 “(x) are developed with extensive par-
10 ticipation of teachers, principals, other
11 school leaders, parents, and administrators
12 of schools to be served under this Act;

13 “(xi) are designed to give teachers of
14 children who are English learners, and
15 other teachers and instructional staff, the
16 knowledge and skills to provide instruction
17 and appropriate language and academic
18 support services to those children, includ-
19 ing the appropriate use of curricula and
20 assessments;

21 “(xii) to the extent appropriate, pro-
22 vide training for teachers, principals, and
23 other school leaders in the use of tech-
24 nology so that technology and technology
25 applications are effectively used in the

1 classroom to improve teaching and learning
2 in the curricula and academic subjects in
3 which the teachers teach;

4 “(xiii) as a whole, are regularly evalu-
5 ated for their impact on increased teacher
6 effectiveness and improved student aca-
7 demic achievement, with the findings of
8 the evaluations used to improve the quality
9 of professional development;

10 “(xiv) are designed to give teachers of
11 children with disabilities or children with
12 developmental delay, and other teachers
13 and instructional staff, the knowledge and
14 skills to provide instruction and academic
15 support services, to those children, includ-
16 ing positive behavioral interventions and
17 supports, multi-tiered systems of supports,
18 and use of accommodations;

19 “(xv) include instruction in the use of
20 data and assessments to inform and in-
21 struct classroom practice;

22 “(xvi) include instruction in ways that
23 teachers, principals, other school leaders,
24 specialized instructional support personnel,

1 and school administrators may work more
2 effectively with parents and families;

3 “(xvii) involve the forming of partner-
4 ships with institutions of higher education
5 to establish school-based teacher, principal,
6 and other school leader training programs
7 that provide prospective teachers, novice
8 teachers, principals, and other school lead-
9 ers with an opportunity to work under the
10 guidance of experienced teachers, prin-
11 cipals, other school leaders, and faculty of
12 such institutions;

13 “(xviii) create programs to enable
14 paraprofessionals (assisting teachers em-
15 ployed by a local educational agency receiv-
16 ing assistance under part A of title I) to
17 obtain the education necessary for those
18 paraprofessionals to become certified and
19 licensed teachers;

20 “(xix) provide follow-up training to
21 teachers who have participated in activities
22 described in this paragraph that are de-
23 signed to ensure that the knowledge and
24 skills learned by the teachers are imple-
25 mented in the classroom; and

1 “(xx) where applicable and practical,
2 provide jointly for school staff and other
3 early childhood education program pro-
4 viders, to address the transition to elemen-
5 tary school, including issues related to
6 school readiness.”;

7 (16) by inserting after paragraph (38), as re-
8 designated by paragraph (2), the following:

9 “(39) SCHOOL LEADER.—The term ‘school
10 leader’ means a principal, assistant principal, or
11 other individual who is—

12 “(A) an employee or officer of an elemen-
13 tary school or secondary school, local edu-
14 cational agency, or other entity operating an el-
15 ementary school or secondary school; and

16 “(B) responsible for the daily instructional
17 leadership and managerial operations in the ele-
18 mentary school or secondary school building.”;

19 (17) by inserting after paragraph (41), as re-
20 designated by paragraph (2), the following:

21 “(42) SPECIALIZED INSTRUCTIONAL SUPPORT
22 PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT
23 SERVICES.—

1 “(A) SPECIALIZED INSTRUCTIONAL SUP-
2 PORT PERSONNEL.—The term ‘specialized in-
3 structional support personnel’ means —

4 “(i) school counselors, school social
5 workers, and school psychologists; and

6 “(ii) other qualified professional per-
7 sonnel, such as school nurses and speech
8 language pathologists, involved in pro-
9 viding assessment, diagnosis, counseling,
10 educational, therapeutic, and other nec-
11 essary services (including related services
12 as that term is defined in section 602 of
13 the Individuals with Disabilities Education
14 Act) as part of a comprehensive program
15 to meet student needs.

16 “(B) SPECIALIZED INSTRUCTIONAL SUP-
17 PORT SERVICES.—The term ‘specialized instruc-
18 tional support services’ means the services pro-
19 vided by specialized instructional support per-
20 sonnel.”;

21 (18) by inserting after paragraph (44), as re-
22 designated by paragraph (2), the following:

23 “(45) UNIVERSAL DESIGN FOR LEARNING.—
24 The term ‘universal design for learning’ has the

1 meaning given the term in section 103 of the Higher
2 Education Act of 1965.”; and

3 (19) by striking the undesignated paragraph be-
4 tween paragraphs (41) and (43), as redesignated by
5 paragraph (2), and inserting the following:

6 “(42) STATE.—The term ‘State’ means each of
7 the 50 States, the District of Columbia, the Com-
8 monwealth of Puerto Rico, and each of the outlying
9 areas.”.

10 **SEC. 9102. APPLICABILITY TO BUREAU OF INDIAN EDU-**
11 **CATION OPERATED SCHOOLS.**

12 Section 9103 (20 U.S.C. 7803) is amended—

13 (1) in the section heading, by striking “**BU-**
14 **REAU OF INDIAN AFFAIRS**” and inserting “**BU-**
15 **REAU OF INDIAN EDUCATION**”; and

16 (2) by striking “Bureau of Indian Affairs” each
17 place the term appears and inserting “Bureau of In-
18 dian Education”.

19 **SEC. 9103. CONSOLIDATION OF FUNDS FOR LOCAL ADMIN-**
20 **ISTRATION.**

21 Section 9203(b) (20 U.S.C. 7823(b)) is amended by
22 striking “Within 1 year after the date of enactment of the
23 No Child Left Behind Act of 2001, a State” and inserting
24 “A State”.

1 **SEC. 9104. WAIVERS OF STATUTORY AND REGULATORY RE-**
2 **QUIREMENTS.**

3 Section 9401 (20 U.S.C. 7861) is amended—

4 (1) by striking subsection (a) and inserting the
5 following:

6 “(a) IN GENERAL.—

7 “(1) REQUEST FOR WAIVER BY STATE OR IN-
8 DIAN TRIBE.—A State educational agency or Indian
9 tribe that receives funds under a program authorized
10 under this Act may submit a request to the Sec-
11 retary to waive any statutory or regulatory require-
12 ment of this Act.

13 “(2) LOCAL EDUCATIONAL AGENCY AND
14 SCHOOL REQUESTS SUBMITTED THROUGH THE
15 STATE.—

16 “(A) REQUEST FOR WAIVER BY LOCAL
17 EDUCATIONAL AGENCY.—A local educational
18 agency that receives funds under a program au-
19 thorized under this Act and desires a waiver of
20 any statutory or regulatory requirement of this
21 Act shall submit a request containing the infor-
22 mation described in subsection (b)(1) to the ap-
23 propriate State educational agency. The State
24 educational agency may then submit the request
25 to the Secretary if the State educational agency
26 determines the waiver appropriate.

1 “(B) REQUEST FOR WAIVER BY SCHOOL.—

2 An elementary school or secondary school that
3 desires a waiver of any statutory or regulatory
4 requirement of this Act shall submit a request
5 containing the information described in sub-
6 section (b)(1) to the local educational agency
7 serving the school. The local educational agency
8 may then submit the request to the State edu-
9 cational agency in accordance with subpara-
10 graph (A) if the local educational agency deter-
11 mines the waiver appropriate.

