

112TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Elementary and Secondary Education Act of 1965.

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IN THE SENATE OF THE UNITED STATES

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Mr. HARKIN introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Elementary and Secondary Education Act of 1965.

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 “Elementary and Sec-  
5 ondary Education Reauthorization Act of 2011”.

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. Transition.
- Sec. 5. Effective dates.
- Sec. 6. Table of contents of the Elementary and Secondary Education Act of 1965.
- Sec. 7. Authorization of appropriations.

## 2

## TITLE I—ENSURING COLLEGE AND CAREER READINESS FOR ALL STUDENTS

- Sec. 1001. Purpose.
- Sec. 1002. State reservations.

## PART A—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

- Sec. 1111. State and local requirements.
- Sec. 1112. Local educational agency plans.
- Sec. 1113. Eligible school attendance areas.
- Sec. 1114. Schoolwide programs.
- Sec. 1115. Targeted assistance schools.
- Sec. 1116. School performance.
- Sec. 1117. Blue ribbon schools.
- Sec. 1118. Parent and family engagement.
- Sec. 1119. Qualifications for teachers and paraprofessionals.
- Sec. 1120. Comparability of services.
- Sec. 1121. Coordination requirements.
- Sec. 1122. Grants for State assessments and related activities.

## PART B—PATHWAYS TO COLLEGE

- Sec. 1201. Improving secondary schools.
- Sec. 1202. Accelerated learning.
- Sec. 1203. Reorganization.

## 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. National activities.
- Sec. 1309. Performance data; evaluations and study; State assistance.
- Sec. 1310. 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. Allocation of funds.
- Sec. 1403. State plan and State agency applications.
- Sec. 1404. Use of funds.
- Sec. 1405. Institution-wide projects.
- Sec. 1406. Transition services.
- Sec. 1407. Purpose of local agency programs.
- Sec. 1408. Programs operated by local educational agencies.
- Sec. 1409. Local educational agency applications.
- Sec. 1410. Uses of funds.
- Sec. 1411. Program requirements for correctional facilities receiving funds under this section.

- Sec. 1412. Accountability.
- Sec. 1413. Definitions.

#### PART E—GENERAL PROVISIONS

- Sec. 1501. Reorganization.

#### TITLE II—SUPPORTING EXCELLENT TEACHERS AND PRINCIPALS

- Sec. 2101. Supporting excellent teachers and principals.

#### TITLE III—LANGUAGE AND ACADEMIC CONTENT INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

- Sec. 3001. Reorganization.
- Sec. 3002. Purposes.
- Sec. 3003. Formula grants to States.
- Sec. 3004. Native American and Alaska Native children in school.
- Sec. 3005. State educational agency plans.
- Sec. 3006. Within-State allocations.
- Sec. 3007. Subgrants to eligible entities.
- Sec. 3008. Local plans.
- Sec. 3009. Evaluations.
- Sec. 3010. Reporting requirements.
- Sec. 3011. Coordination with related programs.
- Sec. 3012. Rules of construction.
- Sec. 3013. Prohibition.
- Sec. 3014. National activities.
- Sec. 3015. Definitions.
- Sec. 3016. Parental notification.
- Sec. 3017. Regulations.

#### TITLE IV—SUPPORTING SUCCESSFUL, WELL-ROUNDED STUDENTS

- Sec. 4101. Redesignations.
- Sec. 4102. Improving literacy instruction and student achievement.
- Sec. 4103. Improving science, technology, engineering, and math instruction  
and student achievement.
- Sec. 4104. Successful, safe, and healthy students.
- Sec. 4105. 21st Century Community Learning Centers.
- Sec. 4106. Promise neighborhoods.
- Sec. 4107. Parent and family information and resource centers.
- Sec. 4108. Programs of national significance.

#### TITLE V—PROMOTING INNOVATION

##### PART A—RACE TO THE TOP

- Sec. 5101. Race to the Top.

##### PART B—INVESTING IN INNOVATION

- Sec. 5201. Investing in innovation.

##### PART C—MAGNET SCHOOLS ASSISTANCE

- Sec. 5301. Findings and purpose.
- Sec. 5302. Program authorized.

## 4

- Sec. 5303. Applications and requirements.
- Sec. 5304. Priority.
- Sec. 5305. Use of funds.
- Sec. 5306. Limitations.
- Sec. 5307. Evaluations.
- Sec. 5308. Availability of funds for grants to agencies not previously assisted.

## PART D—PUBLIC CHARTER SCHOOLS

- Sec. 5401. Public charter schools.

## PART E—VOLUNTARY PUBLIC SCHOOL CHOICE

- Sec. 5501. Voluntary public school choice.

## TITLE VI—PROMOTING FLEXIBILITY; RURAL EDUCATION

## PART A—PROMOTING FLEXIBILITY

- Sec. 6101. Promoting flexibility.

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

## PART A—INDIAN EDUCATION

- Sec. 7101. Purpose.

## SUBPART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

- Sec. 7111. Formula grant purpose.
- Sec. 7112. Grants to local educational agencies, tribes, and tribal organizations.
- 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.

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

- 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. National activities.

## SUBPART 4—FEDERAL ADMINISTRATION

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

## SUBPART 5—DEFINITIONS; AUTHORIZATION OF APPROPRIATIONS

- Sec. 7151. Definitions.
- Sec. 7152. Authorizations of appropriations.

## PART B—NATIVE HAWAIIAN EDUCATION; ALASKA NATIVE EDUCATION

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

SUBPART 1—NATIVE HAWAIIAN EDUCATION

- Sec. 7202. Findings.
- Sec. 7203. Purposes.
- Sec. 7204. Native Hawaiian Education Council.
- Sec. 7205. Program authorized.
- Sec. 7206. Administrative provisions.
- Sec. 7207. Definitions.

SUBPART 2—ALASKA NATIVE STUDENT EDUCATION

- Sec. 7211. Program authorized.
- Sec. 7212. Administrative provisions.

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. Construction.
- Sec. 8005. Facilities.
- Sec. 8006. Federal administration.
- Sec. 8007. Definitions.
- Sec. 8008. Conforming amendment.

TITLE IX—GENERAL PROVISIONS

- Sec. 9101. Definitions.
- Sec. 9102. Unsafe school choice option.
- Sec. 9103. Evaluation authority.
- Sec. 9104. Conforming amendments.

TITLE X—REDESIGNATIONS AND AMENDMENTS TO OTHER STATUTES

PART A—HOMELESS EDUCATION

- Sec. 10011. Short title.
- Sec. 10012. Education for homeless children and youth.

PART B—REDESIGNATIONS

- Sec. 10021. Redesignations.

**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. TRANSITION.**

4 (a) **MULTI-YEAR AWARDS.**—Except as otherwise pro-  
5 vided in this Act, the recipient of a multi-year award  
6 under the Elementary and Secondary Education Act of  
7 1965, as that Act was in effect prior to the date of enact-  
8 ment of this Act, shall continue to receive funds in accord-  
9 ance with the terms of that award, except that no addi-  
10 tional funds may be awarded after September 30, 2012.

11 (b) **PLANNING AND TRANSITION.**—Notwithstanding  
12 any other provision of law, a recipient of funds under the  
13 Elementary and Secondary Education Act of 1965, as that  
14 Act was in effect prior to the date of enactment of this  
15 Act, may use funds available to the recipient under that  
16 predecessor authority to carry out necessary and reason-  
17 able planning and transition activities in order to ensure  
18 an orderly implementation of programs authorized by this  
19 Act, and the amendments made by this Act.

20 (c) **ORDERLY TRANSITION.**—The Secretary shall take  
21 such steps as are necessary to provide for the orderly tran-  
22 sition to, and implementation of, programs authorized by  
23 this Act, and by the amendments made by this Act, from  
24 programs authorized by the Elementary and Secondary

1 Education Act of 1965, as that Act was in effect prior  
2 to the date of enactment of this Act.

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

4 (a) IN GENERAL.—Except as otherwise provided in  
5 this Act, this Act, and the amendments made by this Act,  
6 shall be effective upon the date of enactment of this Act.

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

12 (c) COMPETITIVE PROGRAMS.—With respect to pro-  
13 grams that are conducted by the Secretary on a competi-  
14 tive basis, this Act, and the amendments made by this Act,  
15 shall take effect with respect to appropriations for use  
16 under those programs for fiscal year 2012.

17 (d) IMPACT AID.—With respect to title VIII (Impact  
18 Aid), this Act, and the amendments made by this Act,  
19 shall take effect with respect to appropriations for use  
20 under that title for fiscal year 2012.

21 **SEC. 6. TABLE OF CONTENTS OF THE ELEMENTARY AND**  
22 **SECONDARY EDUCATION ACT OF 1965.**

23 Section 2 is amended to read as follows:

24 **“SEC. 2. TABLE OF CONTENTS.**

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

“Sec. 1. Short title.

- “Sec. 2. Table of contents.
- “Sec. 3. Authorization of appropriations.

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

- “Sec. 1001. Purpose.
- “Sec. 1002. State administration.

“PART A—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE  
DISADVANTAGED

“SUBPART 1—BASIC PROGRAM REQUIREMENTS

- “Sec. 1111. State and local requirements.
- “Sec. 1112. Local educational agency plans.
- “Sec. 1113. Eligible school attendance areas.
- “Sec. 1114. Schoolwide programs.
- “Sec. 1115. Targeted assistance schools.
- “Sec. 1116. School performance.
- “Sec. 1117. Blue ribbon schools.
- “Sec. 1118. Parent and family engagement.
- “Sec. 1119. Qualifications for teachers and paraprofessionals.
- “Sec. 1120. Participation of children enrolled in private schools.
- “Sec. 1120A. Fiscal requirements.
- “Sec. 1120B. 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.
- “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.

“SUBPART 3—GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES

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

“PART B—PATHWAYS TO COLLEGE

“SUBPART 1—IMPROVING SECONDARY SCHOOLS

- “Sec. 1201. Secondary school reform.

“SUBPART 2—ACCELERATED LEARNING

- “Sec. 1221. Purposes.
- “Sec. 1222. Funding distribution rule.
- “Sec. 1223. Advanced Placement and International Baccalaureate examination fee program.
- “Sec. 1224. Advanced Placement and International Baccalaureate incentive program grants.



## 9

“Sec. 1225. Supplement, not supplant.

“Sec. 1226. Definitions.

“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. National activities.

“Sec. 1309. Performance data.

“Sec. 1310. Evaluation and study.

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

“Sec. 1312. 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.

“PART E—GENERAL PROVISIONS

“Sec. 1501. Federal regulations.

“Sec. 1502. Agreements and records.

“Sec. 1503. State administration.

“Sec. 1504. Local educational agency spending audits.

## 10

- “Sec. 1505. Prohibition against Federal mandates, direction, or control.
- “Sec. 1506. Rule of construction on equalized spending.
- “Sec. 1507. State report on dropout data.
- “Sec. 1508. Regulations for sections 1111 and 1116.

“TITLE II—SUPPORTING EXCELLENT TEACHERS AND  
PRINCIPALS

“PART A—TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND

- “Sec. 2101. Purpose.
- “Sec. 2102. Definitions.

“SUBPART 1—GRANTS TO STATES

- “Sec. 2111. Allotments to States.
- “Sec. 2112. State applications.
- “Sec. 2113. State use of funds.

“SUBPART 2—SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES

- “Sec. 2121. Allocations to local educational agencies.
- “Sec. 2122. Local applications and needs assessment.
- “Sec. 2123. Local use of funds.

“SUBPART 3—NATIONAL LEADERSHIP ACTIVITIES

- “Sec. 2131. National leadership activities.

“SUBPART 4—ACCOUNTABILITY

- “Sec. 2141. Accountability.

“PART B—TEACHER PATHWAYS

- “Sec. 2201. Teacher Pathways.

“PART C—TEACHER INCENTIVE FUND PROGRAM

- “Sec. 2301. Purposes; definitions.
- “Sec. 2302. Teacher incentive fund grants.
- “Sec. 2303. Accountability.
- “Sec. 2304. Evaluation.
- “Sec. 2305. Reservation for evaluation; technical assistance; and program outreach.

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

“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  
AND LANGUAGE ENHANCEMENT

- “Sec. 3111. Formula grants to States.
- “Sec. 3112. Native American and Alaska Native children in school.

## 11

- “Sec. 3113. State educational agency plans.
- “Sec. 3114. Within-State allocations.
- “Sec. 3115. Subgrants to eligible entities.
- “Sec. 3116. Local plans.

## “SUBPART 2—ACCOUNTABILITY AND ADMINISTRATION

- “Sec. 3121. Evaluations.
- “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. Professional Development Grants.
- “Sec. 3132. Commission on Assessment of English Learners.

## “PART B—GENERAL PROVISIONS

- “Sec. 3201. Definitions.
- “Sec. 3202. Parental notification.
- “Sec. 3203. National Clearinghouse.
- “Sec. 3204. Regulations.

## “TITLE IV—SUPPORTING SUCCESSFUL, WELL-ROUNDED STUDENTS

## “PART A—IMPROVING LITERACY INSTRUCTION AND STUDENT ACHIEVEMENT

- “Sec. 4101. Short title.
- “Sec. 4102. Purpose.
- “Sec. 4103. Definitions.
- “Sec. 4104. Program Authorized.
- “Sec. 4105. State planning grants.
- “Sec. 4106. State implementation grants.
- “Sec. 4107. State activities.
- “Sec. 4108. Subgrants to eligible entities in support of birth through kindergarten entry literacy.
- “Sec. 4109. Subgrants to eligible entities in support of kindergarten through grade 12 literacy.
- “Sec. 4110. National evaluation, information dissemination, and technical assistance.
- “Sec. 4111. Consequences of insufficient progress, reporting requirements, and conflicts of interest.
- “Sec. 4112. Rules of construction.

## “PART B—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INSTRUCTION AND STUDENT ACHIEVEMENT

- “Sec. 4201. Purpose.
- “Sec. 4202. Definitions.
- “Sec. 4203. Grants; allotments.
- “Sec. 4204. Applications.

## 12

- “Sec. 4205. Authorized activities.
- “Sec. 4206. Performance metrics; report.
- “Sec. 4207. Evaluation.
- “Sec. 4208. Supplement not supplant.
- “Sec. 4209. Maintenance of effort.

## “PART C—SUCCESSFUL, SAFE, AND HEALTHY STUDENTS

- “Sec. 4301. Purpose.
- “Sec. 4302. Definitions.
- “Sec. 4303. Reservations.
- “Sec. 4304. Successful, safe, and healthy student State grants.
- “Sec. 4305. Funds reserved for Secretary.
- “Sec. 4306. Prohibited use of funds.
- “Sec. 4307. Federal and State nondiscrimination laws.

## “PART D—21ST CENTURY COMMUNITY LEARNING CENTERS

- “Sec. 4401. Purpose; definitions.
- “Sec. 4402. Allotments to States.
- “Sec. 4403. State application.
- “Sec. 4404. Local competitive grant program.
- “Sec. 4405. Local activities.
- “Sec. 4406. Authorization of appropriations.

## “PART E—PROMISE NEIGHBORHOODS.

- “Sec. 4501. Short title.
- “Sec. 4502. Purpose.
- “Sec. 4503. Definitions.

## “SUBPART 1—PROMISE NEIGHBORHOOD PARTNERSHIP GRANTS

- “Sec. 4511. Program Authorized.
- “Sec. 4512. Eligible Entities.
- “Sec. 4513. Application requirements.
- “Sec. 4514. Use of funds.
- “Sec. 4515. Report and publicly available data.
- “Sec. 4516. Accountability.

## “SUBPART 2—PROMISE SCHOOL GRANTS

- “Sec. 4521. Program Authorized.
- “Sec. 4522. Definition of eligible entity.
- “Sec. 4523. Application requirements; priority.
- “Sec. 4524. Use of funds.
- “Sec. 4525. Report and publicly available data.
- “Sec. 4526. Accountability.

## “SUBPART 3—GENERAL PROVISIONS

- “Sec. 4531. National activities.

## “PART F—PARENT AND FAMILY INFORMATION AND RESOURCE CENTERS

- “Sec. 4601. Purpose.
- “Sec. 4602. Definition of eligible entity.
- “Sec. 4603. Grants authorized.

## 13

- “Sec. 4604. Applications.
- “Sec. 4605. Uses of funds.
- “Sec. 4606. Administrative provisions.

## “PART G—READY-TO-LEARN

- “Sec. 4701. Ready-to-Learn.

“TITLE V—PROMOTING INFORMED PARENTAL CHOICE AND  
INNOVATIVE PROGRAMS

## “PART A—RACE TO THE TOP

- “Sec. 5101. Purposes.
- “Sec. 5102. Reservation of Funds.
- “Sec. 5103. Race to the Top Program.
- “Sec. 5104. Application Process.
- “Sec. 5105. Performance Measures.
- “Sec. 5106. Uses of Funds.
- “Sec. 5107. Reporting.

## “PART B—INVESTING IN INNOVATION

- “Sec. 5201. Purposes.
- “Sec. 5202. National activities.
- “Sec. 5203. Program authorized; length of grants; priorities.
- “Sec. 5204. Applications.
- “Sec. 5205. Uses of funds.
- “Sec. 5206. Performance measures.
- “Sec. 5207. Reporting.

## “PART C—MAGNET SCHOOLS ASSISTANCE

- “Sec. 5301. Findings and purpose.
- “Sec. 5302. Definition.
- “Sec. 5303. Program authorized.
- “Sec. 5304. Eligibility.
- “Sec. 5305. Applications and requirements.
- “Sec. 5306. Priority.
- “Sec. 5307. Use of funds.
- “Sec. 5308. Prohibition.
- “Sec. 5309. Limitations.
- “Sec. 5310. Evaluations.
- “Sec. 5311. Availability of funds for grants to agencies not previously assisted.

## “PART D—PUBLIC CHARTER SCHOOLS

- “Sec. 5401. Distribution of Funds.

## “SUBPART 1—SUCCESSFUL CHARTER SCHOOLS PROGRAM

- “Sec. 5411. Definitions.
- “Sec. 5412. Program authorized.
- “Sec. 5413. Applications.
- “Sec. 5414. Selection criteria; priority.
- “Sec. 5415. Uses of funds.
- “Sec. 5416. Subgrants.
- “Sec. 5417. Performance measures; reports.

## 14

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

“Sec. 5419. Records transfer.

“Sec. 5420. National activities.

“SUBPART 2—CHARTER SCHOOL FACILITY ACQUISITION, CONSTRUCTION, AND RENOVATION

“Sec. 5431. Purpose.

“Sec. 5432. Definitions.

“Sec. 5433. Grants to eligible entities.

“Sec. 5434. Charter School Objectives.

“Sec. 5435. Applications; Selection criteria.

“Sec. 5436. Reserve account.

“Sec. 5437. Limitation on administrative costs.

“Sec. 5438. Audits and reports.

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

“Sec. 5440. Recovery of funds.

“PART E—VOLUNTARY PUBLIC SCHOOL CHOICE

“Sec. 5501. Grants.

“Sec. 5502. Uses of funds.

“Sec. 5503. Applications.

“Sec. 5504. Priorities.

“Sec. 5505. Requirements and voluntary participation.

“Sec. 5506. Evaluations.

“Sec. 5507. Definitions.

“TITLE VI—PROMOTING FLEXIBILITY; RURAL EDUCATION

“PART A—TRANSFERABILITY

“Sec. 6101. Transferability of funds.

“PART B—RURAL EDUCATION ACHIEVEMENT PROGRAM

“Sec. 6201. Short title.

“Sec. 6202. Purpose.

“SUBPART 1—SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM

“Sec. 6211. Program authorized.

“Sec. 6212. Academic achievement assessments.

“SUBPART 2—RURAL AND LOW-INCOME SCHOOL PROGRAM

“Sec. 6221. Program authorized.

“Sec. 6222. Uses of funds.

“Sec. 6223. Applications.

“Sec. 6224. Accountability.

“SUBPART 3—GENERAL PROVISIONS

“Sec. 6231. Choice of participation.

“Sec. 6232. Annual average daily attendance determination.

“Sec. 6233. Supplement, not supplant.

“Sec. 6234. Rule of construction.

## 15

“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. National research activities.

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

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

“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; ALASKA NATIVE EDUCATION

“SUBPART 1—HAWAIIAN EDUCATION

“Sec. 7201. Short title.

“Sec. 7202. Findings.

“Sec. 7203. Purposes.

“Sec. 7204. Native Hawaiian Education Council.

“Sec. 7205. Program authorized.

“Sec. 7206. Administrative provisions.

“Sec. 7207. Definitions.

“SUBPART 2—ALASKA NATIVE EDUCATION

## 16

- “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.

## “TITLE IX—GENERAL PROVISIONS

## “PART A—DEFINITIONS

- “Sec. 9101. Definitions.
- “Sec. 9102. Applicability of title.
- “Sec. 9103. Applicability to Bureau of Indian Affairs 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.

## “PART E—UNIFORM PROVISIONS

## “SUBPART 1—PRIVATE SCHOOLS



## 17

- “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.

## “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.

## “PART F—EVALUATIONS

- “Sec. 9601. Evaluation authority.

## “PART G—MISCELLANEOUS PROVISIONS

## “SUBPART 1—GUN POSSESSION

- “Sec. 9701. Gun-free requirements.

## “SUBPART 2—ENVIRONMENTAL TOBACCO SMOKE

- “Sec. 9721. Short title.
- “Sec. 9722. Definitions.
- “Sec. 9723. Nonsmoking policy for children’s services.
- “Sec. 9724. Preemption.”.

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 The Act (20 U.S.C. 6301 et seq.) is amended by in-  
3 serting after section 2 the following:

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

5 “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—

6 “(1) IN GENERAL.—There are authorized to be  
7 appropriated to carry out part A of title I (except  
8 for section 1116(d)) such sums as may be necessary  
9 for fiscal year 2012 and each of the 4 succeeding fis-  
10 cal years.

11 “(2) SCHOOL IMPROVEMENT GRANTS, NA-  
12 TIONAL ACTIVITIES, AND EVALUATION.—

13 “(A) IN GENERAL.—There are authorized  
14 to be appropriated to carry out section 1116(d)  
15 such sums as may be necessary for fiscal year  
16 2012 and each of the 4 succeeding fiscal years.

17 “(B) RESERVATION FOR NATIONAL ACTIVI-  
18 TIES.—Of the amounts appropriated under sub-  
19 paragraph (A) for a fiscal year, the Secretary  
20 shall reserve not more than 2 percent for the  
21 national activities described in section  
22 1116(d)(6).

23 “(b) GRANTS FOR STATE ASSESSMENTS AND THE  
24 NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—

25 “(1) NATIONAL ASSESSMENT OF EDUCATIONAL  
26 PROGRESS.—For the purpose of administering the

1 State assessments under the National Assessment of  
2 Educational Progress, there are authorized to be ap-  
3 propriated such sums as may be necessary for fiscal  
4 year 2012 and each of the 4 succeeding fiscal years.

5 “(2) STATE ASSESSMENTS AND RELATED AC-  
6 TIVITIES.—For the purpose of carrying out assess-  
7 ment and related activities, there are authorized to  
8 be appropriated such sums as may be necessary for  
9 fiscal year 2012 and each of the 4 succeeding fiscal  
10 years.

11 “(c) STATE ADMINISTRATION AND STATE ACCOUNT-  
12 ABILITY SUPPORT.—For the purposes of carrying out sec-  
13 tion 1003, State Administration and State Accountability  
14 Support, there are authorized to be appropriated such  
15 sums as may be necessary for fiscal year 2012 and each  
16 of the 4 succeeding fiscal years.

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

22 “(e) EDUCATION OF MIGRATORY CHILDREN.—For  
23 the purposes of carrying out part C of title I, Education  
24 of Migratory Children, there are authorized to be appro-

1 priated such sums as may be necessary for fiscal year  
2 2012 and each of the 4 succeeding fiscal years.

3       “(f) NEGLECTED AND DELINQUENT.—For the pur-  
4 poses of carrying out part D of title I, Prevention and  
5 Intervention Programs for Children and Youth Who are  
6 Neglected and Delinquent, or At-risk, there are authorized  
7 to be appropriated such sums as may be necessary for fis-  
8 cal year 2012 and each of the 4 succeeding fiscal years.

9       “(g) CONTINUOUS IMPROVEMENT AND SUPPORT FOR  
10 TEACHERS AND PRINCIPALS.—For the purposes of car-  
11 rying out part A of title II, Continuous Improvement and  
12 Support for Teachers and Principals, there are authorized  
13 to be appropriated such sums as may be necessary for fis-  
14 cal year 2012 and each of the 4 succeeding fiscal years.

15       “(h) TEACHER PATHWAYS TO THE CLASSROOM.—  
16 For the purposes of carrying out part B of title II, Teach-  
17 er Pathways to the Classroom, there are authorized to be  
18 appropriated such sums as may be necessary for fiscal  
19 year 2012 and each of the 4 succeeding fiscal years.

20       “(i) TEACHER INCENTIVE FUND.—For the purposes  
21 of carrying out part C of title II, Teacher Incentive Fund,  
22 there are authorized to be appropriated such sums as may  
23 be necessary for fiscal year 2012 and each of the 4 suc-  
24 ceeding fiscal years.

1       “(j) ENGLISH LEARNERS AND IMMIGRANT STU-  
2 DENTS.—For the purposes of carrying out title III, Im-  
3 proving the Academic Achievement of English Learners  
4 and Immigrant Students, there are authorized to be ap-  
5 propriated such sums as may be necessary for fiscal year  
6 2012 and each of the 4 succeeding fiscal years.

7       “(k) IMPROVING LITERACY INSTRUCTION AND STU-  
8 DENT ACHIEVEMENT.—For the purposes of carrying out  
9 part A of title IV, Improving Literacy Instruction and  
10 Student Achievement, there are authorized to be appro-  
11 priated such sums as may be necessary for fiscal year  
12 2012 and each of the 4 succeeding fiscal years.

13       “(l) IMPROVING SCIENCE, TECHNOLOGY, ENGINEER-  
14 ING, AND MATHEMATICS INSTRUCTION AND STUDENT  
15 ACHIEVEMENT.—For the purposes of carrying out part B  
16 of title IV, Improving Science, Technology, Engineering,  
17 and Mathematics Instruction and Student Achievement,  
18 there are authorized to be appropriated such sums as may  
19 be necessary for fiscal year 2012 and each of the 4 suc-  
20 ceeding fiscal years.

21       “(m) SUCCESSFUL, SAFE, AND HEALTHY STU-  
22 DENTS.—For the purposes of carrying out part C of title  
23 IV, Successful, Safe, and Healthy Students, there are au-  
24 thorized to be appropriated such sums as may be nec-

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

3           “(n) 21ST CENTURY COMMUNITY LEARNING CEN-  
4    TERS.—For the purposes of carrying out part D of title  
5    IV, 21st Century Community Learning Centers, there are  
6    authorized to be appropriated such sums as may be nec-  
7    essary for fiscal year 2012 and each of the 4 succeeding  
8    fiscal years.

9           “(o) PROMISE NEIGHBORHOODS.—For the purposes  
10   of carrying out part E of title IV, Promise Neighborhoods,  
11   there are authorized to be appropriated such sums as may  
12   be necessary for fiscal year 2012 and each of the 4 suc-  
13   ceeding fiscal years.

14          “(p) PARENT AND FAMILY INFORMATION AND RE-  
15   SOURCE CENTERS.—For the purposes of carrying out part  
16   F of title IV, Parent and Family Information and Re-  
17   source Centers, there are authorized to be appropriated  
18   such sums as may be necessary for fiscal year 2012 and  
19   each of the 4 succeeding fiscal years.

20          “(q) READY TO LEARN.—For the purposes of car-  
21   rying out part G of title IV, Ready to Learn, there are  
22   authorized to be appropriated such sums as may be nec-  
23   essary for fiscal year 2012 and each of the 4 succeeding  
24   fiscal years.

1           “(r) PROGRAMS OF NATIONAL SIGNIFICANCE.—For  
2 the purposes of carrying out part H of title IV, Programs  
3 of National Significance, there are authorized to be appro-  
4 priated such sums as may be necessary for fiscal year  
5 2012 and each of the 4 succeeding fiscal years.

6           “(s) RACE TO THE TOP.—For the purposes of car-  
7 rying out part A of title V, Race to the Top, there are  
8 authorized to be appropriated such sums as may be nee-  
9 essary for fiscal year 2012 and each of the 4 succeeding  
10 fiscal years.

11           “(t) INVESTING IN INNOVATION.—For the purposes  
12 of carrying out part B of title V, Investing in Innovation,  
13 there are authorized to be appropriated such sums as may  
14 be necessary for fiscal year 2012 and each of the 4 suc-  
15 ceeding fiscal years.

16           “(u) MAGNET SCHOOLS ASSISTANCE.—For the pur-  
17 poses of carrying out part C of title V, Magnet Schools  
18 Assistance, there are authorized to be appropriated such  
19 sums as may be necessary for fiscal year 2012 and each  
20 of the 4 succeeding fiscal years.

21           “(v) PUBLIC CHARTER SCHOOLS.—For the purposes  
22 of carrying out part D of title V, Public Charter Schools,  
23 there are authorized to be appropriated such sums as may  
24 be necessary for fiscal year 2012 and each of the 4 suc-  
25 ceeding fiscal years.

1           “(w) VOLUNTARY PUBLIC SCHOOL CHOICE.—For  
2 the purposes of carrying out part E of title V, Voluntary  
3 Public School Choice, there are authorized to be appro-  
4 priated such sums as may be necessary for fiscal year  
5 2012 and each of the 4 succeeding fiscal years.

6           “(x) RURAL EDUCATION ACHIEVEMENT PROGRAM.—  
7 For the purposes of carrying out part B of title VI, Rural  
8 Education Achievement Program, there are authorized to  
9 be appropriated such sums as may be necessary for fiscal  
10 year 2012 and each of the 4 succeeding fiscal years.

11           “(y) INDIAN, NATIVE HAWAIIAN, AND ALASKA NA-  
12 TIVE EDUCATION.—For the purposes of carrying out title  
13 VII, Indian Native Hawaiian, and Alaska Native Edu-  
14 cation, there are authorized to be appropriated such sums  
15 as may be necessary for fiscal year 2012 and each of the  
16 4 succeeding fiscal years.

17           “(z) IMPACT AID.—For the purposes of carrying out  
18 title VIII, Impact Aid, there are authorized to be appro-  
19 priated such sums as may be necessary for fiscal year  
20 2012 and each of the 4 succeeding fiscal years.

21           “(1) PAYMENTS FOR FEDERAL ACQUISITION OF  
22 REAL PROPERTY.—For the purpose of making pay-  
23 ments under section 8002, there are authorized to  
24 be appropriated such sums as may be necessary for



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

3 “(2) BASIC PAYMENTS; PAYMENTS FOR HEAV-  
4 ILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—  
5 For the purpose of making payments under section  
6 8003(b), there are authorized to be appropriated  
7 such sums as may be necessary for fiscal year 2012  
8 and each of the 4 succeeding fiscal years.

9 “(3) PAYMENTS FOR CHILDREN WITH DISABIL-  
10 ITIES.—For the purpose of making payments under  
11 section 8003(d), there are authorized to be appro-  
12 priated such sums as may be necessary for fiscal  
13 year 2012 and each of the 4 succeeding fiscal years.

14 “(4) CONSTRUCTION.—For the purpose of car-  
15 rying out section 8007, there are authorized to be  
16 appropriated such sums as may be necessary for fis-  
17 cal year 2012 and each of the 4 succeeding fiscal  
18 years.

19 “(5) FACILITIES MAINTENANCE.—For the pur-  
20 pose of carrying out section 8008, there are author-  
21 ized to be appropriated such sums as may be nec-  
22 essary for fiscal year 2012 and each of the 4 suc-  
23 ceeding fiscal years.”.

1 **TITLE I—ENSURING COLLEGE**  
2 **AND CAREER READINESS FOR**  
3 **ALL STUDENTS**

4 **SEC. 1001. PURPOSE.**

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

7 **“SEC. 1001. PURPOSE.**

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

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

15 “(2) supporting high-quality teaching that uses  
16 student achievement data, professional collaboration,  
17 meaningful feedback, effective technologies, student  
18 engagement, multi-tiered systems of support, and  
19 other evidence-based practices to continuously im-  
20 prove instruction and encourage new models of  
21 teaching and learning;

22 “(3) removing barriers to, and encouraging  
23 State and local innovation and leadership in, edu-  
24 cation based on the evaluation of success and contin-  
25 uous improvement, especially in providing excellent

1 instruction, high-quality assessments, meaningful ac-  
2 countability, evidence-based supports and interven-  
3 tions in underperforming schools, highly effective  
4 educators, a well-rounded education, and other key  
5 factors for success;

6 “(4) providing additional resources and sup-  
7 ports to meet the needs of disadvantaged students,  
8 including children from low-income families and  
9 those attending high-poverty schools, English learn-  
10 ers, migratory children, children with disabilities, In-  
11 dian children, and neglected or delinquent children;

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

17 “(6) removing barriers and promoting integra-  
18 tion across all levels of education, and across Fed-  
19 eral education programs;

20 “(7) streamlining Federal requirements to re-  
21 duce burden on States, districts local educational  
22 agencies, schools, and educators; and

23 “(8) strengthening parental engagement and  
24 coordination of student, family, and community sup-  
25 ports to promote student success.”.

1 **SEC. 1002. STATE RESERVATIONS.**

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

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

4 (2) by redesignating section 1004 as section  
5 1002; and

6 (3) in section 1002 (as redesignated by para-  
7 graph (2))—

8 (A) in the section heading, by inserting  
9 **“AND STATE ACCOUNTABILITY AND SUP-  
10 PORT”** before the period at the end;

11 (B) by redesignating paragraphs (1) and  
12 (2) of subsection (a) as subparagraphs (A) and  
13 (B), respectively, and by aligning the margins  
14 of such subparagraphs with the margins of sub-  
15 paragraph (A) of section 1111(a)(1);

16 (C) by redesignating subsection (b) as  
17 paragraph (2) of subsection (a), and by aligning  
18 the margins of such paragraph with the mar-  
19 gins of paragraph (1) of section 1111(a);

20 (D) by striking **“IN GENERAL.—Except as  
21 provided in subsection (b)”** and inserting the  
22 following: **“STATE ADMINISTRATION.—**

23 **“(1) IN GENERAL.—Except as provided in para-  
24 graph (2)”**;

1 (E) in subsection (a)(2) (as redesignated  
2 by subparagraph (C)), by striking “subsection  
3 (a)(1)” and inserting “paragraph (1)(A)”; and  
4 (F) by adding at the end the following:

5 “(b) ACCOUNTABILITY AND SUPPORT.—

6 “(1) IN GENERAL.—Each State may reserve  
7 not more than 4 percent of the amount the State re-  
8 ceives under subpart 2 of part A to carry out para-  
9 graph (2) and to carry out the State and local edu-  
10 cational agency responsibilities under sections 1116,  
11 which may include carrying out a statewide system  
12 of technical assistance and support for local edu-  
13 cational agencies.

14 “(2) USES.—Of the amount reserved under  
15 paragraph (1) for any fiscal year, the State edu-  
16 cational agency—

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

21 “(B) may, with the approval of the local  
22 educational agency, directly provide for such ac-  
23 tivities or arrange for their provision through  
24 other entities such as educational service agen-  
25 cies.

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

5                   “(A) serve the lowest-achieving schools, in-  
6                   cluding schools identified under subsection (b)  
7                   or (c) of section 1116;

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

10                   “(C) demonstrate the strongest commit-  
11                   ment to ensuring that such funds are used to  
12                   enable the lowest-achieving schools to improve  
13                   student achievement and outcomes.

14           “(4) UNUSED FUNDS.—If, after consultation  
15           with local educational agencies in the State, the  
16           State educational agency determines that the  
17           amount of funds reserved to carry out this sub-  
18           section is greater than the amount needed to provide  
19           the assistance described in this subsection, the State  
20           educational agency shall allocate the excess amount  
21           to local educational agencies in accordance with—

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

25                   “(B) section 1126(e).

1           “(5) SPECIAL RULE.—Notwithstanding any  
2 other provision of this subsection, the amount of  
3 funds reserved by the State educational agency  
4 under this subsection in any fiscal year shall not de-  
5 crease the amount of funds each local educational  
6 agency receives under subpart 2 below the amount  
7 received by such local educational agency under such  
8 subpart for the preceding fiscal year.

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

15           **PART A—IMPROVING THE ACADEMIC**  
16           **ACHIEVEMENT OF THE DISADVANTAGED**  
17           **SEC. 1111. STATE AND LOCAL REQUIREMENTS.**

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

20           **“SEC. 1111. STATE AND LOCAL REQUIREMENTS.**

21           “(a) ACADEMIC STANDARDS, ACADEMIC ASSESS-  
22 MENTS, AND ACCOUNTABILITY REQUIREMENTS.—

23           “(1) REQUIREMENTS FOR COLLEGE AND CA-  
24 REER READY STATE STANDARDS.—In order to re-  
25 ceive a grant under this part, each State shall dem-





1 ready student academic achievement stand-  
2 ards that are aligned with—

3 “(I) academic coursework, with-  
4 out the need for remediation, at public  
5 institutions of higher education in the  
6 State;

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

9 “(III) appropriate career skills.

10 “(iii) REQUIREMENTS FOR ACADEMIC  
11 CONTENT STANDARDS.—College and career  
12 ready academic content standards shall—

13 “(I) be used by the State, and by  
14 local educational agencies, public ele-  
15 mentary schools, and public secondary  
16 schools in the State to carry out the  
17 requirements of this part;

18 “(II) be the same standards that  
19 the State applies to all public elemen-  
20 tary and secondary schools and stu-  
21 dents in the State;

22 “(III) include the same knowl-  
23 edge, skills, and levels of achievement  
24 expected of all elementary and sec-

1                   ondary school students in the State;  
2                   and

3                   “(IV) be evidence-based and in-  
4                   clude rigorous content and skills.

5                   “(iv) REQUIREMENTS FOR STUDENT  
6                   ACADEMIC ACHIEVEMENT STANDARDS.—  
7                   College and career ready student academic  
8                   achievement standards for a subject  
9                   shall—

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

13                   “(II) establish levels of perform-  
14                   ance (basic, on-track, and advanced)  
15                   that determine how well students are  
16                   mastering the material in the State  
17                   academic content standards.

18                   “(v) METHOD.—A State may meet  
19                   the requirements in this subparagraph in-  
20                   dividually or through a consortium with 1  
21                   or more other States.

22                   “(vi) NO REQUIREMENT TO SUBMIT  
23                   STANDARDS TO THE SECRETARY.—A State  
24                   shall not be required to submit the State’s  
25                   college and career ready academic content

1 standards or the State's college and career  
2 ready student academic achievement stand-  
3 ards to the Secretary for review or ap-  
4 proval.

5 “(B) SCIENCE STANDARDS.—A State—

6 “(i) shall demonstrate that the State  
7 has adopted statewide academic content  
8 standards and student academic achieve-  
9 ment standards in science that are aligned  
10 with the knowledge and skills needed to be  
11 college and career ready, as described in  
12 subparagraph (A)(ii);

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

15 “(iii) may choose to use such stand-  
16 ards as part of the State's accountability  
17 system under paragraph (3), if such stand-  
18 ards meet the requirements of clauses (ii)  
19 through (iv) of subparagraph (A).

20 “(C) STANDARDS FOR OTHER SUB-  
21 JECTS.—If a State adopts high-quality aca-  
22 demic content standards and student academic  
23 achievement standards in subjects other than  
24 reading or language arts, mathematics, and  
25 science, such State may choose to use such

1 standards as part of the State’s accountability  
2 system, consistent with section 1116.

3 “(D) ALTERNATE ACADEMIC ACHIEVE-  
4 MENT STANDARDS FOR STUDENTS WITH THE  
5 MOST SIGNIFICANT COGNITIVE DISABILITIES.—  
6 The State may, through a documented and vali-  
7 dated standards-setting process, adopt alternate  
8 academic achievement standards in any subject  
9 included in the State’s accountability system  
10 under paragraph (3) for students with the most  
11 significant cognitive disabilities, if—

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

17 “(ii) such alternate academic achieve-  
18 ment standards—

19 “(I) are aligned with the State  
20 academic content standards required  
21 under this paragraph for the subject;

22 “(II) promote access to the gen-  
23 eral curriculum and the student aca-  
24 demic achievement standards required

1 under this paragraph for such subject;

2 and

3 “(III) reflect professional judg-

4 ment as to the highest possible stand-

5 ards achievable by such student.

6 “(E) ENGLISH LANGUAGE PROFICIENCY

7 STANDARDS.—A State shall, not later than De-

8 cember 31, 2014, adopt high-quality English

9 language proficiency standards that—

10 “(i) are aligned with the State’s aca-

11 demic content standards in reading or lan-

12 guage arts under subparagraph (A) so that

13 achieving English language proficiency, as

14 measured by the State’s English language

15 proficiency standards, indicates a sufficient

16 knowledge of English to allow the State to

17 validly and reliably measure the student’s

18 achievement on the State’s reading or lan-

19 guage arts student academic achievement

20 standards;

21 “(ii) ensure proficiency in English for

22 each of the domains of speaking, listening,

23 reading, and writing;

24 “(iii) address the different proficiency

25 levels of English learners; and



1 and not less frequently than once during  
2 grades 10 through 12, that—

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

6 “(II) are administered to all pub-  
7 lic elementary and secondary school  
8 students in the State;

9 “(III) measure individual aca-  
10 demic achievement;

11 “(IV) in the case of a State de-  
12 scribed in subsection (b)(1)(B), meas-  
13 ure individual student growth, includ-  
14 ing measuring whether students are  
15 making adequate student growth; and

16 “(V) may, at the State’s choos-  
17 ing—

18 “(aa) be administered  
19 through a single summative as-  
20 sessment each year; or

21 “(bb) be administered  
22 through multiple statewide as-  
23 sessments during the course of  
24 the year if the State can dem-  
25 onstrate to the Secretary’s satis-

1                   faction that the results of these  
2                   multiple assessments, taken in  
3                   their totality, provide a  
4                   summative score that provides  
5                   valid and reliable information on  
6                   whether students are on track to  
7                   college and career readiness in  
8                   reading or language arts, and  
9                   mathematics;

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

15                   “(I) student achievement relative  
16                   to the State’s science student aca-  
17                   demic achievement standards under  
18                   paragraph (1)(B);

19                   “(II) individual academic achieve-  
20                   ment; and

21                   “(III) in the case of a State de-  
22                   scribed in subsection (b)(1)(B), indi-  
23                   vidual student growth, including  
24                   measuring whether students are mak-  
25                   ing adequate student growth;



1           “(iii) include the English language  
2           proficiency assessments and any alternate  
3           assessments described in subparagraphs  
4           (D) and (E), respectively; and

5           “(iv) at the discretion of the State,  
6           measure the proficiency of students in the  
7           other academic subjects for which the  
8           State has adopted academic content stand-  
9           ards and student academic achievement  
10          standards under paragraph (1)(C).