12 “(3) RECEIPT OF WAIVER.—Except as provided
13 in subsection (b)(4) or (c), the Secretary may waive
14 any statutory or regulatory requirement of this Act
15 for which a waiver request is submitted to the Sec-
16 retary pursuant to this subsection.”;

17 (2) in subsection (b)—

18 (A) in paragraph (1)—

19 (i) in the matter preceding subpara-
20 graph (A)—

21 (I) by striking “, local edu-
22 cational agency,” and inserting “, act-
23 ing on its own behalf or on behalf of
24 a local educational agency in accord-
25 ance with subsection (a)(2),”; and

1 (II) by inserting “, which shall
2 include a plan” after “to the Sec-
3 retary”; and

4 (ii) by striking subparagraphs (C) and
5 (D) and inserting the following:

6 “(C) describes the methods the State edu-
7 cational agency, local educational agency, or In-
8 dian tribe will use to monitor and regularly
9 evaluate the effectiveness of the implementation
10 of the plan;

11 “(D) includes only information directly re-
12 lated to the waiver request on how the State
13 educational agency, local educational agency, or
14 Indian tribe will maintain and improve trans-
15 parency in reporting to parents and the public
16 on student achievement and school perform-
17 ance, including the achievement of students ac-
18 cording to each category of students described
19 in section 1111(b)(2)(B)(xi); and”;

20 (B) in paragraph (2)(B)(i)(II), by striking
21 “(on behalf of, and based on the requests of,
22 local educational agencies)” and inserting “(on
23 behalf of those agencies or on behalf of, and
24 based on the requests of, local educational
25 agencies in the State)”;

- 1 (C) in paragraph (3)—
- 2 (i) in subparagraph (A)—
- 3 (I) in the matter preceding clause
- 4 (i), by inserting “or on behalf of local
- 5 educational agencies in the State
- 6 under subsection (a)(2),” after “act-
- 7 ing on its own behalf,”; and
- 8 (II) in clause (i)—
- 9 (aa) by striking “all inter-
- 10 ested local educational agencies”
- 11 and inserting “any interested
- 12 local educational agency”; and
- 13 (bb) by inserting “, to the
- 14 extent that the request impacts
- 15 the local educational agency” be-
- 16 fore the semicolon at the end;
- 17 and
- 18 (ii) in subparagraph (B)(i), by strik-
- 19 ing “reviewed by the State educational
- 20 agency” and inserting “reviewed and ap-
- 21 proved by the State educational agency in
- 22 accordance with subsection (a)(2) before
- 23 being submitted to the Secretary”; and
- 24 (D) by adding at the end the following:

1 a public manner, such as posting to
2 the Department's website in a clear
3 and easily accessible manner;

4 “(ii) offer the State educational agen-
5 cy, local educational agency (through the
6 State educational agency), or Indian tribe
7 an opportunity to revise and resubmit the
8 waiver request by a date that is not more
9 than 60 days after the date of such deter-
10 mination; and

11 “(iii) if the Secretary determines that
12 the resubmission does not meet the re-
13 quirements of this section, at the request
14 of the State educational agency, local edu-
15 cational agency, or Indian tribe, conduct a
16 public hearing not more than 30 days after
17 the date of such resubmission.

18 “(C) WAIVER DISAPPROVAL.—The Sec-
19 retary may disapprove a waiver request if—

20 “(i) the State educational agency,
21 local educational agency, or Indian tribe
22 has been notified and offered an oppor-
23 tunity to revise and resubmit the waiver
24 request, as described under clauses (i) and
25 (ii) of subparagraph (B); and

1 “(ii) the State educational agency,
2 local educational agency (through the State
3 educational agency), or Indian tribe—

4 “(I) does not revise and resubmit
5 the waiver request; or

6 “(II) revises and resubmits the
7 waiver request, and the Secretary de-
8 termines that such waiver request
9 does not meet the requirements of this
10 section after a hearing conducted
11 under subparagraph (B)(iii).

12 “(D) EXTERNAL CONDITIONS.—The Sec-
13 retary shall not disapprove a waiver request
14 under this section based on conditions outside
15 the scope of the waiver request.”;

16 (3) in subsection (d)—

17 (A) in the subsection heading, by adding “;
18 LIMITATIONS” after “WAIVER”; and

19 (B) by adding at the end the following:

20 “(3) SPECIFIC LIMITATIONS.—The Secretary
21 shall not place any requirements on a State edu-
22 cational agency, local educational agency, or Indian
23 tribe as a condition, criterion, or priority for the ap-
24 proval of a waiver request, unless such requirements
25 are—

1 “(A) otherwise requirements under this
2 Act; and

3 “(B) directly related to the waiver re-
4 quest.”;

5 (4) by striking subsection (e) and inserting the
6 following:

7 “(e) REPORTS.—A State educational agency, local
8 educational agency, or Indian tribe receiving a waiver
9 under this section shall describe, as part of, and pursuant
10 to, the required annual reporting under section 1111(d)—

11 “(1) the progress of schools covered under the
12 provisions of such waiver toward improving the qual-
13 ity of instruction to students and increasing student
14 academic achievement; and

15 “(2) how the use of the waiver has contributed
16 to such progress.”; and

17 (5) in subsection (f), by striking “if the Sec-
18 retary determines” and all that follows through the
19 period at the end and inserting the following: “if,
20 after notice and an opportunity for a hearing, the
21 Secretary—

22 “(A) presents substantial evidence that
23 clearly demonstrates that the waiver is not con-
24 tributing to the progress of schools described in
25 subsection (e)(1); or

1 “(B) determines that the waiver is no
2 longer necessary to achieve its original pur-
3 poses.”.

4 **SEC. 9105. PLAN APPROVAL PROCESS.**

5 Title IX (20 U.S.C. 7801 et seq.) is amended—

6 (1) by redesignating parts E and F as parts F
7 and G, respectively; and

8 (2) by inserting after section 9401 the fol-
9 lowing:

10 **“PART E—APPROVAL AND DISAPPROVAL OF**
11 **STATE PLANS AND LOCAL APPLICATIONS**

12 **“SEC. 9451. APPROVAL AND DISAPPROVAL OF STATE**
13 **PLANS.**

14 “(a) DEEMED APPROVAL.—A plan submitted by a
15 State pursuant to section 2101(d), 4103(d), or 9302 shall
16 be deemed to be approved by the Secretary unless—

17 “(1) the Secretary makes a written determina-
18 tion, prior to the expiration of the 90-day period be-
19 ginning on the date on which the Secretary received
20 the plan, that the plan is not in compliance with sec-
21 tion 2101(d) or 4103(d) or part C, respectively; and

22 “(2) the Secretary presents substantial evidence
23 that clearly demonstrates that such State plan does
24 not meet the requirements of section 2101(d) or
25 4103(d) or part C, respectively.

1 “(b) DISAPPROVAL PROCESS.—

2 “(1) IN GENERAL.—The Secretary shall not fi-
3 nally disapprove a plan submitted under section
4 2101(d), 4103(d), or 9302, except after giving the
5 State educational agency notice and an opportunity
6 for a hearing.

7 “(2) NOTIFICATIONS.—If the Secretary finds
8 that the plan is not in compliance, in whole or in
9 part, with section 2101(d) or 4103(d) or part C, as
10 applicable, the Secretary shall—

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

13 “(B) provide a detailed description of the
14 specific provisions of the plan that the Sec-
15 retary determines fails to meet the require-
16 ments, in whole or in part, of such section or
17 part, as applicable;

18 “(C) offer the State an opportunity to re-
19 vise and resubmit its plan within 45 days of
20 such determination, including the chance for
21 the State to present substantial evidence to
22 clearly demonstrate that the State plan meets
23 the requirements of such section or part, as ap-
24 plicable;

1 “(D) provide technical assistance, upon re-
2 quest of the State, in order to assist the State
3 to meet the requirements of such section or
4 part, as applicable;

5 “(E) conduct a public hearing within 30
6 days of the plan’s resubmission under subpara-
7 graph (C), with public notice provided not less
8 than 15 days before such hearing, unless a
9 State declines the opportunity for such public
10 hearing; and

11 “(F) request additional information, only
12 as to the noncompliant provisions, needed to
13 make the plan compliant.

14 “(3) RESPONSE.—If the State educational
15 agency responds to the Secretary’s notification de-
16 scribed in paragraph (2)(A) during the 45-day pe-
17 riod beginning on the date in which the State edu-
18 cational agency received the notification, and resub-
19 mits the plan with the requested information de-
20 scribed in paragraph (2)(B), the Secretary shall ap-
21 prove or disapprove such plan prior to the later of—

22 “(A) the expiration of the 45-day period
23 beginning on the date on which the plan is re-
24 submitted; or

1 “(2) the State presents substantial evidence
2 that clearly demonstrates that such State plan does
3 not meet the requirements of section 2102(b) or
4 4104(b), or part C, respectively.

5 “(b) DISAPPROVAL PROCESS.—

6 “(1) IN GENERAL.—The State educational
7 agency shall not finally disapprove an application
8 submitted under section 2102(b), 4104(b), or 9305
9 except after giving the local educational agency no-
10 tice and opportunity for a hearing.

11 “(2) NOTIFICATIONS.—If the State educational
12 agency finds that the application submitted under
13 section 2102(b), 4104(b), or 9305 is not in compli-
14 ance, in whole or in part, with section 2102(b) or
15 4104(b), or part C, respectively, the State edu-
16 cational agency shall—

17 “(A) immediately notify the local edu-
18 cational agency of such determination;

19 “(B) provide a detailed description of the
20 specific provisions of the plan that the State de-
21 termines fails to meet the requirements, in
22 whole or in part, of such section or part, as ap-
23 plicable;

24 “(C) offer the local educational agency an
25 opportunity to revise and resubmit its plan

1 within 45 days of such determination, including
2 the chance for the local educational agency to
3 present substantial evidence to clearly dem-
4 onstrate that the local plan meets the require-
5 ments of such section or part;

6 “(D) provide technical assistance, upon re-
7 quest of the local educational agency, in order
8 to assist the local educational agency to meet
9 the requirements of such section or part, as ap-
10 plicable;

11 “(E) conduct a public hearing within 30
12 days of the plan’s resubmission under subpara-
13 graph (C), with public notice provided not less
14 than 15 days before such hearing, unless a local
15 educational agency declines the opportunity for
16 such public hearing; and

17 “(F) request additional information, only
18 as to the noncompliant provisions, needed to
19 make the application compliant.

20 “(3) RESPONSE.—If the local educational agen-
21 cy responds to the State educational agency’s notifi-
22 cation described in paragraph (2)(B) during the 45-
23 day period beginning on the date in which the local
24 educational agency received the notification, and re-
25 submits the application with the requested informa-

1 “(D) title IV.”; and
2 (B) by striking paragraph (3); and
3 (2) in subsection (c)(1)—
4 (A) in subparagraph (E)—
5 (i) by striking “and the amount” and
6 inserting “, the amount”; and
7 (ii) by striking “services; and” and in-
8 serting “services, and how that amount is
9 determined; and”;
10 (B) in subparagraph (F), by striking the
11 period at the end and inserting “; and”; and
12 (C) by adding at the end the following:
13 “(G) whether the agency, consortium, or
14 entity shall provide services directly or assign
15 responsibility for the provision of services to a
16 separate government agency, consortium, or en-
17 tity, or to a third-party contractor.”.

18 **SEC. 9107. MAINTENANCE OF EFFORT.**

19 Section 9521 (20 U.S.C. 7901) is amended—
20 (1) in subsection (a), by inserting “, subject to
21 the requirements of subsection (b)” after “for the
22 second preceding fiscal year”;
23 (2) in subsection (b)(1), by inserting before the
24 period at the end the following: “, if such local edu-
25 cational agency has also failed to meet such require-

1 ment (as determined using the measure most favor-
2 able to the local agency) for 1 or more of the 5 im-
3 mediately preceding fiscal years”; and

4 (3) in subsection (c)(1), by inserting “or a
5 change in the organizational structure of the local
6 educational agency” after “, such as a natural dis-
7 aster”.

8 **SEC. 9108. SCHOOL PRAYER.**

9 Section 9524(a) (20 U.S.C. 7904(a)) is amended by
10 striking “on the Internet” and inserting “by electronic
11 means, including by posting the guidance on the Depart-
12 ment’s website in a clear and easily accessible manner”.

13 **SEC. 9109. PROHIBITIONS ON FEDERAL GOVERNMENT AND**
14 **USE OF FEDERAL FUNDS.**

15 Section 9527 (20 U.S.C. 7907) is amended to read
16 as follows:

17 **“SEC. 9527. PROHIBITIONS ON FEDERAL GOVERNMENT AND**
18 **USE OF FEDERAL FUNDS.**

19 “(a) GENERAL PROHIBITION.—

20 “(1) IN GENERAL.—Nothing in this Act shall
21 be construed to authorize an officer or employee of
22 the Federal Government, through grants, contracts,
23 or other cooperative agreements (including as a con-
24 dition of any waiver provided under section 9401)
25 to—

1 “(A) mandate, direct, or control a State,
2 local educational agency, or school’s curriculum,
3 program of instruction, instructional content,
4 specific academic standards or assessments, or
5 allocation of State or local resources, or man-
6 date a State or any subdivision thereof to spend
7 any funds or incur any costs not paid for under
8 this Act;

9 “(B) incentivize a State, local educational
10 agency, or school to adopt any specific instruc-
11 tional content, academic standards, academic
12 assessments, curriculum, or program of instruc-
13 tion, including by providing any priority, pref-
14 erence, or special consideration during the ap-
15 plication process for any grant, contract, or co-
16 operative agreement that is based on the adop-
17 tion of any specific instructional content, aca-
18 demic standards, academic assessments, cur-
19 riculum, or program of instruction; or

20 “(C) make financial support available in a
21 manner that is conditioned upon a State, local
22 educational agency, or school’s adoption of any
23 specific instructional content, academic stand-
24 ards, academic assessments, curriculum, or pro-
25 gram of instruction (such as the Common Core

1 State Standards developed under the Common
2 Core State Standards Initiative, any other
3 standards common to a significant number of
4 States, or any specific assessment, instructional
5 content, or curriculum aligned to such stand-
6 ards).

7 “(b) PROHIBITION ON ENDORSEMENT OF CUR-
8 RICULUM.—Notwithstanding any other prohibition of Fed-
9 eral law, no funds provided to the Department under this
10 Act may be used by the Department directly or indirectly,
11 including through any grant, contract, cooperative agree-
12 ment, or waiver provided by the Secretary under section
13 9401, to endorse, approve, or sanction any curriculum (in-
14 cluding the alignment of such curriculum to any specific
15 academic standard) designed to be used in an early child-
16 hood education program, elementary school, secondary
17 school, or institution of higher education.

18 “(c) PROHIBITION ON REQUIRING FEDERAL AP-
19 PROVAL OR CERTIFICATION OF STANDARDS.—

20 “(1) IN GENERAL.—Notwithstanding any other
21 provision of Federal law, no State shall be required
22 to have academic content or academic achievement
23 standards approved or certified by the Federal Gov-
24 ernment, in order to receive assistance under this
25 Act.

1 “(2) RULES OF CONSTRUCTION.—

2 “(A) APPLICABILITY.—Nothing in this
3 subsection shall be construed to affect require-
4 ments under title I.

5 “(B) STATE OR LOCAL AUTHORITY.—

6 Nothing in this section shall be construed to
7 prohibit a State, local educational agency, or
8 school from using funds provided under this Act
9 for the development or implementation of any
10 instructional content, academic standards, aca-
11 demic assessments, curriculum, or program of
12 instruction that a State, local educational agen-
13 cy, or school chooses, as permitted under State
14 and local law, as long as the use of such funds
15 is consistent with the terms of the grant, con-
16 tract, or cooperative agreement providing such
17 funds.