11          “(B) REQUIREMENTS FOR ASSESS-  
12          MENTS.—The assessments administered under  
13          this paragraph shall—

14               “(i) be the same academic assess-  
15               ments used to measure the achievement of  
16               all students;

17               “(ii) be used only for purposes for  
18               which such assessments are valid and reli-  
19               able, and be consistent with relevant, na-  
20               tionally recognized professional and tech-  
21               nical standards;

22               “(iii) be used only if the State edu-  
23               cational agency provides to the Secretary  
24               evidence that the assessments used are of  
25               adequate technical quality for each purpose

1 required under this Act and are consistent  
2 with the requirements of this section,  
3 which evidence the Secretary may make  
4 public;

5 “(iv) involve multiple measures of stu-  
6 dent academic achievement, including  
7 measures that assess higher-order thinking  
8 skills and understanding;

9 “(v) provide for—

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

12 “(II) the reasonable adaptations  
13 and valid and reliable accommodations  
14 for children with disabilities (as de-  
15 fined under section 602(3) of the In-  
16 dividuals with Disabilities Education  
17 Act) necessary to measure the aca-  
18 demic achievement of such children in  
19 a subject, relative to the State aca-  
20 demic content standards and State  
21 student academic achievement stand-  
22 ards under paragraph (1) for such  
23 subject; and

24 “(III) the inclusion of English  
25 learners, who shall be assessed in a

1 valid and reliable manner and pro-  
2 vided reasonable accommodations on  
3 assessments administered to such stu-  
4 dents under this paragraph, including,  
5 to the extent practicable, assessments  
6 in the language and form most likely  
7 to yield accurate data on what such  
8 students know and can do in academic  
9 content areas, until such students  
10 have achieved English language pro-  
11 ficiency as determined under subpara-  
12 graph (D), except that the State may  
13 exempt any English learner at the  
14 lowest levels of English language pro-  
15 ficiency from the reading or language  
16 arts assessment for not more than 2  
17 years following the date of the stu-  
18 dent's first enrollment in a school in  
19 the United States;

20 “(vi) notwithstanding clause (v)(III),  
21 include the academic assessment (using  
22 tests written in English) of reading or lan-  
23 guage arts of any student who has at-  
24 tended school in the United States (not in-  
25 cluding Puerto Rico) for 3 or more con-

1           secutive school years, except that, if the  
2           local educational agency determines, on a  
3           case-by-case individual basis, that aca-  
4           demic assessments in another language or  
5           form would likely yield more accurate and  
6           reliable information on what such student  
7           knows and can do, the local educational  
8           agency may make a determination to as-  
9           sess such student in the appropriate lan-  
10          guage other than English for a period that  
11          does not exceed 2 additional consecutive  
12          years, if such student has not yet reached  
13          a level of English language proficiency suf-  
14          ficient to yield valid and reliable informa-  
15          tion on what such student knows and can  
16          do on tests (written in English) of reading  
17          or language arts;

18                 “(vii) include students who have at-  
19                 tended schools in a local educational agen-  
20                 cy for a full academic year but have not at-  
21                 tended a single school for a full academic  
22                 year;

23                 “(viii) produce individual student in-  
24                 terpretive, descriptive, and diagnostic re-  
25                 ports that allow parents, teachers, and

1 principals to understand and address the  
2 specific academic needs of students and in-  
3 clude information regarding achievement  
4 on the academic assessments aligned with  
5 State academic achievement standards,  
6 and that are provided to parents, teachers,  
7 and principals—

8 “(I) as soon as is practicably pos-  
9 sible after the assessment is given;

10 “(II) in an understandable and  
11 uniform format; and

12 “(III) to the extent practicable,  
13 in a language that parents can under-  
14 stand;

15 “(ix) enable results to be  
16 disaggregated within the State, local edu-  
17 cational agency, and school by gender, by  
18 each major racial and ethnic group, by  
19 English language proficiency status, by mi-  
20 grant status, by status as a student with  
21 a disability, and by economically disadvan-  
22 taged status, except that, in the case of a  
23 local educational agency or a school, such  
24 disaggregation shall not be required in a  
25 case in which the results would reveal per-

1                   sonally identifiable information about an  
2                   individual student;

3                   “(x) be consistent with widely accept-  
4                   ed professional testing standards and ob-  
5                   jectively measure academic achievement,  
6                   knowledge, and skills;

7                   “(xi) not evaluate or assess personal  
8                   or family beliefs and attitudes or publicly  
9                   disclose personally identifiable information;

10                  “(xii) enable itemized score analyses  
11                  to be produced and reported, consistent  
12                  with clause (ii), to local educational agen-  
13                  cies and schools, so that parents, teachers,  
14                  principals, and administrators can inter-  
15                  pret and address the specific academic  
16                  needs of students as indicated by the stu-  
17                  dents’ achievement on assessment items;

18                  “(xiii) produce student achievement  
19                  and other student data that can be used to  
20                  inform determinations of individual prin-  
21                  cipal and teacher effectiveness for purposes  
22                  of evaluation and for determining the  
23                  needs of principals and teachers for profes-  
24                  sional development and support; and

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

6                   “(C) LANGUAGES OF ASSESSMENTS.—The  
7                   State shall identify the languages other than  
8                   English that are present in the participating  
9                   student population in the State and indicate, in  
10                  the State’s plan under subsection (b), the lan-  
11                  guages for which yearly student academic as-  
12                  sessments included in the State’s accountability  
13                  system under paragraph (3) are not available  
14                  and are needed. The State shall make every ef-  
15                  fort to develop assessments in such languages  
16                  and may request assistance from the Secretary  
17                  if linguistically accessible academic assessments  
18                  are needed. Upon request, the Secretary shall  
19                  assist with the identification of appropriate aca-  
20                  demic assessments in such languages, but shall  
21                  not mandate a specific academic assessment or  
22                  mode of instruction.

23                  “(D) ASSESSMENTS OF ENGLISH LAN-  
24                  GUAGE PROFICIENCY.—

1           “(i) IN GENERAL.—Each State plan  
2           shall demonstrate that local educational  
3           agencies in the State will, not later than  
4           the beginning of the 2015–2016 school  
5           year, provide for the annual assessment of  
6           English language proficiency of all English  
7           learners in the schools served by the State  
8           educational agency.

9           “(ii) REQUIREMENTS.—The English  
10          language proficiency assessment described  
11          in clause (i) shall—

12                   “(I) be aligned with the State’s  
13                   English language proficiency stand-  
14                   ards under paragraph (1)(E);

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

19                   “(III) reflect the academic lan-  
20                   guage that is required for success on  
21                   the State’s academic assessments,  
22                   consistent with paragraph (1)(E)(iv).

23           “(E) ALTERNATE ASSESSMENTS FOR STU-  
24          DENTS WITH THE MOST SIGNIFICANT COG-  
25          NITIVE DISABILITIES.—A State may provide al-



1           ternate assessments that are aligned with alter-  
2           nate academic achievement standards described  
3           in paragraph (1)(D) for students with the most  
4           significant cognitive disabilities, if the State—

5                   “(i) establishes and monitors imple-  
6                   mentation of clear and appropriate guide-  
7                   lines for individualized education program  
8                   teams (as defined in section 614(d)(1)(B)  
9                   of the Individuals with Disabilities Edu-  
10                  cation Act) to apply in determining, on a  
11                  subject-by-subject basis, when a child’s sig-  
12                  nificant cognitive disability justifies assess-  
13                  ment based on alternate academic achieve-  
14                  ment standards;

15                   “(ii) ensures that parents of the stu-  
16                   dents whom the State plans to assess using  
17                   alternate assessments are informed that  
18                   their child’s academic achievement will be  
19                   measured against alternate academic  
20                   achievement standards and whether par-  
21                   ticipation in such assessment precludes the  
22                   student from completing the requirements  
23                   for a regular high school diploma, as deter-  
24                   mined by the State;

1           “(iii) provides evidence that students  
2           with the most significant cognitive disabil-  
3           ities are, to the extent practicable, included  
4           in the general curriculum and in assess-  
5           ments aligned with such curriculum;

6           “(iv) certifies that the State’s regular  
7           academic assessments described in sub-  
8           paragraphs (A), (C), and (D) are acces-  
9           sible to students with all forms of disabil-  
10          ities, including sensory, physical, and intel-  
11          lectual disabilities, through the provision of  
12          reasonable adaptations and valid and reli-  
13          able accommodations that produce valid re-  
14          sults;

15          “(v) develops, disseminates informa-  
16          tion about, makes available, and promotes  
17          the use of reasonable adaptations and valid  
18          and reliable accommodations to increase  
19          the number of students with the most sig-  
20          nificant cognitive disabilities participating  
21          in grade-level academic instruction and as-  
22          sessments that are aligned with grade-level  
23          academic standards, and promotes the use  
24          of appropriate accommodations to increase  
25          the number of students with the most sig-

1                   nificant cognitive disabilities who are test-  
2                   ed against grade-level academic achieve-  
3                   ment standards;

4                   “(vi) takes steps to ensure that reg-  
5                   ular and special education teachers and  
6                   other appropriate staff know how to ad-  
7                   minister assessments, including how to  
8                   make appropriate use of reasonable adap-  
9                   tations and valid and reliable accommoda-  
10                  tions for such assessments, for students  
11                  with the most significant cognitive disabil-  
12                  ities; and

13                  “(vii) requires separate determina-  
14                  tions about whether a student should be  
15                  assessed using an alternate assessment for  
16                  each subject assessed.

17                  “(F) MANAGING AND UPDATING ASSESS-  
18                  MENTS.—The State shall include, in the State  
19                  plan under subsection (b), a description of how  
20                  the State will regularly conduct an inventory of  
21                  State and local educational agency student as-  
22                  sessments, including an analysis of assessment  
23                  and accommodations practice and use, and re-  
24                  duce duplicative assessment.

1           “(3) STATE-DESIGNED ACCOUNTABILITY SYS-  
2           TEMS.—

3           “(A) ACCOUNTABILITY SYSTEM.—Each  
4           State plan shall, not later than the beginning of  
5           the 2013–2014 school year, demonstrate that  
6           the State educational agency has developed and  
7           is implementing a single, statewide account-  
8           ability system that—

9                   “(i) annually measures and reports  
10                   on—

11                           “(I) the achievement of students  
12                           in all public elementary schools and  
13                           secondary schools and local edu-  
14                           cational agencies in the State on the  
15                           assessments described in paragraph  
16                           (2); and

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

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

1                   “(iii) annually identifies schools that  
2                   need supports and interventions to prepare  
3                   college and career ready students;

4                   “(iv) provides for the improvement,  
5                   through supports and interventions that  
6                   address student needs, of all schools that  
7                   are not identified under section 1116(b)  
8                   but are low-performing or have low-per-  
9                   forming subgroups of the students de-  
10                  scribed in section 1116(b)(1)(B);

11                  “(v) develops the capacity of local  
12                  educational agencies and schools to effec-  
13                  tively educate their students and continu-  
14                  ously improve;

15                  “(vi) recognizes, and encourages other  
16                  local educational agencies to replicate, the  
17                  practices of local educational agencies and  
18                  schools that are successful in effecting sig-  
19                  nificant student achievement or student  
20                  growth; and

21                  “(vii) meets the requirements of sec-  
22                  tion 1116.

23                  “(B) SUBJECTS COVERED.—The State  
24                  shall include in the accountability system the  
25                  subjects of reading or language arts and mathe-

1           matics and may include any other subject that  
2           the State chooses through its State plan, if the  
3           State has adopted academic content standards  
4           and student academic achievement standards  
5           under paragraph (1)(C) and assessments under  
6           paragraph (2)(B) for the subject.

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

12          “(D) STUDENTS WITH THE MOST SIGNIFI-  
13          CANT COGNITIVE DISABILITIES.—In deter-  
14          mining the percentage of students who are on  
15          track to college and career readiness or, if ap-  
16          plicable, making adequate student growth, for a  
17          subject for any purpose under this section, sec-  
18          tion 1116, or section 1117, a State educational  
19          agency may include, for all schools in the State,  
20          the performance of the State’s students with  
21          the most significant cognitive disabilities on al-  
22          ternate assessments as described in subsection  
23          (a)(2)(E) in the subjects included in the State’s  
24          accountability system, if the total number of  
25          those students in all grades assessed and for

1           each subject in the accountability system who  
2           are on track to college and career readiness, ac-  
3           cording to those alternate assessments, does not  
4           exceed 1 percent of all students in the State in  
5           the grades assessed in each subject.

6           “(4) TRANSITION PROVISIONS.—The Secretary  
7           shall take such steps as are necessary to provide for  
8           the orderly transition between the accountability sys-  
9           tems required under section 1111(b)(2), as such sec-  
10          tion was in effect on the day before the date of en-  
11          actment of the Elementary and Secondary Edu-  
12          cation Reauthorization Act of 2011, and the new ac-  
13          countability systems required under this subsection.

14          “(5) VOLUNTARY PARTNERSHIPS.—A State  
15          may enter into a voluntary partnership with another  
16          State to develop and implement the academic assess-  
17          ments, academic content standards, and student aca-  
18          demic achievement standards required under this  
19          section.

20          “(b) STATE PLANS.—

21          “(1) IN GENERAL.—For any State desiring to  
22          receive a grant under this part, the State edu-  
23          cational agency shall submit to the Secretary a plan,  
24          developed by the State educational agency in con-  
25          sultation with local educational agencies, teachers,

1 principals, specialized instructional support per-  
2 sonnel, administrators, other staff, and parents,  
3 that—

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

6 “(B) if the State chooses to use student  
7 growth as a measure of academic progress and  
8 to determine if students are on track to college  
9 and career readiness in accordance with section  
10 9101(44)(B), demonstrates how the State will  
11 measure student growth in accordance with this  
12 section;

13 “(C) is coordinated with the State plans  
14 required by other programs under this Act, the  
15 Individuals with Disabilities Education Act, the  
16 Rehabilitation Act of 1973 (29 U.S.C. 701 et  
17 seq.), the Carl D. Perkins Career and Technical  
18 Education Act of 2006, the Head Start Act,  
19 and the Adult Education and Family Literacy  
20 Act;

21 “(D) provides an assurance that the State  
22 will continue to administer the academic assess-  
23 ments required under paragraph (3)(B) and (7)  
24 of subsection (b), as such paragraphs were in  
25 effect on the day before the date of enactment



1 of the Elementary and Secondary Education  
2 Reauthorization Act of 2011, and to include the  
3 results of such assessments in the State’s ac-  
4 countability system, until the State has imple-  
5 mented the assessments required under sub-  
6 section (a)(2);

7 “(E) describes the State accountability sys-  
8 tem under subsection (a)(3) and section 1117  
9 (if the State chooses to carry out section 1117);

10 “(F) describes the process the State will  
11 utilize to review local educational agency plans  
12 submitted pursuant to section 1112, including  
13 the parent and family engagement plan de-  
14 scribed in section 1118 and other provisions re-  
15 lated to parent and family engagement;

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

22 “(H) describes how the State educational  
23 agency has involved the committee of practi-  
24 tioners established under section 1903(b) in de-

1           veloping the plan and monitoring its implemen-  
2           tation;

3           “(I) describes—

4                   “(i) how, during the period beginning  
5                   not later than 1 year after the date of en-  
6                   actment of the Elementary and Secondary  
7                   Education Reauthorization Act of 2011  
8                   and ending on the date that is 5 years  
9                   after such date of enactment or the date  
10                  by which all local educational agencies in  
11                  the State have implemented teacher and  
12                  principal evaluation systems that meet the  
13                  requirements of section 2123, whichever is  
14                  sooner—

15                   “(I) the State educational agency  
16                   will provide for the equitable distribu-  
17                   tion of teachers in the State within  
18                   local educational agencies and the  
19                   State using data on the percentage  
20                   and distribution of more than 1, or an  
21                   index that incorporates more than 1,  
22                   of the categories of teachers described  
23                   in subparagraph (J) as transitional  
24                   measures of teacher quality; and

1                   “(II) the State will report to the  
2                   Secretary the percentage and distribu-  
3                   tion of teachers in the State, based on  
4                   the transitional measures used in the  
5                   State, for each quartile of schools  
6                   based on school poverty level, for  
7                   high-minority schools, and for low-mi-  
8                   nority schools; and

9                   “(ii) how, for each year following the  
10                  time period described in clause (i), the  
11                  State educational agency will provide for  
12                  the equitable distribution of teachers with-  
13                  in local educational agencies and the State  
14                  so that low-income and minority students  
15                  are not taught at higher rates than other  
16                  children by teachers in the lowest rating  
17                  category of the State teacher evaluation  
18                  system, consistent with section 2123; and

19                  “(J) describes how the State will annually  
20                  submit to the Secretary, for each quartile of  
21                  schools in the State based on school poverty  
22                  level and for high-minority schools and low-mi-  
23                  nority schools in the State, data regarding the  
24                  percentage and distribution of the following cat-  
25                  egories of teachers:

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

3 “(ii) Teachers who are inexperienced.

4 “(iii) Teachers who have not com-  
5 pleted a teacher preparation program.

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

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

12 “(3) DURATION OF THE PLAN.—

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

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

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

22 “(B) ADDITIONAL INFORMATION.—

23 “(i) REVISED PLANS.—If a State  
24 makes significant changes to its plan, such  
25 as adopting new State academic content

1 standards, new State student achievement  
2 standards, or new academic assessments  
3 under subsection (a), the State shall sub-  
4 mit a revised plan to the Secretary.

5 “(ii) REVIEW OF REVISED PLANS.—  
6 The Secretary shall review the information  
7 submitted under clause (i) and may, not-  
8 withstanding paragraph (4), approve or  
9 disapprove changes to the State plan with-  
10 out undertaking the peer-review or hearing  
11 process described in such paragraph.

12 “(4) PEER REVIEW AND SECRETARIAL AP-  
13 PROVAL.—

14 “(A) SECRETARIAL DUTIES.—The Sec-  
15 retary shall—

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

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

20 “(I) represent a regionally di-  
21 verse cross-section of States;

22 “(II) are representative of par-  
23 ents, teachers, State educational agen-  
24 cies, and local educational agencies;  
25 and

1                   “(III) are familiar with edu-  
2                   cational standards, assessments, ac-  
3                   countability, the needs of persistently  
4                   low-achieving schools as described in  
5                   section 1116(c)(2), and the needs of  
6                   disadvantaged students and other  
7                   educational needs of students;

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

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

15                         “(I) offering the State an oppor-  
16                         tunity to revise the State plan;

17                         “(II) providing technical assist-  
18                         ance to the State to meet the require-  
19                         ments of this subsection and sub-  
20                         sections (a) and (c); and

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

23                         “(v) have the authority to disapprove  
24                         a State plan for not meeting the require-  
25                         ments of this part, and may deny approval

1 to a State plan under this subsection that  
2 was recommended by the peer review panel  
3 by making available written findings of the  
4 cause for such disapproval;

5 “(vi) approve a State plan not later  
6 than 120 days after its submission unless  
7 the Secretary determines that the plan  
8 does not meet the requirements of this sec-  
9 tion;

10 “(vii) if the Secretary determines that  
11 the State plan does not meet the require-  
12 ments of this subsection and subsection  
13 (c), immediately notify the State in writing  
14 of such determination and the reasons for  
15 such determination; and

16 “(viii) not have the authority to re-  
17 quire a State, as a condition of approval of  
18 the State plan, to include in, or delete  
19 from, such plan one or more specific ele-  
20 ments of the State’s academic content  
21 standards or to use specific academic as-  
22 sessment instruments or items.

23 “(B) STATE REVISIONS.—A State plan  
24 shall be revised by the State educational agency

1           if necessary to satisfy the requirements of this  
2           section.

3           “(c) PARENT AND FAMILY ENGAGEMENT.—Each  
4 State plan shall include a description of how the State will  
5 strengthen engagement of the parents and families in edu-  
6 cation (referred to in this subsection as the ‘parent and  
7 family engagement plan’) in accordance with the following:

8           “(1) STATEWIDE PARENT AND FAMILY EN-  
9 GAGEMENT STRATEGY.—The parent and family en-  
10 gagement plan shall demonstrate how the State  
11 plans to increase and enhance the engagement of  
12 parents and family members in education through-  
13 out the State, through the implementation and rep-  
14 lication of evidence-based or promising practices and  
15 strategies, in order to—

16           “(A) increase student academic achieve-  
17 ment and college and career readiness (as  
18 measured by the State academic content and  
19 student academic achievement standards);

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

23           “(C) improve child development;

24           “(D) strengthen relationships and partner-  
25 ships among school personnel (including edu-



1 cators and administrators) and parents and  
2 family members, to support student achieve-  
3 ment and college and career readiness;

4 “(E) improve the ability of local edu-  
5 cational agencies and schools to increase the  
6 participation of parents and family members in  
7 school improvement strategies; and

8 “(F) focus the activities described in sub-  
9 paragraphs (A) through (E) in high-need local  
10 educational agencies and high-need schools.

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

14 “(A) ensure maximum coordination and  
15 minimum duplication of efforts (which may in-  
16 clude the designation of a parent and family en-  
17 gagement coordinator) among, at a minimum—

18 “(i) Federal, State and local pro-  
19 grams;

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

22 “(iii) the parent and family informa-  
23 tion and resource centers established under  
24 subpart 16 of part D of title V; and

1                   “(iv) appropriate non-Federal entities  
2                   (such as community-based and philan-  
3                   thropic organizations); and

4                   “(B) collect and disseminate best practices  
5                   and research on parent and family engagement  
6                   strategies to—

7                   “(i) local educational agencies, includ-  
8                   ing high-need local educational agencies,  
9                   and high-need schools in the State, such as  
10                  through parent and family engagement  
11                  academies and other leadership develop-  
12                  ment strategies; and

13                  “(ii) institutions of higher education  
14                  and other organizations with a dem-  
15                  onstrated record of success in increasing  
16                  the engagement of parents and family  
17                  members in education.

18                  “(3) TECHNICAL ASSISTANCE, TRAINING, AND  
19                  CAPACITY-BUILDING.—The State parent and family  
20                  engagement plan shall describe the evidence-based  
21                  technical assistance, professional development, or  
22                  other capacity-building strategies that the State will  
23                  provide to, at a minimum, high-need local edu-  
24                  cational agencies and high-need schools, which—

1           “(A) shall include the provision of tech-  
2           nical assistance to local educational agencies  
3           that serve schools identified under subsection  
4           (b) or (c)(2) of section 1116;

5           “(B) shall include partnering with the ap-  
6           propriate parent and family information and re-  
7           source centers; and

8           “(C) may include assistance in developing,  
9           revising, or implementing the local educational  
10          agency plans submitted pursuant to section  
11          1112, as such plans relate to supporting parent  
12          and family engagement.

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

20          “(d) ANNUAL STATE REPORT CARDS.—

21                 “(1) IN GENERAL.—A State that receives a  
22                 grant under this part shall prepare and disseminate  
23                 an annual report card for each public elementary  
24                 school and secondary school in the State, each local

1 educational agency in the State, and the State as a  
2 whole.

3 “(2) REQUIREMENTS FOR ALL REPORT  
4 CARDS.—The State shall ensure that the school,  
5 local educational agency, and State report cards re-  
6 quired under this subsection shall—

7 “(A) be uniform across the State;

8 “(B) be concise;

9 “(C) be presented in a format that is eas-  
10 ily understandable and, to the extent prac-  
11 ticable, provided in a language that parents can  
12 understand; and

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

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

19 “(ii) placing, on the website of each  
20 local educational agency and, where appli-  
21 cable, each school, a link that provides ac-  
22 cess to the report card for the school or  
23 local educational agency, respectively; and

1                   “(iii) providing a copy of a school’s re-  
2                   port card to the parents of each student  
3                   enrolled in the school each year.

4                   “(3) REQUIRED STUDENT INFORMATION FOR  
5                   SCHOOL REPORT CARDS.—Each school report card  
6                   required under paragraph (1) shall include the fol-  
7                   lowing:

8                   “(A) A clear and concise description of the  
9                   State’s accountability system under subsection  
10                  (a)(3), including a description of the criteria by  
11                  which the State evaluates school performance,  
12                  and the criteria that the State has established  
13                  to determine the status of schools.

14                  “(B) Information on each of the following,  
15                  in the aggregate and disaggregated by the sub-  
16                  groups described in subsection (a)(2)(B)(ix)  
17                  (except that such disaggregation shall not be  
18                  required in a case in which the results would re-  
19                  veal personally identifiable information about  
20                  an individual student):

21                  “(i) Student achievement at each per-  
22                  formance level on the State academic as-  
23                  sessments that are included in the State’s  
24                  accountability system under subsection  
25                  (a)(3).

1                   “(ii) The percentage of students who  
2 do not take the State academic assess-  
3 ments.

4                   “(iii) The most recent 3-year trend in  
5 student achievement in each subject area,  
6 and for each grade level, for such assess-  
7 ments.

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

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

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

17                   “(II) the most recent 3-year  
18 trend in student growth in each sub-  
19 ject area, and for each grade level, for  
20 the State academic assessments.

21                   “(vi) The number and percentages of  
22 students with the most significant cog-  
23 nitive disabilities that take an alternate as-  
24 sessment under subsection (a)(2)(E), by  
25 grade and subject.

1           “(vii) The number of students who  
2           are English learners, and the performance  
3           of such students, on the State’s English  
4           language proficiency assessments under  
5           subsection (a)(2)(D), including the stu-  
6           dents’ attainment of, and progress toward,  
7           higher levels of English language pro-  
8           ficiency.

9           “(viii) For each high school—

10           “(I) student graduation rates, in-  
11           cluding—

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

15           “(bb) the cumulative grad-  
16           uation rate defined in section  
17           1110(3)(B); and

18           “(II) not later than the beginning  
19           of the 2012–2013 school year, the  
20           rate at which students who graduated  
21           from the high school in the preceding  
22           year enrolled in institutions of higher  
23           education by the beginning of the next  
24           school year; and

1                   “(III) not later than the begin-  
2                   ning of the 2013–2014 school year,  
3                   the rate of student remediation, in the  
4                   aggregate, for high school graduates  
5                   who enroll in public institutions of  
6                   higher education in the State or in  
7                   other institutions of higher education  
8                   (to the extent obtaining the data re-  
9                   garding other institutions is prac-  
10                  ticable).

11                  “(ix) The school’s categorization, if  
12                  applicable, in the State school account-  
13                  ability and improvement system under sec-  
14                  tion 1116.

15                  “(C) The most recently available academic  
16                  achievement results in grades 4 and 8 of the  
17                  State’s students on the National Assessment of  
18                  Educational Progress in reading and mathe-  
19                  matics, including the percentage of students at  
20                  each achievement level in the aggregate and by  
21                  the groups described in section 303(b)(2)(G) of  
22                  the National Assessment of Educational  
23                  Progress Authorization Act (20 U.S.C.  
24                  9622(b)(2)(G)).



1           “(4) OPTIONAL INFORMATION.—A State may  
2 include in each school report card such other infor-  
3 mation as the State believes will best provide par-  
4 ents, students, and other members of the public with  
5 information regarding the progress of each of the  
6 State’s public elementary and secondary schools.  
7 Such information may include—

8           “(A) the percentage of students passing  
9 examinations related to coursework acceptable  
10 for postsecondary credit at institutions of high-  
11 er education, such as Advanced Placement or  
12 International Baccalaureate examinations;

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

14           “(C) the incidence of school violence, bul-  
15 lying, drug abuse, alcohol abuse, student sus-  
16 pensions, student detentions, and student expul-  
17 sions;

18           “(D) indicators of school climate;

19           “(E) student attendance; and

20           “(F) school readiness of students in kin-  
21 dergarten.

22           “(5) LOCAL EDUCATIONAL AGENCY AND STATE  
23 REPORT CARDS.—Each local educational agency re-  
24 port card and State report card required under  
25 paragraph (1)—

1           “(A) shall include the data described in  
2           clauses (i) through (viii) of paragraph (3) for  
3           the local educational agency or State, respec-  
4           tively, as a whole and disaggregated by the sub-  
5           groups described in subsection (a)(2)(B)(ix);  
6           and

7           “(B) may include any optional information  
8           described in paragraph (4) for the local edu-  
9           cational agency or State, respectively.

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

14          “(7) PREEXISTING REPORT CARDS.—A State  
15          educational agency or local educational agency that  
16          was providing public report cards on the perform-  
17          ance of students, schools, local educational agencies,  
18          or the State prior to the date of enactment of the  
19          Elementary and Secondary Education Reauthoriza-  
20          tion Act of 2011, may use those report cards for the  
21          purpose of this subsection as long as any such report  
22          card is modified, as may be needed, to contain the  
23          information required by this subsection.

24          “(8) COST REDUCTION.—Each State edu-  
25          cational agency and local educational agency receiv-

1       ing assistance under this part shall, wherever pos-  
2       sible, take steps to reduce data collection costs and  
3       duplication of effort by obtaining the information re-  
4       quired under this subsection through existing data  
5       collection efforts.

6       “(e) REPORTING.—

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

11               “(A) information on the State’s progress in  
12      developing and implementing the academic as-  
13      sessments described in subsection (a)(2);

14               “(B) information on the achievement of  
15      students, in terms of being on track to college  
16      and career readiness and, for States described  
17      in subsection (b)(1)(B), in terms of making  
18      adequate student growth, on such academic as-  
19      sessments, including results disaggregated by  
20      the subgroups described in subsection  
21      (a)(2)(B)(ix);

22               “(C) in any year before the State begins to  
23      provide the information described in subpara-  
24      graph (B), information on the results of stu-  
25      dent academic assessments (including results

1 disaggregated by the subgroups described in  
2 subsection (a)(2)(B)(ix)) required under this  
3 section;

4 “(D) information on the acquisition of  
5 English language proficiency by students who  
6 are English learners;

7 “(E) the number of schools, and the name  
8 of each school, identified under section  
9 1116(c)(2); and

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

12 “(2) SECRETARY’S REPORT CARD AND BIEN-  
13 NIAL EVALUATION REPORT.—

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

21 “(i) analyze existing data from State  
22 reports required under this Act, the Indi-  
23 viduals with Disabilities Education Act,  
24 and the Carl D. Perkins Career and Tech-

1 nical Education Act of 2006, and summa-  
2 rize major findings from such reports;

3 “(ii) analyze data from the National  
4 Assessment of Educational Progress and  
5 international assessments, including the  
6 Third International Mathematics and  
7 Science Survey;

8 “(iii) identify trends in student  
9 achievement, student performance, and  
10 high school graduation rates, by analyzing  
11 and reporting on the status and perform-  
12 ance of subgroups of students, including  
13 subgroups based on race, ethnicity, and so-  
14 cioeconomic status and the subgroups of  
15 children with disabilities and English  
16 learners;

17 “(iv) compare the performance of stu-  
18 dents across States and local educational  
19 agencies across the United States;

20 “(v) identify and report on promising  
21 practices, areas of greatest improvement in  
22 student achievement and educational at-  
23 tainment, and other examples worthy of  
24 national attention;

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

4                   “(vii)(I) analyze existing data, as of  
5                   the time of the report, on Federal, State,  
6                   and local expenditures on education, in-  
7                   cluding per pupil spending, teacher salaries  
8                   and pension obligations, school level spend-  
9                   ing, and other financial data publicly avail-  
10                  able; and

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

13                  “(B) BIENNIAL REPORT.—The Secretary  
14                  shall transmit biennially to the authorizing  
15                  committees a report that provides national and  
16                  State-level data on the information collected  
17                  under paragraph (1).

18                  “(f) PENALTIES.—If a State that receives a grant  
19                  under this part fails to meet any requirement of this part,  
20                  the Secretary may withhold funds for State administration  
21                  under this part until the Secretary determines that the  
22                  State has fulfilled those requirements.

23                  “(g) PARENTS’ RIGHT-TO-KNOW.—

24                  “(1) QUALIFICATIONS.—At the beginning of  
25                  each school year, a local educational agency that re-

1 ceives funds under this part shall notify the parents  
2 of each student attending any school receiving funds  
3 under this part that the parents may request, and  
4 the agency will provide the parents on request (and  
5 in a timely manner), information regarding the pro-  
6 fessional qualifications of the student's classroom  
7 teachers, including, at a minimum, the following:

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

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

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

20 “(D) Whether the student is provided serv-  
21 ices by paraprofessionals and, if so, their quali-  
22 fications.

23 “(2) ADDITIONAL INFORMATION.—In addition  
24 to the information that parents of students may re-  
25 quest under paragraph (1), a school that receives

1 funds under this part shall provide to each indi-  
2 vidual parent, with respect to the student—

3 “(A) information on the level of achieve-  
4 ment of the student in each of the State aca-  
5 demic assessments as required under this part;  
6 and

7 “(B) timely notice that the student has  
8 been assigned, or has been taught for 4 or more  
9 consecutive weeks by, a teacher who is not high-  
10 ly qualified.

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

16 “(h) **PRIVACY.**—Information collected under this sec-  
17 tion shall be collected and disseminated in a manner that  
18 protects the privacy of individuals.

19 “(i) **TECHNICAL ASSISTANCE.**—The Secretary shall  
20 provide a State educational agency, at the State edu-  
21 cational agency’s request, technical assistance in meeting  
22 the requirements of this section, including the provision  
23 of advice by experts in the development of high-quality  
24 academic assessments, the setting of State standards, the  
25 development of State accountability systems, the minimum



1 number of students in a subgroup needed to protect con-  
2 fidentiality, and other relevant areas.

3 “(j) CONSTRUCTION.—Nothing in this part shall be  
4 construed to prescribe the use of the academic assess-  
5 ments described in this part for student promotion or  
6 graduation purposes.

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

12 “(1) STATE ACCREDITED SCHOOLS.—Each such  
13 school that is accredited by the State in which it is  
14 operating shall use the assessments the State has  
15 developed and implemented to meet the require-  
16 ments of this section, or such other appropriate as-  
17 sessment as approved by the Secretary of the Inte-  
18 rior.

19 “(2) REGIONALLY ACCREDITED SCHOOLS.—  
20 Each such school that is accredited by a regional ac-  
21 crediting organization shall adopt appropriate as-  
22 sements, in consultation with and with the ap-  
23 proval of, the Secretary of the Interior and con-  
24 sistent with assessments adopted by other schools in

1 the same State or region, that meets the require-  
2 ments of this section.

3 “(3) TRIBALLY ACCREDITED SCHOOLS.—Each  
4 such school that is accredited by a tribal accrediting  
5 agency or tribal division of education shall use as-  
6 sessments developed by such agency or division, ex-  
7 cept that the Secretary of the Interior shall ensure  
8 that such assessments meet the requirements of this  
9 section.

10 “(1) DEFINITION OF ADEQUATE STUDENT  
11 GROWTH.—In this section, the term ‘adequate student  
12 growth’ with respect to a subject means—

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

22 “(2) for a student who, for the year for which  
23 the determination is being made, is performing at or  
24 above the on-track level of performance for the stu-  
25 dent’s grade level on the academic assessment for

1 the subject, a rate of academic growth in the subject  
2 equal to not less than 1 year's academic growth.”.

3 **SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.**

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

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

7 **“(a) PLANS REQUIRED.—**

8 **“(1) SUBGRANTS.—**A local educational agency  
9 may receive a subgrant under this part for any fiscal  
10 year only if such agency has on file with the State  
11 educational agency a plan, approved by the State  
12 educational agency, that is coordinated with other  
13 programs under this Act, the Individuals with Dis-  
14 abilities Education Act, the Carl D. Perkins Career  
15 and Technical Education Act of 2006, the McKin-  
16 ney-Vento Homeless Assistance Act, and other Acts,  
17 as appropriate.

18 **“(2) CONSOLIDATED APPLICATION.—**The plan  
19 may be submitted as part of a consolidated applica-  
20 tion under section 9305.

21 **“(b) PLAN DEVELOPMENT AND DURATION.—**

22 **“(1) CONSULTATION.—**Each local educational  
23 agency plan shall be developed in consultation with  
24 teachers, principals, administrators, and other ap-  
25 propriate school personnel and with parents and

1 family members of children in schools served under  
2 this part.

3 “(2) DURATION.—Each local educational agen-  
4 cy plan shall be submitted pursuant to this section  
5 for the first year for which this part is in effect fol-  
6 lowing the date of enactment of the Elementary and  
7 Secondary Education Reauthorization Act of 2011  
8 and shall remain in effect for the duration of the  
9 agency’s participation under this part.

10 “(3) REVIEW.—Each local educational agency  
11 shall periodically review and, as necessary, revise its  
12 plan to reflect changes in the local educational agen-  
13 cy’s strategies and programs under this part.

14 “(c) STATE APPROVAL.—

15 “(1) IN GENERAL.—Each local educational  
16 agency plan shall be filed according to a schedule es-  
17 tablished by the State educational agency.

18 “(2) APPROVAL.—The State educational agency  
19 shall approve a local educational agency’s plan only  
20 if the State educational agency determines that the  
21 local educational agency’s plan—

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

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

2           “(d) PLAN PROVISIONS.—In order to help low-achiev-  
3 ing children meet college and career ready student aca-  
4 demic achievement standards, and to close the achieve-  
5 ment gap between high- and low-achieving children, espe-  
6 cially achievement gaps between minority and nonminority  
7 students, and between disadvantaged children and their  
8 more advantaged peers, each local educational agency plan  
9 shall describe each of the following:

10                   “(1) How the local educational agency will work  
11 with each of the schools served by the agency to—

12                   “(A) develop and implement a comprehen-  
13 sive program of instruction to meet the aca-  
14 demic needs of all students;

15                   “(B) identify quickly and effectively stu-  
16 dents who may be at risk for academic failure;

17                   “(C) provide additional educational assist-  
18 ance to individual students assessed as needing  
19 help in meeting the State’s college and career  
20 ready student academic achievement standards;

21                   “(D) identify significant gaps in student  
22 achievement among subgroups of students iden-  
23 tified under section 1111(a)(2)(B)(ix) and de-  
24 velop strategies to reduce such gaps in achieve-  
25 ment; and

1           “(E) identify and implement effective  
2           methods and instructional strategies that are  
3           based on scientifically valid research intended to  
4           strengthen the core academic programs of the  
5           schools, including multi-tiered systems of sup-  
6           port, universal design for learning, and positive  
7           behavioral interventions and supports.

8           “(2) How the local educational agency will mon-  
9           itor and evaluate the effectiveness of school pro-  
10          grams in improving student academic achievement,  
11          especially for students not meeting college and ca-  
12          reer ready student academic achievement standards.

13          “(3) The strategy the local educational agency  
14          will use to implement effective parent and family en-  
15          gagement under section 1118.

16          “(4) How the local educational agency will co-  
17          ordinate and integrate services provided under this  
18          part with other early childhood education and care  
19          programs at the local educational agency or indi-  
20          vidual school level (including programs under section  
21          619 of the Individuals with Disabilities Education  
22          Act) that include plans for the transition of partici-  
23          pants in such programs to local elementary school  
24          programs and, if appropriate, a description of how  
25          the local educational agency will use funds under

1       this part to support preschool programs for children,  
2       particularly children participating in a Head Start  
3       program, which may be provided directly by the local  
4       educational agency or through a subcontract with  
5       the Head Start agency designated by the Secretary  
6       of Health and Human Services under section 641 of  
7       the Head Start Act, or another comparable public  
8       early childhood education and care program.

9               “(5) How activities under this part will be co-  
10       ordinated and integrated with Federal, State, and  
11       local services and programs, including programs sup-  
12       ported under this Act, the Carl D. Perkins Career  
13       and Technical Education Act of 2006, the Individ-  
14       uals with Disabilities Education Act, the Rehabilita-  
15       tion Act of 1973, the Head Start Act, the Workforce  
16       Investment Act of 1998, violence prevention pro-  
17       grams, nutrition programs, and housing programs.

18               “(6) The poverty criteria that will be used to  
19       select school attendance areas under section 1113.

20               “(7) How teachers, in consultation with parents  
21       and family members, administrators, and pupil serv-  
22       ices personnel, in targeted assistance schools under  
23       section 1115, will identify the eligible children most  
24       in need of services under this part.

1           “(8) How the local educational agency will, dur-  
2           ing the period beginning not later than 1 year after  
3           the date of enactment of the Elementary and Sec-  
4           ondary Education Reauthorization Act of 2011 and  
5           ending on the date that is 5 years after such date  
6           of enactment or the date by which the local edu-  
7           cational agency has implemented a teacher and prin-  
8           cipal evaluation system that meets the requirements  
9           of section 2123, whichever is sooner, provide for the  
10          equitable distribution of teachers among the schools  
11          served by such agency, so that low-income and mi-  
12          nority students are not taught at higher rates than  
13          other children by teachers in the lowest rating cat-  
14          egory consistent with section 2123(b).

15          “(9) Data on the percentage and distribution of  
16          more than 1, or an index that incorporates more  
17          than 1, of the categories of teachers described in  
18          clauses (i) through (iv) of subsection (e)(9)(B) as  
19          transitional measures of teacher quality.

20          “(10) A description of—

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



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

7           “(11) A description of the support the local  
8           educational agency will provide for homeless children  
9           and youths, consistent with the requirements of the  
10          McKinney-Vento Homeless Assistance Act.

11          “(e) ASSURANCES.—Each local educational agency  
12          plan shall provide assurances that the local educational  
13          agency will—

14               “(1) use the results of the student academic as-  
15               sessments required under section 1111(a)(2), and  
16               other measures or indicators available to the agency,  
17               to review annually the progress of each school served  
18               by the agency and receiving funds under this part to  
19               determine whether all of the schools are making the  
20               progress necessary to ensure that all students will  
21               meet the State’s on-track or advanced level of  
22               achievement on the State academic assessments de-  
23               scribed in section 1111(a)(2);

24               “(2) provide to parents and teachers the results  
25               from the academic assessments required under sec-

1       tion 1111(a)(2) as soon as is practicably possible  
2       after the test is taken in an understandable and uni-  
3       form format and, to the extent possible, provided in  
4       a language that the parents and, to the greatest ex-  
5       tent practicable, family members, can understand;

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

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

13          “(5) ensure that migratory children who are eli-  
14      gible to receive services under this part are selected  
15      to receive such services on the same basis as other  
16      children who are selected to receive services under  
17      this part;

18          “(6) provide services to eligible children attend-  
19      ing private elementary schools and secondary schools  
20      in accordance with section 1120, and timely and  
21      meaningful consultation with private school officials  
22      regarding such services;

23          “(7) inform eligible schools of the local edu-  
24      cational agency’s authority to obtain waivers on the

1 school's behalf under applicable Federal flexibility  
2 provisions;

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

10 “(9)(A) during the transitional period before  
11 the agency has implemented an evaluation system  
12 that meets the requirements under section 2123, an-  
13 nually submit to the State the transitional measure  
14 data described in subsection (d)(9) for such year, for  
15 each quartile of schools in the local educational  
16 agency based on school poverty level, for high-minor-  
17 ity schools, and for low-minority schools; and

18 “(B) annually submit to the State educational  
19 agency, for each quartile of schools in the local edu-  
20 cational agency based on school poverty level and for  
21 high-minority schools and low-minority schools in  
22 the local educational agency, data regarding the per-  
23 centage and distribution of the following categories  
24 of teachers:

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

3                   “(ii) Teachers who are inexperienced.