18 “(3) BUILDING STANDARDS.—Nothing in this
19 Act shall be construed to mandate national school
20 building standards for a State, local educational
21 agency, or school.”.

1 **SEC. 9110. ARMED FORCES RECRUITER ACCESS TO STU-**
2 **DENTS AND STUDENT RECRUITING INFORMA-**
3 **TION.**

4 Section 9528 (20 U.S.C. 7908) is amended by strik-
5 ing subsection (d).

6 **SEC. 9111. PROHIBITION ON FEDERALLY SPONSORED TEST-**
7 **ING.**

8 Section 9529 (20 U.S.C. 7909) is amended to read
9 as follows:

10 **“SEC. 9529. PROHIBITION ON FEDERALLY SPONSORED**
11 **TESTING.**

12 “(a) GENERAL PROHIBITION.—Notwithstanding any
13 other provision of Federal law and except as provided in
14 subsection (b), no funds provided under this Act to the
15 Secretary or to the recipient of any award may be used
16 to develop, incentivize, pilot test, field test, implement, ad-
17 minister, or distribute any federally sponsored national
18 test in reading, mathematics, or any other subject, unless
19 specifically and explicitly authorized by law, including any
20 assessment or testing materials aligned to the Common
21 Core State Standards developed under the Common Core
22 State Standards Initiative or any other academic stand-
23 ards common to a significant number of States.

24 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
25 international comparative assessments developed under
26 the authority of section 153(a)(5) of the Education

1 Sciences Reform Act of 2002 and administered to only a
2 representative sample of pupils in the United States and
3 in foreign nations.

4 “(c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
5 tion shall be construed to prohibit a State, local edu-
6 cational agency, or school from using funds provided
7 under this Act for the development or implementation of
8 any instructional content, academic standards, academic
9 assessments, curriculum, or program of instruction that
10 a State or local educational agency or school chooses, as
11 permitted under State and local law, as long as the use
12 of such funds is consistent with the terms of the grant,
13 contract, or cooperative agreement providing such funds.”.

14 **SEC. 9112. LIMITATIONS ON NATIONAL TESTING OR CER-**
15 **TIFICATION FOR TEACHERS.**

16 Section 9530 (20 U.S.C. 7910) is amended—

17 (1) in subsection (a)—

18 (A) by inserting “, principals,” after
19 “teachers”; and

20 (B) by inserting “, or incentive regarding,”
21 after “administration of”.

22 **SEC. 9113. CONSULTATION WITH INDIAN TRIBES AND TRIB-**
23 **AL ORGANIZATIONS.**

24 Subpart 2 of part E of title IX (20 U.S.C. 7901 et
25 seq.) is amended by adding at the end the following:

1 **“SEC. 9537. CONSULTATION WITH INDIAN TRIBES AND**
2 **TRIBAL ORGANIZATIONS.**

3 “(a) IN GENERAL.—To ensure timely and meaning-
4 ful consultation on issues affecting American Indian and
5 Alaska Native students, an affected local educational
6 agency shall consult with appropriate officials from Indian
7 tribes or tribal organizations approved by the tribes lo-
8 cated in the area served by the local educational agency
9 during the design and development of the affected local
10 educational agency’s programs under this Act, with the
11 overarching goal of meeting the unique cultural, language,
12 and educational needs of American Indian and Alaska Na-
13 tive students.

14 “(b) TIMING.—The consultation described in sub-
15 section (a) shall include meetings of officials from the af-
16 fected local educational agency and the tribes or tribal or-
17 ganizations approved by the tribes and shall occur before
18 the affected local educational agency makes any decision
19 regarding how the needs of American Indian and Alaska
20 Native children will be met in covered programs or in serv-
21 ices or activities provided under title VII.

22 “(c) DOCUMENTATION.—Each affected local edu-
23 cational agency shall maintain in the agency’s records and
24 provide to the State educational agency a written affirma-
25 tion signed by officials of the participating tribes or tribal
26 organizations approved by the tribes that the consultation

1 required by this section has occurred. If such officials do
2 not provide such affirmation within a reasonable period
3 of time, the affected local educational agency shall forward
4 documentation that such consultation has taken place to
5 the State educational agency.

6 “(d) AFFECTED LOCAL EDUCATIONAL AGENCY.—In
7 this section, the term ‘affected local educational agency
8 ’ means a local educational agency—

9 “(1) with an enrollment of American Indian
10 and Alaska Native students that is not less than 50
11 percent of the total enrollment of the local edu-
12 cational agency; or

13 “(2) with an enrollment of not less than 50
14 American Indian and Alaska Native students.”.

15 **SEC. 9114. EVALUATIONS.**

16 Section 9601 (20 U.S.C. 7941) is amended to read
17 as follows:

18 **“SEC. 9601. EVALUATIONS.**

19 “(a) RESERVATION OF FUNDS.—Except as provided
20 in subsection (b) and (e), the Secretary, in consultation
21 with the Director of the Institute of Education Sciences,
22 may reserve not more than 0.5 percent of the amount ap-
23 propriated for each program authorized under this Act to
24 carry out activities under this section. If the Secretary

1 elects to make a reservation under this subsection, the re-
2 served amounts—

3 “(1) shall first be used by the Secretary, acting
4 through the Director of the Institute of Education
5 Sciences, to—

6 “(A) conduct comprehensive, high-quality
7 evaluations of the programs that—

8 “(i) are consistent with the evaluation
9 plan under subsection (d); and

10 “(ii) primarily include impact evalua-
11 tions that use experimental or quasi-experi-
12 mental designs, where practicable and ap-
13 propriate, and other rigorous methodolo-
14 gies that permit the strongest possible
15 causal inferences;

16 “(B) conduct studies of the effectiveness of
17 the programs and the administrative impact of
18 the programs on schools and local educational
19 agencies; and

20 “(C) widely disseminate evaluation findings
21 under this section related to programs author-
22 ized under this Act—

23 “(i) in a timely fashion;

24 “(ii) in forms that are understand-
25 able, easily accessible, and usable, or

1 adaptable for use in, the improvement of
2 educational practice;

3 “(iii) through electronic transfer and
4 other means, such as posting, as available,
5 to the websites of State educational agen-
6 cies, local educational agencies, the Insti-
7 tute of Education Sciences, or the Depart-
8 ment, or in another relevant place; and

9 “(iv) in a manner that promotes the
10 utilization of such findings; and

11 “(2) may be used by the Secretary, acting
12 through the Director of the Institute of Education
13 Sciences—

14 “(A) to evaluate the aggregate short- and
15 long-term effects and cost efficiencies across—

16 “(i) Federal programs assisted or au-
17 thorized under this Act; and

18 “(ii) related Federal early childhood
19 education programs, preschool programs,
20 elementary school programs, and secondary
21 school programs, under any other Federal
22 law;

23 “(B) to increase the usefulness of the eval-
24 uations conducted under this section by improv-
25 ing the quality, timeliness, efficiency, and use of

1 information relating to performance to promote
2 continuous improvement of programs assisted
3 or authorized under this Act; and

4 “(C) assist recipients of grants under such
5 programs in collecting and analyzing data and
6 other activities related to conducting high-quality
7 evaluations under paragraph (1).

8 “(b) TITLE I.—The Secretary, acting through the Di-
9 rector of the Institute of Education Sciences, shall use
10 funds authorized under section 1002(e) to carry out eval-
11 uation activities under this section related to title I, and
12 shall not reserve any other money from such title for eval-
13 uation.

14 “(c) CONSOLIDATION.—Notwithstanding any other
15 provision of this section or section 1002(e), the Secretary,
16 in consultation with the Director of the Institute of Edu-
17 cation Sciences—

18 “(1) may consolidate the funds reserved under
19 subsections (a) and (b) for purposes of carrying out
20 the activities under subsection (a)(1); and

21 “(2) shall not be required to evaluate under
22 subsection (a)(1) each program authorized under
23 this Act each year.

24 “(d) EVALUATION PLAN.—The Director of the Insti-
25 tute of Education Sciences, shall, on a biennial basis, de-

1 velop, submit to Congress, and make publicly available an
2 evaluation plan, that—

3 “(1) describes the specific activities that will be
4 carried out under subsection (a) for the 2-year pe-
5 riod applicable to the plan, and the timelines of such
6 activities;

7 “(2) contains the results of the activities car-
8 ried out under subsection (a) for the most recent 2-
9 year period; and

10 “(3) describes how programs authorized under
11 this Act will be regularly evaluated.

12 “(e) EVALUATION ACTIVITIES AUTHORIZED ELSE-
13 WHERE.—If, under any other provision of this Act, funds
14 are authorized to be reserved or used for evaluation activi-
15 ties with respect to a program, the Secretary may not re-
16 serve additional funds under this section for the evaluation
17 of that program.”.

18 **TITLE X—EDUCATION FOR**
19 **HOMELESS CHILDREN AND**
20 **YOUTHS**

21 **SEC. 10001. STATEMENT OF POLICY.**

22 Section 721 of the McKinney-Vento Homeless Assist-
23 ance Act (42 U.S.C. 11431) is amended—

24 (1) in paragraph (2), by striking “In any
25 State” and all that follows through “will review”

1 and inserting “In any State where compulsory resi-
2 dency requirements or other requirements, in laws,
3 regulations, practices, or policies, may act as a bar-
4 rier to the identification, enrollment, attendance, or
5 success in school of homeless children and youths,
6 the State educational agency and local educational
7 agencies in the State will review”;

8 (2) in paragraph (3), by striking “alone”; and
9 (3) in paragraph (4), by striking “challenging
10 State student academic achievement standards” and
11 inserting “challenging State academic standards”.

12 **SEC. 10002. GRANTS FOR STATE AND LOCAL ACTIVITIES.**

13 Section 722 of the McKinney-Vento Homeless Assist-
14 ance Act (42 U.S.C. 11432) is amended—

15 (1) by striking subsection (b) and inserting the
16 following:

17 “(b) RESERVATIONS.—

18 “(1) STUDENTS IN TERRITORIES.—The Sec-
19 retary is authorized to reserve 0.1 percent of the
20 amount appropriated for each fiscal year under sec-
21 tion 726, to be allocated by the Secretary among the
22 United States Virgin Islands, Guam, American
23 Samoa, and the Commonwealth of the Northern
24 Mariana Islands, according to their respective needs

1 for assistance under this subtitle, as determined by
2 the Secretary.

3 “(2) INDIAN STUDENTS.—

4 “(A) TRANSFER.—The Secretary shall
5 transfer 1 percent of the amount appropriated
6 for each fiscal year under section 726 to the
7 Department of the Interior. The transferred
8 funds shall be used for programs for Indian
9 students served by schools funded by the Sec-
10 retary of the Interior, as determined under the
11 Indian Self-Determination and Education As-
12 sistance Act (25 U.S.C. 450 et seq.), that are
13 consistent with the purposes of the programs
14 described in this subtitle.

15 “(B) AGREEMENT.—The Secretary of
16 Education and the Secretary of the Interior
17 shall enter into an agreement, consistent with
18 the requirements of this subtitle, for the dis-
19 tribution and use of the transferred funds
20 under terms that the Secretary of Education
21 determines best meet the purposes of the pro-
22 grams described in this subtitle. Such agree-
23 ment shall set forth the plans of the Secretary
24 of the Interior for the use of the amounts

1 transferred, including appropriate goals, objec-
2 tives, and milestones.”;

3 (2) in subsection (c)—

4 (A) by redesignating paragraph (3) as
5 paragraph (4); and

6 (B) by striking the subsection heading and
7 all that follows through paragraph (2) and in-
8 serting the following:

9 “(c) ALLOTMENTS.—

10 “(1) IN GENERAL.—The Secretary is authorized
11 to allot to each State for a fiscal year an amount
12 that bears the same ratio to the amount appro-
13 priated for such year under section 726 that remains
14 after the Secretary reserves funds under subsection
15 (b) and uses funds to carry out subsections (d) and
16 (h) of section 724, as the amount allocated under
17 section 1122 of the Elementary and Secondary Edu-
18 cation Act of 1965 (20 U.S.C. 6332) to the State
19 for that year bears to the total amount allocated
20 under section 1122 of such Act to all States for that
21 year, except as provided in paragraph (2).

22 “(2) MINIMUM ALLOTMENTS.—Subject to para-
23 graph (3), no State shall receive less under this sub-
24 section for a fiscal year than the greater of—

25 “(A) \$150,000;

1 “(B) one-fourth of 1 percent of the amount
2 appropriated under section 726 for that year;

3 or

4 “(C) the amount such State received under
5 this section for fiscal year 2001.

6 “(3) REDUCTION FOR INSUFFICIENT FUNDS.—

7 If there are insufficient funds in a fiscal year to allot
8 to each State the minimum amount under paragraph
9 (2), the Secretary shall ratably reduce the allotments
10 to all States based on the proportionate share that
11 each State received under this subsection for the
12 preceding fiscal year.”;

13 (3) in subsection (d)—

14 (A) in paragraph (2)—

15 (i) by striking “To provide” and all
16 that follows through “that enable” and in-
17 serting “To provide services and activities
18 to improve the identification of homeless
19 children and youths (including preschool-
20 aged homeless children) and enable”; and

21 (ii) by striking “or, if” and inserting
22 “including, if”; and

23 (B) in paragraph (3), by striking “des-
24 ignate” and all that follows and inserting “des-
25 ignate in the State educational agency an Office

1 of the Coordinator for Education of Homeless
2 Children and Youths that can sufficiently carry
3 out the duties described for the Office in this
4 subtitle.”;

5 (4) in subsection (e)—

6 (A) in paragraph (1), by striking “sub-
7 section (e)(1)” and inserting “subsection
8 (e)(2)”; and

9 (B) in paragraph (3)—

10 (i) in subparagraph (E)(ii)(II), by
11 striking “subsection (g)(6)(A)(v)” and in-
12 serting “subsection (g)(6)(A)(vi)”; and

13 (ii) in subparagraph (F)(iii), by strik-
14 ing “Not later” and all that follows
15 through “the Secretary” and inserting
16 “The Secretary”;

17 (5) by striking subsection (f) and inserting the
18 following:

19 “(f) FUNCTIONS OF THE OFFICE OF THE COORDI-
20 NATOR.—The Coordinator for Education of Homeless
21 Children and Youths established in each State shall—

22 “(1) gather and make publicly available reliable,
23 valid, and comprehensive information on—

24 “(A) the number of homeless children and
25 youths identified in the State, which shall be

1 posted annually on the State educational agen-
2 cy's website;

3 "(B) the nature and extent of the problems
4 homeless children and youths have in gaining
5 access to public preschool programs and to pub-
6 lic elementary schools and secondary schools;

7 "(C) the difficulties in identifying the spe-
8 cial needs and barriers to the participation and
9 achievement of such children and youths;

10 "(D) any progress made by the State edu-
11 cational agency and local educational agencies
12 in the State in addressing such problems and
13 difficulties; and

14 "(E) the success of the programs under
15 this subtitle in identifying homeless children
16 and youths and allowing such children and
17 youths to enroll in, attend, and succeed in,
18 school;

19 "(2) develop and carry out the State plan de-
20 scribed in subsection (g);

21 "(3) collect data for and transmit to the Sec-
22 retary, at such time and in such manner as the Sec-
23 retary may reasonably require, a report containing
24 information necessary to assess the educational
25 needs of homeless children and youths within the