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

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

9                   “(f) PARENTAL NOTIFICATION REGARDING LAN-  
10 GUAGE INSTRUCTION PROGRAMS.—

11                   “(1) IN GENERAL.—

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

20                   “(i) the reasons for the identification  
21 of their child as an English learner and in  
22 need of placement in a language instruc-  
23 tion educational program;

24                   “(ii) the child’s level of English pro-  
25 ficiency, how such level was assessed, and

1 the status of the child’s academic achieve-  
2 ment;

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

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

15 “(v) how such program will specifi-  
16 cally help their child learn English, and  
17 meet age-appropriate academic achieve-  
18 ment standards for grade promotion and  
19 graduation;

20 “(vi) the specific exit requirements for  
21 the program, including the expected rate of  
22 transition from such program into class-  
23 rooms that are not tailored for English  
24 learner children, and the expected rate of  
25 graduation from secondary school for such

1 program if funds under this part are used  
2 for children in secondary schools;

3 “(vii) in the case of a child with a dis-  
4 ability, how such program meets the objec-  
5 tives of the individualized education pro-  
6 gram of the child; and

7 “(viii) information pertaining to pa-  
8 rental rights that includes written guid-  
9 ance—

10 “(I) detailing—

11 “(aa) the right that parents  
12 have to have their child imme-  
13 diately removed from such pro-  
14 gram upon their request; and

15 “(bb) the options that par-  
16 ents have to decline to enroll  
17 their child in such program or to  
18 choose another program or meth-  
19 od of instruction, if available; and

20 “(II) assisting parents in select-  
21 ing among various programs and  
22 methods of instruction, if more than 1  
23 program or method is offered by the  
24 eligible entity.

1           “(B) SEPARATE NOTIFICATION.—In addi-  
2           tion to providing the information required to be  
3           provided under paragraph (1), each local edu-  
4           cational agency that is using funds provided  
5           under this part to provide a language instruc-  
6           tion educational program, shall separately in-  
7           form a parent or the parents of a child identi-  
8           fied for participation in such program, or par-  
9           ticipating in such program, of such failure not  
10          later than 30 days after such failure occurs.

11          “(2) NOTICE.—The notice and information pro-  
12          vided in paragraph (1) to a parent or parents of a  
13          child identified for participation in a language in-  
14          struction educational program for English learner  
15          children shall be in an understandable and uniform  
16          format and, to the extent practicable, provided in a  
17          language that the parents can understand.

18          “(3) SPECIAL RULE APPLICABLE DURING THE  
19          SCHOOL YEAR.—For those children who have not  
20          been identified as English learners prior to the be-  
21          ginning of the school year who are subsequently so  
22          identified, the local educational agency shall notify  
23          the parents of such children within the first 2 weeks  
24          of the child being placed in a language instruction

1 educational program consistent with paragraphs (1)  
2 and (2).

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

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

24 **SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

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



1 (1) in subsection (a)—

2 (A) by striking paragraph (3) and insert-  
3 ing the following:

4 “(3) RANKING ORDER.—

5 “(A) IN GENERAL.—Except as provided in  
6 subparagraph (B), if funds allocated in accord-  
7 ance with subsection (c) are insufficient to serve  
8 all eligible school attendance areas, a local edu-  
9 cational agency shall—

10 “(i) annually rank, without regard to  
11 grade spans, such agency’s eligible school  
12 attendance areas in which the concentra-  
13 tion of children from low-income families  
14 exceeds 75 percent, or exceeds 50 percent  
15 in the case of the high schools served by  
16 such agency, from highest to lowest ac-  
17 cording to the percentage of children from  
18 low-income families; and

19 “(ii) serve such eligible school attend-  
20 ance areas in rank order.

21 “(B) APPLICABILITY.—A local educational  
22 agency shall not be required to reduce, in order  
23 to comply with subparagraph (A), the amount  
24 of funding provided under this part to elemen-  
25 tary schools and middle schools from the

1 amount of funding provided under this part to  
2 such schools for the fiscal year preceding the  
3 data of enactment of the Elementary and Sec-  
4 ondary Education Reauthorization Act of 2011  
5 in order to provide funding under this part to  
6 high schools pursuant to subparagraph (A).”;

7 (B) by striking paragraph (5) and insert-  
8 ing the following:

9 “(5) MEASURES.—

10 “(A) IN GENERAL.—Except as provided in  
11 subparagraph (B), the local educational agency  
12 shall use the same measure of poverty, which  
13 measure shall be the number of children ages 5  
14 through 17 in poverty counted in the most re-  
15 cent census data approved by the Secretary, the  
16 number of children eligible for free and reduced  
17 priced lunches under the Richard B. Russell  
18 National School Lunch Act, the number of chil-  
19 dren in families receiving assistance under the  
20 State program funded under part A of title IV  
21 of the Social Security Act, or the number of  
22 children eligible to receive medical assistance  
23 under the Medicaid program, or a composite of  
24 such indicators, with respect to all school at-

1           tendance areas in the local educational agen-  
2           cy—

3                   “(i) to identify eligible school attend-  
4                   ance areas;

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

7                   “(iii) to determine allocations under  
8                   subsection (c).

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

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

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

20                  “(C) FEEDER PATTERN.—In this part, the  
21                  term ‘feeder pattern’ means an accurate esti-  
22                  mate of the number of students in low-income  
23                  families in a secondary school that is calculated  
24                  by applying the average percentage of students  
25                  in low-income families of the elementary school

1 attendance areas as calculated under subpara-  
2 graph (A) that feed into the secondary school to  
3 the number of students enrolled in such  
4 school.”; and

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

6 “(8) RESERVATION FOR EARLY CHILDHOOD  
7 EDUCATION AND CARE.—A local educational agency  
8 may reserve funds made available to carry out this  
9 section for early childhood education and care in eli-  
10 gible school attendance areas before making alloca-  
11 tions to high schools in eligible school attendance  
12 areas pursuant to this section.”; and

13 (2) in subsection (c)—

14 (A) by striking paragraph (3) and insert-  
15 ing the following:

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

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

24 “(i) homeless children who do not at-  
25 tend participating schools, including pro-

1           viding educationally related support serv-  
2           ices to children in shelters and other loca-  
3           tions where children may live;

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

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

10          “(B) RESERVATION OF FUNDS.—Notwith-  
11          standing the requirements of subsections (b)  
12          and (c) of section 1120A, funds reserved under  
13          subparagraph (A) may be used to provide  
14          homeless children and youths with services pro-  
15          vided to other students under this part, includ-  
16          ing—

17                 “(i) providing funding for the liaison  
18                 designated pursuant to section  
19                 722(g)(1)(J)(ii) of the McKinney-Vento  
20                 Homeless Assistance Act;

21                 “(ii) providing transportation pursu-  
22                 ant to section 722(g)(1)(J)(iii) of such Act;

23                 “(iii) providing services to preschool-  
24                 aged homeless children and homeless sec-  
25                 ondary school students;

1                   “(iv) providing support services to  
2                   homeless children and youths in shelters  
3                   and other locations where they may live;  
4                   and

5                   “(v) removing barriers to homeless  
6                   children and youths’ enrollment, attend-  
7                   ance, retention, and success in school.

8                   “(C) AMOUNT RESERVED.—The amount of  
9                   funds reserved under subparagraph (A) shall be  
10                  determined by an assessment of the needs of  
11                  homeless children and youths in the local edu-  
12                  cational agency. Such needs assessment shall  
13                  include the following:

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

21                  “(ii) The number of homeless children  
22                  and youths reported by the local edu-  
23                  cational agency to the State educational  
24                  agency under section 722(f)(3) of the

1                   McKinney-Vento Homeless Assistance Act  
2                   for the previous school year.”; and

3                   (B) in paragraph (4), by striking “eligible  
4                   under this section and identified for school im-  
5                   provement, corrective action, and restructuring  
6                   under section 1116(b)” and inserting “identi-  
7                   fied under section 1116”.

8   **SEC. 1114. SCHOOLWIDE PROGRAMS.**

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

10                   (1) in subsection (a)—

11                   (A) in paragraph (1), by adding at the end  
12                   the following: “Funds under this part may be  
13                   used to support activities that address needs  
14                   identified through the comprehensive needs as-  
15                   sessment under subsection (b)(1)(A) and con-  
16                   sistent with the schoolwide program.”;

17                   (B) in paragraph (2)—

18                   (i) in subparagraph (A)(ii), by strik-  
19                   ing “provide” and all that follows through  
20                   the period and inserting “identify par-  
21                   ticular services as supplemental.”; and

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

24                   “(B) SUPPLEMENTAL FUNDS.—

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

13          “(ii) COMPLIANCE.—To demonstrate  
14          compliance with clause (i) a local edu-  
15          cational agency shall demonstrate that the  
16          methodology it uses to allocate State and  
17          local funds to each school receiving funds  
18          under this part ensures the school receives  
19          all of the State and local funds the school  
20          would otherwise receive if it were not re-  
21          ceiving funds under this part.

22          “(iii) NONAPPLICABILITY.—Section  
23          1120A(b) shall not apply to schools oper-  
24          ating schoolwide programs under this sec-  
25          tion.”; and



1 (C) in paragraph (3)(B)—

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

4 (ii) by striking “, services to private  
5 school children, maintenance of effort,  
6 comparability of services, uses of Federal  
7 funds to supplement, not supplant non-  
8 Federal funds, or the distribution of funds  
9 to State educational agencies or local edu-  
10 cational agencies”;

11 (2) in subsection (b)—

12 (A) in paragraph (1)—

13 (i) in subparagraph (A), by striking  
14 “section 1111(b)(1)” and inserting “sec-  
15 tion 1111(a)(1)”;

16 (ii) in subparagraph (B)—

17 (I) in clause (i)—

18 (aa) by striking “proficient  
19 and advanced” and inserting  
20 “on-track and advanced”; and

21 (bb) by striking “section  
22 1111(b)(1)(D)” and inserting  
23 “section 1111(a)(1)(iv)”;

24 (II) in clause (ii), by striking  
25 “scientifically based research” and in-

## 106

1                   serting “scientifically valid research”;  
2                   and  
3                   (III) in clause (iii)(I)—  
4                   (aa) in item (bb), by striking  
5                   “and” after the semicolon;  
6                   (bb) in item (cc), by striking  
7                   “vocational” and inserting “ca-  
8                   reer”; and  
9                   (cc) by adding at the end  
10                  the following:  
11                  “(IV) a multi-tier system of sup-  
12                  ports and positive behavior supports;  
13                  and”;  
14                  (iii) in subparagraph (C), by inserting  
15                  “and highly rated” after “qualified”;  
16                  (iv) by striking subparagraphs (D)  
17                  and (F);  
18                  (v) by redesignating subparagraphs  
19                  (E), (G), (H), (I), and (J), as subpara-  
20                  graphs (D), (E), (F), (G), and (H), respec-  
21                  tively;  
22                  (vi) in subparagraph (D), as redesign-  
23                  ated by clause (v), by inserting “and  
24                  highly rated” after “qualified”;

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

4 (viii) in subparagraph (F), as redesignated by clause (v), by striking “section  
5 1111(b)(3)” and inserting “section  
6 1111(a)(2)”; and

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

12 (B) in paragraph (2)—

13 (i) in subparagraph (A)—

14 (I) in the matter preceding clause  
15 (i), by striking “No Child Left Behind  
16 Act of 2001), in consultation with the  
17 local educational agency and its school  
18 support team or other technical assist-  
19 ance provider under section 1117,”  
20 and inserting “Elementary and Sec-  
21 ondary Education Reauthorization Act  
22  
23  
24

1 of 2011), in consultation with the  
2 local educational agency,”; and

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

6 (ii) in subparagraph (B)—

7 (I) in clause (i)—

8 (aa) in subclause (I), by  
9 striking “, after considering the  
10 recommendation of the technical  
11 assistance providers under sec-  
12 tion 1117,”; and

13 (bb) in subclause (II), by  
14 striking “the No Child Left Be-  
15 hind Act of 2001” and inserting  
16 “the Elementary and Secondary  
17 Education Reauthorization Act of  
18 2011”;

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

23 (3) in subsection (c), by striking “Even Start  
24 programs or Early Reading First programs” and in-  
25 serting “programs under part A of title IV”.

1 **SEC. 1115. TARGETED ASSISTANCE SCHOOLS.**

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

3 (1) in subsection (b)—

4 (A) in paragraph (1)(B)—

5 (i) by striking “challenging” and in-  
6 sserting “college and career ready”;

7 (ii) by striking “, except that children  
8 from preschool through grade 2 shall be  
9 selected solely on the basis of such criteria  
10 as teacher judgment, interviews with par-  
11 ents, and developmentally appropriate  
12 measures”; and

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

17 (B) in paragraph (2)—

18 (i) in subparagraph (A), by striking  
19 “limited English proficient” and inserting  
20 “English learner”; and

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

23 “(B) HEAD START OR LITERACY PRO-  
24 GRAMS.—A child who, at any time in the 2  
25 years preceding the year for which the deter-  
26 mination is made, participated in a Head Start

1 program, a program under part A of title IV,  
2 or in preschool services under this title, is eligi-  
3 ble for services under this part.”; and

4 (2) in subsection (c)—

5 (A) in paragraph (1)—

6 (i) in the matter preceding subpara-  
7 graph (A), by striking “challenging” and  
8 inserting “college and career ready”;

9 (ii) in subparagraph (A), by striking  
10 “challenging” and inserting “college and  
11 career ready”;

12 (iii) in subparagraph (C)—

13 (I) in the matter preceding clause  
14 (i), by striking “scientifically based  
15 research” and inserting “scientifically  
16 valid research”;

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

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

21 (IV) by adding at the end the fol-  
22 lowing:

23 “(ii) may include a multi-tier system  
24 of supports and positive behavioral sup-  
25 ports;”;

1 (iv) in subparagraph (D), by striking  
2 “Even Start, Early Reading First” and in-  
3 sserting “programs under part A of title  
4 IV,”;

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

7 (vi) in subparagraph (F), by striking  
8 “subsection (e)(3) and”; and  
9 (B) in paragraph (2)—

10 (i) in the matter preceding subpara-  
11 graph (A), by striking “proficient and ad-  
12 vanced” and inserting “on-track and ad-  
13 vanced”; and

14 (ii) in subparagraph (B), by striking  
15 “challenging” and inserting “college and  
16 career ready”.

17 **SEC. 1116. SCHOOL PERFORMANCE.**

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

20 **“SEC. 1116. SCHOOL PERFORMANCE.**

21 “(a) SCHOOL ACCOUNTABILITY AND IMPROVEMENT  
22 SYSTEM.—

23 “(1) IN GENERAL.—Each State receiving a  
24 grant under this part shall, as part of the account-  
25 ability system required under section 1111(a)(3), es-

1        establish a school accountability and improvement sys-  
2        tem to differentiate public elementary and secondary  
3        schools by levels of performance, in accordance with  
4        subsections (b) through (e), and to provide such  
5        schools with intervention, as needed.

6            “(2) APPROVAL AND PEER REVIEW OF SYS-  
7        TEM.—

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

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

20            “(ii) the implementation of the State-  
21        designed accountability system, as de-  
22        scribed in section 1111(a)(3).

23            “(B) REVIEW AND APPROVAL.—The State  
24        shall include information describing the school  
25        accountability and improvement system in the



1 State plan under section 1111(b), which shall  
2 be subject to peer review and approval by the  
3 Secretary as part of the State plan, in accord-  
4 ance with such section.

5 “(b) ACHIEVEMENT GAP SCHOOLS.—

6 “(1) IDENTIFICATION OF ACHIEVEMENT GAP  
7 SCHOOLS.—

8 “(A) IN GENERAL.—Each State receiving  
9 a grant under this part shall define the cat-  
10 egory of achievement gap schools for the State  
11 as part of its State plan, and shall identify an-  
12 nually, beginning in the 2013–2014 school year,  
13 the schools in the category. A State shall in-  
14 clude in its achievement gap schools the 5 per-  
15 cent of public high schools in the State, and the  
16 5 percent of public elementary schools and sec-  
17 ondary schools in the State that are not high  
18 schools, that have the largest achievement gap  
19 among any of the subgroups of students de-  
20 scribed in subparagraph (B), or that have the  
21 lowest performance by students in such sub-  
22 groups in the State, with respect to—

23 “(i) being on track to career and col-  
24 lege readiness in the subjects included in

1 the State accountability system under sec-  
2 tion 1111(a)(3); and

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

5 “(B) SUBGROUPS OF STUDENTS.—The  
6 subgroups described in this subparagraph shall  
7 be obtained by disaggregating students enrolled  
8 in a school by each major racial and ethnic  
9 group, by English proficiency status, by status  
10 as a child with a disability, and by economically  
11 disadvantaged status.

12 “(C) DATA RULE.—In identifying achieve-  
13 ment gap schools under this paragraph, a State  
14 shall—

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

17 “(ii) average data for the most recent  
18 2- to 3-year period for which data are  
19 available.

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

1           “(2) STATE AND LOCAL STRATEGIES.—

2                   “(A) IMPROVEMENT STRATEGIES.—For  
3 each achievement gap school identified under  
4 paragraph (1), the local educational agency  
5 serving the school shall, in accordance with the  
6 State accountability system described in section  
7 1111(a)(3), develop and implement a measur-  
8 able and data-driven correction plan to improve  
9 the performance of low-achieving subgroups in  
10 the school in order to close achievement gaps.

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

20           “(c) PERSISTENTLY LOW-ACHIEVING SCHOOLS.—

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

23                   “(A) IN GENERAL.—Each State receiving  
24 a grant under this part shall, beginning in the  
25 2013–2014 school year and every year there-

1 after, determine the lowest-achieving schools in  
2 the State, which shall include—

3 “(i) the lowest-achieving 5 percent of  
4 public high schools, and the lowest-achiev-  
5 ing 5 percent of public elementary schools  
6 and secondary schools that are not high  
7 schools, in the State, based on—

8 “(I) student performance on the  
9 State academic assessments in read-  
10 ing or language arts, and mathe-  
11 matics, including student absolute  
12 performance and, for a State de-  
13 scribed in section 1111(b)(1)(B),  
14 growth (defined, for the purposes of  
15 this section, as the percentage of stu-  
16 dents who are on track to college and  
17 career readiness in a subject);

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

20 “(III) if the State so chooses—

21 “(aa) schoolwide gains; and

22 “(bb) absolute student per-  
23 formance and, in the case of a  
24 State described in section  
25 1111(b)(1)(B), student growth,

1 on other statewide assessments;  
2 and

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

6 “(B) DATA RULE.—In identifying the low-  
7 est-achieving schools under this paragraph, a  
8 State shall—

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

11 “(ii) average data for the most recent  
12 2- to 3-year period for which data are  
13 available.

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

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

22 “(i) compile a list of the schools iden-  
23 tified under subparagraph (A) that—

24 “(I) receive assistance under this  
25 part;

1                   “(II) are public high schools for  
2                   which not less than 50 percent of each  
3                   school’s students are from low-income  
4                   families, as determined by the local  
5                   educational agency under section  
6                   1113; or

7                   “(III) are public high schools  
8                   that have less than a 60 percent grad-  
9                   uation rate;

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

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

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

18                  “(2) IDENTIFICATION AS PERSISTENTLY LOW-  
19                  ACHIEVING.—

20                  “(A) IDENTIFICATION.—For the 2013–  
21                  2014 school year, each State receiving a grant  
22                  under this part shall identify each school in-  
23                  cluded on the list under paragraph (1)(D)(i) for  
24                  the preceding school year as a persistently low-  
25                  achieving school. For the 2014–2015 school

1           year, and each subsequent school year, each  
2           such State shall identify each school that has  
3           been included on the list under such paragraph  
4           for the 2 preceding consecutive school years as  
5           a persistently low-achieving school.

6                   “(B) 5-YEAR PERIOD.—A school that is  
7           identified by the State under subparagraph (A)  
8           shall be a persistently low-achieving school for  
9           the 5-year period following the school’s identi-  
10          fication, except as provided in paragraph (7).

11                   “(3) STATE WAIVER.—If a State determines  
12          that all schools that would otherwise be considered  
13          to be in the lowest-achieving 5 percent of schools  
14          under paragraph (1)(A)(i) are actually performing  
15          at a satisfactory level of performance based on the  
16          measures used by the State to identify persistently  
17          low-achieving schools, the State may apply to the  
18          Secretary to waive the requirements of this section.

19                   “(4) NEEDS ANALYSIS.—Each local educational  
20          agency receiving assistance under this part shall  
21          conduct a data-driven needs analysis, which may in-  
22          volve an external partner with expertise in con-  
23          ducting such needs analysis, of each school identified  
24          under paragraph (2) by the State to determine the  
25          most appropriate school improvement strategies to

1 improve student performance. Such needs analysis  
2 shall include—

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

5 “(B) an analysis of the school governance,  
6 curriculum, instruction, student supports, con-  
7 ditions for learning, and parent and family en-  
8 gagement practices relative to the needs of the  
9 student population; and

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

17 “(5) STATE AND LOCAL RESPONSIBILITIES.—

18 “(A) STATE RESPONSIBILITIES.—Each  
19 State receiving a grant under this part shall en-  
20 sure that a local educational agency receiving  
21 assistance carries out the requirements of sub-  
22 paragraph (B) for each persistently low-achiev-  
23 ing school in the State.

24 “(B) LOCAL EDUCATIONAL AGENCY RE-  
25 SPONSIBILITIES.—Each local educational agen-



1           cy receiving assistance under this part shall,  
2           consistent with the State’s accountability sys-  
3           tem under section 1111(a)(3), for each school  
4           identified under paragraph (2) that it serves—

5                   “(i) establish a process for selecting  
6                   an appropriate school improvement strat-  
7                   egy for the school that uses information  
8                   from the needs analysis under paragraph  
9                   (4);

10                   “(ii) select the school improvement  
11                   strategy to be used in each identified  
12                   school and the timeline for implementing  
13                   the selected school improvement strategy  
14                   in such school;

15                   “(iii) develop a detailed budget cov-  
16                   ering the 5-year identification period, in-  
17                   cluding planned expenditures at the school  
18                   level for activities supporting full and ef-  
19                   fective implementation of the selected  
20                   school improvement strategy;

21                   “(iv) implement a school improvement  
22                   strategy at the school in accordance with  
23                   the requirements of paragraph (6);

## 122

1                   “(v) use appropriate measures to  
2                   monitor the effectiveness of the implemen-  
3                   tation;

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

7                   “(vii) align other Federal, State, and  
8                   local resources with the school improve-  
9                   ment strategy;

10                  “(viii) provide the school with the  
11                  operational flexibility, including autonomy  
12                  over staffing, time, and budget, needed to  
13                  enable full and effective implementation of  
14                  the selected strategy, including through the  
15                  modification of practices or policies, if nec-  
16                  essary;

17                  “(ix) collect and use data on an ongo-  
18                  ing basis to adjust implementation of the  
19                  school improvement strategy to improve  
20                  student achievement;

21                  “(x) provide an assurance that the im-  
22                  plementation of the selected school im-  
23                  provement strategy addresses the needs of  
24                  all the subgroups of students described in  
25                  subsection (b)(1)(B) in the school;

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

4                   “(xii) provide technical assistance and  
5 other support to ensure effective implemen-  
6 tation of the school improvement strategy  
7 in the school, which may include assistance  
8 in—

9                   “(I) data collection and analysis;

10                   “(II) recruiting and retaining  
11 staff;

12                   “(III) teacher and principal eval-  
13 uation;

14                   “(IV) professional development;

15                   “(V) parent and family engage-  
16 ment;

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

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

23                   “(VIII) monitoring the imple-  
24 mentation of the school improvement  
25 strategy selected under paragraph (6).

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

6           “(6) SCHOOL IMPROVEMENT STRATEGIES.—

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

11           “(i) provide staff at the school with  
12 ongoing professional development, con-  
13 sistent with the needs analysis described in  
14 paragraph (4);

15           “(ii) conduct regular evaluations for  
16 the teachers and principals at the school  
17 that provide specific feedback on areas of  
18 strength and in need of improvement, con-  
19 sistent with section 2123(b);

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

23           “(iv) provide instructional staff at the  
24 school with timely access to student data  
25 to inform instruction and meet the aca-

1 demic needs of individual students, which  
2 may include, in elementary school, school  
3 readiness data;

4 “(v) collaborate with parents, the  
5 community, teachers, and other school per-  
6 sonnel at the school on the selection and  
7 implementation of the strategy;

8 “(vi) use data to identify and imple-  
9 ment a research-based instructional pro-  
10 gram that—

11 “(I) analyzes student progress  
12 and performance and develops appro-  
13 priate interventions for students who  
14 are not making adequate progress;  
15 and

16 “(II) provides differentiated in-  
17 struction and related instructional  
18 supports;

19 “(vii) in the case of an elementary  
20 school with kindergarten entry, consider  
21 the issue of school readiness in such school  
22 by—

23 “(I) examining factors that con-  
24 tribute to school readiness as part of

1 the needs analysis conducted under  
2 paragraph (4); and

3 “(II) if school readiness is identi-  
4 fied in the needs analysis as an area  
5 in need of improvement—

6 “(aa) coordinating with ap-  
7 propriate early childhood pro-  
8 grams, such as programs under  
9 the Child Care Development and  
10 Block Grant Act of 1990, the  
11 Head Start Act, prekindergarten  
12 programs, and other similar Fed-  
13 eral, State, and local programs,  
14 in order to align instruction to  
15 better prepare students for ele-  
16 mentary school; and

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

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

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

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

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

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

14                   “(II) require existing instruc-  
15                   tional staff and school leadership to  
16                   reapply for their positions;

17                   “(III) require that all instruc-  
18                   tional staff and school leadership hir-  
19                   ing be done at the school through mu-  
20                   tual consent; and

21                   “(IV) ensure that other schools  
22                   served by the local educational agency  
23                   are not forced to accept teachers dis-  
24                   placed from the school in which the

1 transformation strategy is imple-  
2 mented.

3 “(ii) STRATEGIC STAFFING STRAT-  
4 EGY.—A local educational agency imple-  
5 menting a strategic staffing initiative as a  
6 strategy for a school shall—

7 “(I) if the principal has served in  
8 that role at the school for more than  
9 2 years, replace the principal with a  
10 principal with a demonstrated record  
11 of success in increasing student  
12 achievement;

13 “(II) require that the principal  
14 be allowed to staff the school with a  
15 school turnaround team of the prin-  
16 cipal’s choosing from among individ-  
17 uals with a demonstrated record of  
18 success in increasing student achieve-  
19 ment, which team shall include key  
20 leadership positions in the school  
21 and—

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



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

4                   “(III) provide incentives to the  
5                   principal and teachers to participate  
6                   in the initiative.

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

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

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

17                  “(iv) WHOLE SCHOOL REFORM STRAT-  
18                  EGY.—A local educational agency imple-  
19                  menting a whole school reform strategy for  
20                  a school shall implement an evidence-based  
21                  strategy that ensures whole school reform.  
22                  The strategy shall be undertaken in part-  
23                  nership with a strategy developer offering  
24                  a school reform program that is based on  
25                  at least a moderate level of evidence that

1 the program will have a statistically signifi-  
2 cant effect on student outcomes, including  
3 more than 1 well-designed or well-imple-  
4 mented experimental or quasi-experimental  
5 study.

6 “(v) RESTART STRATEGY.—A local  
7 educational agency implementing a restart  
8 strategy in a school shall carry out the fol-  
9 lowing:

10 “(I)(aa) Convert the school into a  
11 public charter school, or close and re-  
12 open the school as a public charter  
13 school in partnership with a nonprofit  
14 charter school operator, a nonprofit  
15 charter management organization, or  
16 a nonprofit education management or-  
17 ganization, that has a demonstrated  
18 record of improving student achieve-  
19 ment for students similar to those  
20 served by the school; or

21 “(bb) convert the school to a  
22 magnet school or create a new, inno-  
23 vative school, as defined by the State.

24 “(II) Ensure that the new  
25 school—

1                   “(aa) serves the grade levels  
2                   as the original school for which  
3                   the strategy is being imple-  
4                   mented; and

5                   “(bb) enrolls any former  
6                   student of the original school who  
7                   requests to attend the school and  
8                   then, after all such students are  
9                   enrolled, admits additional stu-  
10                  dents, using a random lottery  
11                  system if more students apply for  
12                  admission than can be accommo-  
13                  dated.

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

17                  “(I) shall close the school and en-  
18                  roll the students who attended the  
19                  school in other schools, including  
20                  charter schools, served by the local  
21                  educational agency that are within  
22                  reasonable proximity to the closed  
23                  school, as determined by the local  
24                  education agency, and that are high-

1 er-performing than the school that is  
2 being closed;

3 “(II) shall provide transpor-  
4 tation, or shall pay for the provision  
5 of transportation, for each such stu-  
6 dent to the student’s new school, con-  
7 sistent with State law and local edu-  
8 cational agency policy;

9 “(III) shall provide information  
10 about high-quality educational op-  
11 tions, as well as transition and sup-  
12 port services to students, who at-  
13 tended the closed school and the stu-  
14 dents’ parents; and

15 “(IV) may use school improve-  
16 ment funds provided under subsection  
17 (d) to pay for the expenses of—

18 “(aa) transitioning students  
19 from the school that is being  
20 closed to the new school;

21 “(bb) supporting the new  
22 school; and

23 “(cc) expanding and offering  
24 student supports and services  
25 within the new school, which may

1 include high-quality prekindergarten programs and services.

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

8  
9 “(7) IMPROVEMENT.—If, at any time during  
10 the 5-year period for which a school is identified as  
11 a persistently low-achieving school under paragraph  
12 (2), the State determines, based on the most current  
13 data, that the school has improved and is no longer  
14 one of the State’s persistently low-achieving schools,  
15 then—

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

20 “(B) if the local educational agency was  
21 receiving school improvement funds under sub-

1 section (d) for such school, the local educational  
2 agency shall continue to receive such grant  
3 funds, and use such funds to carry out the  
4 grant activities in such school, for the full pe-  
5 riod of such grant.

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

16 “(d) SCHOOL IMPROVEMENT FUNDS.—

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

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

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

23 “(ii) a consortium of such local edu-  
24 cational agencies; or

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

4                   “(B) ELIGIBLE SCHOOL.—The term ‘eligi-  
5                   ble school’ means a school identified under sub-  
6                   section (b) or paragraph (1) or (2) of sub-  
7                   section (c).

8                   “(2) ALLOTMENTS TO STATES.—

9                   “(A) IN GENERAL.—From the funds made  
10                  available to carry out this subsection under sec-  
11                  tion 3(a)(2) for a fiscal year, the Secretary  
12                  shall provide States that submit an application  
13                  described in paragraph (3) with school improve-  
14                  ment funds through an allotment, as deter-  
15                  mined under subparagraph (B) and in addition  
16                  to the amounts made available to States under  
17                  subpart 2, to enable the States to award sub-  
18                  grants and carry out the activities described in  
19                  this subsection to assist eligible schools.

20                  “(B) ALLOTMENTS TO STATES.—From the  
21                  funds made available to carry out this sub-  
22                  section under section 3(a)(2) for a fiscal year,  
23                  the Secretary shall allot to each State with an  
24                  approved application an amount that bears the  
25                  same relation to such funds as the amount that

1           the State received under subpart 2 for the pre-  
2           ceding fiscal year bears to the amount that all  
3           States receive under such subpart for such fis-  
4           cal year.

5           “(3) STATE APPLICATION.—A State that de-  
6           sires to receive school improvement funds under this  
7           subsection shall submit an application to the Sec-  
8           retary at such time, in such manner, and accom-  
9           panied by such information as the Secretary may re-  
10          quire. Each application shall include a description  
11          of—

12                   “(A) the process and the criteria that the  
13                   State will use to award subgrants under para-  
14                   graph (5)(A)(i);

15                   “(B) the process and the criteria the State  
16                   will use to determine whether the eligible enti-  
17                   ty’s proposal for each eligible school meets the  
18                   requirements of paragraphs (4), (5)(B), and (6)  
19                   of subsection (c);

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

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



1           “(E) how the State will monitor and evalu-  
2           ate the implementation of school improvement  
3           strategies by eligible entities, including how the  
4           State will use the results of the evaluation to  
5           improve State strategies for supporting schools  
6           identified under subsection (b) or (c); and

7           “(F) how the State will reduce barriers for  
8           schools in the implementation of school im-  
9           provement strategies, including operational  
10          flexibility that would enable complete implemen-  
11          tation of the selected school improvement strat-  
12          egy.

13          “(4) STATE ADMINISTRATION AND TECHNICAL  
14          ASSISTANCE.—A State that receives an allotment  
15          under this subsection may reserve not more than a  
16          total of 5 percent of such allotment for the adminis-  
17          tration of this subsection, which may include activi-  
18          ties aimed at building State capacity to support the  
19          local educational agency and school improvement,  
20          such as providing technical assistance and other sup-  
21          port (including regular site visits to monitor imple-  
22          mentation of selected school improvement strategies  
23          to eligible entities serving schools identified under  
24          subsection (c)(2)), either directly or through edu-

1        cational service agencies or other public or private  
2        organizations.

3            “(5) SCHOOL IMPROVEMENT ACTIVITIES.—

4            “(A) IN GENERAL.—A State that receives  
5        school improvement funds under this subsection  
6        shall use not less than 95 percent of such allot-  
7        ment to carry out school improvement activities  
8        for eligible schools by—

9            “(i) awarding subgrants, on a com-  
10        petitive basis, to eligible entities to enable  
11        the eligible entities to carry out the activi-  
12        ties described in subparagraph (D) for eli-  
13        gible schools; or

14            “(ii) if the State chooses and the local  
15        educational agency serving an eligible  
16        school agrees, directly providing the activi-  
17        ties described in clauses (i) through (iii) of  
18        subparagraph (D) to the eligible school  
19        and the local educational agency, or ar-  
20        ranging for other entities, such as school  
21        support teams or educational service agen-  
22        cies, to provide such activities to the  
23        school.

24            “(B) PRIORITY.—In distributing grant  
25        funds under this paragraph, a State shall assist

1 the schools identified under paragraph (1) or  
2 (2) of subsection (c), including such schools  
3 that have improved as provided for in sub-  
4 section (c)(7), in the State before assisting eli-  
5 gible schools that are identified under sub-  
6 section (b).

7 “(C) SUBGRANTS.—

8 “(i) APPLICATIONS.—An eligible enti-  
9 ty that desires a subgrant under this para-  
10 graph shall submit an application to the  
11 State at such time, in such manner, and  
12 including such information as the State  
13 shall require. The application shall include  
14 a description of how the eligible entity will  
15 carry out the requirements of paragraphs  
16 (4), (5)(B), and (6) of subsection (c) for  
17 each eligible school to be served by the  
18 grant.

19 “(ii) DEMONSTRATION OF ADDI-  
20 TIONAL RESPONSIBILITIES.—Each eligible  
21 entity that desires a subgrant under this  
22 paragraph shall demonstrate in its applica-  
23 tion that the eligible entity has—

24 “(I) adopted human resource  
25 policies that prioritize the recruit-

1                   ment, retention, and placement of ef-  
2                   fective staff in eligible schools;

3                   “(II) ensured that eligible schools  
4                   have access to resources to implement  
5                   the school improvement strategies de-  
6                   scribed in subsection (c)(6), such as  
7                   facilities, professional development,  
8                   and technology;

9                   “(III) identified opportunities to  
10                  reduce duplication, increase efficiency,  
11                  and assist eligible schools in com-  
12                  plying with reporting requirements of  
13                  State and Federal programs;

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

22                  “(V) facilitated alignment and  
23                  coordination between early childhood  
24                  education and care programs and  
25                  services serving students who will at-

1                   tend eligible schools that are elemen-  
2                   tary schools, and teachers and prin-  
3                   cipals of such eligible schools.

4                   “(iii) SUBGRANT SIZE.—A State shall  
5                   award subgrants under this paragraph of  
6                   sufficient size to enable subgrant recipients  
7                   to fully and effectively implement the se-  
8                   lected school improvement strategies.

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

12                  “(v) WITHHOLDING FINAL FUND-  
13                  ING.—In order for a State to award  
14                  subgrant funds to an eligible entity for the  
15                  final 2 years of the subgrant cycle, the eli-  
16                  gible entity shall demonstrate that the  
17                  schools receiving funds under this para-  
18                  graph have made significant progress on  
19                  the leading indicators.

20                  “(D) USE OF SUBGRANT FUNDS.—An eli-  
21                  gible entity that receives a subgrant under this  
22                  paragraph shall use the subgrant funds to—

23                         “(i) carry out the requirements of  
24                         paragraphs (4), (5)(B), and (6) of sub-  
25                         section (c) in an eligible school that has

1           been identified under subsection (c)(2) as  
2           of the date of the grant award, which may  
3           include a maximum 1-year planning pe-  
4           riod;

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

12          “(iii) carry out activities at the local  
13          educational agency level that directly sup-  
14          port such implementation, such as—

15                  “(I) assistance in data collection  
16                  and analysis;

17                  “(II) recruiting and retaining  
18                  staff;

19                  “(III) teacher and principal eval-  
20                  uation;

21                  “(IV) professional development;

22                  “(V) coordination of services to  
23                  address students’ social, emotional,  
24                  and health needs; and

25                  “(VI) progress monitoring.

1           “(E) SUPPLEMENT, NOT SUPPLANT.—An  
2 eligible entity or State shall use Federal funds  
3 received under this subsection only to supple-  
4 ment the funds that would, in the absence of  
5 such Federal funds, be made available from  
6 non-Federal sources for the education of pupils  
7 participating in programs funded under this  
8 subsection.

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

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

1           “(A) Activities focused on building State  
2           and local educational agency capacity to turn  
3           around schools identified under subsection  
4           (c)(2) and schools in rural areas through activi-  
5           ties such as—

6                   “(i) identifying and disseminating ef-  
7                   fective school improvement strategies, in-  
8                   cluding in rural areas;

9                   “(ii) making available targeted tech-  
10                  nical assistance, including planning and  
11                  implementation tools; and

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

16           “(B) Activities focused on building capac-  
17           ity to turn around schools identified under sub-  
18           section (c)(2), including in rural areas.

19           “(C) The use of data, research, and eval-  
20           uation to—

21                   “(i) identify schools that are imple-  
22                   menting school improvement strategies ef-  
23                   fectively;

24                   “(ii) identify effective school improve-  
25                   ment strategies; and



1                   “(iii) collect and disseminate that in-  
2                   formation to States and local educational  
3                   agencies in a manner that facilitates rep-  
4                   lication of effective practices.

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

8                   “(7) EVALUATION.—The Director of the Insti-  
9                   tute of Education Sciences shall conduct an evalua-  
10                  tion of the programs carried out under this sub-  
11                  section.

12                  “(e) STATE RESPONSIBILITIES.—Consistent with  
13                  section 1111(a)(3)(A)(iv), a State educational agency re-  
14                  ceiving assistance under this part shall provide support for  
15                  the improvement of all schools that are not identified  
16                  under subsection (b) or (c)(2) but are low-performing or  
17                  have low-performing subgroups of students described in  
18                  subsection (b)(1)(B).

19                  “(f) CONSTRUCTION.—Nothing in this section shall  
20                  be construed to alter or otherwise affect the rights, rem-  
21                  edies, and procedures afforded school or school district  
22                  employees under Federal, State, or local laws (including  
23                  applicable regulations or court orders) or under the terms  
24                  of collective bargaining agreements, memoranda of under-

1 standing, or other agreements between such employees  
2 and their employers.”.

3 **SEC. 1117. BLUE RIBBON SCHOOLS.**

4 Section 1117 (20 U.S.C. 6317) is amended to read  
5 as follows:

6 **“SEC. 1117. BLUE RIBBON SCHOOLS.**

7 “(a) PROGRAM PURPOSE.—It is the purpose of this  
8 section to assist States and local educational agencies in  
9 identifying and rewarding high-performing public schools.

10 “(b) BLUE RIBBON SCHOOLS.—

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

14 “(A) define the category of blue ribbon  
15 schools, consistent with paragraph (2), for the  
16 State as part of its State plan in section  
17 1111(b); and

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

21 “(2) BLUE RIBBON SCHOOL CRITERIA.—

22 “(A) IN GENERAL.—If a State elects to  
23 carry out this subsection, the State’s blue rib-  
24 bon schools shall consist of the top 5 percent of  
25 the State’s public elementary schools and sec-

1           ondary schools, as designated by the State  
2           based on—

3                   “(i) the percentage of students who  
4                   are on track to college and career readi-  
5                   ness for English or language arts, and  
6                   mathematics;

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

9                   “(iii) the performance of each cat-  
10                  egory of students described in section  
11                  1116(b)(1)(B);

12                  “(iv) if the State chooses to measure  
13                  student growth in accordance with section  
14                  1111(b)(1)(B), the percentage of students  
15                  making adequate student growth; and

16                  “(v) school gains.

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

22                  “(c) REWARDS FOR BLUE RIBBON SCHOOLS.—

23                   “(1) IN GENERAL.—Each State that defines  
24                   and identifies blue ribbon schools under subsection  
25                   (b)(1) for a school year may—

1           “(A) provide each blue ribbon school in the  
2           State with increased autonomy over the school’s  
3           budget, staffing, and time;

4           “(B) allow each blue ribbon school to have  
5           flexibility in the use of any funds provided to  
6           the school under this Act for any purpose al-  
7           lowed under this Act (notwithstanding any  
8           other provision of this Act), as long as such use  
9           is consistent with the Civil Rights Act of 1964,  
10          title IX of the Education Amendments of 1972,  
11          section 504 of the Rehabilitation Act of 1973,  
12          the Americans with Disabilities Act of 1990 (42  
13          U.S.C. 12101), and part B of the Individuals  
14          with Disabilities Education Act; and

15          “(C) reserve not more than .5 percent of  
16          the funds allotted to the State under subpart 2  
17          and use such reserved amounts to distribute re-  
18          wards, on a competitive basis, to local edu-  
19          cational agencies that serve 1 or more blue rib-  
20          bon schools identified under subsection (b) that  
21          receive funds under subpart 2 to enable the  
22          local educational agencies to provide awards to  
23          such blue ribbon schools that receive funds  
24          under such subpart.

1           “(2) USE OF REWARDS.—As a condition of re-  
2           ceiving an award from a local educational agency  
3           under this subsection, a blue ribbon school shall  
4           agree to use the award funds to—

5                   “(A) improve student achievement; and

6                   “(B) provide technical assistance to the  
7           lowest-achieving schools in the State that have  
8           characteristics similar to the blue ribbon school,  
9           in accordance with the State plan under section  
10           1111(b)(1)(E).”.