1 State, including data necessary for the Secretary to
2 fulfill the responsibilities under section 724(h);

3 “(4) in order to improve the provision of com-
4 prehensive education and related services to home-
5 less children and youths and their families, coordi-
6 nate activities and collaborate with—

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

10 “(B) providers of services to homeless chil-
11 dren and youths and their families, including
12 services of public and private child welfare and
13 social services agencies, law enforcement agen-
14 cies, juvenile and family courts, agencies pro-
15 viding mental health services, domestic violence
16 agencies, child care providers, runaway and
17 homeless youth centers, and providers of serv-
18 ices and programs funded under the Runaway
19 and Homeless Youth Act (42 U.S.C. 5701 et
20 seq.);

21 “(C) providers of emergency, transitional,
22 and permanent housing to homeless children
23 and youths, and their families, including public
24 housing agencies, shelter operators, operators of
25 transitional housing facilities, and providers of

1 transitional living programs for homeless
2 youths;

3 “(D) local educational agency liaisons des-
4 igned under subsection (g)(1)(J)(ii) for home-
5 less children and youths; and

6 “(E) community organizations and groups
7 representing homeless children and youths and
8 their families;

9 “(5) provide technical assistance to and conduct
10 monitoring of local educational agencies in coordina-
11 tion with local educational agency liaisons designated
12 under subsection (g)(1)(J)(ii), to ensure that local
13 educational agencies comply with the requirements
14 of subsection (e)(3) and paragraphs (3) through (7)
15 of subsection (g);

16 “(6) provide professional development opportu-
17 nities for local educational agency personnel and the
18 local educational agency liaison designated under
19 subsection (g)(1)(J)(ii) to assist such personnel and
20 liaison in identifying and meeting the needs of home-
21 less children and youths; and

22 “(7) respond to inquiries from parents and
23 guardians of homeless children and youths, including
24 (in the case of unaccompanied youths) such youths,
25 to ensure that each child or youth who is the subject

1 of such an inquiry receives the full protections and
2 services provided by this subtitle.”;

3 (6) in subsection (g)—

4 (A) in paragraph (1)—

5 (i) in subparagraph (A), by striking
6 “achievement”;

7 (ii) in subparagraph (B), by striking
8 “special”;

9 (iii) in subparagraph (D)—

10 (I) by striking “(including” and
11 all that follows through “personnel)”
12 and inserting “(including liaisons des-
13 igned under subparagraph (J)(ii),
14 principals and school leaders, attend-
15 ance officers, teachers, enrollment
16 personnel, and specialized instruc-
17 tional support personnel)”;

18 (II) by striking “of runaway and
19 homeless youths” and inserting “of
20 homeless children and youths, includ-
21 ing such children and youths who are
22 runaway and homeless youths”;

23 (iv) in subparagraph (E), by striking
24 “food” and inserting “nutrition”;

25 (v) in subparagraph (F)—

1 (I) in clause (i), by striking
2 “equal” and all that follows and in-
3 sserting “access to the same public
4 preschool programs, administered by
5 the State educational agency or local
6 educational agency, as are provided to
7 other children in the State, including
8 ensuring that access by having the ad-
9 ministering agency carry out the poli-
10 cies and practices required under
11 paragraph (3);”;

12 (II) in clause (ii), by striking
13 “services; and” and inserting “serv-
14 ices, including through the implemen-
15 tation of policies and practices to en-
16 sure that youths described in this
17 clause are able to receive appropriate
18 credit for full or partial coursework
19 satisfactorily completed while attend-
20 ing a prior school, in accordance with
21 State, local, and school policies;”;

22 (III) by striking clause (iii) and
23 inserting the following:

24 “(iii) homeless children and youths
25 who meet the relevant eligibility criteria

1 have access to magnet school, summer
2 school, career and technical education, ad-
3 vanced placement, online learning, and
4 charter school programs, if such programs
5 are available at the State or local levels;
6 and

7 “(iv) the State educational agency and
8 local educational agencies will adopt poli-
9 cies and practices to promote school suc-
10 cess for homeless children and youth, in-
11 cluding providing access to full participa-
12 tion in the academic and extracurricular
13 activities that are made available to stu-
14 dents who are not homeless children and
15 youth.”;

16 (vi) in subparagraph (H)(i), by strik-
17 ing “medical” and inserting “other
18 health”;

19 (vii) in subparagraph (I)—

20 (I) by striking “enrollment” and
21 inserting “identification of homeless
22 children and youths, and the enroll-
23 ment,”; and

24 (II) by striking “State.” and in-
25 serting “State, including barriers re-

1 lated to fees, fines, absences, and
2 credit accrual policies.”;

3 (viii) in subparagraph (J)—

4 (I) in clause (ii), by striking “to
5 carry out” and inserting “and assur-
6 ances that the liaison will have suffi-
7 cient training and time to carry out”;
8 and

9 (II) in clause (iii), in the matter
10 preceding subclause (I), by striking
11 “origin, as determined in paragraph
12 (3)(A),” and inserting “origin (within
13 the meaning of paragraph (3)(A)),
14 which may include a preschool,”; and

15 (III) in subclauses (I) and (II) of
16 clause (iii), by striking “homeless”
17 each place it appears;

18 (B) in paragraph (3)—

19 (i) in subparagraph (A)(i)(I), by strik-
20 ing “or” at the end and inserting “and”;

21 (ii) in subparagraph (B)—

22 (I) by striking “BEST INTEREST”
23 and inserting “SCHOOL STABILITY”;

24 (II) by redesignating clause (iii)
25 as clause (iv);

1 (III) by striking clauses (i)
2 through (iii) and inserting the fol-
3 lowing:

4 “(i) presume that keeping the child or
5 youth in the school of origin is in the
6 child’s or youth’s best interest, except
7 when doing so is contrary to the request of
8 the child’s or youth’s parent or guardian,
9 or (in the case of an unaccompanied
10 youth) the youth;

11 “(ii) consider factors related to the
12 child’s or youth’s best interest, including
13 factors related to the impact of mobility on
14 achievement, health, and safety of home-
15 less children and youth, giving priority to
16 the request of the child’s or youth’s parent
17 or guardian or (in the case of an unaccom-
18 panied youth) the youth;

19 “(iii) if after carrying out clauses (i)
20 and (ii) the local educational agency sends
21 the child or youth to a school other than
22 the school of origin or a school requested
23 as described in clause (ii), provide a writ-
24 ten explanation, including a statement re-
25 garding the right to appeal under subpara-

1 graph (E), to the child’s or youth’s parent
2 or guardian, or (in the case of an unac-
3 companied youth) the youth; and”;

4 (IV) in that clause (iv), by insert-
5 ing “and takes into account” after
6 “considers”;

7 (iii) by striking subparagraph (C) and
8 inserting the following:

9 “(C) IMMEDIATE ENROLLMENT.—

10 “(i) IN GENERAL.—The school se-
11 lected in accordance with this paragraph
12 shall immediately enroll the homeless child
13 or youth, even if the child or youth—

14 “(I) is unable to produce records
15 normally required for enrollment, such
16 as previous academic records, records
17 of immunization and other required
18 health records, proof of residency, or
19 other documentation; or

20 “(II) has missed application or
21 enrollment deadlines during any pe-
22 riod of homelessness.

23 “(ii) RELEVANT ACADEMIC
24 RECORDS.—The enrolling school shall im-
25 mediately contact the school last attended

1 by the child or youth to obtain relevant
2 academic and other records.

3 “(iii) RELEVANT HEALTH RECORDS.—
4 If the child or youth needs to obtain immu-
5 nizations or health records, the enrolling
6 school shall immediately refer the parent
7 or guardian of the child or youth or (in the
8 case of an unaccompanied youth) the
9 youth, to the local educational agency liai-
10 son designated under paragraph (1)(J)(ii),
11 who shall assist in obtaining necessary im-
12 munizations or screenings, or health
13 records, in accordance with subparagraph
14 (D).”;

15 (iv) in subparagraph (D)—

16 (I) in the matter preceding clause
17 (i), by striking “medical records” and
18 inserting “health records”; and

19 (II) in clause (i), by inserting
20 “involved” after “records”;

21 (v) in subparagraph (E)—

22 (I) in the matter preceding clause
23 (i), by striking “If” and all that fol-
24 lows through “school—” and inserting
25 “If a dispute arises over eligibility for

1 enrollment, school selection, or enroll-
2 ment in a public school, including a
3 public preschool—”;

4 (II) in clause (i), by inserting be-
5 fore the semicolon the following: “, in-
6 cluding all available appeals”;

7 (III) by striking clause (ii) and
8 inserting the following:

9 “(ii) the parent or guardian of the
10 child or youth or (in the case of an unac-
11 companied youth) the youth shall be pro-
12 vided with a written explanation of any de-
13 cisions related to school selection or enroll-
14 ment made by the school, the local edu-
15 cational agency, or the State educational
16 agency involved, including the rights of the
17 parent, guardian, or unaccompanied youth
18 to appeal such decisions;”;

19 (vi) by striking subparagraph (G) and
20 inserting the following:

21 “(G) PRIVACY.—Information about a
22 homeless child’s or youth’s living situation shall
23 be treated as a student education record under
24 section 444 of the General Education Provi-
25 sions Act (20 U.S.C. 1232g) and shall not be

1 released to housing providers, employers, law
2 enforcement personnel, or other persons or
3 agencies not authorized to have such informa-
4 tion under section 99.31 of title 34, Code of
5 Federal Regulations (or any corresponding
6 similar regulation or ruling).”; and

7 (vii) by adding at the end the fol-
8 lowing:

9 “(I) SCHOOL OF ORIGIN DEFINED.—In
10 this paragraph:

11 “(i) IN GENERAL.—The term ‘school
12 of origin’ means the school that a child or
13 youth attended when permanently housed
14 or the school in which the child or youth
15 was last enrolled.

16 “(ii) RECEIVING SCHOOL.—In the
17 case of a child or youth who completed the
18 final grade level served by the school of or-
19 igin, as described in clause (i), the term
20 ‘school of origin’ shall include the des-
21 ignated receiving school at the next grade
22 level.”;

23 (C) in paragraph (4)—

24 (i) in subparagraph (A), by inserting
25 before the period the following “, which

1 may include transportation to a pre-
2 school”;

3 (ii) in subparagraph (B), by striking
4 “and educational” and all that follows and
5 inserting “educational programs for
6 English learners, charter school programs,
7 and magnet school programs.”; and

8 (iii) in subparagraph (C), by striking
9 “vocational” and inserting “career”;

10 (D) in paragraph (5)—

11 (i) in subparagraph (A)—

12 (I) in clause (i), by striking “pro-
13 grams providing” and inserting “enti-
14 ties providing”; and

15 (II) in clause (ii), by striking
16 “such as transportation or” and in-
17 serting “including transportation
18 and”;

19 (ii) in subparagraph (C)—

20 (I) by redesignating clauses (i)
21 and (ii) as clauses (ii) and (iii), re-
22 spectively;

23 (II) by inserting before clause
24 (ii), as redesignated by subclause (I),
25 the following:

1 “(i) ensure that all homeless children
2 and youths are promptly identified;” and

3 (III) in clause (ii), as redesignated
4 by subclause (I), by striking
5 “have access and” and inserting
6 “have access to and are in”; and

7 (iii) by adding at the end the following:
8

9 “(D) HOMELESS CHILDREN AND YOUTHS
10 WITH DISABILITIES.—For children and youths
11 who are to be assisted both under this subtitle,
12 and under the Individuals with Disabilities
13 Education Act (20 U.S.C. 1400 et seq.), each
14 local educational agency shall coordinate the
15 provision of services under this subtitle with the
16 provision of programs for children with disabilities
17 served by that local educational agency and
18 other involved local educational agencies.”;

19 (E) in paragraph (6)—

20 (i) in subparagraph (A)—

21 (I) by redesignating clauses (iv)
22 through (vii) as clauses (v) through
23 (viii), respectively;

24 (II) by striking clause (iii) and
25 inserting the following:

1 “(iii) homeless families and homeless
2 children and youths have access to and re-
3 ceive educational services for which such
4 families, children, and youths are eligible,
5 including services through Head Start pro-
6 grams (including Early Head Start pro-
7 grams) under the Head Start Act (42
8 U.S.C. 9831 et seq.), early intervention
9 services under part C of the Individuals
10 with Disabilities Education Act (20 U.S.C.
11 1431 et seq.), and other preschool pro-
12 grams administered by the local edu-
13 cational agency;

14 “(iv) homeless families and homeless
15 children and youths receive referrals to
16 health care services, dental services, mental
17 health and substance abuse services, hous-
18 ing services, and other appropriate serv-
19 ices;”;

20 (III) by striking clause (vi), as
21 redesignated by subclause (I), and in-
22 serting the following:

23 “(vi) public notice of the educational
24 rights of homeless children and youths is
25 disseminated in locations frequented by

1 parents and guardians of such children
2 and youths, and unaccompanied youths, in-
3 cluding schools, shelters, public libraries,
4 and soup kitchens, in a manner and form
5 understandable to the parents and guard-
6 ians of homeless children and youths, and
7 unaccompanied youths;”;

8 (IV) in clause (vii), as redesign-
9 nated by subclause (I), by striking
10 “and” at the end;

11 (V) in clause (viii), as redesign-
12 nated by subclause (I), by striking the
13 period and inserting a semicolon; and

14 (VI) by adding at the end the fol-
15 lowing:

16 “(viii) school personnel providing serv-
17 ices under this subtitle receive professional
18 development and other support; and

19 “(ix) unaccompanied youths—

20 “(I) are enrolled in school;

21 “(II) have opportunities to meet
22 the same challenging State academic
23 standards as the State establishes for
24 other children and youth, including

1 through implementation of the proce-
2 dures under paragraph (1)(F)(ii); and
3 “(III) are informed of their sta-
4 tus as independent students under
5 section 480 of the Higher Education
6 Act of 1965 (20 U.S.C. 1087vv) and
7 may obtain assistance to receive
8 verification of such status for pur-
9 poses of the Free Application for Fed-
10 eral Student Aid described in section
11 483 of such Act (20 U.S.C. 1090).”;

12 (ii) in subparagraph (B), by striking
13 “and advocates” and all that follows and
14 inserting “advocates working with home-
15 less families, parents and guardians of
16 homeless children and youths, and home-
17 less children and youths who are in sec-
18 ondary school, of the duties of the local
19 educational agency liaisons, and publish an
20 annually updated list of the liaisons on the
21 State educational agency’s Web site.”;

22 (iii) in subparagraph (C), by adding
23 at the end the following: “Such coordina-
24 tion shall include collecting and providing
25 to the State coordinator the reliable, valid,

1 and comprehensive information and data
2 needed to meet the requirements of para-
3 graphs (1) and (3) of subsection (f).”; and

4 (iv) by adding at the end the fol-
5 lowing:

6 “(D) PROFESSIONAL DEVELOPMENT.—As
7 determined appropriate by the State coordi-
8 nator, the local educational agency liaisons shall
9 participate in the professional development ac-
10 tivities provided, and other technical assistance
11 activities provided pursuant to paragraphs (5)
12 and (6) of subsection (f), by the State coordi-
13 nator.”;

14 (F) in paragraph (7)—

15 (i) in subparagraph (A), by striking
16 “that receives” and all that follows
17 through “enrollment” and inserting “shall
18 review and revise any policies that may act
19 as barriers to the identification of homeless
20 children and youths or enrollment”; and

21 (ii) in subparagraph (C), by striking
22 “enrollment” and inserting “identification,
23 enrollment,”; and

24 (7) by striking subsection (h).