11 **SEC. 1118. PARENT AND FAMILY ENGAGEMENT.**

12           Section 1118 (20 U.S.C. 6318) is amended to read  
13 as follows:

14 **“SEC. 1118. PARENT AND FAMILY ENGAGEMENT.**

15           “(a) LOCAL EDUCATIONAL AGENCY PARENT AND  
16 FAMILY ENGAGEMENT PLAN.—

17                   “(1) IN GENERAL.—A local educational agency  
18           may receive funds under this part only if such agen-  
19           cy develops and implements a strategic, evidence-  
20           based plan to support meaningful engagement of  
21           parents and family members in education (referred  
22           to in this section as the ‘parent and family engage-  
23           ment plan’). Such plan shall be aligned through in-  
24           corporation into the local educational agency’s plan  
25           developed under section 1112 and shall include

1 strategies (especially in high-need schools) that are  
2 planned and implemented in meaningful consultation  
3 with—

4 “(A) parents and family members of par-  
5 ticipating children, including districtwide parent  
6 advisory committees, where applicable;

7 “(B) to the greatest extent practicable, in-  
8 dividuals with expertise in effectively engaging  
9 parents and family members in education; and

10 “(C) organizations that have a dem-  
11 onstrated record of effectiveness in assisting  
12 students in becoming college and career ready.

13 “(2) CONSULTATION AND DISSEMINATION.—  
14 Each local educational agency that receives funds  
15 under this part shall—

16 “(A) develop and implement the parent  
17 and family engagement plan jointly with par-  
18 ents and family members of participating chil-  
19 dren and, where applicable, with a districtwide  
20 parent advisory committee; and

21 “(B) develop a template for schools to use  
22 in communicating—

23 “(i) parent and family engagement  
24 strategies; and



1           such as through the establishment of  
2           a districtwide parent advisory com-  
3           mittee, if such committee does not al-  
4           ready exist;

5           “(iii) describe how the local edu-  
6           cational agency will provide the coordina-  
7           tion, technical assistance, and other sup-  
8           port necessary to assist participating  
9           schools in planning and implementing ef-  
10          fective parent and family engagement  
11          strategies, such as—

12                   “(I) making facilities of the local  
13                   educational agency available, as ap-  
14                   propriate; and

15                   “(II) utilizing the expertise of,  
16                   and developing strategies with, organi-  
17                   zations that have a demonstrated  
18                   record of success in supporting parent  
19                   and family engagement; and

20           “(iv) describe how the local edu-  
21           cational agency will use data (including  
22           data collected through the evaluation de-  
23           scribed in subsection (b), a conditions for  
24           learning measurement system, and surveys  
25           of parent and family engagement) to con-



1                   tinuously improve and increase engage-  
2                   ment strategies.

3                   “(B) OPTIONAL ELEMENTS.—The parent  
4                   and family engagement plan may include, in ad-  
5                   dition to the requirements described in subpara-  
6                   graph (A), a description of how the local edu-  
7                   cational agency plans to involve employers,  
8                   business leaders, philanthropic and nonprofit  
9                   organizations, and other community members  
10                  committed to improving student achievement  
11                  and development in order to increase and  
12                  strengthen parent and family engagement.

13               “(b) EVALUATION.—The local educational agency  
14 shall conduct, with the involvement of parents and family  
15 members, an annual evaluation of the effectiveness of the  
16 parent and family engagement plan in—

17               “(1) improving student academic achievement  
18               and development;

19               “(2) improving the college and career readiness  
20               of children; and

21               “(3) reducing barriers to greater participation  
22               in the activities described in this section by parents  
23               and family members, with particular attention to  
24               parents and family members who are economically  
25               disadvantaged.

1 “(c) RESERVATION AND USE OF FUNDS.—

2 “(1) IN GENERAL.—Each local educational  
3 agency shall reserve not less than 1 percent of such  
4 agency’s allocation under subpart 2 to carry out the  
5 activities described in this section.

6 “(2) EXCEPTION.—The reservation requirement  
7 under paragraph (1) shall not apply if 1 percent of  
8 the local educational agency’s allocation under sub-  
9 part 2 for the fiscal year for which the determina-  
10 tion is made is equal to or less than \$5,000.

11 “(3) USE OF FUNDS.—Funds reserved under  
12 paragraph (1) may be used to carry out systemic,  
13 evidence-based parent and family engagement strate-  
14 gies, consistent with the local educational agency  
15 parent and family engagement plan described in sub-  
16 section (a), such as the following:

17 “(A) Designating or establishing a dedi-  
18 cated office or dedicated personnel for parent  
19 and family engagement.

20 “(B) Providing subgrants to schools work-  
21 ing in partnership with an organization with a  
22 demonstrated record of success in improving  
23 and increasing parent and family engagement.

24 “(C) Professional development for school  
25 personnel regarding parent and family engage-

1           ment strategies, which may be provided jointly  
2           to teachers, school leaders, and parents and  
3           family members.

4           “(D) Districtwide or school-based leader-  
5           ship training for parents and family members  
6           and other evidence-based leadership develop-  
7           ment strategies.

8           “(E) Adult education and family literacy  
9           activities, as defined in section 203 of the Adult  
10          Education and Family Literacy Act.

11          “(F) Home visitation programs.

12          “(G) Volunteerism programs.

13          “(H) Other evidence-based or promising  
14          strategies for improving and increasing parent  
15          and family engagement.

16          “(I) Conducting the evaluation described in  
17          subsection (b).

18          “(J) Disseminating information on best  
19          practices (such as implementation, replication,  
20          impact studies, and evaluations) focused on  
21          parent and family engagement, especially best  
22          practices for increasing the engagement of eco-  
23          nomically disadvantaged parents and family  
24          members.

1           “(K) Coordinating parent and family en-  
2           gagement strategies conducted by the local edu-  
3           cational agency and schools within the local  
4           educational agency with local early learning  
5           programs, career and technical education pro-  
6           grams, and postsecondary education programs.

7           “(4) DISTRIBUTION OF FUNDS.—

8           “(A) IN GENERAL.—Not less than 95 per-  
9           cent of the funds reserved under this subsection  
10          shall be distributed to schools served under this  
11          part.

12          “(B) PRIORITY.—In allocating the funds  
13          described in subparagraph (A), each local edu-  
14          cational agency shall give priority to high-need  
15          schools.

16          “(C) DISTRICTWIDE ACTIVITIES.—Funds  
17          used to implement leadership training for par-  
18          ents and family members or other districtwide  
19          parent and family engagement initiatives with a  
20          demonstrated record of effectiveness that may  
21          be cost effective and that directly benefit par-  
22          ents and family members, may be considered  
23          funds distributed to schools.

24          “(d) FAMILY MEMBER ENGAGEMENT.—Each school  
25          served under this part shall—

1           “(1) regularly convene, at not less than 1 time  
2 during each academic year, a meeting at a conven-  
3  ient time, to which parents and family members of  
4 participating children shall be invited and encour-  
5 aged to attend, in order to—

6           “(A) review the parent and family engage-  
7 ment compact described in subsection (e);

8           “(B) inform parents and family members  
9 of opportunities for engagement in their child’s  
10 education; and

11           “(C) explain to parents and family mem-  
12 bers the right of the parents and family mem-  
13 bers to be involved, and the benefits of mean-  
14  ingful engagement;

15           “(2) use multiple methods to involve and col-  
16 laborate with parents and family members (in an or-  
17 ganized, ongoing, and timely way, including through  
18 electronic means) in the planning, development, re-  
19 view, implementation, and improvement of school  
20 improvement plans and strategies, including in de-  
21 veloping the schoolwide program plan under section  
22 1114(b)(2) or a similar school improvement plan;

23           “(3) at a minimum, provide parents and family  
24 members with—

1           “(A) opportunities to develop the knowl-  
2           edge and skills to engage as full partners in  
3           supporting academic achievement, child develop-  
4           ment, and school improvement;

5           “(B) a description and explanation of the  
6           forms of academic assessment used to measure  
7           student progress, the proficiency levels students  
8           are expected to meet, and opportunities to pro-  
9           mote learning and college and career readiness  
10          during out-of-school time;

11          “(C) opportunities to develop leadership  
12          skills and to engage school and local edu-  
13          cational agency staff in decisions relative to the  
14          education of their children; and

15          “(D) opportunities to increase their ability  
16          to engage effectively with educators and admin-  
17          istrators in formal and structured settings, such  
18          as parent-teacher conferences, local educational  
19          agency meetings, disciplinary hearings, and the  
20          school budgeting process;

21          “(4) make the school welcoming to parents and  
22          family members;

23          “(5) provide professional development and other  
24          evidence-based support to school staff regarding ef-  
25          fective parent and family engagement;

1           “(6) collaborate with community-based organi-  
2           zations, employers, or other entities to accomplish  
3           the purposes of this section;

4           “(7) to the extent feasible and appropriate, co-  
5           ordinate and integrate parent and family engage-  
6           ment programs and strategies with other Federal,  
7           State, and local programs; and

8           “(8) provide such other support for parent and  
9           family engagement strategies under this section as  
10          parents and family members may request, to the ex-  
11          tent practicable.

12          “(e) SHARED RESPONSIBILITIES FOR COLLEGE AND  
13          CAREER READINESS.—Each school served under this part  
14          shall jointly develop with parents and family members, for  
15          all children served under this part, a parent and family  
16          engagement compact. Such compact shall—

17                 “(1) describe the activities the school will take  
18                 in accordance with subsection (d);

19                 “(2) describe the school’s responsibility to—

20                         “(A) provide a rigorous curriculum and ef-  
21                         fective instruction in a supportive, safe, and  
22                         healthy learning environment;

23                         “(B) inform parents and family members  
24                         (with attention to economically disadvantaged  
25                         parents and family members) of opportunities

1 to participate in school improvement or govern-  
2 ance councils, engage in the development of dis-  
3 cipline and suspension and other school policies,  
4 and access the parent and family resource and  
5 information centers under section **【\_\_\_\_\_】**;  
6 and

7 “(C) to the greatest extent practicable—

8 “(i) communicate with parents and  
9 family members when children are chron-  
10 ically absent from school or when children  
11 are suspended or expelled, which may in-  
12 clude through home visits;

13 “(ii) refer parents and family mem-  
14 bers to adult education and family literacy  
15 activities, social services, or other pro-  
16 grams and services designed to support  
17 parent and family engagement; and

18 “(iii) offer evidence-based mentoring  
19 programs to students;

20 “(3) describe the responsibilities of parents and  
21 family members to be full partners in the education  
22 of their child, which may include—

23 “(A) communicating high expectations for  
24 their child’s academic achievement and college  
25 and career readiness;



1           “(B) reading to their child, promoting the  
2           use of libraries, facilitating access to cultural  
3           events, parks, and recreational services, encour-  
4           aging community service and leadership, and  
5           planning for entry and success in institutions of  
6           higher education and careers;

7           “(C) monitoring their child’s school attend-  
8           ance, homework, course completion, academic  
9           achievement, and progress toward college and  
10          career readiness; and

11          “(D) participating, as appropriate, in deci-  
12          sions relating to school improvement, decisions  
13          regarding the education of their children, and  
14          positive use of out-of-school time; and

15          “(4) address the importance of communication  
16          between teachers, parents, and family members on  
17          an ongoing basis through, at a minimum—

18                 “(A) regular parent-teacher conferences;

19                 “(B) frequent reports to family members  
20                 on—

21                         “(i) their children’s progress; and

22                         “(ii) opportunities to be involved at  
23                         school, including opportunities to support  
24                         school improvement; and

1           “(C) providing parents and family mem-  
2           bers with—

3                   “(i) reasonable access to staff;

4                   “(ii) opportunities to volunteer and  
5           participate at school; and

6                   “(iii) as appropriate, observation of  
7           classroom activities and school-based ac-  
8           tivities; and

9           “(5) describe the process through which school  
10          personnel communicate effectively with parents and  
11          family members and ensure that other community  
12          stakeholders are engaged, as appropriate, in sup-  
13          porting school improvement.”.

14 **SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARA-**  
15 **PROFESSIONALS.**

16          Section 1119 (20 U.S.C. 6319) is amended—

17               (1) by striking subsection (a) and inserting the  
18          following:

19               “(a) IN GENERAL.—

20                   “(1) IN GENERAL.—Except as provided in para-  
21          graph (2), each local educational agency receiving  
22          assistance under this part shall ensure that all  
23          teachers teaching in a program supported with funds  
24          under this part are highly qualified.

1           “(2) EXCEPTION.—Each local educational  
2 agency located in a State in which the State has  
3 fully implemented the requirements described in sec-  
4 tion 2112(b)(1)(A) by ensuring that all local edu-  
5 cational agencies in the State that receive a  
6 subgrant under subpart 2 of part A of title II have  
7 fulfilled the requirements of section 2123(b), shall  
8 only be required to comply with the requirements  
9 under paragraph (1) as they relate to new teach-  
10 ers.”;

11           (2) by striking subsections (b), (d), and (l);

12           (3) by redesignating subsections (c), (e), (f),  
13 (g), (h), (i), (j), and (k), as subsections (b), (c), (d),  
14 (e), (f), (g), (h), and (i), respectively;

15           (4) in subsection (b)(1), as redesignated by  
16 paragraph (3), by striking “hired after the date of  
17 enactment of the No Child Left Behind Act of 2001  
18 and”;

19           (5) in subsection (c), as redesignated by para-  
20 graph (3), by striking “Subsections (c) and (d)” and  
21 inserting “Subsection (b)”; and

22           (6) by striking subsection (i), as redesignated  
23 by paragraph (3), and inserting the following:

24           “(i) SPECIAL RULE.—A State educational agency  
25 may not require a school or a local educational agency to

1 expend a specific amount of funds for professional devel-  
2 opment activities under this part.”.

3 **SEC. 1120. COMPARABILITY OF SERVICES.**

4 Section 1120A (20 U.S.C. 6321) is amended—

5 (1) in subsection (a), by striking “involved”;  
6 and

7 (2) by striking subsection (c) and inserting the  
8 following:

9 “(c) COMPARABILITY.—

10 “(1) IN GENERAL.—

11 “(A) COMPARABILITY.—Beginning for the  
12 2015-2016 school year, a local educational  
13 agency may receive funds under this part only  
14 if the local educational agency demonstrates to  
15 the State educational agency that the combined  
16 State and local per-pupil expenditures (includ-  
17 ing actual personnel and actual non-personnel  
18 expenditures) in each school served under this  
19 part, in the most recent year for which such  
20 data were available, are not less than the aver-  
21 age combined State and local per-pupil expendi-  
22 tures for those schools that are not served  
23 under this part.

24 “(B) ALTERNATIVE COMPARABILITY.—If  
25 the local educational agency is serving all of the

1 schools under its jurisdiction under this part,  
2 the agency shall demonstrate to the State edu-  
3 cational agency that the average combined  
4 State and local per-pupil expenditures (includ-  
5 ing actual personnel and actual non-personnel  
6 expenditures) for its high-poverty schools, in  
7 the most recent year for which such data are  
8 available, were not less than the average com-  
9 bined State and local per-pupil expenditures for  
10 its low-poverty schools.

11 “(C) BASIS.—A local educational agency  
12 may meet the requirements of subparagraphs  
13 (A) and (B) on a local educational agency-wide  
14 basis or a grade-span by grade-span basis.

15 “(D) EXCLUSION OF FUNDS.—

16 “(i) IN GENERAL.—For the purpose  
17 of complying with this paragraph, a local  
18 educational agency shall exclude any State  
19 or local funds expended in any school for—

20 “(I) excess costs of providing  
21 services to English learners;

22 “(II) excess costs of providing  
23 services to children with disabilities;

24 “(III) capital expenditures; and

1                   “(IV) such other expenditures as  
2                   the Secretary determines appropriate.

3                   “(ii) CHANGES AFTER THE BEGIN-  
4                   NING OF THE SCHOOL YEAR.—A local edu-  
5                   cational agency need not include unpredict-  
6                   able changes in student enrollment or per-  
7                   sonnel assignments that occur after the be-  
8                   ginning of a school year in determining  
9                   compliance under this subsection

10                  “(2) DOCUMENTATION.—A local educational  
11                  agency shall demonstrate that it is meeting the re-  
12                  quirements of paragraph (1) by submitting to the  
13                  State educational agency the per-pupil expenditures,  
14                  personnel expenditures, non-personnel expenditures,  
15                  and total expenditures for each school served by the  
16                  local educational agency.

17                  “(3) INAPPLICABILITY.—This subsection shall  
18                  not apply to a local educational agency that does not  
19                  have more than one building for each grade span.

20                  “(4) PROCESS AND PROCEDURES.—

21                  “(A) LOCAL EDUCATIONAL AGENCY RE-  
22                  SPONSIBILITIES.—Each local educational agen-  
23                  cy assisted under this part shall, by October 31,  
24                  2016, report to the State educational agency on  
25                  its compliance with the requirements of this

1 subsection for the preceding school year, includ-  
2 ing a listing, by school, of actual combined per-  
3 pupil State and local personnel and non-per-  
4 sonnel expenditures.

5 “(B) STATE EDUCATIONAL AGENCY RE-  
6 SPONSIBILITIES.—Each State educational agen-  
7 cy assisted under this part shall ensure that  
8 such information is made publicly available by  
9 the State or the local educational agency, in-  
10 cluding the school by school listing described in  
11 subparagraph (A).

12 “(C) PLAN.—A local educational agency  
13 that does not meet the requirements of this  
14 subsection in any year shall develop and imple-  
15 ment a plan to ensure compliance for the subse-  
16 quent school year and may be required by the  
17 State educational agency to report on its  
18 progress in implementing such plan.

19 “(5) TRANSITION PROVISIONS.—

20 “(A) SCHOOL YEARS PRECEDING THE 2015-  
21 2016 SCHOOL YEAR.—For school years pre-  
22 ceding the 2015-2016 school year, a local edu-  
23 cational agency may receive funds under this  
24 part only if the local educational agency dem-  
25 onstrates to the State educational agency that

1 the local educational agency meets the require-  
2 ments of this subsection, as in effect on the day  
3 before the date of enactment of the Elementary  
4 and Secondary Education Reauthorization Act  
5 of 2011.

6 “(B) TRANSITION BETWEEN REQUIRE-  
7 MENTS.—The Secretary shall take such steps as  
8 are necessary to provide for the orderly transi-  
9 tion between the requirements under this sec-  
10 tion, as in effect on the day before the date of  
11 enactment of the Elementary and Secondary  
12 Education Reauthorization Act of 2011, and  
13 the new requirements under this section, as  
14 amended by such Act.”.

15 **SEC. 1121. COORDINATION REQUIREMENTS.**

16 Section 1120B (20 U.S.C. 6322) is amended to read  
17 as follows:

18 **“SEC. 1120B. COORDINATION REQUIREMENTS.**

19 “(a) IN GENERAL.—Each local educational agency  
20 receiving assistance under this part shall carry out the ac-  
21 tivities described in subsection (b) with Head Start agen-  
22 cies, providers of services under part C of the Individuals  
23 with Disabilities Education Act, programs carried out  
24 under section 619 of the Individuals with Disabilities Edu-



1 cation Act, and, if feasible, other entities carrying out  
2 early childhood education and care programs and services.

3 “(b) ACTIVITIES.—The activities and services re-  
4 ferred to in subsection (a) include—

5 “(1) developing and implementing a systematic  
6 procedure for transferring, with parental consent,  
7 early childhood education and care program records  
8 for each participating child to the school in which  
9 such child will enroll;

10 “(2) establishing ongoing communication be-  
11 tween early childhood education and care program  
12 staff and their counterparts in the schools (including  
13 teachers, principals, social workers, local educational  
14 agency liaisons designated under section  
15 722(g)(1)(J)(ii) of the McKinney-Vento Homeless  
16 Assistance Act, and health staff) to facilitate the co-  
17 ordination and alignment of programs;

18 “(3) establishing ongoing communications be-  
19 tween the early childhood education and care pro-  
20 gram and the local educational agency for developing  
21 continuity of developmentally appropriate instruc-  
22 tional programs and shared expectations for chil-  
23 dren’s learning and development as children transi-  
24 tion to school;

1           “(4) organizing and participating in joint train-  
2           ing, including transition-related training for school  
3           staff and early childhood education and care pro-  
4           grams;

5           “(5) establishing comprehensive transition poli-  
6           cies and procedures that support the school readi-  
7           ness of children transitioning to school;

8           “(6) conducting outreach to parents, families,  
9           and elementary school teachers to discuss the edu-  
10          cational, developmental, and other needs of children  
11          entering school;

12          “(7) helping parents of children who are  
13          English learners understand—

14                 “(A) the instructional and other services  
15                 provided by the school in which such child will  
16                 enroll after participation in a Head Start pro-  
17                 gram or other Federal early childhood care and  
18                 education program; and

19                 “(B) as appropriate, the information pro-  
20                 vided to parents of English learners under sec-  
21                 tion 3302;

22          “(8) helping parents understand the instruc-  
23          tional and other services provided by the school in  
24          which their child will enroll after participation in a

1 Head Start program or other Federal early child-  
2 hood care and education program; and

3 “(9) developing and implementing a system to  
4 increase program participation of underserved popu-  
5 lations of eligible children, especially children eligible  
6 for a free or reduced price lunch under the Richard  
7 B. Russell National School Lunch Act (42 U.S.C.  
8 1751 et seq.), parents of children who are English  
9 learners, and parents of children with disabilities.”.

10 **SEC. 1122. GRANTS FOR STATE ASSESSMENTS AND RE-**  
11 **LATED ACTIVITIES.**

12 Part A of title I (20 U.S.C. 6301 et seq.) is amended  
13 by adding at the end the following:

14 **“Subpart 3—Grants for State Assessments and**  
15 **Related Activities**

16 **“SEC. 1131. GRANTS FOR STATE ASSESSMENTS AND RE-**  
17 **LATED ACTIVITIES.**

18 “(a) GRANTS FOR STATE ASSESSMENTS.—From  
19 amounts made available to carry out this section, the Sec-  
20 retary shall make grants to States—

21 “(1) to enable States to pay the costs of devel-  
22 oping, improving, or administering State assess-  
23 ments and standards consistent with section  
24 1111(a), which may include the cost of working in

1 voluntary partnerships with other States, at the sole  
2 discretion of each such State; and

3 “(2) in the case of States that have developed  
4 the assessments and standards consistent with the  
5 requirements of section 1111(a), to enable each such  
6 State—

7 “(A) to administer such assessments; or

8 “(B) to carry out other activities described  
9 in this section, which may include—

10 “(i) developing challenging State aca-  
11 demic content and student academic  
12 achievement standards and aligned assess-  
13 ments in academic subjects for which  
14 standards and assessments are not re-  
15 quired under section 1111(a);

16 “(ii) developing or improving assess-  
17 ments of English language proficiency nec-  
18 essary to comply with section  
19 1111(a)(2)(D);

20 “(iii) developing multiple measures of  
21 student academic achievement, including  
22 measures that assess higher-order thinking  
23 skills and understanding, to increase the  
24 reliability and validity of State assessment  
25 systems;

1                   “(iv) developing, enhancing, or admin-  
2                   istering, in publicly funded early childhood  
3                   care and education programs and elemen-  
4                   tary schools, early learning assessments  
5                   (including accommodations to provide ac-  
6                   cess for young children with disabilities) to  
7                   improve instruction for young children;

8                   “(v) strengthening the capacity of  
9                   local educational agencies and schools to  
10                  provide all students with the opportunity  
11                  to increase educational achievement, in-  
12                  cluding carrying out professional develop-  
13                  ment activities aligned with State student  
14                  academic achievement standards and as-  
15                  sessments;

16                  “(vi) expanding the range, and im-  
17                  proving the quality, of accommodations  
18                  available to English learners and students  
19                  with disabilities to improve the use of such  
20                  accommodations, including professional de-  
21                  velopment activities;

22                  “(vii) improving the dissemination of  
23                  information about student achievement and  
24                  school performance to parents and fami-

1 lies, including the development of informa-  
2 tion and reporting systems designed to—

3 “(I) identify best educational  
4 practices based on scientifically valid  
5 research; or

6 “(II) assist in linking records of  
7 student achievement, length of enroll-  
8 ment, and graduation over time;

9 “(viii) providing instructional sup-  
10 ports, which may include formative assess-  
11 ments;

12 “(ix) developing computer-adaptive as-  
13 sessments that meet the requirements of  
14 section 1111(a); and

15 “(x) developing alternate assessments,  
16 as described in section 1111(a)(2)(E),  
17 aligned to alternate achievement standards.

18 “(b) GRANTS FOR ENHANCED ASSESSMENT SYS-  
19 TEMS.—

20 “(1) GRANT PROGRAM AUTHORIZED.—From  
21 amounts made available to carry out this section, the  
22 Secretary shall award, on a competitive basis, grants  
23 to State educational agencies to enable the State  
24 educational agencies to carry out the activities de-  
25 scribed in paragraph (3).

1           “(2) APPLICATION.—Each State educational  
2 agency desiring to receive a grant under this section  
3 shall submit an application to the Secretary at such  
4 time, in such manner, and accompanied by such in-  
5 formation as the Secretary may require.

6           “(3) AUTHORIZED ACTIVITIES.—Each State  
7 educational agency that receives a grant under this  
8 section shall use the grant funds to—

9           “(A) enable States, or a consortia of  
10 States, to collaborate with institutions of higher  
11 education or other organizations or agencies to  
12 improve the quality, validity, and reliability of  
13 State academic assessments beyond the require-  
14 ments for such assessments described in section  
15 1111(a)(2);

16           “(B) measure student academic achieve-  
17 ment using multiple measures of student aca-  
18 demic achievement from multiple sources, in-  
19 cluding measures that assess higher-order  
20 thinking skills and understanding;

21           “(C) chart student progress over time; or

22           “(D) evaluate student academic achieve-  
23 ment through the development of comprehensive  
24 academic assessment instruments.

25           “(c) ALLOTMENT OF APPROPRIATED FUNDS.—

1           “(1) IN GENERAL.—From amounts made avail-  
2           able for each fiscal year **【**under section \_\_\_\_\_**】**  
3           that are equal to or less than the amount described  
4           in section 1111(b)(3)(D) (hereinafter in this sub-  
5           section referred to as the ‘trigger amount’), the Sec-  
6           retary shall—

7                   “(A) reserve one-half of 1 percent for the  
8           Bureau of Indian Affairs;

9                   “(B) reserve one-half of 1 percent for the  
10           outlying areas; and

11                   “(C) from the remainder, allocate to each  
12           State an amount equal to—

13                           “(i) \$3,000,000; and

14                           “(ii) with respect to any amounts re-  
15           maining after the allocation is made under  
16           clause (i), an amount that bears the same  
17           relationship to such total remaining  
18           amounts as the number of students ages 5  
19           through 17 in the State (as determined by  
20           the Secretary on the basis of the most re-  
21           cent satisfactory data) bears to the total  
22           number of such students in all States.

23           “(2) REMAINDER.—

24                   “(A) GRANT UNDER **【**SECTION  
25           \_\_\_\_\_**】**.—Any amounts remaining for a fis-



1           cal year after the Secretary carries out para-  
2           graph (1) shall be made available to award  
3           funds under [section \_\_\_\_\_] to States ac-  
4           cording to the quality, needs, and scope of the  
5           State application under such section. In deter-  
6           mining the grant amount, the Secretary shall  
7           ensure that a State's grant shall include an  
8           amount that bears the same relationship to the  
9           total funds available under this paragraph for  
10          the fiscal year as the number of students ages  
11          5 through 17 in the State (as determined by  
12          the Secretary on the basis of the most recent  
13          satisfactory data) bears to the total number of  
14          such students in all States.

15                 “(B) REMAINING FUNDS.—Any amounts  
16                 remaining after the Secretary awards funds  
17                 under subparagraph (A) shall be allocated to  
18                 each State that did not receive a grant under  
19                 such subparagraph, in an amount that bears  
20                 the same relationship to the total funds avail-  
21                 able under this subparagraph as the number of  
22                 students ages 5 through 17 in the State (as de-  
23                 termined by the Secretary on the basis of the  
24                 most recent satisfactory data) bears to the total  
25                 number of such students in all States.

1           “(3) DEFINITION OF STATE.—In this section,  
2           the term ‘State’ means each of the 50 States, the  
3           District of Columbia, and the Commonwealth of  
4           Puerto Rico.”.

5           **PART B—PATHWAYS TO COLLEGE**

6           **SEC. 1201. IMPROVING SECONDARY SCHOOLS.**

7           Part B of title I (20 U.S.C. 6361 et seq.) is amend-  
8           ed—

9           (1) by striking the part heading and inserting  
10          the following:

11          **“PART B—PATHWAYS TO COLLEGE”;**

12          and

13          (2) by striking subpart 1 and inserting the fol-  
14          lowing:

15          **“Subpart 1—Improving Secondary Schools**

16          **“SEC. 1201. SECONDARY SCHOOL REFORM.**

17          “(a) PURPOSES.—The purposes of this section are to  
18          ensure students graduate from secondary school on track  
19          to college and career readiness and to increase graduation  
20          rates by providing grants to eligible entities to provide  
21          schools with the necessary resources to implement innova-  
22          tive and effective secondary school reform strategies.

23          “(b) DEFINITIONS.—In this section:

24          “(1) COMPETENCY-BASED LEARNING MODEL.—

25          The term ‘competency-based learning model’ means

1 an education model in which educators use explicit  
2 measurable learning objectives to assist students to  
3 advance upon mastery of the objectives as deter-  
4 mined through relevant assessments.

5 “(2) EFFECTIVE SECONDARY SCHOOL REFORM  
6 STRATEGIES.—The term ‘effective secondary school  
7 reform strategies’ means a set of programs, inter-  
8 ventions, and activities with demonstrated effective-  
9 ness in improving the academic achievement of  
10 struggling students or dropouts.

11 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-  
12 tity’ means a high-need local educational agency in  
13 partnership with 1 or more external partners.

14 “(4) ELIGIBLE SECONDARY SCHOOL.—The  
15 term ‘eligible secondary school’ means a high school  
16 that—

17 “(A) is eligible for funds under part A of  
18 title I;

19 “(B) has a graduation rate below 75 per-  
20 cent;

21 “(C) does not receive grant funds under  
22 section 1116(d); and

23 “(D) is identified as low performing based  
24 on the State’s accountability system.

1           “(5) EXTERNAL PARTNER.—The term ‘external  
2 partner’ means a public or private nonprofit organi-  
3 zation, public or private nonprofit institution of  
4 higher education, or nonprofit charter management  
5 organization, with a demonstrated record of success-  
6 ful secondary school reform.

7           “(6) FEEDER MIDDLE SCHOOL.—The term  
8 ‘feeder middle school’ means an elementary school or  
9 secondary school from which a majority of students  
10 go on to attend an eligible secondary school.

11           “(7) SECRETARY.—The term ‘Secretary’ means  
12 the Secretary of Education.

13           “(8) STRUGGLING STUDENT.—The term ‘strug-  
14 gling student’ means a student who is at an in-  
15 creased risk for low academic achievement and is  
16 unlikely to graduate secondary school on track to  
17 college and career readiness.

18           “(c) GRANTS AUTHORIZED.—

19           “(1) IN GENERAL.—

20           “(A) RESERVATION.—From the total  
21 amount of funds appropriated to carry out this  
22 section for a fiscal year, the Secretary may re-  
23 serve not more than 2.5 percent for national ac-  
24 tivities, which the Secretary shall use for tech-

1 nical assistance, data collection and dissemina-  
2 tion, reporting activities.

3 “(B) GRANTS.—From the total amount of  
4 funds appropriated to carry out this section for  
5 a fiscal year and not reserved under subpara-  
6 graph (A), the Secretary shall award grants, on  
7 a competitive basis, to eligible entities, based on  
8 the quality of the applications submitted, of  
9 which—

10 “(i) not more than 25 percent of  
11 grant funds shall be used for activities de-  
12 scribed in subsection (e)(1); and

13 “(ii) not less than 75 percent of grant  
14 funds shall be used for activities described  
15 in paragraphs (2) and (3) of subsection (e)  
16 and subsection (f).

17 “(2) GRANT DURATION.—Grants awarded  
18 under this section shall be for a period of 5 years,  
19 conditional after 3 years on satisfactory progress on  
20 the performance indicators described in subsection  
21 (d)(2)(E), as determined by the Secretary.

22 “(3) ANNUAL REPORT.—Each eligible entity  
23 that receives a grant under this section shall submit  
24 to the Secretary an annual report including data on

1 the entity's progress on the performance indicators  
2 described in subsection (d)(2)(E).

3 “(d) APPLICATION.—

4 “(1) IN GENERAL.—An eligible entity that de-  
5 sires a grant under this section shall submit an ap-  
6 plication to the Secretary at such time, in such man-  
7 ner, and containing such information as the Sec-  
8 retary may reasonably require.

9 “(2) CONTENTS.—Each application submitted  
10 under paragraph (1) shall include, at a minimum, a  
11 description of the following:

12 “(A) How the eligible entity will use funds  
13 awarded under this section to carry out the ac-  
14 tivities described in subsection (e)(1).

15 “(B) The external partner's capacity and  
16 record of success in secondary school reform  
17 and how the eligible entity will sustain the ac-  
18 tivities proposed, including the availability of  
19 funds from non-Federal sources and coordina-  
20 tion with other Federal, State, and local funds.

21 “(C) How the eligible entity conducted a  
22 comprehensive needs analysis and capacity as-  
23 sessment of the eligible secondary schools  
24 served by the eligible entity to identify sec-  
25 ondary schools proposed to be served by the

1 grant. The needs analysis and capacity assess-  
2 ment shall include the following:

3 “(i) Examine each secondary school’s  
4 data in the aggregate and disaggregated by  
5 each of the subgroups of students de-  
6 scribed in section 1111(a)(2)(B)(ix) on the  
7 following:

8 “(I) Graduation rate and charac-  
9 teristics of those students who are not  
10 graduating, including such students’  
11 attendance, behavior, suspension  
12 rates, course performance, and credit  
13 accumulation rates.

14 “(II) Rates of dropout recovery  
15 (re-entry).

16 “(III) Rates of college enrollment  
17 and remediation, in accordance with  
18 section 1111(d)(3)(B)(viii).

19 “(ii) Examine each eligible secondary  
20 school and feeder middle school’s data in  
21 the aggregate, and disaggregated by each  
22 of the subgroups of students described in  
23 section 1111(a)(2)(B)(ix), as applicable, on  
24 the following:

1                   “(I) Student academic achieve-  
2                   ment, including the percentage of stu-  
3                   dents who have on-time credit accu-  
4                   mulation at the end of each grade and  
5                   the percent of students failing a core,  
6                   credit-bearing, reading or language  
7                   arts, science, or mathematics course,  
8                   or failing 2 or more of any courses.

9                   “(II) Percent of students who  
10                  have an attendance rate lower than 90  
11                  percent.

12                  “(III) Annual rates of expulsions,  
13                  suspensions, school violence, harass-  
14                  ment, and bullying, as defined under  
15                  State or local laws or policies.

16                  “(IV) Annual, average credit ac-  
17                  cumulation.

18                  “(V) Annual, average attendance  
19                  rates.

20                  “(VI) Annual rates of students  
21                  who move in and out of the school  
22                  within a school year

23                  “(VII) Curriculum alignment  
24                  with college and career ready stand-  
25                  ards across all grade levels.



1                   “(VIII) Support services to ad-  
2                   dress the non-academic barriers that  
3                   impact student achievement.

4                   “(iii) Examine and include a descrip-  
5                   tion of each eligible secondary school’s ca-  
6                   pacity to implement the school reform ac-  
7                   tivities under subsection (e)(3), includ-  
8                   ing—

9                   “(I) the capacity and experience  
10                  levels of administrative, instructional,  
11                  and non-instructional staff; and

12                  “(II) the budget, including how  
13                  Federal, State, and local funds are  
14                  being spent, as of the time of the as-  
15                  sessment and can be better spent; and

16                  “(III) the technical assistance,  
17                  additional resources, and staff nec-  
18                  essary to implement the activities  
19                  identified in subsection (e).

20                  “(iv) Include an assessment of the ex-  
21                  ternal partner capacity to provide technical  
22                  assistance and resources to implement the  
23                  activities described in subsection (e).

24                  “(D) The strategies chosen to be imple-  
25                  mented at the eligible secondary schools, includ-

1           ing a rational for reform strategies, as de-  
2           scribed in subsection (e)(3)(F), selected for  
3           each of the eligible secondary schools, including  
4           how the chosen strategy will most effectively ad-  
5           dress the needs identified through the needs  
6           analysis.

7           “(E) The performance indicators and tar-  
8           gets the eligible entity will use to assess the ef-  
9           fectiveness of the activities implemented under  
10          this section including—

11                   “(i) graduation rates;

12                   “(ii) dropout recovery (re-entry) rates;

13                   “(iii) percentage of students with less  
14                   than a 90 percent attendance rate;

15                   “(iv) percentage of students who have  
16                   on-time credit accumulation at the end of  
17                   each grade and the percentage of students  
18                   failing a core subject course;

19                   “(v) rates of expulsions, suspensions,  
20                   school violence, harassment, and bullying,  
21                   as defined under State or local laws or  
22                   policies;

23                   “(vi) annual, average attendance  
24                   rates;

1                   “(vii) annual rates of student mobil-  
2                   ity;

3                   “(viii) college remediation, enrollment,  
4                   persistence, and completion rates; and

5                   “(ix) percentage of students success-  
6                   fully—

7                   “(I) completing Advanced Place-  
8                   ment (AP) or International Baccalaureate (IB) courses;

9                   “(II) completing rigorous post-  
10                  secondary education courses while at-  
11                  tending a secondary school; or

12                  “(III) enrolling in and com-  
13                  pleting, career and technical edu-  
14                  cation, as defined in section 3 of the  
15                  Carl D. Perkins Career and Technical  
16                  Education Act of 2006, and registered  
17                  apprenticeship programs, as defined  
18                  in section 173A of the Workforce In-  
19                  vestment Act of 1998.

20                  “(e) REQUIRED USES OF FUNDS.—

21                  “(1) IN GENERAL.—An eligible entity that re-  
22                  ceives a grant under this section shall use the grant  
23                  funds to—  
24

1           “(A) implement an early warning indicator  
2 system to help high schools, and their feeder  
3 middle schools, served by the eligible entity’s  
4 local educational agency, to identify struggling  
5 students and create a system of evidence-based  
6 interventions, by—

7           “(i) identifying and analyzing, indica-  
8 tors that most reliably predict dropping  
9 out of secondary school;

10           “(ii) analyzing the distribution of  
11 struggling students in secondary schools  
12 across all grades;

13           “(iii) analyzing student progress and  
14 performance on the indicators identified  
15 under clause (i);

16           “(iv) analyzing academic indicators to  
17 determine whether students will graduate  
18 on track to college and career readiness;

19           “(v) analyzing student data to assist  
20 students in grade and school transitions;  
21 and

22           “(vi) developing a mechanism for reg-  
23 ularly collecting, reporting, and making ac-  
24 cessible to each school served by the eligi-  
25 ble entity for each such school’s students—

1                   “(I) student-level data on the in-  
2                   dicators identified under clause (i);

3                   “(II) student-level progress and  
4                   performance, as described in clause  
5                   (iii);

6                   “(III) student-level data on the  
7                   indicators described in clause (iv); and

8                   “(IV) information about the im-  
9                   pact of interventions on student out-  
10                  comes and progress;

11                  “(B) provide support and credit recovery  
12                  opportunities for struggling students, including  
13                  those who are over-aged and under-credited, at  
14                  secondary schools served by the eligible entity  
15                  by offering activities, such as—

16                         “(i) a flexible school schedule;

17                         “(ii) competency-based learning mod-  
18                         els and performance-based assessments;

19                         and

20                         “(iii) the provision of support services;

21                  “(C) provide dropout recovery or re-entry  
22                  programs to secondary schools that are de-  
23                  signed to encourage and support dropouts re-  
24                  turning to an educational system, program, or  
25                  institution following an extended absence in

1 order to graduate on track to college and career  
2 readiness;

3 “(D) provide evidence-based grade and  
4 school transition programs and supports, in-  
5 cluding through curricula alignment;

6 “(E) provide school leaders, instructional  
7 staff, non-instructional staff, students, and  
8 families with high-quality, easily accessible in-  
9 formation about—

10 “(i) secondary school graduation re-  
11 quirements;

12 “(ii) postsecondary education applica-  
13 tion processes;

14 “(iii) postsecondary admissions proc-  
15 esses and requirements, including public fi-  
16 nancial aid and other available private  
17 scholarship and grant aid opportunities;  
18 and

19 “(iv) other programs and services for  
20 increasing rates of college access and suc-  
21 cess for students from low-income families.

22 “(2) REQUIRED USE OF FUNDS IN FEEDER  
23 MIDDLE SCHOOLS.—An eligible entity that receives a  
24 grant under this section shall use the grant funds in  
25 feeder middle schools to improve the academic

1 achievement of their students and prepare them to  
2 graduate on track to college and career readiness  
3 by—

4 “(A) using early warning indicator and  
5 intervention systems described in paragraph  
6 (1)(A);

7 “(B) creating a personalized learning envi-  
8 ronment;

9 “(C) providing high-quality professional  
10 development opportunities to school leaders,  
11 teachers, and other school staff to prepare staff  
12 to—

13 “(i) address the academic challenges  
14 of students in middle grades;

15 “(ii) understand the developmental  
16 needs of students in the middle grades and  
17 how to address them in an educational set-  
18 ting;

19 “(iii) implement data-driven interven-  
20 tions; and

21 “(iv) provide academic guidance to  
22 students so that students can graduate on  
23 track to college and career readiness; and

24 “(D) implementing organizational practices  
25 and school schedules that allow for collaborative

1 staff participation, team teaching, and common  
2 instructional planning time.

3 “(3) REQUIRED USE OF FUNDS IN ELIGIBLE  
4 SECONDARY SCHOOLS.—An eligible entity that re-  
5 ceives a grant under this section shall use the grant  
6 funds in eligible secondary schools to implement a  
7 comprehensive approach that will—

8 “(A) personalize the school experience by  
9 taking steps such as—

10 “(i) creating opportunities for strug-  
11 gling students to receive personalized in-  
12 struction and opportunities for credit re-  
13 covery;

14 “(ii) implementing competency-based  
15 models; and

16 “(iii) providing ongoing evaluation of  
17 student academic achievement and the nec-  
18 essary supports so that students graduate  
19 on track to college and career readiness;

20 “(B) increase student engagement by pro-  
21 viding service-learning, experiential, and work-  
22 based and other learning opportunities, such  
23 as—

24 “(i) contextual learning opportunities;

25 “(ii) internship opportunities;





1 national Baccalaureate courses, or another  
2 highly rigorous, evidence-based, postsec-  
3 ondary preparatory programs;

4 “(F) implement at least 1 of the following  
5 effective secondary school reform strategies to  
6 prepare students for college and a career, and  
7 to improve graduation rates:

8 “(i) Graduation Promise Academies,  
9 which include—

10 “(I) 9th grade academies taught  
11 by teams of teachers who work with  
12 small groups of students;

13 “(II) Career Academies for upper  
14 grades;

15 “(III) extended learning periods,  
16 such as block scheduling, to reduce  
17 the number of students for whom  
18 teachers are responsible and the num-  
19 ber of courses students are taking at  
20 any one time;

21 “(IV) an after-hours credit recov-  
22 ery program;

23 “(V) curriculum coaches who  
24 provide high-quality professional de-  
25 velopment and support;

1                   “(VI) partnerships among par-  
2                   ents, teachers, administrators, com-  
3                   munity-based organizations, and com-  
4                   munity members focused on improving  
5                   student achievement; and

6                   “(VII) a college-going culture, in-  
7                   cluding student supports and guid-  
8                   ance.

9                   “(ii) Career Academies, which—

10                   “(I) establish career pathways by  
11                   implementing a college and career  
12                   ready curriculum that integrates rig-  
13                   orous academics, career and technical  
14                   education, and experiential learning  
15                   for high school students in high-skill,  
16                   high-demand industries in collabora-  
17                   tion with local and regional employers;

18                   “(II) provide counseling to ad-  
19                   vance students’ college and career  
20                   goals;

21                   “(III) collaborate with local em-  
22                   ployers to develop and provide work-  
23                   based experiences for high schools stu-  
24                   dents;

## 196

1                   “(IV) modernize career-related  
2                   equipment utilized by students; and

3                   “(V) provide dual enrollment op-  
4                   portunities with college credit-bearing  
5                   courses, including accelerated certifi-  
6                   cate programs with community col-  
7                   leges or other recognized postsec-  
8                   ondary credentials.

9                   “(iii) Early College Schools, which—

10                   “(I) partner with 1 or more pub-  
11                   lic or nonprofit institutions of higher  
12                   education;

13                   “(II) conduct outreach programs  
14                   to ensure that middle school and high  
15                   school students and their families are  
16                   aware of the Early College Schools;

17                   “(III) design curricula and se-  
18                   quences of courses in collaboration  
19                   with teachers from the eligible sec-  
20                   ondary school and faculty from the  
21                   partner institution of higher education  
22                   so that students may simultaneously  
23                   earn credits towards a high school di-  
24                   ploma and either an associate degree  
25                   or transferable postsecondary edu-

1 cation credits toward a postsecondary  
2 degree;

3 “(IV) coordinate secondary and  
4 postsecondary support services, and  
5 academic calendars to allow students  
6 to visit and take courses at the insti-  
7 tutions of higher education; and

8 “(V) provide academic and sup-  
9 port services, including financial aid  
10 counseling for postsecondary edu-  
11 cation.

12 “(f) ALLOWABLE USES OF FUNDS.—An eligible enti-  
13 ty that receives a grant under this section may use grant  
14 funds to—

15 “(1) improve parent and family engagement in  
16 the educational attainment and achievement of  
17 struggling students and dropouts to be on track to  
18 college and career readiness by—

19 “(A) leveraging community-based services  
20 and opportunities; and

21 “(B) providing parents and families with  
22 the necessary information, including data on  
23 their child’s academic achievement and how to  
24 navigate the public school system;

1           “(2) provide extended learning opportunities, by  
2           the school day, week, or year to increase the total  
3           number of school hours to include additional time  
4           for instruction in academic subjects and enrichment  
5           activities that contribute to a well-rounded edu-  
6           cation;

7           “(3) increase student supports through activi-  
8           ties such as student advisories, school counseling op-  
9           portunities, and one-to-one mentoring; and

10           “(4) create smaller learning communities.

11           “(g) MATCHING FUNDS.—

12           “(1) IN GENERAL.—An eligible entity that re-  
13           ceives a grant under this section shall provide  
14           matching funds, from non-Federal sources, in an  
15           amount equal to not less than 20 percent of the  
16           amount of grant funds awarded in the first 3 years  
17           of the grant, not less than 50 percent of the amount  
18           awarded in the fourth year of the grant, and not less  
19           than 75 percent of the amount awarded in the fifth  
20           year of the grant, as applicable.

21           “(2) WAIVER.—The Secretary may waive all or  
22           part of the matching requirement described in para-  
23           graph (1) for a fiscal year for an eligible entity, on  
24           a case-by-case basis, if the Secretary determines that  
25           applying the matching requirement to such eligible

1           entity would result in serious hardship or an inabil-  
2           ity to carry out the authorized activities described in  
3           subsection (e).

4           “(h) SUPPLEMENT NOT SUPPLANT.—An eligible en-  
5           tity shall use Federal funds received under this section  
6           only to supplement the funds that would, in the absence  
7           of such Federal funds, be made available from other Fed-  
8           eral and non-Federal sources for the activities described  
9           in this section, and not to supplant such funds.”.

10 **SEC. 1202. ACCELERATED LEARNING.**

11           Subpart 2 of part B of title I (20 U.S.C. 6371 et  
12           seq.) is amended to read as follows:

13                   **“Subpart 2—Accelerated Learning**

14 **“SEC. 1221. PURPOSES.**

15           “The purposes of this subpart are—

16                   “(1) to raise student academic achievement  
17           by—

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

22                           “(B) increasing the number of students at-  
23                           tending high-need schools who—

1                   “(i) enroll and succeed in Advanced  
2                   Placement or International Baccalaureate  
3                   courses; and

4                   “(ii) take Advanced Placement or  
5                   International Baccalaureate examinations;

6                   “(2) to increase, and to support statewide ef-  
7                   forts to increase, the availability of, and enrollment  
8                   in, Advanced Placement or International Bacca-  
9                   laureate courses, and pre-Advanced Placement or  
10                  pre-International Baccalaureate courses, in high-  
11                  need schools; and

12                  “(3) to provide high-quality professional devel-  
13                  opment for teachers of Advanced Placement or  
14                  International Baccalaureate courses, and pre-Ad-  
15                  vanced Placement or pre-International Bacca-  
16                  laureate courses, in high-need schools.

17 **“SEC. 1222. FUNDING DISTRIBUTION RULE.**

18                  “From amounts appropriated to carry out this sub-  
19                  part for a fiscal year, the Secretary shall give priority to  
20                  funding activities under section 1223 and shall distribute  
21                  any remaining funds under section 1224.



1 **“SEC. 1223. ADVANCED PLACEMENT AND INTERNATIONAL**  
2 **BACCALAUREATE EXAMINATION FEE PRO-**  
3 **GRAM.**

4 “(a) GRANTS AUTHORIZED.—From amounts made  
5 available to carry out this subpart for a fiscal year, the  
6 Secretary shall award grants to State educational agencies  
7 having applications approved under this section to enable  
8 the State educational agencies to reimburse low-income  
9 students to cover part or all of the costs of Advanced  
10 Placement or International Baccalaureate examination  
11 fees, if the low-income students—

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

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

16 “(b) AWARD BASIS.—In determining the amount of  
17 the grant awarded to a State educational agency under  
18 this section for a fiscal year, the Secretary shall consider  
19 the number of children eligible to be counted under section  
20 1124(c) in the State in relation to the number of such  
21 children so counted in all States.

22 “(c) INFORMATION DISSEMINATION.—A State edu-  
23 cational agency that is awarded a grant under this section  
24 shall make publicly available information regarding the  
25 availability of Advanced Placement or International Bac-  
26 calaureate examination fee payments under this section,

1 and shall disseminate such information to eligible sec-  
2 ondary school students and parents, including through  
3 secondary school teachers and counselors.

4 “(d) APPLICATIONS.—Each State educational agency  
5 desiring to receive a grant under this section shall submit  
6 an application to the Secretary at such time, in such man-  
7 ner, and accompanied by such information as the Sec-  
8 retary may require. At a minimum, each State educational  
9 agency application shall—

10 “(1) describe the Advanced Placement or Inter-  
11 national Baccalaureate examination fees the State  
12 educational agency will pay on behalf of low-income  
13 students in the State from grant funds awarded  
14 under this section;

15 “(2) provide an assurance that any grant funds  
16 awarded under this section shall be used only to pay  
17 for Advanced Placement or International Bacca-  
18 laureate examination fees; and

19 “(3) contain such information as the Secretary  
20 may require to demonstrate that the State edu-  
21 cational agency will ensure that a student is eligible  
22 for payments authorized under this section, includ-  
23 ing ensuring that the student is a low-income stu-  
24 dent.

1       “(e) REGULATIONS.—The Secretary shall prescribe  
2 such regulations as are necessary to carry out this section.

3       “(f) REPORT.—

4           “(1) IN GENERAL.—Each State educational  
5 agency awarded a grant under this section shall,  
6 with respect to each Advanced Placement or Inter-  
7 national Baccalaureate course subject, annually re-  
8 port to the Secretary the following data for the pre-  
9 ceding year:

10           “(A) The number of students in the State  
11 who are taking an Advanced Placement or  
12 International Baccalaureate course in such sub-  
13 ject.

14           “(B) The number of Advanced Placement  
15 or International Baccalaureate examinations  
16 taken by students in the State who have taken  
17 an Advanced Placement or International Baccalaureate  
18 course in such subject.

19           “(C) The number of students in the State  
20 scoring at each different level on Advanced  
21 Placement or International Baccalaureate ex-  
22 aminations in such subject.

23           “(D) Demographic information regarding  
24 students in the State taking Advanced Place-  
25 ment or International Baccalaureate courses

1           and Advanced Placement or International Bac-  
2           calaureate examinations in that subject,  
3           disaggregated by race, ethnicity, sex, English  
4           proficiency status, and socioeconomic status.

5           “(2) REPORT TO CONGRESS.—The Secretary  
6           shall annually compile the information received from  
7           each State educational agency under paragraph (1)  
8           and report to the authorizing committees regarding  
9           the information.

10          “(g) BIA AS SEA.—For purposes of this section, the  
11       Bureau of Indian Affairs shall be treated as a State edu-  
12       cational agency.

13       **“SEC. 1224. ADVANCED PLACEMENT AND INTERNATIONAL**  
14                       **BACCALAUREATE INCENTIVE PROGRAM**  
15                       **GRANTS.**

16          “(a) GRANTS AUTHORIZED.—

17               “(1) IN GENERAL.—From amounts made avail-  
18               able to carry out this subpart for a fiscal year, the  
19               Secretary shall award grants, on a competitive basis,  
20               to eligible entities to enable such entities to carry  
21               out the authorized activities described in subsection  
22               (e).

23               “(2) DURATION, RENEWAL, AND PAYMENTS.—

1           “(A) DURATION.—The Secretary shall  
2 award a grant under this section for a period  
3 of not more than 3 years.

4           “(B) RENEWAL.—The Secretary may  
5 renew a grant awarded under this section for  
6 an additional period of not more than 2 years,  
7 if an eligible entity—

8                   “(i) is achieving the objectives of the  
9 grant; and

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

14           “(C) PAYMENTS.—The Secretary shall  
15 make grant payments under this section on an  
16 annual basis.

17           “(b) DEFINITION OF ELIGIBLE ENTITY.—The term  
18 ‘eligible entity’ means—

19                   “(1) a State educational agency;

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

21                   “(3) a partnership consisting of—

22                           “(A) a national, regional, or statewide pub-  
23 lic or nonprofit organization, with expertise and  
24 experience in providing Advanced Placement or

1 International Baccalaureate course services;  
2 and

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

5 “(c) APPLICATION.—

6 “(1) IN GENERAL.—Each eligible entity desir-  
7 ing a grant under this section shall submit an appli-  
8 cation to the Secretary at such time, in such man-  
9 ner, and accompanied by such information as the  
10 Secretary may require.

11 “(2) CONTENTS.—The application shall, at a  
12 minimum, include a description of—

13 “(A) the goals and objectives for the  
14 project supported by the grant under this sec-  
15 tion, including—

16 “(i) increasing the number of teachers  
17 serving high-need schools who are qualified  
18 to teach Advanced Placement or Inter-  
19 national Baccalaureate courses;

20 “(ii) increasing the number of Ad-  
21 vanced Placement or International Bacca-  
22 laureate courses that are offered at high-  
23 need schools; and

24 “(iii) increasing the number of stu-  
25 dents attending a high-need school, par-

1                   ticularly low-income students, who succeed  
2                   in—

3                               “(I) Advanced Placement or  
4                   International Baccalaureate courses;  
5                   and

6                               “(II) if offered by the school,  
7                   pre-Advanced Placement or pre-Inter-  
8                   national Baccalaureate courses;

9                   “(B) how the eligible entity will ensure  
10                  that students have access to courses, including  
11                  pre-Advanced Placement or pre-International  
12                  Baccalaureate courses, that will prepare stu-  
13                  dents to succeed in Advanced Placement or  
14                  International Baccalaureate courses;

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

19                   “(D) how the eligible entity will ensure  
20                  that teachers serving high-need schools are  
21                  qualified to teach Advanced Placement or Inter-  
22                  national Baccalaureate courses;

23                   “(E) how the eligible entity will provide for  
24                  the involvement of business and community or-  
25                  ganizations and other entities, including institu-

1           tions of higher education, in carrying out the  
2           activities described in subsection (e);

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

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

7           “(d) PRIORITY.—In awarding grants under this sec-  
8           tion, the Secretary shall give priority to applications from  
9           eligible entities that—

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

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

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

22           “(e) AUTHORIZED ACTIVITIES.—

23                   “(1) IN GENERAL.—Each eligible entity that re-  
24           ceives a grant under this section shall use the grant  
25           funds to carry out activities designed to increase—



1           “(A) the number of teachers serving high-  
2           need schools who are qualified to teach Ad-  
3           vanced Placement or International Bacca-  
4           laureate courses; and

5           “(B) the number of students attending  
6           high-need schools who succeed in the examina-  
7           tions for such courses, including through reim-  
8           bursing low-income students attending high-  
9           need schools for part or all of the cost of Ad-  
10          vanced Placement or International Bacca-  
11          laureate examination fees.

12          “(2) ALLOWABLE ACTIVITIES.—In addition to  
13          the activities described in paragraph (1), an eligible  
14          entity that receives a grant under this section may  
15          use grant funds for—

16               “(A) high-quality teacher professional de-  
17               velopment, in order to expand the pool of teach-  
18               ers in the participating State, high-need local  
19               educational agency, or high-need school who are  
20               qualified to teach Advanced Placement or Inter-  
21               national Baccalaureate courses, including  
22               through innovative models, such as online acad-  
23               emies and training institutes;

24               “(B) pre-Advanced Placement or pre-Inter-  
25               national Baccalaureate teacher and counselor

1 high-quality professional development in sec-  
2 ondary school to prepare students for success in  
3 Advanced Placement or International Bacca-  
4 laureate courses and in institutions of higher  
5 education;

6 “(C) coordination and articulation between  
7 grade levels to prepare students to succeed in  
8 Advanced Placement or International Bacca-  
9 laureate courses;

10 “(D) purchase of instructional materials  
11 for Advanced Placement or International Bac-  
12 calaureate courses;

13 “(E) activities to increase the availability  
14 of, and participation in, online Advanced Place-  
15 ment or International Baccalaureate courses;

16 “(F) carrying out the requirements of sub-  
17 section (g); and

18 “(G) in the case of an eligible entity de-  
19 scribed in subsection (b)(1), awarding sub-  
20 grants to high-need local educational agencies  
21 to enable the high-need local educational agen-  
22 cies to carry out authorized activities described  
23 in subparagraphs (A) through (F).

24 “(f) CONTRACTS.—An eligible entity that is awarded  
25 a grant to provide online Advanced Placement or Inter-

1 national Baccalaureate courses under this subpart may  
2 enter into a contract with an organization to provide the  
3 online Advanced Placement or International Bacca-  
4 laureate courses, including contracting for necessary sup-  
5 port services.

6 “(g) COLLECTING AND REPORTING REQUIRE-  
7 MENTS.—

8 “(1) REPORT.—Each eligible entity receiving a  
9 grant under this section shall collect and report to  
10 the Secretary annually such data regarding the re-  
11 sults of the grant as the Secretary may reasonably  
12 require, including—

13 “(A) the number of students served by the  
14 eligible entity enrolling in Advanced Placement  
15 or International Baccalaureate courses, and  
16 pre-Advanced Placement or pre-International  
17 Baccalaureate courses, disaggregated by grade  
18 level of the student, and the grades received by  
19 such students in the courses;

20 “(B) the number of students taking an Ad-  
21 vanced Placement or International Bacca-  
22 laureate examination and the distribution of  
23 scores on those examinations, disaggregated by  
24 the grade level of the student at the time of ex-  
25 amination;

1           “(C) the number of teachers who are cur-  
2           rently, as of the date of the report, receiving  
3           training to teach Advanced Placement or Inter-  
4           national Baccalaureate courses and will teach  
5           such courses in the next school year;

6           “(D) the number of teachers becoming  
7           qualified to teach Advanced Placement or Inter-  
8           national Baccalaureate courses; and

9           “(E) the number of qualified teachers who  
10          are teaching Advanced Placement or Inter-  
11          national Baccalaureate courses in high-need  
12          schools served by the eligible entity.

13          “(2) REPORTING OF DATA.—Each eligible enti-  
14          ty receiving a grant under this section shall report  
15          the data required under paragraph (1)—

16                 “(A) disaggregated by subject area;

17                 “(B) in the case of student data,  
18                 disaggregated in the same manner as informa-  
19                 tion is disaggregated under section  
20                 1111(b)(2)(C)(v); and

21                 “(C) in a manner that allows for an as-  
22                 sessment of the effectiveness of the grant pro-  
23                 gram.

24          “(h) EVALUATION.—From the amount appropriated  
25          for this subpart and reserved for evaluation activities in

1 accordance with section 9601(a), the Secretary, acting  
2 through the Director of the Institute of Education  
3 Sciences, shall, in consultation with the relevant program  
4 office at the Department, evaluate the implementation and  
5 impact of the activities supported under this section, con-  
6 sistent with section 9601, including progress as measured  
7 by the performance measures established under subpara-  
8 graphs (A) through (E) of subsection (g)(1).

9 “(i) MATCHING REQUIREMENT.—

10 “(1) IN GENERAL.—Notwithstanding paragraph  
11 (3), each eligible entity that receives a grant under  
12 this section shall provide toward the cost of the ac-  
13 tivities assisted under the grant, from non-Federal  
14 sources, an amount equal to 100 percent of the  
15 amount of the grant, except that an eligible entity  
16 that is a high-need local educational agency shall  
17 provide an amount equal to not more than 50 per-  
18 cent of the amount of the grant.

19 “(2) MATCHING FUNDS.—The eligible entity  
20 may provide the matching funds described in para-  
21 graph (1) in cash or in kind, fairly evaluated, but  
22 may not provide more than 50 percent of the match-  
23 ing funds in kind. The eligible entity may provide  
24 the matching funds from State, local, or private  
25 sources.

1           “(3) WAIVER.—The Secretary may waive all or  
2           part of the matching requirement described in para-  
3           graph (1) for any fiscal year for an eligible entity  
4           described in paragraph (1) or (2) of subsection (b),  
5           if the Secretary determines that applying the match-  
6           ing requirement to such eligible entity would result  
7           in serious hardship or an inability to carry out the  
8           authorized activities described in subsection (e).

9   **“SEC. 1225. SUPPLEMENT, NOT SUPPLANT.**

10          “Grant funds provided under this subpart shall sup-  
11          plement, and not supplant, other non-Federal funds that  
12          are available to assist low-income students to pay for the  
13          cost of Advanced Placement or International Bacca-  
14          laureate examination fees or to expand access to Advanced  
15          Placement or International Baccalaureate courses, and  
16          pre-Advanced Placement or pre-International Bacca-  
17          laureate courses.

18   **“SEC. 1226. DEFINITIONS.**

19          “In this subpart:

20               “(1) HIGH-NEED SCHOOL.—The term ‘high-  
21               need school’ means a secondary school—

22                       “(A) with a demonstrated need for Ad-  
23                       vanced Placement or International Bacca-  
24                       laureate courses; and

25                       “(B) that—

1 “(i) has a high concentration of low-  
2 income students; or

3 “(ii) is designated with a school locale  
4 code of 33, 41, 42, or 43, as determined  
5 by the Secretary.

6 “(2) **LOW-INCOME STUDENT.**—The term ‘low-  
7 income student’ means a student who is eligible for  
8 free or reduced-price lunch under the Richard B.  
9 Russell National School Lunch Act (42 U.S.C. 1751  
10 et seq.).”

11 **SEC. 1203. REORGANIZATION.**

12 Part B of title I, as amended by this part, is further  
13 amended by striking subparts 3 and 4.

14 **PART C—EDUCATION OF MIGRATORY CHILDREN**

15 **SEC. 1301. PROGRAM PURPOSE.**

16 Section 1301 (20 U.S.C. 6391) is amended to read  
17 as follows:

18 **“SEC. 1301. PROGRAM PURPOSE.**

19 “It is the purpose of this part to assist States in pro-  
20 viding high-quality and comprehensive educational pro-  
21 grams (including, as appropriate, instructional and educa-  
22 tionally related support services), during the regular  
23 school year and summer or intersession periods, that ad-  
24 dress the unique educational needs of migratory children

1 arising from their migratory lifestyle, in order to help such  
2 children—

3 “(1) succeed in school;

4 “(2) meet the same State college and career  
5 ready academic content and student academic  
6 achievement standards under section 1111(a)(1)  
7 that all children are expected to meet;

8 “(3) graduate high school ready for higher edu-  
9 cation and careers; and

10 “(4) overcome educational disruption, cultural  
11 and language barriers, social isolation, various  
12 health-related problems, and other factors that in-  
13 hibit the ability of such children to succeed in  
14 school.”.

15 **SEC. 1302. PROGRAM AUTHORIZED.**

16 Section 1302 (20 U.S.C. 6392) is amended—

17 (1) by striking “In order to carry out the pur-  
18 pose of this part” and inserting “From the amounts  
19 made available under section 1002(c) for a fiscal  
20 year to carry out this part”;

21 (2) by striking “combinations” and inserting  
22 “consortia”; and

23 (3) by striking “to establish” and inserting “to  
24 enable such agencies or consortia to establish”.



1 **SEC. 1303. STATE ALLOCATIONS.**

2 Section 1303 (20 U.S.C. 6393) is amended—

3 (1) by striking subsection (a) and inserting the  
4 following:

5 “(a) STATE ALLOCATIONS.—Except as provided in  
6 subsection (b), the amount awarded to each State (other  
7 than the Commonwealth of Puerto Rico) under this part  
8 for each fiscal year shall be an amount equal to the prod-  
9 uct of—

10 “(1) the sum of—

11 “(A) the average number of identified eligi-  
12 ble migratory children aged 3 through 21, re-  
13 siding in the State, based on data for the pre-  
14 ceding 3 years; and

15 “(B) the number of identified eligible mi-  
16 gratory children, age 3 through 21, who re-  
17 ceived services under this part in summer or  
18 intersession programs provided by the State  
19 during the previous year; multiplied by

20 “(2) 40 percent of the average per-pupil ex-  
21 penditure in the State, except that the amount cal-  
22 culated under this paragraph shall not be less than  
23 32 percent, or more than 48 percent, of the average  
24 per-pupil expenditure in the United States.”;

25 (2) by redesignating subsections (b) through (e)  
26 as subsections (c) through (f), respectively;

1           (3) by inserting after subsection (a) the fol-  
2           lowing:

3           “(b) HOLD HARMLESS.—Notwithstanding subsection  
4 (a), for each of fiscal years 2011 through 2013, no State  
5 receiving an allocation under this section shall receive less  
6 than 90 percent of the State’s allocation under this section  
7 for the previous year.”;

8           (4) in subsection (c) (as redesignated by para-  
9           graph (2))—

10                   (A) by striking paragraphs (2) and (3);

11                   (B) by striking “PUERTO RICO.—” and all  
12           that follows through “For each” and inserting  
13           the following: “PUERTO RICO.—For each”;

14                   (C) by redesignating subparagraphs (A)  
15           and (B) as paragraphs (1) and (2), respectively,  
16           and by aligning such paragraphs with the mar-  
17           gins of paragraph (1) of subsection (e) (as re-  
18           designated by paragraph (2));

19                   (D) in the matter preceding paragraph (1)  
20           (as redesignated by subparagraph (C))—

21                           (i) by striking “which” and inserting  
22                           “that”; and

23                           (ii) by striking subsection “(a)(1)(A)”  
24           and inserting “subsection (g)”; and

1 (E) in paragraph (1) (as redesignated by  
2 subparagraph (C))—

3 (i) by striking “which” and inserting  
4 “that”; and

5 (ii) by inserting “, except that the  
6 percentage calculated under this subpara-  
7 graph shall not be less than 85 percent”  
8 before the semicolon at the end; and

9 (5) in subsection (d) (as redesignated by para-  
10 graph (2))—

11 (A) in paragraph (1)—

12 (i) by striking “IN GENERAL.—(A)  
13 If,” and all that follows through “this  
14 part” and inserting the following: “IN  
15 GENERAL.—

16 “(A) RATABLE REDUCTIONS.—If the  
17 amount available for allocations to States under  
18 this part”; and

19 (ii) in subparagraph (B), by striking  
20 “If additional” and inserting “REALLOCA-  
21 TION.—If additional”;

22 (B) in paragraph (2)—

23 (i) by striking “SPECIAL RULE.—(A)  
24 The” and inserting the following: “SPE-  
25 CIAL RULE.—

1 “(A) FURTHER REDUCTIONS.—The”;

2 (ii) in subparagraph (A), by striking  
3 “required under section 1304” and insert-  
4 ing “needed to carry out the approved ac-  
5 tivities in the application under section  
6 1304”;

7 (iii) in subparagraph (B), by striking  
8 “The Secretary shall” and inserting “RE-  
9 ALLOCATION.—The Secretary shall”; and

10 (iv) by adding at the end the fol-  
11 lowing:

12 “(C) ADDITIONAL REQUIREMENTS.—The  
13 Secretary—

14 “(i) shall—

15 “(I) develop and implement a  
16 procedure for monitoring the accuracy  
17 of the information described in sub-  
18 paragraph (A); and

19 “(II) issue, through regulations  
20 or guidance, criteria for a system of  
21 State quality control for the accuracy  
22 of State counts of eligible migratory  
23 children; and

24 “(ii) may not reduce the amount of a  
25 State allocation under this paragraph on

1           the basis of unintentional errors in such  
2           counts for States implementing a system of  
3           State quality control that meets the cri-  
4           teria described in clause (i)(II), if the dis-  
5           crepancy between the initial State count  
6           and any subsequent revisions is minimal.”;

7           (6) in subsection (f) (as redesignated by para-  
8           graph (2))—

9           (A) in the matter preceding paragraph (1),  
10          by inserting “best serve migratory children  
11          under this part and” after “In order to”;

12          (B) in paragraph (1), by striking “such in-  
13          formation as the Secretary finds” and inserting  
14          “the most recent information that”;

15          (C) by redesignating paragraphs (2)  
16          through (4) as paragraphs (3) through (5), re-  
17          spectively;

18          (D) by inserting after paragraph (1) the  
19          following:

20          “(2) develop and implement a procedure for  
21          monitoring the accuracy of such information, if such  
22          a procedure does not create barriers to the families  
23          of migratory children who are eligible for services  
24          under this part;”;

1           (E) in paragraph (3) (as redesignated by  
2           subparagraph (C)), by striking “develop and  
3           implement a procedure for more accurately re-  
4           flecting the” and inserting “update such proce-  
5           dure, and implement the updated procedure, to  
6           more accurately reflect the”;

7           (F) in paragraph (4)(A) (as redesignated  
8           by subparagraph (C)), by inserting “of high-  
9           quality, sustained, and intensive education serv-  
10          ices” after “special programs”;

11          (G) in paragraph (5) (as redesignated by  
12          subparagraph (C)), by striking “the child whose  
13          education has been interrupted” and inserting  
14          “migratory children”; and

15          (7) by adding at the end the following:

16          “(g) NONPARTICIPATING STATES.—In the case of a  
17          State desiring to receive an allocation under this part for  
18          a fiscal year that did not receive an allocation for the pre-  
19          vious fiscal year or that has been participating for less  
20          than 3 consecutive years, the Secretary shall calculate the  
21          State’s number of identified migratory children aged 3  
22          through 21 for purposes of subsection (a)(1)(A) by using  
23          the most recent data available that identifies the migra-  
24          tory children residing in the State until data is available

1 to calculate the 3-year average number of such children  
2 in accordance with such subsection.”.

3 **SEC. 1304. STATE APPLICATIONS; SERVICES.**

4 Section 1304 (20 U.S.C. 6394) is amended—

5 (1) in subsection (b)—

6 (A) in paragraph (1)—

7 (i) in the matter preceding subpara-  
8 graph (A)—

9 (I) by striking “special” and in-  
10 sserting “unique”;

11 (II) by inserting “and out of  
12 school migratory children” after “pre-  
13 school migratory children”; and

14 (ii) in subparagraph (B), by striking  
15 “migrant” and inserting “migratory”; and  
16 (B) in paragraph (2)—

17 (i) by striking “migratory students”  
18 and inserting “migratory children”;

19 (ii) by striking “same challenging”  
20 and all that follows through “standards  
21 that” and inserting “same State college  
22 and career ready academic content and  
23 student academic achievement standards  
24 adopted under section 1111(a)(1) that”;  
25 and

1           (C) by redesignating paragraphs (3)  
2 through (7) as paragraphs (4) through (8), re-  
3 spectively;

4           (D) by inserting after paragraph (2) the  
5 following:

6           “(3) a description of how the State will meet  
7 the requirements of section 1308 for the timely elec-  
8 tronic transfer of student records and how the State  
9 will use such records transfer to meet the unique  
10 educational needs of migratory students and remove  
11 barriers to the proper enrollment and retention of  
12 migratory children in schools;”;

13           (E) in paragraph (4) (as redesignated by  
14 subparagraph (C))—

15           (i) by striking “require, the State”  
16 and inserting “require and using the link-  
17 age system described in section 1308(b),  
18 the State and each of its local operating  
19 agencies”;

20           (ii) by striking “another” and insert-  
21 ing “another or from one school district to  
22 another”; and

23           (iii) by striking “such move” and in-  
24 serting “such a move”;



1 (F) by striking paragraph (7) (as redesignig-  
2 nated by subparagraph (C)) and inserting the  
3 following:

4 “(7) a description of how the State will ensure  
5 that paraprofessionals who are hired to work in pro-  
6 grams and projects assisted under this part (not in-  
7 cluding any such paraprofessional who works pri-  
8 marily as a translator or solely in family involvement  
9 activities) will, if hired to work in such programs  
10 and projects after the effective date of the Elemen-  
11 tary and Secondary Education Reauthorization Act  
12 of 2011, meet the standards and requirements for  
13 paraprofessionals under section 1119;”;

14 (G) in paragraph (8) (as redesignated by  
15 subparagraph (C))—

16 (i) by striking “program or project  
17 serves” and inserting “programs and  
18 projects serve”;

19 (ii) by striking “who have parents  
20 who” and inserting “whose parents”; and

21 (iii) by striking the period at the end  
22 and inserting “; and”; and

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

24 “(9) such budgetary and other information as  
25 the Secretary may require.”;

1 (2) in subsection (c)—

2 (A) by striking paragraph (3) and insert-  
3 ing the following:

4 “(3) in the planning and operation of programs  
5 and projects at both the State and local agency op-  
6 erating levels, there is consultation with parent advi-  
7 sory councils for programs of not less than one  
8 school year in duration, and that all such programs  
9 and projects are—

10 “(A) conducted in a manner that provides  
11 for the same parental involvement as is re-  
12 quired for programs and projects under section  
13 1118, including, to the extent practicable, de-  
14 scriptions required for parental involvement  
15 under section 1118(a)(3)(A), unless extraor-  
16 dinary circumstances make such provision im-  
17 practical; and

18 “(B) are developed in a format and lan-  
19 guage understandable to the parents;”;

20 (B) in paragraph (4), by inserting “and  
21 migratory children who are not attending  
22 school” before the semicolon at the end;

23 (C) in paragraph (6), by striking subpara-  
24 graph (C) and inserting the following:

1                   “(C) family literacy programs that are de-  
2                   termined to be high quality;” and

3                   (D) by striking paragraph (7) and insert-  
4                   ing the following:

5                   “(7) the State has procedures in place to verify  
6                   the accuracy and completeness of any data regarding  
7                   the counting of migratory children that is submitted  
8                   to the Secretary under this part.”; and

9                   (3) in subsection (d)—

10                   (A) by striking “who are failing” and all  
11                   that follows through the period and inserting  
12                   the following: “who have made a move within  
13                   the previous 1-year period and who—

14                   “(1) are failing, or most at risk of failing, to  
15                   meet the State college and career ready academic  
16                   content standards and student academic achieve-  
17                   ment standards adopted under section 1111(a)(1);  
18                   or

19                   “(2) have dropped out of school.”; and

20                   (B) in subsection (e)—

21                   (i) by striking “1” and inserting  
22                   “one”; and

23                   (ii) by striking “secondary school stu-  
24                   dents” and inserting “students”.

1 **SEC. 1305. SECRETARIAL APPROVAL; PEER REVIEW.**

2 Section 1305(b) (20 U.S.C. 6395(b)) is amended by  
3 striking “may” and inserting “shall, to the extent prac-  
4 ticable,”.

5 **SEC. 1306. COMPREHENSIVE NEEDS ASSESSMENT AND**  
6 **SERVICE-DELIVERY PLAN; AUTHORIZED AC-**  
7 **TIVITIES.**

8 Section 1306 (20 U.S.C. 6396) is amended—

9 (1) in subsection (a)(1)—

10 (A) in the matter preceding subparagraph

11 (A)—

12 (i) by striking “special” and inserting  
13 “unique”; and

14 (ii) by inserting “, consistent with the  
15 purposes of this part,” after “migratory  
16 children”;

17 (B) by striking subparagraph (B);

18 (C) by redesignating subparagraphs (C)  
19 through (G) as subparagraphs (E) through (I),  
20 respectively;

21 (D) by inserting after subparagraph (A)  
22 the following:

23 “(B) addresses the unique educational  
24 needs of migratory children;

25 “(C) is developed in collaboration with par-  
26 ents of migratory children;

1           “(D) is not used to supplant State efforts  
2           regarding, or administrative funding for, this  
3           part;”;

4           (E) in subparagraph (E) (as redesignated  
5           by subparagraph (C)), by striking “same chal-  
6           lenging” and all that follows through “stand-  
7           ards that” and inserting “same State college  
8           and career ready academic content and student  
9           academic achievement standards adopted under  
10          section 1111(a)(1) that”; and

11          (F) in subparagraph (H) (as redesignated  
12          by subparagraph (C)), by striking “early child-  
13          hood programs,” and inserting “early care and  
14          education programs,”; and

15          (2) in subsection (b)—

16                (A) in paragraph (1), by striking “local  
17                educational” and inserting “local operating”;

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

20                “(2) UNMET NEEDS.—Funds provided under  
21                this part shall be used to meet the needs of migra-  
22                tory children that are not met by services available  
23                from other Federal or non-Federal programs, except  
24                that migratory children who are eligible to receive  
25                services under part A may receive those services

1 through funds provided under that part or through  
2 funds under this part that remain after the agency  
3 meets the needs described in paragraph (1).”; and

4 (C) in paragraph (4), by striking “special  
5 educational” and inserting “unique edu-  
6 cational”.

7 **SEC. 1307. BYPASS.**

8 Section 1307 (20 U.S.C. 6397) is amended, in the  
9 matter preceding paragraph (1), by striking “make ar-  
10 rangements” and inserting “award grants to, or enter into  
11 contracts with”.

12 **SEC. 1308. NATIONAL ACTIVITIES.**

13 Section 1308 (20 U.S.C. 6398) is amended—

14 (1) by striking the section heading and insert-  
15 ing “**NATIONAL ACTIVITIES.**”;

16 (2) in subsection (a)—

17 (A) in paragraph (1)—

18 (i) by striking “nonprofit entities to  
19 improve” and inserting the following: “en-  
20 tities to—

21 “(A) improve”;

22 (ii) by inserting “through” before  
23 “the establishment”;

24 (iii) by striking the period at the end  
25 and inserting “; and”; and

1 (iv) by adding at the end the fol-  
2 lowing:

3 “(B) improve the coordination between  
4 State educational agencies, local operating  
5 agencies, and their counterparts in other na-  
6 tions in educating migratory children who move  
7 between the United States and such nations.”;  
8 and

9 (B) in paragraph (2), by inserting “or con-  
10 tracts” after “Grants”;

11 (3) in subsection (b)—

12 (A) by striking paragraph (1) and insert-  
13 ing the following:

14 “(1) ASSISTANCE.—In order to determine the  
15 number of migratory children in each State, the Sec-  
16 retary shall assist each State in maintaining an ef-  
17 fective system for the electronic transfer of student  
18 records.”;

19 (B) in paragraph (2)—

20 (i) in subparagraph (A)—

21 (I) in the matter preceding clause  
22 (i), by striking “The Secretary, in  
23 consultation” and all that follows  
24 through “may include—” and insert-  
25 ing the following: “The Secretary, in

1 consultation with the States, shall  
2 continue to ensure the linkage of mi-  
3 gratory child record systems for the  
4 purpose of electronically exchanging,  
5 within and among the States, health  
6 and educational information regarding  
7 all migratory children eligible under  
8 this part. The Secretary shall ensure  
9 such linkage occurs in a cost-effective  
10 manner, utilizing systems used by the  
11 State prior to, or developed after, the  
12 date of enactment of the Elementary  
13 and Secondary Education Reauthor-  
14 ization Act of 2011. The Secretary  
15 shall determine the minimum data ele-  
16 ments that each State receiving funds  
17 under this part shall collect, maintain,  
18 and exchange, and the requirements  
19 of the linkage system that States shall  
20 meet for the timely submission of ac-  
21 cess to such information. Such min-  
22 imum data elements may include—”;  
23 (II) in clause (ii), by striking  
24 “section 1111(b)” and inserting “sec-  
25 tion 1111(a)(2)”;



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

3 “(B) CONSULTATION.—The Secretary  
4 shall maintain on-going consultation with the  
5 States, local educational agencies, and other mi-  
6 gratory student service providers on—

7 “(i) the effectiveness of the system of  
8 electronic records transfer described in  
9 subparagraph (A); and

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

12 (C) in paragraph (4)—

13 (i) in subparagraph (A)—

14 (I) by striking “2003” and in-  
15 serting “2012, and every 2 years  
16 thereafter,”; and

17 (II) by striking “the Committee  
18 on Health, Education, Labor, and  
19 Pensions of the Senate and the Com-  
20 mittee on Education and the Work-  
21 force of the House of Representa-  
22 tives” and inserting “the authorizing  
23 committees”; and

24 (ii) in subparagraph (B)—

1 (I) in clause (ii), by striking “the  
2 development and linkage of” and in-  
3 sserting “maintaining”; and

4 (II) in clause (iii), by striking  
5 “measures that may be taken to en-  
6 sure” and inserting “improving”;

7 (4) by redesignating subsection (c) as sub-  
8 section (f), and transferring such subsection so as to  
9 follow subsection (e);

10 (5) by inserting after subsection (b) the fol-  
11 lowing:

12 “(c) TECHNICAL ASSISTANCE.—The Secretary may  
13 provide technical assistance designed to support State ef-  
14 forts to meet the needs of migratory children, which may  
15 include supporting the attendance of State and local oper-  
16 ating agency staff, and other appropriate individuals, at  
17 special meetings convened by the Secretary in order to  
18 carry out activities consistent with this section.”;

19 (6) in subsection (d)—

20 (A) by striking “, pursuant to criteria that  
21 the Secretary shall establish,”; and

22 (B) by striking “whose education is inter-  
23 rupted” and inserting “described in section  
24 1304(d)”;

1           (7) by striking subsection (e) and inserting the  
2 following:

3           “(e) IMPROVEMENTS AND COORDINATION.—From  
4 any funds remaining under subsection (f) after carrying  
5 out the requirements under subsections (b) and (d), the  
6 Secretary, in consultation with the States, may make  
7 grants to, or enter into contracts with, State educational  
8 agencies, local educational agencies, institutions of higher  
9 education, and other public and private nonprofit entities  
10 to improve the interstate and intrastate coordination  
11 among such agencies’ and entities’ programs available to  
12 migratory students consistent with this section, including  
13 the establishment or improvement of programs for aca-  
14 demic credit accrual and exchange.”; and

15           (8) in subsection (f) (as redesignated and trans-  
16 ferred under paragraph (4)), by striking  
17 “\$10,000,000” and inserting [“\$12,500,000”].

18 **SEC. 1309. PERFORMANCE DATA; EVALUATIONS AND**  
19 **STUDY; STATE ASSISTANCE.**

20           Part C of title I (20 U.S.C. 6391 et seq.) is further  
21 amended—

22           (1) by redesignating section 1309 as section  
23 1312; and

24           (2) by inserting after section 1308 the fol-  
25 lowing:

1 **“SEC. 1309. PERFORMANCE DATA.**

2 “Consistent with section 1111(d)(3)(B), and in a  
3 manner prescribed by the Secretary, each State that re-  
4 ceives a grant under this part shall annually submit to  
5 the Secretary, and make public, data on—

6 “(1) the academic achievement of migratory  
7 students, as measured by the State assessments re-  
8 quired under section 1111(a)(2);

9 “(2) such students’ high school graduation  
10 rates and rates of enrollment and persistence in, and  
11 completion of a program of study at, institutions of  
12 higher education; and

13 “(3) the results of such other performance  
14 measures and targets as the Secretary may pre-  
15 scribe.

16 **“SEC. 1310. EVALUATION AND STUDY.**

17 “(a) PROGRAM EVALUATION.—From the amount re-  
18 served for evaluation activities in accordance with section  
19 9601(a), the Secretary, acting through the Director of the  
20 Institute of Education Sciences, shall, in consultation with  
21 the relevant program office at the Department, evaluate  
22 the implementation and impact of the activities supported  
23 under this part, consistent with section 9601.

24 “(b) STUDY.—The Secretary shall conduct a pilot  
25 study, funded as part of the 2012 National Assessment  
26 of Educational Progress, on the feasibility of using the

1 National Assessment of Educational Progress for assess-  
2 ing and reporting on the academic achievement of migra-  
3 tory children in grades 4 and 8 in reading and mathe-  
4 matics.

5 **“SEC. 1311. STATE ASSISTANCE IN DETERMINING NUMBER**  
6 **OF MIGRATORY CHILDREN.**

7 “Each State that desires to receive assistance under  
8 this part shall assist the Secretary in determining the  
9 number of migratory children in such State under para-  
10 graphs (1) and (2) of subsection (a) and subsection (g)  
11 of section 1303 through such procedures as the Secretary  
12 may require, except that the Secretary shall not require  
13 additional information that is not directly related to deter-  
14 mining the migratory status of the child or the administra-  
15 tion of this part.”.

16 **SEC. 1310. DEFINITIONS.**

17 Section 1312 (as redesignated by section 1309(1))  
18 (20 U.S.C. 6399) is amended—

19 (1) by redesignating paragraphs (1) and (2) as  
20 paragraphs (3) and (5), respectively;

21 (2) by inserting before paragraph (3) (as redesi-  
22 gnated by paragraph (1)) the following:

23 “(1) **FOOD PROCESSOR.**—The term ‘food proc-  
24 essor’ means a position working with a raw agricul-  
25 tural, dairy, or fishing product and transforming the

1 product into a more refined product up to the point  
2 of an initial commercial sale.