1 **SEC. 10003. LOCAL EDUCATIONAL AGENCY SUBGRANTS.**

2 Section 723 of the McKinney-Vento Homeless Assist-
3 ance Act (42 U.S.C. 11433) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1), by inserting “identi-
6 fication of homeless children and youths and”
7 before “enrollment,”; and

8 (B) in paragraph (2)(B), in the matter
9 preceding clause (i), by inserting “the related”
10 before “schools”;

11 (2) in subsection (b), by adding at the end the
12 following:

13 “(6) An assurance that the local educational
14 agency will collect and promptly provide the infor-
15 mation and data requested by the State coordinator
16 pursuant to paragraphs (1) and (3) of section
17 722(f).

18 “(7) An assurance that the applicant will meet
19 the requirements of section 722(g)(3).”;

20 (3) in subsection (c)—

21 (A) in paragraph (2)—

22 (i) in the matter preceding subpara-
23 graph (A), by striking “preschool, elemen-
24 tary, and secondary schools” and inserting
25 “early childhood education and other pre-

1 school programs, elementary schools, and
2 secondary schools,”;

3 (ii) in subparagraph (A), by inserting
4 “identification,” before “enrollment,”;

5 (iii) in subparagraph (B), by striking
6 “application—” and all that follows and
7 inserting “application reflects coordination
8 with other local and State agencies that
9 serve homeless children and youths.”; and

10 (iv) in subparagraph (C), by inserting
11 “(as of the date of submission of the appli-
12 cation)” after “practice”;

13 (B) in paragraph (3)—

14 (i) in subparagraph (C), by inserting
15 “extent to which the applicant will promote
16 meaningful” after “The”;

17 (ii) in subparagraph (D), by striking
18 “within” and inserting “into”;

19 (iii) by redesignating subparagraph
20 (G) as subparagraph (I);

21 (iv) by inserting after subparagraph
22 (F) the following:

23 “(G) The extent to which the local edu-
24 cational agency will use the subgrant to lever-
25 age resources.

1 “(H) How the local educational agency
2 uses funds to serve homeless children and
3 youths under section 1113(a)(4) of the Elemen-
4 tary and Secondary Education Act of 1965 (20
5 U.S.C. 6313(a)(4)).”; and

6 (v) in subparagraph (I), as redesignig-
7 nated by clause (iii), by striking “Such”
8 and inserting “The extent to which the ap-
9 plicant’s program meets such”; and

10 (4) in subsection (d)—

11 (A) in paragraph (1), by striking “the
12 same challenging State academic content stand-
13 ards and challenging State student academic
14 achievement standards” and inserting “the
15 same challenging State academic standards as”;

16 (B) in paragraph (2)—

17 (i) by striking “students with limited
18 English proficiency” and inserting
19 “English learners”; and

20 (ii) by striking “vocational” and in-
21 serting “career”;

22 (C) in paragraph (3), by striking “pupil
23 services” and inserting “specialized instruc-
24 tional support services”;

1 (D) in paragraph (7), by striking “and un-
2 accompanied youths,” and inserting “particu-
3 larly homeless children and youths who are not
4 enrolled in school,”;

5 (E) in paragraph (9), by striking “med-
6 ical” and inserting “other health”;

7 (F) by striking paragraph (10) and insert-
8 ing the following:

9 “(10) The provision of education and training
10 to the parents and guardians of homeless children
11 and youths about the rights of, and resources avail-
12 able to, such children and youths, and the provision
13 of other activities designed to increase the meaning-
14 ful involvement of parents and guardians of home-
15 less children or youths in the education of the chil-
16 dren or youths.”;

17 (G) in paragraph (12), by striking “pupil
18 services” and inserting “specialized instruc-
19 tional support services”;

20 (H) in paragraph (13), by inserting before
21 the period the following: “or parental mental
22 health or substance abuse problems”; and

23 (I) in paragraph (16), by striking “to at-
24 tend school” and inserting “to enroll, attend,

1 and succeed in school (including a preschool
2 program)”.

3 **SEC. 10004. SECRETARIAL RESPONSIBILITIES.**

4 Section 724 of the McKinney-Vento Homeless Assist-
5 ance Act (42 U.S.C. 11434) is amended—

6 (1) by striking subsection (c) and inserting the
7 following:

8 “(c) NOTICE.—

9 “(1) IN GENERAL.—The Secretary shall, before
10 the next school year that begins after the date of en-
11 actment of the Every Child Achieves Act of 2015,
12 update and disseminate nationwide the public notice
13 described in this subsection (as in effect prior to
14 such date) of the educational rights of homeless chil-
15 dren and youths.

16 “(2) DISSEMINATION.—The Secretary shall dis-
17 seminate the notice nationally to all Federal agen-
18 cies, and grant recipients, serving homeless families
19 or homeless children and youth.”;

20 (2) by striking subsection (d) and inserting the
21 following:

22 “(d) EVALUATION, DISSEMINATION, AND TECHNICAL
23 ASSISTANCE.—The Secretary shall conduct evaluation,
24 dissemination, and technical assistance activities for pro-
25 grams designed to meet the educational needs of homeless

1 elementary and secondary school students, and may use
2 funds appropriated under section 726 to conduct such ac-
3 tivities.”;

4 (3) in subsection (f), by adding at the end the
5 following: “The Secretary shall provide support and
6 technical assistance to State educational agencies,
7 concerning areas in which documented barriers to a
8 free appropriate public education persist.”;

9 (4) by striking subsection (g) and inserting the
10 following:

11 “(g) GUIDELINES.—The Secretary shall develop,
12 issue, and publish in the Federal Register, not later than
13 60 days after the date of enactment of the Every Child
14 Achieves Act of 2015, guidelines concerning ways in which
15 a State—

16 “(1) may assist local educational agencies to
17 implement the provisions related to homeless chil-
18 dren and youth amended by that Act; and

19 “(2) may review and revise State policies and
20 procedures that may present barriers to the identi-
21 fication of homeless children and youth, and the en-
22 rollment, attendance, and success of homeless chil-
23 dren and youths in school.”;

24 (5) in subsection (h)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “periodically” and inserting
3 “periodically but not less frequently than once
4 every 2 years,”;

5 (B) in subparagraph (A), by striking “lo-
6 cation” and all that follows and inserting “loca-
7 tion (in cases in which location can be identi-
8 fied) of homeless children and youth, in all
9 areas served by local educational agencies under
10 this subtitle;”;

11 (C) in subparagraph (C), by striking
12 “and” at the end;

13 (D) by redesignating subparagraph (D) as
14 subparagraph (E);

15 (E) by inserting after subparagraph (C)
16 the following:

17 “(D) the academic progress being made by
18 homeless children and youth, including the per-
19 centage or number of homeless children and
20 youth participating in State assessments under
21 section 1111(b)(2) of the Elementary and Sec-
22 ondary Education Act of 1965 (20 U.S.C.
23 6311(b)(2)); and”;

24 (6) in subsection (i), by striking “McKinney-
25 Vento Homeless Education Assistance Improvements

1 Act of 2001” and inserting “Every Child Achieves
2 Act of 2015”.

3 **SEC. 10005. DEFINITIONS.**

4 Section 725(6) of the McKinney-Vento Homeless As-
5 sistance Act (42 U.S.C. 11434a(6)) is amended by strik-
6 ing “youth” and inserting “homeless child or youth”.

7 **SEC. 10006. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 726 of the McKinney-Vento Homeless Assist-
9 ance Act (42 U.S.C. 11435) is amended to read as follows:

10 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

11 “There are authorized to be appropriated to carry out
12 this subtitle such sums as may be necessary for each of
13 fiscal years 2016 through 2021.”.