3 “(2) INITIAL COMMERCIAL SALE.—The term  
4 ‘initial commercial sale’ means the first point of sale  
5 of an agricultural, dairy, or fishing product—

6 “(A) for refining to the next-stage proc-  
7 essor;

8 “(B) to the wholesaler;

9 “(C) to the retailer; or

10 “(D) directly to the consumer.”;

11 (3) by inserting after paragraph (3) (as redesign-  
12 nated by paragraph (1)) the following:

13 “(4) MIGRATORY AGRICULTURAL WORKER.—  
14 The term ‘migratory agricultural worker’ means an  
15 individual who—

16 “(A) made a qualifying move in the pre-  
17 ceding 3-year period; and

18 “(B) after making such move, sought or  
19 engaged in employment in agricultural work,  
20 which may be dairy work or the initial proc-  
21 essing of raw agricultural products.”; and

22 (4) by striking paragraph (5) (as redesignated  
23 by paragraph (1)) and inserting the following:

24 “(5) MIGRATORY CHILD.—The term ‘migratory  
25 child’ means a child who—

1           “(A) is, or whose parent or spouse is, a  
2           migratory agricultural worker or migratory fish-  
3           er who is currently engaged in, or seeking to  
4           obtain, temporary or seasonal employment, usu-  
5           ally for not longer than 15 months, in agricul-  
6           tural or fishing work until the point of the ini-  
7           tial commercial sale (including employment as a  
8           migratory dairy worker, a food processor, or a  
9           migratory fisher); and

10           “(B) in the preceding 36 months—

11           “(i) has moved from one school dis-  
12           trict to another;

13           “(ii) in a State that is comprised of a  
14           single school district, has moved from one  
15           administrative area to another within such  
16           district; or

17           “(iii) resides in a school district of  
18           more than 15,000 square miles, and mi-  
19           grates a distance of 20 miles or more to a  
20           temporary residence to engage in, or to ac-  
21           company a parent or spouse engaging in, a  
22           fishing activity.

23           “(6) **MIGRATORY FISHER.**—The term ‘migra-  
24           tory fisher’ means an individual who made a quali-  
25           fying move in the preceding 36 months and, after

1       doing so, sought or engaged in employment in fish-  
2       ing work.

3               “(7) QUALIFYING MOVE.—The term ‘qualifying  
4       move’—

5               “(A) means—

6                       “(i) a move from one school district to  
7                       another, or from one administrative area  
8                       to another within a State that is comprised  
9                       of a single school district; and

10                      “(ii) in the case of a migratory fisher  
11                      who resides in a school district of more  
12                      than 15,000 square miles, includes migrat-  
13                      ing a distance of 20 miles or more to a  
14                      temporary residence; and

15               “(B) with respect to a qualifying move for  
16               a parent or spouse of a migratory child, means  
17               a move described in subparagraph (A) that is  
18               separated by not more than 1 year from the  
19               move or migration described in paragraph  
20               (5)(B) of the migratory child.”.

21 **PART D—PREVENTION AND INTERVENTION PRO-**  
22 **GRAMS FOR CHILDREN AND YOUTH WHO**  
23 **ARE NEGLECTED, DELINQUENT, OR AT-RISK**

24 **SEC. 1401. PURPOSE AND PROGRAM AUTHORIZATION.**

25       Section 1401(a) (20 U.S.C. 6421(a)) is amended—



1           (1) in paragraph (1), by striking “challenging  
2       State academic content standards and challenging  
3       State student academic achievement standards” and  
4       inserting “college and career ready academic content  
5       standards and student academic achievement stand-  
6       ards under section 1111(a)(1)”; and

7           (2) in paragraph (3), by striking “to prevent  
8       at-risk youth from dropping out of school, and”.

9       **SEC. 1402. ALLOCATION OF FUNDS.**

10       Paragraph (2) of section 1412(b) (20 U.S.C.  
11       6432(b)) is amended to read as follows:

12           “(2) MINIMUM PERCENTAGE.—The percentage  
13       in paragraph (1)(A) shall not be less than 85 per-  
14       cent.”.

15       **SEC. 1403. STATE PLAN AND STATE AGENCY APPLICATIONS.**

16       Section 1414 (20 U.S.C. 6434) is amended—

17           (1) in subsection (a)—

18               (A) in paragraph (1)(B)—

19                   (i) by striking “from” and inserting  
20                   “between”; and

21                   (ii) by striking “to” and inserting  
22                   “and”;

23               (B) in paragraph (2)—

24                   (i) in subparagraph (A), by striking  
25                   “academic, vocational, and technical skills”

1 and inserting “college and career readiness  
2 (as determined based on the State college  
3 and career ready academic content and  
4 student academic achievement standards  
5 under section 1111(a)(1))”; and

6 (ii) in subparagraph (B), by striking  
7 “and” after the semicolon;

8 (C) in subparagraph (C)(iv), by striking  
9 the period at the end and inserting “; and”;  
10 and

11 (D) by adding at the end the following:

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

14 “(i) procedures to ensure that each  
15 student who has been placed in the juve-  
16 nile justice system is promptly reenrolled  
17 in secondary school or placed in a re-entry  
18 program that best meets the educational  
19 and social needs of the student;

20 “(ii) procedures for facilitating the  
21 transfer of credits that such students  
22 earned during placement; and

23 “(iii) opportunities for such students  
24 to participate in higher education or career  
25 pathways.”; and

1 (2) in subsection (c)—

2 (A) in paragraph (1)—

3 (i) by inserting “and respond to”  
4 after “assess”; and

5 (ii) by inserting “, including an as-  
6 sessment upon entry into a correctional fa-  
7 cility” before the semicolon at the end;

8 (B) in paragraph (8), by striking “voca-  
9 tional” and inserting “career”;

10 (C) in paragraph (9)—

11 (i) by striking “encourage” and insert  
12 “require, to the extent practicable,”;

13 (ii) by inserting “and after” after  
14 “prior to”; and

15 (iii) by inserting “and that transition  
16 plans are in place” before the semicolon at  
17 the end;

18 (D) in paragraph (11)—

19 (i) by inserting “such” after “transi-  
20 tion of”;

21 (ii) by striking “from” and inserting  
22 “between”; and

23 (iii) by striking “institution to locally  
24 operated” and inserting “institution and  
25 locally operated education”;

1 (E) in paragraph (16)—

2 (i) by inserting “and obtain a sec-  
3 ondary school diploma” after “reenter  
4 school”; and

5 (ii) by inserting “that leads to eco-  
6 nomic self-sufficiency” after “employ-  
7 ment”; and

8 (F) in paragraph (17), by inserting “cer-  
9 tified or licensed” before “teachers”.

10 **SEC. 1404. USE OF FUNDS.**

11 Section 1415(a) (20 U.S.C. 6435(a)) is amended—

12 (1) in paragraph (1)(B), by striking “voca-  
13 tional” and inserting “career”; and

14 (2) in paragraph (2)—

15 (A) in subparagraph (B)—

16 (i) in clause (i), by striking “chal-  
17 lenging academic content standards and  
18 student academic achievement standards”  
19 and inserting “college and career ready  
20 academic content standards and student  
21 academic achievement standards under sec-  
22 tion 1111(a)(1)”; and

23 (ii) in clause (ii), by striking “chal-  
24 lenging” and inserting “such”;

1 (B) in subparagraph (C), by striking  
2 “and” after the semicolon;

3 (C) in subparagraph (D), by striking the  
4 period at the end and inserting “; and”; and

5 (D) by adding at the end the following:

6 “(E) may include the costs of testing for  
7 such children and youth for a recognized equiv-  
8 alent of a secondary school diploma.”.

9 **SEC. 1405. INSTITUTION-WIDE PROJECTS.**

10 Section 1416 (20 U.S.C. 6436) is amended—

11 (1) in paragraph (3), by striking “challenging  
12 State academic content standards and student aca-  
13 demic achievement standards” and inserting “college  
14 and career ready academic content standards and  
15 student academic achievement standards under sec-  
16 tion 1111(a)(1)”;

17 (2) in paragraph (4), by inserting “and the de-  
18 velopment and implementation of transition plans”  
19 before the semicolon; and

20 (3) in paragraph (6), by inserting “and im-  
21 prove” after “assess”.

22 **SEC. 1406. TRANSITION SERVICES.**

23 Section 1418(a) (20 U.S.C. 6438(a)) is amended—

24 (1) in paragraph (1)—

1 (A) by striking “from” and inserting “be-  
2 tween”; and

3 (B) by striking “to schools” and inserting  
4 “and schools”; and

5 (2) in paragraph (2), by striking “vocational”  
6 each place the term appears and inserting “career”.

7 **SEC. 1407. PURPOSE OF LOCAL AGENCY PROGRAMS.**

8 Section 1421(1) (20 U.S.C. 6451(1)) is amended by  
9 striking “, training, employment, or further education”  
10 and inserting “and college and career readiness (as deter-  
11 mined based on the State college and career ready aca-  
12 demic content and student academic achievement stand-  
13 ards under section 1111(a)(1))”.

14 **SEC. 1408. PROGRAMS OPERATED BY LOCAL EDUCATIONAL**  
15 **AGENCIES.**

16 Section 1422(d) (20 U.S.C. 6452(d)) is amended—

17 (1) by striking “meet the transitional” and in-  
18 serting “meet the transitional needs (including the  
19 social and emotional needs)”; and

20 (2) by striking “meeting the transitional” and  
21 inserting “meeting such transitional”.

22 **SEC. 1409. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

23 Section 1423 (20 U.S.C. 6453) is amended—

24 (1) in paragraph (6), by striking “, at-risk chil-  
25 dren or youth, and other participating children or

1 youth,” and inserting “and at-risk children or  
2 youth,”;

3 (2) in paragraph (8), by inserting “and family  
4 members” after “parents”; and

5 (3) in paragraph (9), by striking “vocational”  
6 and inserting “career”.

7 **SEC. 1410. USES OF FUNDS.**

8 Section 1424 (20 U.S.C. 6454) is amended—

9 (1) in paragraph (2), by striking “, including”  
10 and all that follows through “gang members”; and

11 (2) in paragraph (4), by striking “vocational  
12 and technical education” and inserting “career and  
13 technical education, costs associated with testing for  
14 a recognized equivalent of a secondary school di-  
15 ploma”.

16 **SEC. 1411. PROGRAM REQUIREMENTS FOR CORRECTIONAL**  
17 **FACILITIES RECEIVING FUNDS UNDER THIS**  
18 **SECTION.**

19 Section 1425 (20 U.S.C. 6455) is amended—

20 (1) in paragraph (9), by striking “vocational”  
21 and inserting “career”;

22 (2) in paragraph (10), by striking “and” after  
23 the semicolon;

24 (3) in paragraph (11), by striking the period at  
25 the end and inserting a semicolon; and

1 (4) by adding at the end the following:

2 “(12) develop an initial educational services and  
3 transition plan for each child or youth served under  
4 this subpart upon entry into the correctional facility,  
5 in partnership with the child or youth’s family mem-  
6 bers and the local educational agency that most re-  
7 cently provided services to the child or youth (if ap-  
8 plicable), consistent with 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 **SEC. 1412. ACCOUNTABILITY.**

16 Section 1426 (20 U.S.C. 6456) is amended to read  
17 as follows:

18 **“SEC. 1426. ACCOUNTABILITY.**

19 “The State educational agency—

20 “(1) shall require correctional facilities or insti-  
21 tutions for delinquent children and youth to annually  
22 report on the number of children and youth released  
23 from the correctional facility or institution who re-  
24 turned or did not return to school, the number of  
25 children and youth obtaining a secondary school di-



1 ploma or its recognized equivalent, and the number  
2 of children and youth obtaining employment; and

3 “(2) may require correctional facilities or insti-  
4 tutions for delinquent children and youth to dem-  
5 onstrate, after receiving assistance under this sub-  
6 part for 3 years, that there has been an increase in  
7 the number of children and youth returning to  
8 school, obtaining a secondary school diploma or its  
9 recognized equivalent, or obtaining employment after  
10 such children and youth are released.”.

11 **SEC. 1413. DEFINITIONS.**

12 Section 1432(2) (20 U.S.C. 6472(2)) is amended to  
13 read as follows:

14 “(2) AT-RISK.—The term ‘at-risk’, when used  
15 with respect to a child, youth, or student, means a  
16 school-aged individual who—

17 “(A) is at risk of academic failure; and

18 “(B) has a drug or alcohol problem, is  
19 pregnant or is a parent, has come into contact  
20 with the juvenile justice system or has been de-  
21 termined to be neglected in the past, is a gang  
22 member, or has dropped out of school in the  
23 past.”.

1                   **PART E—GENERAL PROVISIONS**

2   **SEC. 1501. REORGANIZATION.**

3           (a) **IN GENERAL.**—Title I (20 U.S.C. 6301 et seq.)  
4 is further amended—

5               (1) by striking parts E through H;

6               (2) by redesignating part I as part E; and

7               (3) by redesignating sections 1901 through  
8           1908 as sections 1501 through 1508, respectively.

9           (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—  
10 Part E of title I (as redesignated by subsection (a)(2))  
11 is further amended—

12               (1) in section 1501(b)(4)(A), as redesignated by  
13           section 1501(3), **by striking “No Child Left Behind**  
14           **Act of 2001” and inserting “Elementary and Sec-**  
15           **ondary Education Reauthorization Act of 2011”;**】

16               (2) in section 1502, as redesignated by section  
17           1501(3), by striking “1901” and inserting “1501”;  
18           and

19               (3) in section 1508 (20 U.S.C. 6578), **by**  
20           **striking “No Child Left Behind Act of 2001” and**  
21           **inserting “Elementary and Secondary Education Re-**  
22           **authorization Act of 2011”.**】

1 **TITLE II—SUPPORTING EXCEL-**  
2 **LENT TEACHERS AND PRIN-**  
3 **CIPALS**

4 **SEC. 2101. SUPPORTING EXCELLENT TEACHERS AND PRIN-**  
5 **CIPALS.**

6 (a) TECHNICAL AMENDMENTS.—Title II (20 U.S.C.  
7 6601 et seq.) is amended—

8 (1) by striking the title heading and inserting  
9 **“SUPPORTING EXCELLENT TEACHERS**  
10 **AND PRINCIPALS”**;

11 (2) by redesignating subpart 3 of part D as  
12 part G of title IV;

13 (3) in part G of title IV, as redesignated by  
14 paragraph (2), by striking the part heading and in-  
15 serting the following: **“READY-TO-LEARN”**;

16 (4) by redesignating section 2431 as section  
17 4701;

18 (5) in section 4701, as redesignated by para-  
19 graph (4)—

20 (A) by striking the section heading and in-  
21 serting the following: **“READY-TO-LEARN”**;  
22 and

23 (B) in subsection (e)(1), by striking  
24 “2002” and inserting “2012”;

1           (6) by redesignating subpart 5 of part C as  
2           subpart 3 of part E of title IX; and

3           (7) by redesignating sections 2361, 2362, 2363,  
4           2364, 2365, 2366, 2367, and 2368, as sections  
5           9541, 9542, 9543, 9544, 9545, 9546, 9547, and  
6           9548, respectively.

7           (b) TROOPS-TO-TEACHERS.—

8           (1) TRANSFER OF FUNCTIONS.—

9           (A) TRANSFER.—The responsibility and  
10           authority for operation and administration of  
11           the Troops-to-Teachers Program in chapter A  
12           of subpart 1 of part C of title II (20 U.S.C.  
13           6671 et seq.), as in effect on the day before the  
14           date of enactment of this Act, is transferred  
15           from the Secretary of Education to the Sec-  
16           retary of Defense.

17           (B) EFFECTIVE DATE.—The transfer  
18           under subparagraph (A) shall take effect on the  
19           first day of the first month beginning more  
20           than 180 days after the date of enactment of  
21           this Act, or on such earlier date as the Sec-  
22           retary of Education and the Secretary of De-  
23           fense may jointly provide.

1           (2) ENACTMENT AND MODIFICATION OF PRO-  
2           GRAM AUTHORITY IN TITLE 10, UNITED STATES  
3           CODE.—

4           (A) IN GENERAL.—Chapter 58 of title 10,  
5           United States Code, is amended by adding at  
6           the end the following new section:

7   **“§ 1154. Assistance to eligible members to obtain em-  
8                            ployment as teachers: Troops-to-Teachers  
9                            Program**

10          “(a) DEFINITIONS.—In this section:

11           “(1) PROGRAM.—The term ‘Program’ means  
12           the Troops-to-Teachers Program authorized by this  
13           section.

14           “(2) CHARTER SCHOOL.—The term ‘charter  
15           school’ has the meaning given that term in section  
16           5210 of the Elementary and Secondary Education  
17           Act of 1965 (20 U.S.C. 7221i).

18           “(3) ADDITIONAL TERMS.—The terms ‘elemen-  
19           tary school’, ‘highly qualified teacher’, ‘local edu-  
20           cational agency’, ‘secondary school’, and ‘State’ have  
21           the meanings given those terms in section 9101 of  
22           the Elementary and Secondary Education Act of  
23           1965 (20 U.S.C. 7801).

1           “(b) PROGRAM AUTHORIZATION.—The Secretary of  
2 Defense may carry out a program (to be known as the  
3 ‘Troops-to-Teachers Program’)—

4           “(1) to assist eligible members of the armed  
5 forces described in subsection (c) to obtain certifi-  
6 cation or licensing as elementary school teachers,  
7 secondary school teachers, or vocational or technical  
8 teachers, and to become highly qualified teachers;  
9 and

10           “(2) to facilitate the employment of such mem-  
11 bers—

12           “(A) by local educational agencies or pub-  
13 lic charter schools that the Secretary of Edu-  
14 cation identifies as—

15           “(i) receiving grants under part A of  
16 title I of the Elementary and Secondary  
17 Education Act of 1965 (20 U.S.C. 6311 et  
18 seq.) as a result of having within their ju-  
19 risdictions concentrations of children from  
20 low-income families; or

21           “(ii) experiencing a shortage of highly  
22 qualified teachers, in particular a shortage  
23 of science, mathematics, special education,  
24 or vocational or technical teachers; and

1           “(B) in elementary schools or secondary  
2           schools, or as vocational or technical teachers.

3           “(c) ELIGIBILITY AND APPLICATION PROCESS.—

4           “(1) ELIGIBLE MEMBERS.—The following mem-  
5           bers of the armed forces are eligible for selection to  
6           participate in the Program:

7           “(A) Any member who—

8           “(i) on or after the date of the enact-  
9           ment of the Elementary and Secondary  
10          Education Reauthorization Act of 2011,  
11          becomes entitled to retired or retainer pay  
12          under this title or title 14;

13          “(ii) has an approved date of retire-  
14          ment that is within one year after the date  
15          on which the member submits an applica-  
16          tion to participate in the Program; or

17          “(iii) transfers to the Retired Reserve.

18          “(B) Any member who, on or after the  
19          date of the enactment of the Elementary and  
20          Secondary Education Reauthorization Act of  
21          2011—

22          “(i)(I) is separated or released from  
23          active duty after 4 or more years of contin-  
24          uous active duty immediately before the  
25          separation or release; or

1                   “(II) has completed a total of at least  
2                   ten years of active duty service, 10 years  
3                   of service computed under section 12732 of  
4                   this title, or 10 years of any combination  
5                   of such service; and

6                   “(ii) executes a reserve commitment  
7                   agreement for a period of not less than 3  
8                   years under paragraph (5)(B).

9                   “(C) Any member who, on or after the  
10                  date of the enactment of the Elementary and  
11                  Secondary Education Reauthorization Act of  
12                  2011, is retired or separated for physical dis-  
13                  ability under chapter 61 of this title.

14                  “(2) SUBMITTAL OF APPLICATIONS.—(A) Selec-  
15                  tion of eligible members of the armed forces to par-  
16                  ticipate in the Program shall be made on the basis  
17                  of applications submitted to the Secretary. An appli-  
18                  cation shall be in such form and contain such infor-  
19                  mation as the Secretary may require.

20                  “(B) An application may be considered to be  
21                  submitted on a timely basis under subparagraph  
22                  (A)(i), (B), or (C) of paragraph (1) if the applica-  
23                  tion is submitted not later than 2 years after the  
24                  date on which the member is retired or separated or



1 released from active duty, whichever applies to the  
2 member.

3 “(3) SELECTION CRITERIA; EDUCATIONAL  
4 BACKGROUND REQUIREMENTS AND HONORABLE  
5 SERVICE REQUIREMENT.—(A) Subject to subpara-  
6 graphs (B) and (C), the Secretary shall prescribe  
7 the criteria to be used to select eligible members of  
8 the armed forces to participate in the Program.

9 “(B)(i) If a member of the armed forces is ap-  
10 plying for assistance for placement as an elementary  
11 school or secondary school teacher, the Secretary  
12 shall require the member to have received a bacca-  
13 laureate or advanced degree from an accredited in-  
14 stitution of higher education.

15 “(ii) If a member of the armed forces is apply-  
16 ing for assistance for placement as a vocational or  
17 technical teacher, the Secretary shall require the  
18 member—

19 “(I) to have received the equivalent of one  
20 year of college from an accredited institution of  
21 higher education and have 3 or more years of  
22 military experience in a vocational or technical  
23 field; or

24 “(II) to otherwise meet the certification or  
25 licensing requirements for a vocational or tech-

1            nical teacher in the State in which the member  
2            seeks assistance for placement under the Pro-  
3            gram.

4            “(C) A member of the armed forces is eligible  
5            to participate in the Program only if the member’s  
6            last period of service in the armed forces was honor-  
7            able, as characterized by the Secretary concerned. A  
8            member selected to participate in the Program be-  
9            fore the retirement of the member or the separation  
10           or release of the member from active duty may con-  
11           tinue to participate in the Program after the retire-  
12           ment, separation, or release only if the member’s  
13           last period of service is characterized as honorable  
14           by the Secretary concerned.

15           “(4) SELECTION PRIORITIES.—In selecting eli-  
16           gible members of the armed forces to receive assist-  
17           ance under the Program, the Secretary shall give  
18           priority to members who—

19                 “(A) have educational or military experi-  
20                 ence in science, mathematics, special education,  
21                 or vocational or technical subjects; and

22                 “(B) agree to seek employment as science,  
23                 mathematics, or special education teachers in  
24                 elementary schools or secondary schools or in

1           other schools under the jurisdiction of a local  
2           educational agency.

3           “(5) OTHER CONDITIONS ON SELECTION.—(A)  
4           The Secretary may not select an eligible member of  
5           the armed forces to participate in the Program and  
6           receive financial assistance unless the Secretary has  
7           sufficient appropriations for the Program available  
8           at the time of the selection to satisfy the obligations  
9           to be incurred by the United States under subsection  
10          (d) with respect to the member.

11          “(B) The Secretary may not select an eligible  
12          member of the armed forces described in paragraph  
13          (1)(B)(i) to participate in the Program under this  
14          section and receive financial assistance under sub-  
15          section (d) unless the member executes a written  
16          agreement to serve as a member of the Selected Re-  
17          serve of a reserve component of the armed forces for  
18          a period of not less than 3 years (in addition to any  
19          other reserve commitment the member may have).

20          “(d) PARTICIPATION AGREEMENT AND FINANCIAL  
21          ASSISTANCE.—

22          “(1) PARTICIPATION AGREEMENT.—(A) An eli-  
23          gible member of the armed forces selected to partici-  
24          pate in the Program under subsection (c) and re-  
25          ceive financial assistance under this subsection shall

1 be required to enter into an agreement with the Sec-  
2 retary in which the member agrees—

3 “(i) within such time as the Secretary may  
4 require, to obtain certification or licensing as an  
5 elementary school teacher, secondary school  
6 teacher, or vocational or technical teacher, and  
7 to become a highly qualified teacher; and

8 “(ii) to accept an offer of full-time employ-  
9 ment as an elementary school teacher, sec-  
10 ondary school teacher, or vocational or technical  
11 teacher for not less than 3 school years with a  
12 local educational agency or public charter school  
13 receiving grants under part A of title I of the  
14 Elementary and Secondary Education Act of  
15 1965 (20 U.S.C.6311 et seq.).

16 “(B) The Secretary may waive the 3-year com-  
17 mitment described in subparagraph (A)(ii) for a par-  
18 ticipant if the Secretary determines the waiver to be  
19 appropriate. If the Secretary provides the waiver,  
20 the participant shall not be considered to be in viola-  
21 tion of the agreement and shall not be required to  
22 provide reimbursement under subsection (e), for fail-  
23 ure to meet the 3-year commitment.

24 “(2) VIOLATION OF PARTICIPATION AGREE-  
25 MENT; EXCEPTIONS.—A participant in the Program

1 shall not be considered to be in violation of the par-  
2 ticipation agreement entered into under paragraph  
3 (1) during any period in which the participant—

4 “(A) is pursuing a full-time course of  
5 study related to the field of teaching at an in-  
6 stitution of higher education;

7 “(B) is serving on active duty as a member  
8 of the armed forces;

9 “(C) is temporarily totally disabled for a  
10 period of time not to exceed 3 years as estab-  
11 lished by sworn affidavit of a qualified physi-  
12 cian;

13 “(D) is unable to secure employment for a  
14 period not to exceed 12 months by reason of the  
15 care required by a spouse who is disabled;

16 “(E) is a highly qualified teacher who is  
17 seeking and unable to find full-time employ-  
18 ment as a teacher in an elementary school or  
19 secondary school or as a vocational or technical  
20 teacher for a single period not to exceed 27  
21 months; or

22 “(F) satisfies such other criteria as may be  
23 prescribed by the Secretary.

24 “(3) STIPEND FOR PARTICIPANTS.—(A) Subject  
25 to subparagraph (B), the Secretary may pay to a

1 participant in the Program selected under this sec-  
2 tion a stipend in an amount of not more than  
3 \$5,000.

4 “(B) The total number of stipends that may be  
5 paid under subparagraph (A) in any fiscal year may  
6 not exceed 5,000.

7 “(4) BONUS FOR PARTICIPANTS.—(A) Subject  
8 to subparagraph (B), the Secretary may, in lieu of  
9 paying a stipend under paragraph (3), pay a bonus  
10 of \$10,000 to a participant in the Program selected  
11 under this section who agrees in the participation  
12 agreement under paragraph (1) to become a highly  
13 qualified teacher and to accept full-time employment  
14 as an elementary school teacher, secondary school  
15 teacher, or vocational or technical teacher for not  
16 less than 3 school years in a high-need school.

17 “(B) The total number of bonuses that may be  
18 paid under subparagraph (A) in any fiscal year may  
19 not exceed 3,000.

20 “(C) For purposes of subparagraph (A), the  
21 term ‘high-need school’ means a public elementary  
22 school, public secondary school, or public charter  
23 school that meets one or more of the following cri-  
24 teria:

1           “(i) At least 50 percent of the students en-  
2           rolled in the school were from low-income fami-  
3           lies (as described in subsection (b)(2)(A)(i)).

4           “(ii) The school has a large percentage of  
5           students who qualify for assistance under part  
6           B of the Individuals with Disabilities Education  
7           Act (20 U.S.C. 1411 et. seq.).

8           “(5) TREATMENT OF STIPEND AND BONUS.—A  
9           stipend or bonus paid under this subsection to a  
10          participant in the Program shall be taken into ac-  
11          count in determining the eligibility of the participant  
12          for Federal student financial assistance provided  
13          under title IV of the Higher Education Act of 1965  
14          (20 U.S.C. 1070 et. seq.).

15          “(e) REIMBURSEMENT UNDER CERTAIN CIR-  
16          CUMSTANCES.—

17                 “(1) REIMBURSEMENT REQUIRED.—A partici-  
18                 pant in the Program who is paid a stipend or bonus  
19                 under subsection (d) shall be required to repay the  
20                 stipend or bonus under the following circumstances:

21                         “(A) The participant fails to obtain teach-  
22                         er certification or licensing, to become a highly  
23                         qualified teacher, or to obtain employment as  
24                         an elementary school teacher, secondary school  
25                         teacher, or vocational or technical teacher as re-

1           required by the participation agreement under  
2           subsection (d)(1).

3           “(B) The participant voluntarily leaves, or  
4           is terminated for cause from, employment as an  
5           elementary school teacher, secondary school  
6           teacher, or vocational or technical teacher dur-  
7           ing the 3 years of required service in violation  
8           of the participation agreement.

9           “(C) The participant executed a written  
10          agreement with the Secretary concerned under  
11          subsection (c)(5)(B) to serve as a member of a  
12          reserve component of the armed forces for a pe-  
13          riod of 3 years and fails to complete the re-  
14          quired term of service.

15          “(2) AMOUNT OF REIMBURSEMENT.—A partici-  
16          pant required to reimburse the Secretary for a sti-  
17          pend or bonus paid to the participant under sub-  
18          section (d) shall pay an amount that bears the same  
19          ratio to the amount of the stipend or bonus as the  
20          unserved portion of required service bears to the  
21          three years of required service. Any amount owed by  
22          the participant shall bear interest at the rate equal  
23          to the highest rate being paid by the United States  
24          on the day on which the reimbursement is deter-  
25          mined to be due for securities having maturities of



1       90 days or less and shall accrue from the day on  
2       which the participant is first notified of the amount  
3       due.

4           “(3) TREATMENT OF OBLIGATION.—The obliga-  
5       tion to reimburse the Secretary under this sub-  
6       section is, for all purposes, a debt owing the United  
7       States. A discharge in bankruptcy under title 11  
8       shall not release a participant from the obligation to  
9       reimburse the Secretary under this subsection.

10          “(4) EXCEPTIONS TO REIMBURSEMENT RE-  
11       QUIREMENT.—A participant shall be excused from  
12       reimbursement under this subsection if the partici-  
13       pant becomes permanently totally disabled as estab-  
14       lished by sworn affidavit of a qualified physician.  
15       The Secretary may also waive the reimbursement in  
16       cases of extreme hardship to the participant, as de-  
17       termined by the Secretary.

18          “(f) RELATIONSHIP TO EDUCATIONAL ASSISTANCE  
19       UNDER MONTGOMERY GI BILL.—The receipt by a partici-  
20       pant in the Program of a stipend or bonus under this  
21       subsection (d) shall not reduce or otherwise affect the enti-  
22       tlement of the participant to any benefits under chapter  
23       30 or 33 of title 38 or chapter 1606 of this title.

24          “(g) PARTICIPATION BY STATES.—

1           “(1) DISCHARGE OF STATE ACTIVITIES  
2 THROUGH CONSORTIA OF STATES.—The Secretary  
3 may permit States participating in the Program to  
4 carry out activities authorized for such States under  
5 the Program through one or more consortia of such  
6 States.

7           “(2) ASSISTANCE TO STATES.—(A) Subject to  
8 subparagraph (B), the Secretary may make grants  
9 to States participating in the Program, or to con-  
10 sortia of such States, in order to permit such States  
11 or consortia of States to operate offices for purposes  
12 of recruiting eligible members of the armed forces  
13 for participation in the Program and facilitating the  
14 employment of participants in the Program as ele-  
15 mentary school teachers, secondary school teachers,  
16 and vocational or technical teachers.

17           “(B) The total amount of grants made under  
18 subparagraph (A) in any fiscal year may not exceed  
19 \$5,000,000.”.

20           (B) CLERICAL AMENDMENT.—The table of  
21 sections at the beginning of chapter 58 of such  
22 title is amended by adding at the end the fol-  
23 lowing new item:

“1154. Assistance to eligible members to obtain employment as teachers:  
Troops-to-Teachers Program.”.

1           (3) CONFORMING AMENDMENT.—Section  
2           1142(b)(4)(C) of such title is amended by striking  
3           “under sections 1152 and 1153 of this title and the  
4           Troops-to-Teachers Program under section 2302 of  
5           the Elementary and Secondary Education Act of  
6           1965 (20 U.S.C. 6672)” and inserting “under sec-  
7           tions 1152, 1153, and 1154 of this title”.

8           (4) EFFECTIVE DATE.—The amendments made  
9           by this section shall take effect on the effective date  
10          of the transfer under paragraph (1).

11          (c) SUPPORTING EXCELLENT TEACHERS AND PRIN-  
12          CIPALS.—Title II (20 U.S.C. 6601 et seq.), as amended  
13          by subsection (a), is further amended by striking parts  
14          A, B, C, and D, and inserting the following:

15          **“PART A—CONTINUOUS IMPROVEMENT AND**  
16          **SUPPORT FOR TEACHERS AND PRINCIPALS**  
17          **“SEC. 2101. PURPOSE.**

18          “The purpose of this part is to provide grants to  
19          State educational agencies and subgrants to local edu-  
20          cational agencies to enable such agencies to improve aca-  
21          demic achievement for all students, including students  
22          with disabilities and English learners, by—

23                 “(1) providing professional development that is  
24                 designed to improve instruction and student achieve-  
25                 ment;

1           “(2) implementing rigorous teacher and prin-  
2           cipal evaluation and professional development sys-  
3           tems; and

4           “(3) improving the equitable distribution among  
5           schools of teachers based on results of State and  
6           local evaluation systems.

7   **“SEC. 2102. DEFINITIONS.**

8           “In this part:

9           “(1) INDUCTION PROGRAM.—The term ‘induc-  
10          tion program’ means a program based on scientif-  
11          ically valid research for new teachers that is de-  
12          signed to improve instruction and increase teacher  
13          retention, and that includes—

14                   “(A) high-quality teacher mentoring;

15                   “(B) the development of skills needed by  
16                   new teachers, including content knowledge, ped-  
17                   agogical knowledge, classroom management  
18                   (which may include positive behavioral interven-  
19                   tions and supports), and the analysis and use of  
20                   student assessments (including formative as-  
21                   sessments), and other student data;

22                   “(C) periodic, structured time for collabo-  
23                   ration and professional development with teach-  
24                   ers in the same subject or field, and opportuni-  
25                   ties to draw directly on the expertise of other

1 school and local educational agency staff and  
2 other organizations that provide high-quality  
3 supports, which may include team teaching or  
4 a reduced teaching load; and

5 “(D) regular and structured observation  
6 with timely feedback.

7 “(2) MENTORING.—The term ‘mentoring’  
8 means supporting teachers or principals to increase  
9 the effectiveness and retention of such teachers or  
10 principals through a program that—

11 “(A) includes clear criteria for the selec-  
12 tion of mentors that takes into account the  
13 mentor’s—

14 “(i) record of increasing student  
15 achievement; and

16 “(ii) ability to facilitate adult learn-  
17 ing;

18 “(B) provides high-quality training for  
19 mentors in how to support teachers or prin-  
20 cipals;

21 “(C) provides regularly scheduled time for  
22 collaboration, examination of student work and  
23 achievement data, and ongoing opportunities for  
24 mentors and mentees to observe each other’s

1 teaching or leading, and identify and address  
2 areas identified for improvement; and

3 “(D) matches mentees with mentors in the  
4 same field, grade, grade span, or subject area.

5 “(3) STATE.—The term ‘State’ means each of  
6 the several States of the United States, the Com-  
7 monwealth of Puerto Rico, and the District of Co-  
8 lumbia.

9 **“Subpart 1—Grants to States**

10 **“SEC. 2111. ALLOTMENTS TO STATES.**

11 “(a) IN GENERAL.—The Secretary shall make grants  
12 to States with applications approved under section 2112  
13 to enable the States to carry out the activities specified  
14 in section 2113. Each grant shall consist of the allotment  
15 determined for a State under subsection (b).

16 “(b) DETERMINATION OF ALLOTMENTS.—

17 “(1) RESERVATION OF FUNDS.—From the total  
18 amount appropriated to carry out this subpart for a  
19 fiscal year, the Secretary shall reserve—

20 “(A) one-half of 1 percent for allotments  
21 for the United States Virgin Islands, Guam,  
22 American Samoa, and the Commonwealth of  
23 the Northern Mariana Islands, to be distributed  
24 among those outlying areas on the basis of their

1 relative need, as determined by the Secretary,  
2 in accordance with the purpose of this part; and

3 “(B) one-half of 1 percent for the Sec-  
4 retary of the Interior for programs under this  
5 part in schools operated or funded by the Bu-  
6 reau of Indian Education.

7 “(2) STATE ALLOTMENTS.—

8 “(A) HOLD HARMLESS.—

9 “(i) IN GENERAL.—Subject to sub-  
10 paragraph (B), from the funds appro-  
11 priated to carry out this subpart for any  
12 fiscal year and not reserved under para-  
13 graph (1), the Secretary shall allot to each  
14 of the 50 States, the District of Columbia,  
15 and the Commonwealth of Puerto Rico an  
16 amount equal to the total amount that  
17 such State received for fiscal year 2001  
18 under—

19 “(I) section 2202(b) of this Act  
20 (as in effect on the day before the  
21 date of enactment of the Elementary  
22 and Secondary Education Reauthor-  
23 ization Act of 2011); and

24 “(II) section 306 of the Depart-  
25 ment of Education Appropriations

1 Act, 2001 (as enacted into law by sec-  
2 tion 1(a)(1) of Public Law 106–554).

3 “(ii) RATABLE REDUCTION.—If the  
4 funds described in clause (i) are insuffi-  
5 cient to pay the full amounts that all  
6 States are eligible to receive under clause  
7 (i) for any fiscal year, the Secretary shall  
8 ratably reduce those amounts for the fiscal  
9 year.

10 “(B) ALLOTMENT OF ADDITIONAL  
11 FUNDS.—

12 “(i) IN GENERAL.—Subject to clause  
13 (ii), for any fiscal year for which the funds  
14 appropriated to carry out this subpart and  
15 not reserved under paragraph (1) exceed  
16 the total amount required to make allot-  
17 ments under subparagraph (A), the Sec-  
18 retary shall allot to each of the States de-  
19 scribed in subparagraph (A) the sum of—

20 “(I) an amount that bears the  
21 same relationship to 35 percent of the  
22 excess amount as the number of indi-  
23 viduals age 5 through 17 in the State,  
24 as determined by the Secretary on the  
25 basis of the most recent satisfactory



1 data, bears to the number of those in-  
2 dividuals in all such States, as so de-  
3 termined; and

4 “(II) an amount that bears the  
5 same relationship to 65 percent of the  
6 excess amount as the number of indi-  
7 viduals age 5 through 17 from fami-  
8 lies with incomes below the poverty  
9 line, in the State, as determined by  
10 the Secretary on the basis of the most  
11 recent satisfactory data, bears to the  
12 number of those individuals in all  
13 such States, as so determined.

14 “(ii) EXCEPTION.—No State receiving  
15 an allotment under clause (i) may receive  
16 less than one-half of 1 percent of the total  
17 excess amount allotted under such clause  
18 for a fiscal year.

19 “(3) REALLOTMENT.—If any State does not re-  
20 ceive an allotment under this subsection for any fis-  
21 cal year, the Secretary shall reallocate the amount of  
22 the allotment to the remaining States in accordance  
23 with this subsection.

1 **“SEC. 2112. STATE APPLICATIONS.**

2 “(a) IN GENERAL.—For a State to be eligible to re-  
3 ceive a grant under this part, the State educational agency  
4 shall submit an application to the Secretary at such time,  
5 in such manner, and containing such information as the  
6 Secretary may reasonably require.

7 “(b) CONTENTS.—Each application submitted under  
8 this section shall be subject to peer review and include—

9 “(1) a description of how the State educational  
10 agency will ensure that each local educational agency  
11 receiving a subgrant under subpart 2 will comply  
12 with the requirements of such subgrant;

13 “(2) a description of how the State will use  
14 funds reserved under section 2113(a);

15 “(3) a description of how the activities to be  
16 carried out by the State educational agency under  
17 this subpart will be based on a review of scientif-  
18 ically valid research and an explanation of why the  
19 activities are expected to improve student achieve-  
20 ment;

21 “(4) a description of how activities under this  
22 subpart are aligned with State academic content and  
23 student academic achievement standards and State  
24 assessments, which may include early learning con-  
25 tent and achievement standards and assessments, as  
26 appropriate;

1           “(5) a description of how the State educational  
2           agency will—

3                   “(A) ensure that each local educational  
4                   agency in the State that receives a subgrant  
5                   under subpart 2 implements a teacher and prin-  
6                   cipal evaluation system that meets the require-  
7                   ments specified in section 2123 and is con-  
8                   sistent with State definitions and parameters  
9                   provided under paragraph (6);

10                   “(B) provide data on each teacher’s stu-  
11                   dent achievement and, if applicable, student  
12                   growth, for the State assessments required  
13                   under section 1111(a)(2) to teachers and local  
14                   educational agencies, in a timely and useful  
15                   manner that can inform teacher evaluation;

16                   “(C) make public the results of the State-  
17                   approved evaluation system in a manner con-  
18                   sistent with the requirements of subpart 4;

19                   “(D) provide for the equitable distribution  
20                   of highly qualified and highly rated teachers,  
21                   consistent with section 1111(b)(1)(I), within in-  
22                   dividual local educational agencies and the  
23                   State to ensure that low-income and minority  
24                   students are not taught at higher rates than

1 other students by teachers who receive a per-  
2 formance rating in the lowest categories;

3 “(E) on a regular basis—

4 “(i) review the teacher and principal  
5 evaluation systems used by the local edu-  
6 cational agencies in the State for accuracy  
7 and consistency; and

8 “(ii) provide technical assistance to  
9 improve a local educational agency’s teach-  
10 er and principal evaluation so that the  
11 evaluation provides meaningful differentia-  
12 tion and is aligned with student achieve-  
13 ment results, as measured in accordance  
14 with section 2123(b)(2), in the local edu-  
15 cational agency and each of the schools  
16 served by the local educational agency;

17 “(6) a description of the State’s definition of its  
18 statewide rating categories for teachers and prin-  
19 cipals and names for levels of teacher and principal  
20 performance using not less than 4 rating categories,  
21 along with any other parameters the State edu-  
22 cational agency will use in evaluating teachers con-  
23 sistent with section 2123(b);

1           “(7) a description of how the State educational  
2           agency will hold local educational agencies account-  
3           able for meeting the requirements of section 1119;

4           “(8) an assurance that the State educational  
5           agency will comply with section 9501 (regarding par-  
6           ticipation by private school children and teachers);  
7           and

8           “(9) a description of the activities funded under  
9           this subpart, including how such activities will be co-  
10          ordinated with the State agency responsible for early  
11          childhood education and care programs, that are de-  
12          signed to improve and strengthen the knowledge and  
13          skills of teachers and principals responsible for edu-  
14          cating children in preschool, where applicable,  
15          through third grade.

16          “(c) DEEMED APPROVAL.—An application submitted  
17          by a State educational agency pursuant to subsection (a)  
18          that has been peer reviewed shall be deemed to be ap-  
19          proved by the Secretary unless the Secretary makes a  
20          written determination, prior to the expiration of the 120-  
21          day period beginning on the date on which the Secretary  
22          received the application, that the application is not in com-  
23          pliance with this subpart.

24          “(d) DISAPPROVAL.—The Secretary shall not finally  
25          disapprove the application, except after giving the State

1 educational agency notice and an opportunity for a hear-  
2 ing.

3 “(e) NOTIFICATION.—If the Secretary finds that the  
4 application is not in compliance, in whole or in part, with  
5 this subpart, the Secretary shall—

6 “(1) give the State educational agency notice  
7 and an opportunity for a hearing; and

8 “(2) notify the State educational agency of the  
9 finding of noncompliance and, in such notification,  
10 shall—

11 “(A) cite the specific provisions in the ap-  
12 plication that are not in compliance; and

13 “(B) request additional information, only  
14 as to the noncompliant provisions, needed to  
15 make the application compliant.

16 “(f) RESPONSE.—If the State educational agency re-  
17 sponds to the Secretary’s notification described in sub-  
18 section (e)(2) during the 45-day period beginning on the  
19 date on which the agency received the notification, and  
20 resubmits the application with the requested information  
21 described in subsection (e)(2)(B), the Secretary shall ap-  
22 prove or disapprove such application prior to the later of—

23 “(1) the expiration of the 45-day period begin-  
24 ning on the date on which the application is resub-  
25 mitted; or

1           “(2) the expiration of the 120-day period de-  
2           scribed in subsection (c).

3           “(g) FAILURE TO RESPOND.—If the State edu-  
4           cational agency does not respond to the Secretary’s notifi-  
5           cation described in subsection (e)(2) during the 45-day pe-  
6           riod beginning on the date on which the agency received  
7           the notification, such application shall be deemed to be  
8           disapproved.

9           **“SEC. 2113. STATE USE OF FUNDS.**

10          “(a) IN GENERAL.—A State that receives a grant  
11          under section 2111 shall—

12               “(1) reserve 95 percent of the funds made  
13               available through the grant to make subgrants to  
14               local educational agencies as described in subpart 2;

15               “(2) use not less than 2 percent but not more  
16               than 5 percent of funds made available through the  
17               grant to improve the performance and distribution  
18               of highly rated principals and, at the State’s discre-  
19               tion, other school leaders, including through—

20                       “(A) developing, periodically reviewing,  
21                       and revising State policies and standards re-  
22                       lated to principals;

23                       “(B) developing, with appropriate stake-  
24                       holders, and carrying out a State plan to pro-

1           vide for well-prepared principals, based on an  
2           analysis of relevant data;

3           “(C) activities designed to recruit, prepare,  
4           place, assist, support, and retain highly rated  
5           principals for high-need schools and low-per-  
6           forming schools;

7           “(D) providing training and support to  
8           principals and school leadership teams in high-  
9           need schools and low-performing schools on im-  
10          proving instruction and closing achievement  
11          gaps; and

12          “(E) providing compensation or incentives  
13          to attract, retain, and reward highly rated prin-  
14          cipals and other school leaders for high-need  
15          schools and low-performing schools; and

16          “(3) use any funds remaining after making the  
17          reservations under paragraphs (1) and (2) to—

18                 “(A) plan and administer State activities  
19                 under this part, including awarding, moni-  
20                 toring, and enforcing the requirements of sub-  
21                 grants awarded under subpart 2;

22                 “(B) assist local educational agencies in  
23                 recruiting, preparing, placing, developing, and  
24                 retaining high-quality teachers for high-need  
25                 schools and low-performing schools;



1           “(C) provide technical assistance to local  
2 educational agencies to support the design and  
3 implementation of a system to evaluate teachers  
4 and principals that meets the requirements de-  
5 scribed in section 2123, including—

6           “(i) developing and disseminating re-  
7 search-based models and designing high-  
8 quality evaluation tools, such as classroom  
9 observation rubrics;

10           “(ii) developing and providing training  
11 for principals and other evaluators on how  
12 to evaluate teachers in order to differen-  
13 tiate teacher performance accurately, pro-  
14 vide useful feedback, and use evaluation  
15 results to inform decisionmaking about  
16 professional development, improvement  
17 strategies, and personnel decisions;

18           “(iii) developing methods, including  
19 training and auditing, for ensuring inter-  
20 rater reliability of evaluation results;

21           “(iv) the appropriate collection, re-  
22 porting, analysis, and use of evaluation  
23 data; and

24           “(v) creating opportunities for teach-  
25 ers and principals to provide feedback on

1           the quality and usefulness of the local edu-  
2           cational agency's evaluation system;

3           “(D) provide technical assistance, as nec-  
4           essary, to local educational agencies that receive  
5           subgrants under subpart 2, to improve perform-  
6           ance on the measures described in section  
7           2141(b);

8           “(E) develop and disseminate the State  
9           Report Card described in subpart 4, and use  
10          the information in the Report Card to guide ef-  
11          forts under this part; and

12          “(F) provide technical assistance and sup-  
13          port to local educational agencies in the devel-  
14          opment and implementation of programs and  
15          policies that support children's transition from  
16          early childhood education and care programs  
17          into elementary schools, improve school readi-  
18          ness, and improve the academic achievement of  
19          young children.

20          “(b) SUPPLEMENT, NOT SUPPLANT.—Funds re-  
21          ceived under this subpart shall be used to supplement, and  
22          not supplant, non-Federal funds that would otherwise be  
23          used for activities authorized under this subpart.

1           **“Subpart 2—Subgrants to Local Educational**  
2                               **Agencies**

3   **“SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGEN-**  
4                               **CIES.**

5           “(a) IN GENERAL.—The Secretary may make a grant  
6 to a State under subpart 1 only if the State educational  
7 agency agrees to distribute the funds described in this sec-  
8 tion as subgrants to local educational agencies under this  
9 subpart.

10          “(b) ALLOCATIONS.—

11               “(1) IN GENERAL.—From the total amount re-  
12 served by a State under section 2113(a)(1) for a fis-  
13 cal year, the State educational agency shall allocate  
14 to each of the eligible local educational agencies in  
15 the State for such fiscal year the sum of—

16                       “(A) an amount that bears the same rela-  
17 tionship to 20 percent of the total amount re-  
18 served as the number of individuals age 5  
19 through 17 in the geographic area served by the  
20 agency, as determined by the Secretary on the  
21 basis of the most recent satisfactory data, bears  
22 to the number of those individuals in the geo-  
23 graphic areas served by all the local educational  
24 agencies in the State, as so determined; and

25                       “(B) an amount that bears the same rela-  
26 tionship to 80 percent of the total amount re-

1 served as the number of individuals age 5  
2 through 17 from families with incomes below  
3 the poverty line in the geographic area served  
4 by the agency, as determined by the Secretary  
5 on the basis of the most recent satisfactory  
6 data, bears to the number of those individuals  
7 in the geographic areas served by all the local  
8 educational agencies in the State, as so deter-  
9 mined.

10 “(2) HOLD HARMLESS.—

11 “(A) IN GENERAL.—Notwithstanding para-  
12 graph (1), the State educational agency shall  
13 allocate to each of the eligible local educational  
14 agencies in the State an amount that is not less  
15 than 90 percent of the allocation the eligible  
16 local educational agency received for the pre-  
17 vious fiscal year under this part.

18 “(B) RATABLE REDUCTION.—If insuffi-  
19 cient funds are appropriated to allocate the  
20 amounts that all eligible local educational agen-  
21 cies in the State are eligible to receive under  
22 subparagraph (A) for a fiscal year, the Sec-  
23 retary shall ratably reduce those amounts for  
24 the fiscal year.

1 **“SEC. 2122. LOCAL APPLICATIONS AND NEEDS ASSESS-**  
2 **MENT.**

3 “(a) IN GENERAL.—To be eligible to receive a  
4 subgrant under this subpart, a local educational agency  
5 shall—

6 “(1) submit an application to the State edu-  
7 cational agency at such time, in such manner, and  
8 containing such information as the State educational  
9 agency may reasonably require; and

10 “(2) conduct, with the involvement of school  
11 staff and other stakeholders, as applicable, an as-  
12 sessment of the needs of the local educational agency  
13 in the areas set forth in the performance measures  
14 described in section 2141(b).

15 “(b) CONTENTS.—Each application submitted under  
16 this section shall include the following:

17 “(1) A description of the results of the needs  
18 assessment conducted under subsection (a)(2).

19 “(2) A description of the performance measures  
20 and activities the local educational agency will use to  
21 address the needs identified in such assessment.

22 “(3) A description of how the local educational  
23 agency will improve or implement a teacher and  
24 principal evaluation system that is consistent with  
25 the requirements of section 2123(b).

1           “(4) The local educational agency’s plan for  
2           using subgrant funds, and other Federal, State and  
3           local funds, to provide for the equitable distribution  
4           of teachers and principals within the local edu-  
5           cational agency so as to ensure that low-income stu-  
6           dents and minority students are not taught at high-  
7           er rates than other students by teachers in the low-  
8           est rating categories.

9   **“SEC. 2123. LOCAL USE OF FUNDS.**

10          “(a) IN GENERAL.—A local educational agency that  
11          receives a subgrant under section 2121 shall use subgrant  
12          funds to increase student achievement for all students, in-  
13          cluding English learners and students with disabilities, by  
14          increasing the number and percentage of its teachers and  
15          principals in the highest rated categories, and to ensure  
16          the equitable distribution of those highly rated teachers,  
17          through 1 or more of the following activities:

18               “(1) Developing and carrying out professional  
19               development, which may include joint professional  
20               development for teachers, principals, and other rel-  
21               evant school staff with early childhood education and  
22               care program staff.

23               “(2) Reducing class size for prekindergarten  
24               through 3rd grade, by an amount and to a level con-

1       sistent with what scientifically valid research has  
2       found to improve student achievement.

3           “(3) Developing and implementing an induction  
4       program or a mentoring program.

5           “(4) Developing and implementing, or improv-  
6       ing, a teacher and principal evaluation system that,  
7       at a minimum, meets the requirements described in  
8       subsection (b).

9           “(5) Providing meaningful and timely feedback  
10      to teachers and principals on evaluation results, and  
11      using those results in making decisions about profes-  
12      sional development.

13          “(6) Increasing teacher capacity to evaluate  
14      student work and use student achievement data,  
15      which may include supporting the involvement of  
16      teachers in assessment scoring.

17          “(7) Recruiting, preparing, placing, supporting,  
18      developing, rewarding, and retaining—

19           “(A) highly rated teachers and principals  
20      in high-need schools and low-performing schools  
21      taking into consideration members of groups  
22      underrepresented in the teaching profession and  
23      the principalship; and

24           “(B) highly rated teachers in high-need  
25      subjects or fields.

1           “(8) Improving within-district equity in the dis-  
2           tribution of highly rated teachers in high-need  
3           schools in order to ensure that low-income students  
4           and minority students are not taught at higher rates  
5           than other students by teachers in the lowest rating  
6           categories.

7           “(9) Enabling teachers to become certified as  
8           teachers in a high-need subject or field.

9           “(10) Creating career ladders, which may in-  
10          clude modifying the local educational agency’s poli-  
11          cies and practices, to provide opportunities for high-  
12          ly rated teachers or paraprofessionals to advance or  
13          take on additional roles and responsibilities.

14          “(11) Reforming the local educational agency’s  
15          system of compensating teachers and principals in  
16          order to—

17                 “(A) provide incentives to recruit and re-  
18                 tain highly rated principals and teachers in a  
19                 high-need subject or field, or who teach in or  
20                 lead a high-need school or low-performing  
21                 school; and

22                 “(B) reward highly rated teachers and  
23                 principals for increasing student achievement or  
24                 taking on additional roles and responsibilities.



1           “(b) LOCAL EDUCATIONAL AGENCY REQUIREMENTS  
2 FOR TEACHER AND PRINCIPAL EVALUATION.—

3           “(1) IN GENERAL.—Not later than 5 years  
4 after the date of enactment of the Elementary and  
5 Secondary Education Reauthorization Act of 2011,  
6 each local educational agency that receives a  
7 subgrant under this subpart shall develop and imple-  
8 ment a teacher and principal evaluation system,  
9 which may be implemented statewide, consistent  
10 with State definitions and parameters described  
11 under section 2112(b)(4) that—

12           “(A) provides meaningful feedback to  
13 teachers and principals on the results of their  
14 evaluations;

15           “(B) defines and names not less than 4  
16 categories of teacher and principal performance;

17           “(C) evaluates teachers and principals reg-  
18 ularly consistent with research and best prac-  
19 tice;

20           “(D) is used in making decisions about  
21 professional development;

22           “(E) provides training for the evaluators  
23 who are responsible for conducting classroom  
24 observations;

1           “(F) is developed and implemented with  
2 teacher and principal involvement;

3           “(G) for teachers—

4           “(i) shall—

5           “(I) be based in significant part  
6 on evidence of improved student  
7 achievement; and

8           “(II) include observations of  
9 classroom teaching aligned with clause  
10 (ii); and

11          “(ii) may include other measures but  
12 only if such measures are valid predictors  
13 of student achievement, including those  
14 that have been specifically shown to iden-  
15 tify teachers with improved student  
16 achievement, such as student surveys and  
17 evidence of classroom practice gathered  
18 through multiple formats and sources; and

19          “(H) for principals, shall be based—

20          “(i) in significant part on evidence of  
21 improved student achievement and student  
22 outcomes;

23          “(ii) on evidence of providing strong  
24 instructional leadership and support to  
25 teachers and other staff; and

1                   “(iii) on evidence of parent and family  
2                   engagement.

3                   “(2) STUDENT ACHIEVEMENT.—For purposes  
4                   of this subsection, student achievement means—

5                   “(A) for grades and subjects for which  
6                   there are assessments as described in section  
7                   1111(a)(2)—

8                   “(i) a student’s results from the  
9                   State’s assessments under such section or  
10                  other statewide assessments; and

11                  “(ii) as appropriate, other measures of  
12                  a student’s learning, consistent with sub-  
13                  paragraph (B); and

14                  “(B) measures of a student’s learning and  
15                  performance, such as end-of-course tests, and  
16                  other measures that are rigorous and com-  
17                  parable across schools in a school district and  
18                  that are aligned with the State academic con-  
19                  tent standards and student academic achieve-  
20                  ment standards under section 1111(a)(1).

21                  “(c) COMPLIANCE.—Each local educational agency  
22                  located in a State that has implemented the requirements  
23                  described in section 2112(b)(1)(A) shall only be required  
24                  to comply with the requirements under section 1119(a)(1)  
25                  as they relate to new teachers.

1       “(d) SUPPLEMENT, NOT SUPPLANT.—Funds re-  
2 ceived under this subpart shall be used to supplement, and  
3 not supplant, non-Federal funds that would otherwise be  
4 used for activities authorized under this subpart.

5           **“Subpart 3—National Leadership Activities**

6       **“SEC. 2131. NATIONAL LEADERSHIP ACTIVITIES.**

7       “From the funds made available to carry out this  
8 part for a fiscal year, the Secretary is authorized to set  
9 aside not more than 1 percent to carry out the following  
10 activities related to the purpose of this part:

11           “(1) Research and development.

12           “(2) Technical assistance.

13           “(3) Outreach and dissemination activities di-  
14 rectly or through grants, contracts, or cooperative  
15 agreements.

16           **“Subpart 4—Accountability**

17       **“SEC. 2141. ACCOUNTABILITY.**

18       “(a) IN GENERAL.—

19           “(1) STATE REPORT.—Each State that receives  
20 a grant under subpart 1 shall annually submit to the  
21 Secretary, in a manner prescribed by the Secretary,  
22 and make public, a State Report on program per-  
23 formance and results under such grant. Such State  
24 Report shall provide the information required under  
25 subsection (b).

1           “(2) LOCAL EDUCATIONAL AGENCY REPORT.—  
2           Each local educational agency that receives a  
3           subgrant under subpart 2 shall annually submit to  
4           the State, in a manner prescribed by the State, and  
5           make public, a Local Educational Agency Report on  
6           program performance and results under such  
7           subgrant. Such Local Educational Agency Report  
8           shall provide the information required under sub-  
9           section (b).

10           “(3) FERPA COMPLIANCE.—Each State and  
11           local educational agency that submits a report in  
12           compliance with this subsection shall collect, report,  
13           and disseminate information contained in such re-  
14           port in compliance with section 444 of the General  
15           Education Provisions Act (20 U.S.C. 1232g, com-  
16           monly known as the ‘Family Educational Rights and  
17           Privacy Act of 1974’).

18           “(4) TEACHER AND PRINCIPAL PRIVACY.—No  
19           State or local educational agency shall be required to  
20           publicly report information in compliance with this  
21           subsection in a case in which the results would re-  
22           veal personally identifiable information about an in-  
23           dividual teacher or principal.

1           “(b) INFORMATION AND PERFORMANCE MEAS-  
2 URES.—Each State Report and Local Educational Agency  
3 Report shall contain, as appropriate—

4           “(1) the percentage and distribution (by school  
5 poverty quartile, and by high-minority schools and  
6 low-minority schools), within the State and local  
7 educational agency of teachers and principals in  
8 each performance category, as described in section  
9 2123(b);

10           “(2) information (by school poverty quartile,  
11 and by high-minority schools and low-minority  
12 schools) for the State and for the local educational  
13 agency on teacher and principal retention rates, dif-  
14 ferentiated by performance categories, as described  
15 in section 2123(b);

16           “(3) the number of teachers in the State and  
17 local educational agency teaching under a provisional  
18 license due to not having passed all required State  
19 licensure tests for 1, 2, and 3 or more school years;  
20 and

21           “(4) data, by teacher preparation program  
22 within the State, on the student achievement data of  
23 students taught by such program’s graduates.

24           “(c) CONSEQUENCES FOR NONEQUITABLE DIS-  
25 TRIBUTION OF TEACHERS.—Each State that receives a

1 grant under subpart 1 shall require each local educational  
2 agency that receives a subgrant from the State under sub-  
3 part 2, has implemented a teacher and principal evalua-  
4 tion system that meets the requirements under section  
5 2123(b), and has failed over a 3-year period to make more  
6 equitable the distribution of highly rated teachers and  
7 principals, to use subgrant funds only for the following  
8 purposes until the local educational agency can dem-  
9 onstrate a more equitable distribution of highly rated  
10 teachers and principals:

11           “(1) Implement an evaluation system that  
12           meets the requirements described in section 2123.

13           “(2) Carry out activities to ensure the equitable  
14           distribution of highly rated teachers and principals.

15           “(d) PROHIBITION ON REGULATION; AUTHORITY TO  
16 REVIEW COMPLIANCE.—Nothing in this section shall be  
17 construed to permit the Secretary to establish any criteria  
18 that specifies, defines, or prescripts the standards or  
19 measures that a State or local educational agency shall  
20 use to establish teacher and principal evaluation systems  
21 described in sections 2112(b) and 2123(b).

1           **“PART B—TEACHER PATHWAYS TO THE**  
2   **CLASSROOM**

3   **“SEC. 2201. TEACHER PATHWAYS.**

4           “(a) PURPOSE.—It is the purpose of this section to  
5 support the recruitment, selection, preparation, place-  
6 ment, retention, and support of teachers in high-need sub-  
7 jects or fields who will improve student academic achieve-  
8 ment and student outcomes at high-needs schools.

9           “(b) DEFINITIONS.—In this section:

10                   “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
11 tity’ means—

12                                   “(A) a partnership of—

13   “(i) 1 or more institutions of higher  
14 education or nonprofit organizations; and

15   “(ii) a high-need local educational  
16 agency and 1 or more other local edu-  
17 cational agencies or State educational  
18 agencies; or

19                                   “(B) an institution of higher education or  
20 a nonprofit organization that can demonstrate a  
21 record of—

22   “(i) preparing teachers who are suc-  
23 cessful in improving student achievement;  
24 and

25   “(ii) placing a significant percentage  
26 of those teachers in high-need schools.



1           “(2) TEACHER IN A HIGH-NEED SUBJECT OR  
2           FIELD.—The term ‘teacher in a high-need subject or  
3           field’ means a teacher of—

4                   “(A) students with disabilities;

5                   “(B) English learners;

6                   “(C) mathematics; or

7                   “(D) science.

8           “(c) AUTHORIZATION OF GRANT AWARDS.—The Sec-  
9           retary shall award grants to eligible entities to pay for the  
10          Federal share of the cost of carrying out the activities de-  
11          scribed in this section.

12          “(d) APPLICATIONS.—An eligible entity that desires  
13          to receive a grant under this section shall submit an appli-  
14          cation to the Secretary at such time, in such manner, and  
15          accompanied by such information as the Secretary may  
16          require.

17          “(e) CONSIDERATIONS.—In awarding grants under  
18          this section, the Secretary shall consider the geographic  
19          diversity of the eligible entities, including the distribution  
20          of grants among urban, suburban, and rural areas.

21          “(f) PRIORITY.—In awarding grants under this sec-  
22          tion, the Secretary shall give priority to applicants that  
23          demonstrate a record of—

24                   “(1) recruiting college undergraduates, recent  
25                   college graduates, graduate students, and profes-

1 sionals with a demonstrated history of significant  
2 academic achievement to become teachers;

3 “(2) recruiting and selecting candidates who  
4 are members of groups underrepresented in the  
5 teaching profession; and

6 “(3) preparing teachers who consistently im-  
7 prove student academic achievement at high-need  
8 schools.

9 “(g) REQUIRED USE OF FUNDS.—An eligible entity  
10 that receives a grant under this section shall use the grant  
11 funds for the following:

12 “(1) To recruit, select, prepare, place, retain,  
13 and support teachers for high-need schools and  
14 teachers in high-need subjects or fields.

15 “(2) To prepare all teachers to teach students  
16 with disabilities and English language learners.

17 “(3) To prepare teachers in classroom manage-  
18 ment, instructional planning and delivery, learning  
19 theory and cognitive development, literacy develop-  
20 ment, and student assessment.

21 “(4) To provide school-based, clinical experience  
22 at a high-need school that includes observation of  
23 and feedback on teacher candidates’ teaching.

1           “(5) To provide ongoing mentoring and sup-  
2           port, which may include coursework, for participants  
3           for at least 1 school year.

4           “(h) PERMISSIBLE USE OF GRANT FUNDS.—An eli-  
5           gible entity that receives a grant under this section may  
6           use the grant funds to provide financial stipends for teach-  
7           er candidates who are not the teacher of record.

8           “(i) PERFORMANCE AND GRANT RENEWAL.—

9           “(1) TRACKING PERFORMANCE.—An eligible  
10          entity that receives a grant under this section  
11          shall—

12                 “(A) track the placement rate, retention  
13                 rate, and performance in improving student  
14                 academic achievement of teachers recruited and  
15                 prepared by programs funded by the grant; and

16                 “(B) submit data on such performance to  
17                 the Secretary.

18           “(2) CONDITIONS FOR GRANT RENEWAL.—The  
19          Secretary shall evaluate the information submitted  
20          under paragraph (1) and renew a grant awarded  
21          under this section only if the data indicate the  
22          teachers are successful in improving student aca-  
23          demic achievement.

24           “(j) FISCAL AGENT.—The fiscal agent for an eligible  
25          entity that receives a grant under this section may be a

1 local educational agency, State educational agency, insti-  
2 tution of higher education, or nonprofit organization that  
3 is a partner in the eligible entity.

4 “(k) MATCHING REQUIREMENTS.—

5 “(1) FEDERAL SHARE.—Except as provided in  
6 paragraph (2)(B), the Federal share for this section  
7 shall be a percentage of the cost of the activities as-  
8 sisted under the grant as determined by the Sec-  
9 retary.

10 “(2) NON-FEDERAL SHARE.—

11 “(A) IN GENERAL.—The non-Federal  
12 share provided by an eligible entity receiving a  
13 grant under this section shall be a percentage  
14 of the cost of the activities assisted under the  
15 grant as determined by the Secretary. The non-  
16 Federal share may include in-kind contribu-  
17 tions.

18 “(B) SPECIAL RULE.—The Secretary may  
19 waive or reduce the amount of the non-Federal  
20 share described in subparagraph (A) for any  
21 fiscal year if the eligible entity demonstrates to  
22 the Secretary that the funds needed to carry  
23 out that subparagraph are unavailable due to  
24 economic hardship, as determined by the Sec-  
25 retary.

1           “(1) EVALUATION.—The Director of the Institute of  
2 Education Sciences shall—

3                   “(1) evaluate the implementation and impact of  
4 the program under this section;

5                   “(2) identify best practices for recruiting, se-  
6 lecting, preparing, placing, retaining, and supporting  
7 teachers in high-need subjects or fields for high-need  
8 schools; and

9                   “(3) disseminate research on best practices.

10   **“PART C—TEACHER INCENTIVE FUND PROGRAM**

11   **“SEC. 2301. PURPOSES; DEFINITIONS.**

12           “(a) PURPOSES.—The purpose of this part is to as-  
13 sist States, local educational agencies, and nonprofit orga-  
14 nizations—

15                   “(1) to develop, implement, improve, or expand  
16 comprehensive performance-based compensation sys-  
17 tems for teachers, principals, and schools that raise  
18 student academic achievement and close the achieve-  
19 ment gap, especially for teachers and principals in  
20 high-need schools; and

21                   “(2) to develop or revise policies on teacher cer-  
22 tification, hiring, assignment, evaluation, advance-  
23 ment, dismissal, or tenure.

24           “(b) DEFINITIONS.—In this part:



1 and success in hard-to-staff schools or  
2 high-need subject areas; and

3 “(ii) differentiates levels of compensa-  
4 tion based on the skills and knowledge of  
5 teachers and principals as demonstrated  
6 through—

7 “(I) successful fulfillment of ad-  
8 ditional responsibilities or job func-  
9 tions;

10 “(II) evidence of high achieve-  
11 ment and mastery of content knowl-  
12 edge and superior teaching skills; or

13 “(III) recognition as a highly  
14 rated teacher or principal based on  
15 the use of an evaluation system con-  
16 sistent with the requirements under  
17 section 2123(b).

18 **“SEC. 2302. TEACHER INCENTIVE FUND GRANTS.**

19 “(a) IN GENERAL.—From the amounts appropriated  
20 to carry out this part, the Secretary is authorized to award  
21 grants, on a competitive basis, to eligible entities to enable  
22 the entities to carry out 1 or more of the following activi-  
23 ties:

1           “(1) Develop, implement, improve, or expand a  
2 performance-based compensation system in 1 or  
3 more schools served by a project under this part.

4           “(2) Develop, revise, or implement personnel  
5 policies on—

6                 “(A) teacher hiring and assignment, such  
7 as implementing earlier hiring timelines, uti-  
8 lizing more rigorous teacher and principal selec-  
9 tion criteria, and staffing schools through mu-  
10 tual consent;

11                 “(B) teacher advancement, dismissal, or  
12 tenure; and

13                 “(C) teacher preparation, certification, and  
14 licensure.

15           “(b) PRIORITY.—In awarding a grant under this  
16 part, the Secretary shall give priority to an eligible entity  
17 that concentrates the proposed activities on teachers and  
18 principals serving in high-need schools.

19           “(c) APPLICATIONS.—An eligible entity desiring a  
20 grant under this part shall submit an application to the  
21 Secretary, at such time and in such manner as the Sec-  
22 retary may reasonably require. The application shall in-  
23 clude, as applicable—



1           “(1) a description of the performance-based  
2           compensation system or personnel policy reforms in  
3           which the eligible entity proposes to engage;

4           “(2) a description and evidence of the support  
5           and commitment, from teachers and principals in  
6           the school to be served by the project, the commu-  
7           nity, and the local educational agencies, for the pro-  
8           posed activities, including a demonstration of in-  
9           volvement by teachers, teachers associations (where  
10          applicable), and principals in the design and develop-  
11          ment of the proposal;

12          “(3) a description of how the eligible entity will  
13          develop and implement a fair, rigorous, and objective  
14          process to evaluate teacher, principal, and student  
15          performance under the project consistent with the  
16          teacher and principal evaluation system require-  
17          ments under section 2123(b), including the baseline  
18          performance against which evaluations of improved  
19          performance will be made;

20          “(4) a description of how the applicant will le-  
21          verage professional development activities for teach-  
22          ers and principals under sections 2113(a)(2) and  
23          2123(a)(1) to support the success of the project;

24          “(5) a description of the local educational agen-  
25          cies or schools to be served by the project;

1           “(6) a description of the quality of teachers and  
2 principals in the local educational agencies and the  
3 schools to be served by the project and how the  
4 project will increase the quality of teachers and prin-  
5 cipals in a high-need school;

6           “(7) a description of how the eligible entity will  
7 use grant funds under this part in each year of the  
8 grant;

9           “(8) a description of how the eligible entity will  
10 continue the performance-based compensation sys-  
11 tem after the grant period ends; and

12           “(9) a description of the rationale and evidence  
13 for the proposed activities and of any prior experi-  
14 ence of the eligible entity in developing and imple-  
15 menting such activities.

16           “(d) USE OF FUNDS.—

17           “(1) IN GENERAL.—An eligible entity that re-  
18 ceives a grant under this part shall use the grant  
19 funds to develop, implement, improve, or expand, in  
20 collaboration with teachers, principals, other school  
21 administrators, and members of the public—

22           “(A) a performance-based compensation  
23 system; or

1           “(B) other personnel policy reforms con-  
2           sistent with this part, including subsection  
3           (a)(2).

4           “(2) AUTHORIZED ACTIVITIES.—Grant funds  
5           under this part shall be used for at least 1 of the  
6           following activities:

7           “(A) Paying, as part of a comprehensive  
8           performance-based compensation system, bo-  
9           nuses and increased salaries, if the eligible enti-  
10          ty uses an increasing share of non-Federal  
11          funds to pay the bonuses and increased salaries  
12          each year of the grant, to—

13                   “(i) teachers and principals who raise  
14                   student academic achievement;

15                   “(ii) teachers who raise student aca-  
16                   demic achievement and—

17                           “(I) teach in high-need schools;  
18                           or

19                           “(II) teach subjects that are dif-  
20                           ficult to staff;

21                   “(iii) principals who raise student aca-  
22                   demic achievement and serve in high-need  
23                   schools; or

24                           “(iv) staff in high-need schools that  
25                   have raised student academic achievement.

1           “(B) Developing or improving systems and  
2 tools that would enhance the quality and suc-  
3 cess of the compensation system, such as high-  
4 quality teacher evaluations and tools to measure  
5 growth in student achievement.

6           “(C) Revising and implementing policies  
7 on teacher preparation, certification, hiring, as-  
8 signment, advancement, dismissal, or tenure,  
9 such as—

10           “(i) implementing a rigorous selection  
11 process for hiring teachers for positions  
12 available within the local educational agen-  
13 cy;

14           “(ii) implementing mutual consent;

15           “(iii) revising certification, licensure,  
16 and tenure policies so that such decisions  
17 are based at least in part on teacher per-  
18 formance;

19           “(iv) streamlining due process proce-  
20 dures and shortening dismissal timelines;  
21 and

22           “(v) linking teacher performance and  
23 employment outcomes back to preparation  
24 programs, and using such data to ensure  
25 preparation programs operating in the

1 State or placing teachers in the district, as  
2 applicable, are high quality.

3 “(e) DURATION OF GRANTS.—The Secretary may  
4 award a grant under this part for a period of not more  
5 than 5 years.

6 “(f) EQUITABLE DISTRIBUTION.—In making grants  
7 under this part, the Secretary shall consider geographic  
8 diversity, including the distribution between rural and  
9 urban areas.

10 “(g) MATCHING REQUIREMENT.—

11 “(1) IN GENERAL.—Except as provided in para-  
12 graph (2), each eligible entity that receives a grant  
13 under this part shall provide, over the course of the  
14 5 year project period, an increasing share of match-  
15 ing funds (which may be provided in cash or in  
16 kind) to carry out the activities supported by the  
17 grant.

18 “(2) WAIVER.—The Secretary may waive the  
19 matching requirement under paragraph (1) for an  
20 eligible entity—

21 “(A) that consists of a high-need local edu-  
22 cational agency; or

23 “(B) that is located in a rural area.

1           “(h) SUPPLEMENT NOT SUPPLANT.—Grant funds  
2 provided under this part shall be used to supplement, not  
3 supplant, other Federal, State, or local funds.

4           “(i) REQUIREMENT.—The Secretary shall award not  
5 less than 70 percent of grant funds to eligible entities that  
6 propose to implement a performance-based compensation  
7 system.

8           **“SEC. 2303. ACCOUNTABILITY.**

9           “(a) ESTABLISHMENT OF PERFORMANCE  
10 METRICS.—The Secretary, acting through the Director of  
11 the Institute of Education Sciences, shall establish per-  
12 formance metrics.

13           “(b) ANNUAL REPORT.—Each eligible entity that re-  
14 ceives a grant under this part shall prepare and submit  
15 an annual report to the Secretary, which shall include in-  
16 formation relevant to the performance metrics established  
17 under subsection (a).

18           **“SEC. 2304. EVALUATION.**

19           “From the amount reserved under section 2305, the  
20 Secretary shall—

21                   “(1) acting through the Director of the Insti-  
22 tute of Education Sciences, evaluate the implementa-  
23 tion and impact of the activities supported under  
24 this part; and

25                   “(2) disseminate research on best practices.

1 **“SEC. 2305. RESERVATION FOR EVALUATION; TECHNICAL**  
2 **ASSISTANCE; AND PROGRAM OUTREACH.**

3 “The Secretary may reserve not more than 3 percent  
4 of the funds appropriated to carry out this part for any  
5 1 fiscal year, for the cost of the evaluation under section  
6 2304, technical assistance, and program outreach.”.

7 **TITLE III—LANGUAGE AND AKA-**  
8 **DEMIC CONTENT INSTRU-**  
9 **CTION FOR ENGLISH LEARN-**  
10 **ERS AND IMMIGRANT STU-**  
11 **DENTS**

12 **SEC. 3001. REORGANIZATION.**

13 Title III (20 U.S.C. 6801 et seq.) is amended—

14 (1) in the title heading, by striking “**LIM-**  
15 **ITED ENGLISH PROFICIENT**” and inserting  
16 “**ENGLISH LEARNERS**”;

17 (2) by striking sections 3001 and 3122;

18 (3) by redesignating sections 3123 through  
19 3129 as sections 3122 through 3128, respectively;

20 (4) by striking subpart 4 of part A;

21 (5) by striking part B;

22 (6) by redesignating sections 3301 through  
23 3304 as sections 3201 through 3204, respectively;

24 and

25 (7) by redesignating part C as part B.

1 **SEC. 3002. PURPOSES.**

2 Section 3102 (20 U.S.C. 6812) is amended to read  
3 as follows:

4 **“SEC. 3102. PURPOSES.**

5 “The purposes of this part are—

6 “(1) to support the provision of education to  
7 meet the needs of English learners and immigrant  
8 students and provide English learners and immi-  
9 grant students with high-quality, evidence-based  
10 services, which also supplement services and sup-  
11 ports provided under title I, to ensure that English  
12 learners, including those English learners who are  
13 also immigrants, acquire the English language pro-  
14 ficiency and academic content knowledge they need  
15 to meet the State’s college and career ready aca-  
16 demic content standards and for State academic as-  
17 sessments;

18 “(2) to support the efforts of State educational  
19 agencies and local educational agencies to enhance  
20 their capacity to provide high-quality educational  
21 programs that are effective for English learners and  
22 that reflect the diversity of the English learner pop-  
23 ulation;

24 “(3) to support the efforts of teachers, school  
25 leaders, State educational agencies, and local edu-



1           cational agencies to develop and enhance the capac-  
2           ity and flexibility needed to—

3                   “(A) provide evidence-based, linguistically  
4                   and culturally appropriate services to assist  
5                   English learners supported under this part in—

6                           “(i) attaining English language pro-  
7                           ficiency; and

8                           “(ii) meeting State college and career  
9                           ready academic content standards;

10                   “(B) implement such services effectively;

11                           “(C) evaluate the impact of such services  
12                   on student English language proficiency and  
13                   academic content knowledge; and

14                           “(D) modify such services as appropriate  
15                   to meet the needs of students;

16                   “(4) to ensure that rigorous and consistent  
17                   standards and State accountability systems are in  
18                   place for programs serving English learners; and

19                           “(5) to promote parental and community par-  
20                   ticipation in language instruction educational pro-  
21                   grams in communities for parents of children who  
22                   are English learners.”.

23 **SEC. 3003. FORMULA GRANTS TO STATES.**

24           Section 3111 (20 U.S.C. 6821) is amended—

25                   (1) in subsection (b)—

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

3 “(2) STATE ACTIVITIES.—

4 “(A) IN GENERAL.—Subject to subpara-  
5 graph (B), each State educational agency re-  
6 ceiving a grant under subsection (a) may re-  
7 serve not more than 5 percent of the agency’s  
8 allotment under subsection (c) to provide tech-  
9 nical assistance and other forms of assistance  
10 to eligible entities that are receiving subgrants  
11 from a State educational agency under this sub-  
12 part, including in—

13 “(i) identifying and implementing ef-  
14 fective and high-quality language instruc-  
15 tion educational programs and curricula  
16 and academic content instruction programs  
17 that are based on scientifically valid re-  
18 search on teaching English learners;

19 “(ii) program evaluation to ensure  
20 that the language instruction educational  
21 programs and academic content instruction  
22 programs selected by subgrantees are ap-  
23 propriate for the needs of the English  
24 learners served;

1           “(iii) teacher and principal prepara-  
2           tion, professional development activities,  
3           and other evidence-based activities that  
4           supplement activities funded under title II,  
5           which may include activities that—

6                   “(I) support the implementation  
7                   of professional teaching standards and  
8                   teacher evaluation systems for teach-  
9                   ers of English learners; and

10                   “(II) assist such teachers in  
11                   meeting State and local certification  
12                   and licensing requirements for teach-  
13                   ing English learners;

14                   “(iv) strengthening and increasing  
15                   parent, family, and community engage-  
16                   ment;

17                   “(v) developing, enhancing, aligning,  
18                   and implementing English language pro-  
19                   ficiency standards and assessments, par-  
20                   ticularly helping to ensure uniform imple-  
21                   mentation of English language proficiency  
22                   standards within the State;

23                   “(vi) providing recognition, which may  
24                   include providing financial awards, to sub-  
25                   grantees that significantly improve the rate

1 at which English learners acquire English  
2 language proficiency and are able to dem-  
3 onstrate the English language proficiency  
4 needed for core content mastery; and

5 “(vii) planning, evaluation, adminis-  
6 tration, and interagency coordination.

7 “(B) LIMITATION.—A State may use not  
8 more than 40 percent of the amount reserved  
9 under subparagraph (A) or \$175,000, which-  
10 ever is greater, for the activities described in  
11 subparagraph (A)(vii).”; and

12 (B) by striking paragraph (3); and  
13 (2) in subsection (c)—

14 (A) by striking paragraph (1) and insert-  
15 ing the following:

16 “(1) RESERVATIONS.—From the amount appro-  
17 priated under section 3001(a) for each fiscal year,  
18 the Secretary shall reserve—

19 “(A) 0.5 percent or \$5,000,000 of such  
20 amount, whichever is greater, for payments to  
21 eligible entities that are defined under section  
22 3112(a) for activities, approved by the Sec-  
23 retary, consistent with this subpart;

24 “(B) 0.5 percent of such amount for pay-  
25 ments to outlying areas, to be allotted in ac-

1 cordance with their respective needs for assist-  
2 ance under this subpart (as determined by the  
3 Secretary) for activities that are approved by  
4 the Secretary and consistent with the purposes  
5 of this subpart; and

6 “(C) 6.5 percent of such amount for na-  
7 tional activities under sections 3131 and 3203,  
8 except that not more than 0.5 percent of such  
9 amount shall be reserved for evaluation activi-  
10 ties conducted by the Secretary and not more  
11 than \$2,000,000 of such amount may be re-  
12 served for the National Clearinghouse for  
13 English Language Acquisition and Language  
14 Instruction Educational Programs described in  
15 section 3203.”;

16 (B) by striking paragraph (2);

17 (C) by redesignating paragraphs (3) and  
18 (4) as paragraphs (2) and (3), respectively;

19 (D) in paragraph (2), as redesignated by  
20 subparagraph (C)—

21 (i) in subparagraph (A)—

22 (I) in the matter preceding clause

23 (i)—

24 (aa) by striking “3001(a)”

25 and inserting “3001”; and

318

1 (bb) by striking “section  
2 3113(c)” and inserting “section  
3 3113(d)”;

4 (II) in clause (i)—

5 (aa) by striking “limited  
6 English proficient children” and  
7 inserting “English learners”; and

8 (bb) by inserting “, as deter-  
9 mined by data available from the  
10 American Community Survey  
11 conducted by the Department of  
12 Commerce or State-reported  
13 data” after “children in all  
14 States”; and

15 (III) in clause (ii), by inserting “,  
16 as determined based only on data  
17 available from the American Commu-  
18 nity Survey conducted by the Depart-  
19 ment of Commerce” after “children  
20 and youth in all States”; and

21 (ii) by striking subparagraph (C) and  
22 inserting the following:

23 “(C) REALLOTMENT.—If any State edu-  
24 cational agency described in subparagraph (A)  
25 does not submit a plan to the Secretary for a

1           fiscal year, or submits a plan (or any amend-  
2           ment to a plan) that the Secretary, after rea-  
3           sonable notice and opportunity for a hearing,  
4           determines does not satisfy the requirements of  
5           this subpart, the Secretary shall reallocate any  
6           portion of such allotment to the remaining  
7           State educational agencies in accordance with  
8           subparagraph (A).”; and

9           (E) by striking paragraph (3), as redesign-  
10          nated by subparagraph (C), and inserting the  
11          following:

12          “(3) USE OF DATA FOR DETERMINATIONS.—In  
13          making State allotments under paragraph (2), for  
14          each fiscal year, the Secretary shall determine the  
15          number of English learners and the number of  
16          English learners assessed as not having attained  
17          English language proficiency, based on the State’s  
18          English language proficiency assessment under sec-  
19          tion 1111(a)(2)(D), in a State and in all States, and  
20          the number of immigrant children and youth in a  
21          State and in all States, by using data that will yield  
22          the most accurate, up-to-date numbers of children  
23          and youth who are English learners and who have  
24          limited English language proficiency and immigrant

1 children and youth. In making such determinations,  
2 the Secretary shall use—

3 “(A) data available from the American  
4 Community Survey conducted by the Depart-  
5 ment of Commerce to determine the allotment;  
6 or

7 “(B) the number of English learners as-  
8 sessed as not having attained English language  
9 proficiency, based on the State’s English lan-  
10 guage proficiency assessment under section  
11 1111(a)(2)(D), to determine the allotment.”.

12 **SEC. 3004. NATIVE AMERICAN AND ALASKA NATIVE CHIL-**  
13 **DREN IN SCHOOL.**

14 Section 3112 (20 U.S.C. 6822) is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (4), by striking “Indian  
17 Affairs” and inserting “Indian Education of the  
18 Department of the Interior”;

19 (B) in paragraph (5), by striking “Indian  
20 Affairs” and inserting “Indian Education of the  
21 Department of the Interior”; and

22 (C) in paragraph (6), by striking “Indian  
23 Affairs” and inserting “Indian Education of the  
24 Department of the Interior” both places such  
25 term appears;



1           (2) in subsection (b), by striking “an entity  
2           that is considered to be an eligible entity under sub-  
3           section (a), and that” and inserting “an eligible enti-  
4           ty that”; and

5           (3) by striking subsection (c) and inserting the  
6           following:

7           “(c) SPECIAL RULES.—

8           “(1) INELIGIBILITY FOR MULTIPLE AWARDS  
9           FOR SAME PERIOD.—An eligible entity that receives  
10          a grant under this section shall not be eligible to re-  
11          ceive a subgrant under section 3114 for the same  
12          period.

13          “(2) NATIVE AMERICAN LANGUAGE PRO-  
14          GRAMS.—An eligible entity that receives a grant  
15          under this section may, in addition to other activities  
16          supported under this subpart, use the grant funds to  
17          support Native American language immersion pro-  
18          grams and Native American language restoration  
19          programs, which may be taught by traditional or  
20          tribal leaders.”.

21   **SEC. 3005. STATE EDUCATIONAL AGENCY PLANS.**

22          Section 3113 (20 U.S.C. 6823) is amended to read  
23          as follows:

1 **“SEC. 3113. STATE EDUCATIONAL AGENCY PLANS.**

2 “(a) PLAN REQUIRED.—Each State educational  
3 agency desiring a grant under this subpart shall submit  
4 a plan to the Secretary at such time, in such manner, and  
5 containing such information as the Secretary may require.

6 “(b) CONTENTS.—Each plan submitted under sub-  
7 section (a) shall—

8 “(1) describe the process that the agency will  
9 use in awarding subgrants to eligible entities under  
10 section 3114(d)(1);

11 “(2) describe the process by which, within a pe-  
12 riod established by the Secretary, the agency will es-  
13 tablish uniform statewide criteria for local edu-  
14 cational agencies to use in—

15 “(A) identifying English learners who need  
16 services under this part;

17 “(B) determining when such students no  
18 longer need those services; and

19 “(C) including the same standards of  
20 achievement for all English learners in all local  
21 educational agencies in the State;

22 “(3) describe the process through which the  
23 State educational agency will support local edu-  
24 cational agencies in assisting English learners in ac-  
25 quiring proficiency in each of the 4 language do-  
26 mains of reading, writing, speaking, and listening, as

1 measured by the State’s English language pro-  
2 ficiency assessment;

3 “(4) provide an assurance that if the State  
4 adopts new academic content standards, the State  
5 educational agency will, not later than 1 year after  
6 the date of adoption of such standards—

7 “(A) update the State English language  
8 proficiency standards to ensure that such  
9 standards align with the new academic content  
10 standards; and

11 “(B) provide the Secretary with evidence  
12 of such alignment;

13 “(5) provide an assurance that the State  
14 English language proficiency assessment system is  
15 valid and reliable and meets the appropriate require-  
16 ments of paragraph (10);

17 “(6) include criteria for defining the perform-  
18 ance standard that students at lower levels of  
19 English language proficiency must meet to attain  
20 the level that the State defines as English language  
21 proficient;

22 “(7) describe how the agency will coordinate  
23 programs and activities carried out under this sub-  
24 part with the other programs and activities that  
25 such agency carries out under this Act;

1           “(8) describe how the agency will assist eligible  
2 entities in increasing the extent to which English  
3 learners acquire English language proficiency within  
4 a reasonable time frame, as informed by evidence  
5 and best practices;

6           “(9) provide an assurance that eligible entities  
7 in the State will be given the flexibility to teach  
8 English learners using a language instruction cur-  
9 rriculum that has been demonstrated to be effective;

10           “(10) describe how the agency will manage sub-  
11 grants awarded under this subpart, including—

12           “(A) how the agency will ensure that  
13 subgrant funds are expended to support the  
14 provision of services to help English learners  
15 acquire the English language proficiency and  
16 the academic content knowledge they need to  
17 meet the State’s college and career ready aca-  
18 demic content standards and to advance to  
19 postsecondary education and careers, which  
20 may include using a scientifically valid language  
21 instruction curriculum to improve language ac-  
22 quisition and content mastery for English learn-  
23 ers;

24           “(B) how the agency will ensure that eligi-  
25 ble entities receiving a subgrant under this sub-

1 part comply with the requirement under section  
2 1111(a)(2)(B)(vi) to annually assess in English,  
3 children who have been in the United States for  
4 3 or more consecutive years;

5 “(C) how the agency will monitor eligible  
6 entities receiving a subgrant under this part to  
7 ensure compliance with applicable Federal fiscal  
8 requirements, including the requirements under  
9 subsections (f) and (g) of section 3115;

10 “(D) how the agency will, in awarding sub-  
11 grants under section 3114, address the needs of  
12 local educational agencies of all sizes and in all  
13 geographic areas, including local educational  
14 agencies that serve rural and urban schools;  
15 and

16 “(E) an assurance that the agency will re-  
17 quire an eligible entity receiving a subgrant  
18 under this subpart to use the subgrant in ways  
19 that will build such eligible entity’s capacity to  
20 continue to offer high-quality language instruc-  
21 tion educational programs and academic con-  
22 tent instruction programs that assist English  
23 learners in meeting State academic content and  
24 student academic achievement standards to be-  
25 come on track to college and career readiness;

1           “(11) provide an assurance that the State’s  
2           English language proficiency standards are aligned  
3           with the academic content and academic achieve-  
4           ment standards described in section 1111; and

5           “(12) provide an assurance that the plan has  
6           been developed in consultation with local educational  
7           agencies, teachers, administrators of programs de-  
8           scribed under this part, parents, family members,  
9           and other relevant stakeholders.

10          “(c) APPROVAL.—The Secretary, after using a peer  
11          review process, shall approve a plan submitted under sub-  
12          section (a) if the plan meets the requirements of this sec-  
13          tion.

14          “(d) DURATION OF PLAN.—

15                 “(1) IN GENERAL.—Each plan submitted by a  
16                 State educational agency and approved under sub-  
17                 section (c) shall—

18                         “(A) remain in effect for the duration of  
19                         the State educational agency’s participation  
20                         under this part; and

21                         “(B) be periodically reviewed and revised  
22                         by the agency to reflect changes to the agency’s  
23                         strategies and programs carried out under this  
24                         part.

25          “(2) ADDITIONAL INFORMATION.—

1           “(A) AMENDMENTS.—If a State edu-  
2           cational agency amends the plan approved  
3           under subsection (c), the agency shall submit  
4           the amendment to the Secretary.

5           “(B) APPROVAL.—The Secretary shall ap-  
6           prove an amendment to an approved plan, un-  
7           less the Secretary determines that the amend-  
8           ment will result in the agency not meeting the  
9           requirements, or fulfilling the purposes, of this  
10          part.

11          “(e) CONSOLIDATED PLAN.—A plan submitted under  
12          subsection (a) may be submitted as part of a consolidated  
13          plan under section 9302.

14          “(f) SECRETARY ASSISTANCE.—The Secretary shall  
15          provide technical assistance, if requested, in the develop-  
16          ment of English language proficiency standards, objec-  
17          tives, and assessments.”.

18          **SEC. 3006. WITHIN-STATE ALLOCATIONS.**

19          Section 3114 (20 U.S.C. 6824) is amended—

20                 (1) in subsection (a)—

21                         (A) by striking “section 3111(c)(3)” and  
22                         inserting “section 3111(c)(2)”;

23                         (B) by inserting “, in a timely manner,”  
24                         after “by allocating”; and

1 (C) by striking “limited English proficient  
2 children” and inserting “English learners” both  
3 places the term appears; and  
4 (2) in subsection (d)—

5 (A) in paragraph (1), by striking “section  
6 3111(c)(3)” and inserting “section 3111(c)(2)”;  
7 and

8 (B) in paragraph (2)—

9 (i) in subparagraph (A)—

10 (I) by striking “equally”; and

11 (II) by striking “and” at the end;

12 (ii) by redesignating subparagraph  
13 (B) as subparagraph (C); and

14 (iii) by inserting after subparagraph  
15 (A) the following:

16 “(B) shall consider eligible entities that ex-  
17 perience a significant increase in the percentage  
18 of immigrant children and youth served, and el-  
19 igible entities that experience a significant in-  
20 crease in the number of immigrant children and  
21 youth served; and”.

22 **SEC. 3007. SUBGRANTS TO ELIGIBLE ENTITIES.**

23 Section 3115 (20 U.S.C. 6825) is amended to read  
24 as follows:



1 **“SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.**

2       “(a) PURPOSES OF SUBGRANTS.—A State edu-  
3 cational agency may make a subgrant to an eligible entity  
4 from funds received by the agency under this subpart only  
5 if the entity agrees to expend the funds to supplement the  
6 education of English learners by helping them learn  
7 English and meet the State college and career ready aca-  
8 demic content and student academic achievement stand-  
9 ards. The eligible subgrantee shall carry out activities with  
10 such funds, using evidence-based approaches and meth-  
11 odologies that have been demonstrated to be effective for  
12 teaching English learners and immigrant children and  
13 youth, for the following purposes:

14               “(1) Developing and implementing new lan-  
15 guage instruction educational programs and aca-  
16 demic content instruction programs for such chil-  
17 dren and youth, including early childhood education  
18 and care programs, elementary school programs, and  
19 secondary school programs.

20               “(2) Carrying out highly focused, innovative, lo-  
21 cally designed, evidence-based activities to expand or  
22 enhance existing language instruction educational  
23 programs and academic content instruction pro-  
24 grams for such children and youth.

25               “(3) Implementing, within an individual school,  
26 whole school programs for restructuring, reforming,

1 and upgrading all relevant programs, activities, and  
2 operations relating to language instruction edu-  
3 cational programs and academic content instruction  
4 for such children and youth.

5 “(4) Implementing, within the entire jurisdic-  
6 tion of a local educational agency, agency-wide pro-  
7 grams for restructuring, reforming, and upgrading  
8 all relevant programs, activities, and operations re-  
9 lating to language instruction educational programs  
10 and academic content instruction for such children  
11 and youth.

12 “(b) ADMINISTRATIVE EXPENSES.—Each eligible en-  
13 tity receiving funds under section 3114(a) for a fiscal year  
14 may use not more than 2 percent of such funds for the  
15 direct cost of administering this subpart.

16 “(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligi-  
17 ble entity receiving funds under section 3114(a) shall use  
18 the funds for 2 or more of the following activities:

19 “(1) Increasing the English language pro-  
20 ficiency of English learners by providing high-quality  
21 evidence-based language instruction educational pro-  
22 grams and academic content instruction programs  
23 that meet the needs of the specific English learners  
24 served, and by identifying, acquiring, and upgrading  
25 curricula, instructional materials, educational soft-

1       ware, and assessment practices that are proven ef-  
2       fective in—

3               “(A) increasing English language pro-  
4               ficiency;

5               “(B) increasing student academic achieve-  
6               ment in the core academic subjects; and

7               “(C) supporting students so that the stu-  
8               dents are college and career ready.

9               “(2) Providing high-quality professional devel-  
10              opment to teachers (including teachers of language  
11              instruction educational programs and academic con-  
12              tent instruction programs, teachers of other aca-  
13              demic subjects, and special education teachers),  
14              principals, administrators, and other school or com-  
15              munity-based organization personnel that is—

16               “(A) designed to improve the instruction  
17               and assessment of English learners;

18               “(B) designed to enhance the ability of  
19               teachers and school leaders to understand and  
20               effectively implement curricula, assessment  
21               practices and measures, and instructional strat-  
22               egies for English learners;

23               “(C) aligned with the instructional pro-  
24               gram used by teachers that is responsive to the  
25               needs of the English learners served;

1           “(D) based on scientifically valid research  
2           demonstrating the effectiveness of the profes-  
3           sional development in increasing children’s  
4           English language proficiency or substantially  
5           increasing the subject matter knowledge, teach-  
6           ing knowledge, and teaching skills of teachers;  
7           and

8           “(E) of sufficient intensity and duration  
9           (which shall not include activities such as 1-day  
10          or short-term workshops and conferences) to  
11          have a positive and lasting impact on the per-  
12          formance of teachers in the classroom, except  
13          that this subparagraph shall not apply to an ac-  
14          tivity that is 1 component of a long-term, com-  
15          prehensive professional development plan estab-  
16          lished by a teacher and the teacher’s supervisor  
17          based on an assessment of the needs of the  
18          teacher, the supervisor, the students of the  
19          teacher, and any local educational agency em-  
20          ploying the teacher, as appropriate.

21          “(3) Carrying out other highly focused, evi-  
22          dence-based, proven effective activities and strategies  
23          that expand, enhance, or supplement existing lan-  
24          guage instruction educational programs and aca-  
25          demic content instruction programs for English

1 learners, including activities that enhance and in-  
2 crease parent, family, and community participation,  
3 maximize coordination and alignment among related  
4 programs, and build partnerships between schools  
5 and community-based early learning programs serv-  
6 ing 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) Providing to English learners—

15 “(A) tutorials and academic or career and  
16 technical education; and

17 “(B) intensified instruction.

18 “(3) Developing and implementing preschool,  
19 elementary school, or secondary school language in-  
20 struction educational programs and academic con-  
21 tent instruction programs that are coordinated with  
22 other relevant programs and services.

23 “(4) Improving the English language pro-  
24 ficiency and academic achievement of children who  
25 are English learners.

1           “(5) Improving the instruction of English learn-  
2           ers by providing for—

3                   “(A) the acquisition or development of  
4                   educational technology or instructional mate-  
5                   rials;

6                   “(B) access to, and participation in, elec-  
7                   tronic networks for materials, training, and  
8                   communication; and

9                   “(C) incorporation of the resources de-  
10                  scribed in subparagraphs (A) and (B) into cur-  
11                  ricula and programs, such as curricula and pro-  
12                  grams funded under this subpart.

13           “(6) Providing community participation pro-  
14           grams, family literacy services, and parent and fam-  
15           ily outreach and training activities to children who  
16           are English learners and their families—

17                   “(A) to improve the English language  
18                   skills of children who are English learners; and

19                   “(B) to assist parents in—

20                           “(i) helping their children to improve  
21                           their academic achievement; and

22                           “(ii) becoming active participants in  
23                           the education of their children.

24           “(7) Carrying out other activities that are con-  
25           sistent with the purposes of this subpart.

1           “(e) ACTIVITIES BY AGENCIES EXPERIENCING SUB-  
2 STANTIAL INCREASES IN IMMIGRANT CHILDREN AND  
3 YOUTH.—

4           “(1) IN GENERAL.—An eligible entity receiving  
5 funds under section 3114(d)(1) shall use the funds  
6 to pay for activities that provide enhanced instruc-  
7 tional opportunities for immigrant children and  
8 youth, which may include—

9           “(A) family literacy, parent and family  
10 outreach, and leadership development activities  
11 designed to assist parents and family members  
12 in becoming engaged participants in the edu-  
13 cation and development of their children;

14           “(B) support for personnel, including para-  
15 professionals who have been specifically trained,  
16 or are being trained, to provide services to im-  
17 migrant children and youth;

18           “(C) the provision of tutorials, mentoring,  
19 and academic or career counseling for immi-  
20 grant children and youth;

21           “(D) identification, development, and ac-  
22 quisition of curricular materials, educational  
23 software, and technologies to be used in the  
24 program carried out with funds awarded under  
25 section 3114(a);

1           “(E) basic instructional services that are  
2 directly attributable to the presence in the local  
3 educational agency involved of immigrant chil-  
4 dren and youth, including the payment of costs  
5 of providing additional classroom supplies and  
6 costs of transportation;

7           “(F) such other costs that are directly at-  
8 tributable to such additional basic instructional  
9 services or that are designed to assist immi-  
10 grant children and youth to achieve in elemen-  
11 tary schools and secondary schools in the  
12 United States, such as programs of introduction  
13 to the educational system and civics education;  
14 and

15           “(G) activities, coordinated with commu-  
16 nity-based organizations (including community-  
17 based organizations providing early childhood  
18 education and care programs), institutions of  
19 higher education, private sector entities, or  
20 other entities with expertise in working with im-  
21 migrants, to assist parents of immigrant chil-  
22 dren and youth by offering comprehensive com-  
23 munity services.

24           “(2) DURATION OF SUBGRANTS.—The duration  
25 of a subgrant made by a State educational agency



1 under section 3114(d)(1) shall be determined by the  
2 agency in its discretion.

3 “(f) SELECTION OF METHOD OF INSTRUCTION.—

4 “(1) IN GENERAL.—An eligible entity receiving  
5 a subgrant from a State educational agency under  
6 this subpart shall select 1 or more methods or forms  
7 of instruction to be used in the programs and activi-  
8 ties undertaken by the entity in assisting English  
9 learners in attaining English language proficiency  
10 and meeting State academic content and student  
11 academic achievement standards, to be on track to  
12 college and career readiness.

13 “(2) CONSISTENCY.—The selection of methods  
14 or forms of instruction, as described under para-  
15 graph (1), shall be consistent with sections 3123  
16 through 3126.

17 “(g) MAINTENANCE OF EFFORT.—

18 “(1) IN GENERAL.—

19 “(A) FISCAL EFFORT.—A State edu-  
20 cational agency that receives a grant under this  
21 subpart shall not pay a subgrantee the full  
22 amount of its subgrant determined for any fis-  
23 cal year unless the subgrantee notifies the State  
24 educational agency, and the State educational  
25 agency determines, that with respect to the pro-

1 vision of language instruction educational pro-  
2 grams for English learners, including profes-  
3 sional development, by the subgrantee for the  
4 preceding fiscal year, the fiscal effort of the  
5 subgrantee, computed from non-Federal funds  
6 and on either a per-student or aggregate-ex-  
7 penditure basis, was not less than 90 percent of  
8 the amount of the fiscal effort, computed on the  
9 same basis, for the second preceding fiscal year.

10 “(B) FAILURE TO MAINTAIN EFFORT.—If  
11 a State educational agency determines that a  
12 subgrantee failed to maintain the fiscal effort  
13 for the subgrantee at the level specified in sub-  
14 paragraph (A), the State educational agency  
15 shall—

16 “(i) reduce the amount of the  
17 subgrant that would otherwise be made to  
18 that subgrantee under this subpart in the  
19 exact proportion of the failure to maintain  
20 the fiscal effort at that level; and

21 “(ii) not use the reduced amount of  
22 the entity’s expenditures for the preceding  
23 year to determine compliance with sub-  
24 paragraph (A) for any succeeding fiscal  
25 year, but shall use the amount of expendi-

1           tures that would have been required to  
2           comply with subparagraph (A) in the ab-  
3           sence of the failure to maintain effort.

4           “(2) WAIVER.—The Secretary may waive the  
5           requirement of paragraph (1)(A) for a subgrantee,  
6           for not more than 1 year at a time, if the Secretary  
7           determines that the failure to comply with that re-  
8           quirement is due to exceptional or uncontrollable cir-  
9           cumstances, such as a natural disaster, or a precipi-  
10          tous and unforeseen decline in the entity’s financial  
11          resources.

12          “(3) UNUSED AMOUNTS.—A participating State  
13          educational agency shall return to the General Fund  
14          of the Treasury any portion of an amount that—

15               “(A) based on estimates made by the sub-  
16               grantees in the State or other information, the  
17               State educational agency determines will not be  
18               needed by the entities to carry out approved  
19               programs under this subpart; or

20               “(B) otherwise becomes available under  
21               this subpart.

22          “(4) REPORT.—A State educational agency  
23          that receives a grant under this subpart shall annu-  
24          ally provide the Secretary with—

1           “(A) information on its determinations  
2           under paragraph (1), including information on  
3           the fiscal effort of each subgrantee within the  
4           State for each fiscal year with respect to the  
5           provision of language instruction educational  
6           programs for English learners, on either a per-  
7           student or aggregate-expenditure basis; and

8           “(B) any information about what the State  
9           educational agency did with any funds withheld  
10          from eligible entities that failed to maintain fis-  
11          cal effort, as described in paragraph (1).

12          “(5) SPECIAL RULES.—

13                 “(A) IN GENERAL.—A determination by a  
14                 State educational agency under paragraph (1),  
15                 or the Secretary under paragraph (2), shall not  
16                 be construed to be a determination that the  
17                 subgrantee is in compliance with title VI of the  
18                 Civil Rights Act of 1964 (42 U.S.C. 2000d et  
19                 seq.) or section 204(f) of the Equal Educational  
20                 Opportunities Act of 1974 (20 U.S.C. 1703(f)).

21                 “(B) PROHIBITION ON USE OF FUNDS.—A  
22                 subgrantee shall not use subgrant funds re-  
23                 ceived under this subpart for services that are  
24                 required to be provided to English learners as  
25                 a result of—

1           “(i) a letter of findings, issued by the  
2           Assistant Secretary for Civil Rights, indi-  
3           cating that the subgrantee’s program and  
4           services do not meet the legal requirements  
5           under title VI of the Civil Rights Act of  
6           1964 (42 U.S.C. 2000d et seq.), unless the  
7           subgrantee has entered into a resolution  
8           agreement with the Assistant Secretary for  
9           Civil Rights pursuant to section 100.7(d)  
10          of title 34, Code of Federal Regulations; or  
11          “(ii) a Federal court order resulting  
12          from litigation in the Federal courts, ex-  
13          cept where the litigation commences with a  
14          complaint filed with an accompanying con-  
15          sent decree, to enforce title VI of the Civil  
16          Rights Act of 1964 (42 U.S.C. 2000d et  
17          seq.) or section 204(f) of the Equal Edu-  
18          cational Opportunities Act of 1974 (20  
19          U.S.C. 1703(f)).”.

20 **SEC. 3008. LOCAL PLANS.**

21          Section 3116 (20 U.S.C. 6826) is amended to read  
22 as follows:

23 **“SEC. 3116. LOCAL PLANS.**

24          “(a) PLAN REQUIRED.—Each eligible entity desiring  
25 a subgrant from a State educational agency under section

1 3114 shall submit a plan to the State educational agency  
2 at such time, in such manner, and containing such infor-  
3 mation as the State educational agency may require.

4 “(b) CONTENTS.—Each plan submitted under sub-  
5 section (a) shall—

6 “(1) describe the scientifically valid programs  
7 and activities proposed to be developed, imple-  
8 mented, and administered under the subgrant, in-  
9 cluding how such programs and activities will sup-  
10 plement programs intended to enable children to  
11 speak, read, write, and comprehend the English lan-  
12 guage, meet State academic content and student  
13 academic achievement standards, and graduate high  
14 school ready for college and careers;

15 “(2) describe how the eligible entity will hold el-  
16 ementary schools and secondary schools receiving  
17 funds under this subpart accountable for—

18 “(A) assessing annually, in accordance  
19 with section 1111, the English language pro-  
20 ficiency of all English learners participating in  
21 programs funded under this subpart; and

22 “(B) meeting timelines, progress criteria,  
23 and performance targets for English learners in  
24 order to ensure that such children served by the  
25 programs carried out under this part—

1 “(i) develop proficiency in English;

2 and

3 “(ii) master the academic content

4 knowledge they need to meet the State’s

5 college and career ready academic content

6 standards under section 1111(a)(1);

7 “(3) describe how the eligible entity will pro-

8 mote family and community member engagement;

9 “(4) describe how the eligible entity will consult

10 with teachers, researchers, school administrators,

11 parents, family and community members, and, if ap-

12 propriate, with education-related community groups

13 and nonprofit organizations, and institutions of

14 higher education, in developing and implementing

15 such plan;

16 “(5) describe how language instruction edu-

17 cational programs and academic content instruction

18 programs carried out under the subgrant will ensure

19 that English learners being served by the programs

20 develop English language proficiency and dem-

21 onstrate such proficiency through academic content

22 mastery;

23 “(6) ensure that activities supported by funds

24 allocated to individual schools are described in any

25 general local school level-plan required by the eligible

1       entity, and in the absence of a required school-level  
2       plan, such activities are described in a separate  
3       school-level title III activity plan; and

4           “(7) contain an assurance that—

5               “(A) the eligible entity is not in violation  
6               of State law, including State constitutional law,  
7               regarding the education of English learners,  
8               consistent with sections 3124, 3125, 3126, and  
9               3127;

10              “(B) each local educational agency that is  
11              included in the eligible entity complies with sec-  
12              tion 3202 prior to, and throughout, each school  
13              year; and

14              “(C) systemic improvements for meeting  
15              the needs of English learners and targeting  
16              funds to particular concentrations of English  
17              learners were considered in developing such  
18              plan.

19       “(c) **TEACHER ENGLISH FLUENCY.**—Each eligible  
20       entity receiving a subgrant under this subpart shall in-  
21       clude in its plan a certification that all teachers in any  
22       language instruction educational program for English  
23       learners that is, or will be, funded under this part are flu-  
24       ent in the language used for instruction, including having  
25       written and oral communications skills.”.



1 **SEC. 3009. EVALUATIONS.**

2 Section 3121 (20 U.S.C. 6841) is amended to read  
3 as follows:

4 **“SEC. 3121. EVALUATIONS.**

5 “(a) IN GENERAL.—Each eligible entity that receives  
6 a subgrant from a State educational agency under subpart  
7 1 shall provide such agency, at the conclusion of every sec-  
8 ond fiscal year during which the subgrant is received, with  
9 an evaluation of programs and services supported under  
10 this title, in a form prescribed by the agency, that in-  
11 cludes—

12 “(1) a description of the programs and activi-  
13 ties conducted by the entity with funds received  
14 under subpart 1 during the 2 immediately preceding  
15 fiscal years, including how such programs and activi-  
16 ties supplemented programs funded primarily with  
17 State or local funds;

18 “(2) a description of the progress made by  
19 English learners in improving their English language  
20 proficiency, in meeting the State’s academic content  
21 and student academic achievement standards, and in  
22 graduating from high school ready for college and  
23 careers;

24 “(3) the number and percentage of English  
25 learners participating in the programs and activities  
26 supported by funds provided under this part, who by

1 the end of each school year, attain English language  
2 proficiency in each of the 4 domains of reading,  
3 writing, speaking, and listening, as determined by  
4 the State's English language proficiency assessment  
5 and the number who exit the language instruction  
6 educational programs based on their attainment of  
7 English language proficiency on such assessment;

8       “(4) a description of the progress made by  
9 former English learners in meeting the State's aca-  
10 demic content and student academic achievement  
11 standards and in graduating from high school and  
12 being college and career ready, for each of the 3  
13 years after such individuals are no longer receiving  
14 services under this part; and

15       “(5) the number and percentage of English  
16 learners who have not attained English language  
17 proficiency within 5 years of first enrollment in the  
18 local educational agency and initial classification as  
19 English learners.

20       “(b) USE OF EVALUATION.—An evaluation provided  
21 by an eligible entity under subsection (a) shall be used  
22 by the entity and the State educational agency—

23       “(1) to assess the progress of children in at-  
24 taining English language proficiency, including—

1           “(A) a child’s level of speaking, listening,  
2           reading, and writing skills in English; and

3           “(B) a child’s progress in attaining the  
4           State student academic achievement and college  
5           and career readiness standards;

6           “(2) to improve programs and activities, includ-  
7           ing by determining the effectiveness of programs  
8           and activities in increasing the English language  
9           proficiency of English learners and making deter-  
10          minations about whether or not to continue funding  
11          for specific programs or activities.”.

12 **SEC. 3010. REPORTING REQUIREMENTS.**

13          Section 3122 (as redesignated by section 3001(3))  
14 (20 U.S.C. 6843) is amended—

15           (1) by striking “children who are limited  
16           English proficient” each place the term appears and  
17           inserting “English learners”;

18           (2) by striking “limited English proficient chil-  
19           dren” each place the term appears and inserting  
20           “English learners”; and

21           (3) in subsection (b)(9), by striking “the eval-  
22           uations from specially qualified agencies and”.

23 **SEC. 3011. COORDINATION WITH RELATED PROGRAMS.**

24          Section 3123 (as redesignated by section 3001(3))  
25 (20 U.S.C. 6844) is amended—

1           (1) by striking “children of limited English pro-  
2           ficiency” and inserting “English learners”; and

3           (2) by striking “limited English proficient chil-  
4           dren” and inserting “English learners”.

5 **SEC. 3012. RULES OF CONSTRUCTION.**

6           Section 3124 (as redesignated by section 3001(3))  
7 (20 U.S.C. 6845) is amended—

8           (1) by striking “limited English proficient chil-  
9           dren” and inserting “English learners” each place  
10          the term appears;

11          (2) in paragraph (2), by striking “or”;

12          (3) in paragraph (3), by striking the period at  
13          the end and inserting “; or”; and

14          (4) by adding at the end the following:

15          “(4) to require an eligible entity to cease pro-  
16          viding services under this title to any student who  
17          may have been assessed at or above the proficiency  
18          level on the annual assessment of English language  
19          proficiency under section 1111(a)(2)(D), but has not  
20          attained, or is not on track to attain, the proficiency  
21          level on the regular State academic content assess-  
22          ment under section 1111(a)(2)(A), including such  
23          assessment in English or language arts.”.

1 **SEC. 3013. PROHIBITION.**

2 Section 3128 (as redesignated by section 3001(3))  
3 (20 U.S.C. 6849) is amended by striking “limited English  
4 proficient children” and inserting “English learners”.

5 **SEC. 3014. NATIONAL ACTIVITIES.**

6 Subpart 3 of part A of title III (20 U.S.C. 6861)  
7 is amended—

8 (1) by striking section 3131 and inserting the  
9 following:

10 **“SEC. 3131. PROFESSIONAL DEVELOPMENT GRANTS.**

11 “The Secretary shall use funds made available under  
12 section 3111(e)(1)(C) to award grants on a competitive  
13 basis, for a period of not more than 5 years, to institutions  
14 of higher education or nonprofit institutions with relevant  
15 experience or expertise and capacity (in consortia with  
16 State educational agencies or local educational agencies)  
17 to provide for professional development activities that will  
18 improve classroom instruction for English learners and as-  
19 sist educational personnel working with such children to  
20 meet high professional standards, including standards for  
21 certification and licensure as teachers who work in lan-  
22 guage instruction educational programs and academic con-  
23 tent instruction programs or serve English learners.  
24 Grants awarded under this section may be used to—

25 “(1) support partnerships between State or  
26 local educational agencies and institutions of higher

1 education to support the work of individuals who are  
2 completing baccalaureate and masters programs  
3 (such as programs in the areas of teacher training,  
4 program administration, policy, research, evaluation,  
5 assessment, and curriculum development) and to im-  
6 prove educational services and programs for English  
7 learners, provided that recipients of fellowships or  
8 assistance are required, on completion of their stud-  
9 ies, to—

10 “(A) assist in the education of English  
11 learners through work in a school, local edu-  
12 cational agency, or other educational agency or  
13 organization for a period of time equivalent to  
14 the period of time during which an individual  
15 receives assistance under this section; or

16 “(B) repay all or a prorated part of their  
17 assistance under this section;

18 “(2) support research on promising instruc-  
19 tional strategies or programs that have practical ap-  
20 plications for teachers, counselors, parents and fam-  
21 ily members, school leaders, and others responsible  
22 for educating or improving the education of English  
23 learners and their families;

24 “(3) support strategies that promote school  
25 readiness for English learners and their transition

1 from early childhood programs, such as Head Start  
2 or State-run preschool programs, to elementary  
3 school programs;

4 “(4) support strategies that promote high  
5 school graduation for English learners;

6 “(5) support strategies that strengthen and in-  
7 crease family and community member engagement  
8 in education;

9 “(6) support the development of curricula that  
10 are appropriate to the needs of the participating  
11 consortium; and

12 “(7) support the dissemination of information  
13 gathered in accordance with paragraphs (1) through  
14 (5), particularly evidence-based best practices and  
15 the provision of technical assistance.”; and

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

17 **“SEC. 3132. COMMISSION ON ASSESSMENT OF ENGLISH**  
18 **LEARNERS.**

19 “(a) COMMISSION ON ASSESSMENT OF ENGLISH  
20 LEARNERS.—

21 “(1) IN GENERAL.—The Secretary shall estab-  
22 lish an independent commission on the assessment  
23 and advancement of English learners (referred to in  
24 this section as the ‘commission’) to carry out the ac-  
25 tivities described in subsection (c).

1           “(2) DATE OF APPOINTMENT.—The members  
2 of the commission shall be appointed not later than  
3 6 months after the date of enactment of the Elemen-  
4 tary and Secondary Education Reauthorization Act  
5 of 2011.

6           “(b) COMPOSITION.—

7           “(1) IN GENERAL.—The commission shall be  
8 comprised of individuals with experience and exper-  
9 tise in the educational advancement and develop-  
10 ment of English learners, including individuals with  
11 expertise in—

12                   “(A) the art of teaching English to speak-  
13 ers of other languages;

14                   “(B) measurement and educational assess-  
15 ment systems; and

16                   “(C) educational assessment and account-  
17 ability practices.

18           “(2) EXPERTISE OF MEMBERS.—The Secretary  
19 shall ensure that the individuals selected in accord-  
20 ance with paragraph (1) are experts who are com-  
21 petent, by virtue of their training, expertise, or expe-  
22 rience, to evaluate instruction, assessments, and  
23 models for English learners.



1           “(c) DUTIES OF THE COMMISSION.—The commission  
2 shall provide the Secretary with advice and recommenda-  
3 tions about the following issues:

4           “(1) The development and approval of stand-  
5 ards pertaining to English learners, in order to as-  
6 sist the Secretary in the review and approval of  
7 statewide accountability systems that are required  
8 under section 1111(a)(3).

9           “(2) The provision of regulations and guidance  
10 pertaining to the inclusion of English learners in as-  
11 sessment and accountability systems, including rec-  
12 ommendations about appropriate accommodations  
13 and appropriate weights for assessments involving  
14 English learners.

15           “(3) Ensuring that State English language pro-  
16 ficiency standards under section 1111(a)(1)(E) are  
17 properly aligned with college and career ready aca-  
18 demic content standards under section 1111(a)(1).

19           “(4) The formation of peer review panels, under  
20 section 1111(b)(4), with regard to—

21           “(A) the inclusion on the panels of experts  
22 about English learners; and

23           “(B) processes to ensure that the work of  
24 the peer review panel is consistent with the

1 standards and guidance developed by the com-  
2 mission.

3 “(5) Identifying ways to support local capacity-  
4 building efforts to assist local educational agencies  
5 and schools in properly supporting English learners.

6 “(6) Ensuring that the research, development,  
7 and dissemination activities of the Department ad-  
8 dress identified gaps in knowledge for effectively in-  
9 cluding English learners in assessment and account-  
10 ability practices.

11 “(7) Ways to address the needs of English  
12 learners in all program planning at the Department,  
13 including inter- and intra-agency coordination.

14 “(d) INDEPENDENTLY COMMISSIONED RESEARCH.—  
15 The commission may independently commission research  
16 that is directly relevant to the implementation of account-  
17 ability provisions under this Act for English learners.

18 “(e) ANNUAL REPORT.—The commission shall, be-  
19 ginning not later than 1 year after the date on which all  
20 members of the commission have been appointed, submit  
21 an annual report to the Secretary and the authorizing  
22 committees of Congress containing the findings and rec-  
23 ommendations described in subsection (c).”.

1 **SEC. 3015. DEFINITIONS.**

2 Section 3201 (as redesignated by section 3001(6))  
3 (20 U.S.C. 7011) is amended—

4 (1) by striking paragraph (13);

5 (2) redesignating paragraphs (5) through (12)  
6 as paragraphs (6) through (13), respectively;

7 (3) by inserting after paragraph (4) the fol-  
8 lowing:

9 “(5) ELIGIBLE ENTITY.—The term ‘eligible en-  
10 tity’ means—

11 “(A) 1 or more local educational agencies;

12 or

13 “(B) 1 or more local educational agencies,  
14 in collaboration with an institution of higher  
15 education, community-based organization, or  
16 State educational agency.”.

17 (4) in paragraph (6), as redesignated by para-  
18 graph (2)—

19 (A) in subparagraph (A)—

20 (i) in clause (i), by striking “limited  
21 English proficient adults” and inserting  
22 “English learner adults”; and

23 (ii) in clause (ii), by striking the semi-  
24 colon and inserting “; and”;

25 (B) by striking subparagraph (B); and

1 (C) by redesignating subparagraph (C) as  
2 subparagraph (B);

3 (5) in paragraph (9)(A), as redesignated by  
4 paragraph (2), by striking “a limited English pro-  
5 ficient child” and inserting “an English learner”;  
6 and

7 (6) in paragraph (12), as redesignated by para-  
8 graph (2), by striking “an individual of limited  
9 English proficiency,” and inserting “an English  
10 learner,”.

11 **SEC. 3016. PARENTAL NOTIFICATION.**

12 Section 3202 (as redesignated by section 3001(6))  
13 (20 U.S.C. 7012) is amended to read as follows:

14 **“SEC. 3202. PARENTAL NOTIFICATION.**

15 “(a) IN GENERAL.—Each eligible entity receiving  
16 funds under this title to provide a language instruction  
17 educational program and academic content instruction  
18 program shall, not later than 30 days after the beginning  
19 of the school year, inform a parent or the parents of an  
20 English learner identified for participation in, or partici-  
21 pating in, such program of—

22 “(1) the reasons for the identification of their  
23 child as an English learner and in need of placement  
24 in a language instruction educational program and  
25 academic content instruction program;

1           “(2) the child’s level of English language pro-  
2           ficiency, how that level was assessed, and the status  
3           of the child’s academic achievement;

4           “(3) the method of instruction used in the pro-  
5           gram in which their child is, or will be, participating,  
6           and the methods of instruction used in other avail-  
7           able programs, including how such programs differ  
8           in content, instructional goals, and use of English  
9           and a native language in instruction;

10          “(4) how the program in which their child is,  
11          or will be participating, will appropriately respond to  
12          the educational strengths and needs of the child;

13          “(5) how the program will specifically help their  
14          child learn English and reflect age appropriate aca-  
15          demic achievement standards for grade promotion  
16          and graduation;

17          “(6) the specific exit requirements for the pro-  
18          gram, the expected rate of transition from the pro-  
19          gram into classrooms that are not tailored for  
20          English learners, and the expected rate of gradua-  
21          tion from secondary school for English learners in  
22          the program if the child is in secondary school;

23          “(7) in the case of a child with a disability, how  
24          the program meets the objectives of the child’s indi-  
25          vidualized education program; and

1           “(8) information pertaining to parental rights  
2           that includes written guidance—

3           “(A) detailing—

4                   “(i) the parent’s right to have the  
5                   parent’s child immediately removed from  
6                   the program upon the parent’s request;  
7                   and

8                   “(ii) the options that parents have to  
9                   decline to enroll their child in such pro-  
10                  gram or to choose another program or  
11                  method of instruction, if available; and

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

16           “(b) RECEIPT OF INFORMATION.—The information  
17           described in subsection (a) shall be provided in an under-  
18           standable and uniform format and, to the extent prac-  
19           ticable, in a language that the parent can understand.

20           “(c) SPECIAL RULE APPLICABLE DURING SCHOOL  
21           YEAR.—For a child who has not been identified for par-  
22           ticipation in a language instruction educational program  
23           and academic content instruction program prior to the be-  
24           ginning of the school year, the eligible entity shall carry  
25           out subsections (a) and (b) with respect to the parents

1 of the child within 2 weeks of the child being placed in  
2 such program.

3 “(d) PARENT AND FAMILY ENGAGEMENT.—

4 “(1) IN GENERAL.—Each eligible entity using  
5 funds provided under this title to provide a language  
6 instruction educational program and academic con-  
7 tent instruction program shall implement an effec-  
8 tive means of outreach to parents and family mem-  
9 bers of English learners to inform such parents and  
10 family members of how they can—

11 “(A) be involved in the education of their  
12 children; and

13 “(B) be active participants in assisting  
14 their children—

15 “(i) to learn English;

16 “(ii) to achieve at high levels in core  
17 academic subjects;

18 “(iii) to meet the same State aca-  
19 demic content and student academic  
20 achievement standards as all children are  
21 expected to meet to become on track to col-  
22 lege and career readiness; and

23 “(iv) to understand expectations for  
24 college readiness and career success.

1           “(2) RECEIPT OF RECOMMENDATIONS.—The  
2           outreach described in paragraph (1) shall include  
3           holding, and sending notice of opportunities for, reg-  
4           ular meetings for the purpose of formulating and re-  
5           sponding to recommendations from parents de-  
6           scribed in such paragraph.

7           “(e) BASIS FOR ADMISSION OR EXCLUSION.—A child  
8           shall not be admitted to, or excluded from, any federally  
9           assisted education program on the basis of a surname or  
10          language-minority status.”.

11   **SEC. 3017. REGULATIONS.**

12          Section 3204 (as redesignated by section 3001(6))  
13   (20 U.S.C. 7014) is amended—

14           (1) by striking “limited English proficient indi-  
15          viduals” and inserting “English learners”; and

16           (2) by striking “limited English proficient chil-  
17          dren” and inserting “English learners”.

18   **TITLE IV—SUPPORTING SUCCESSFUL, WELL-ROUNDED**  
19           **STUDENTS**

21   **SEC. 4101. REDESIGNATIONS.**

22          Title IV (20 U.S.C. 7101 et seq.) is amended—

23           (1) by striking the title heading and inserting  
24          the following: “**SUPPORTING SUCCESSFUL,**  
25          **WELL-ROUNDED STUDENTS**”;



1           (2) by redesignating subpart 3 of part A as  
2           subpart 1 of part G of title IX, as added by section  
3           9104(a) of this Act;

4           (3) by redesignating section 4141 as section  
5           9701;

6           (4) by redesignating part C as subpart 2 of  
7           part G of title IX, as added by section 9104(a) of  
8           this Act; and

9           (5) by redesignating sections 4301, 4302, 4303,  
10          and 4304, as sections 9721, 9722, 9723, and 9724,  
11          respectively.

12 **SEC. 4102. IMPROVING LITERACY INSTRUCTION AND STU-**  
13 **DENT ACHIEVEMENT.**

14          Part A of title IV (20 U.S.C. 7101 et seq.) is amend-  
15          ed to read as follows:

16 **“PART A—IMPROVING LITERACY INSTRUCTION**  
17 **AND STUDENT ACHIEVEMENT**

18 **“SEC. 4101. SHORT TITLE.**

19          “This part may be cited as the ‘Improving Literacy  
20          Instruction and Student Achievement Act’.

21 **“SEC. 4102. PURPOSES.**

22          “The purposes of this part are—

23                 “(1) to improve student academic achievement  
24                 in reading and writing by providing Federal support  
25                 to State educational agencies to develop, coordinate,

1       and implement comprehensive literacy plans that en-  
2       sure high-quality instruction and effective strategies  
3       in reading and writing from early education through  
4       grade 12; and

5           “(2) to assist State educational agencies in  
6       achieving the purpose described in paragraph (1)  
7       by—

8           “(A) supporting the development and im-  
9       plementation of comprehensive early learning  
10       through grade 12 literacy programs in every  
11       State that are based on scientifically valid re-  
12       search, to ensure that every child can read and  
13       write at grade level or above;

14           “(B) providing children with learning op-  
15       portunities in high-quality, language rich, lit-  
16       erature rich, informational text rich, culturally  
17       relevant, and developmentally appropriate envi-  
18       ronments so that the children develop the fun-  
19       damental knowledge and skills necessary for lit-  
20       eracy engagement, development, and achieve-  
21       ment in kindergarten through grade 12;

22           “(C) educating parents in the ways the  
23       parents can support their child’s communication  
24       and literacy development;

1           “(D) supporting efforts to link and align  
2 standards and research-based instruction and  
3 teaching practices in early learning programs;

4           “(E) supporting high-quality and effective  
5 strategies for children to develop oral language,  
6 reading, and writing abilities through high-quality  
7 research-based instruction and teaching  
8 practices;

9           “(F) improving academic achievement by  
10 establishing adolescent literacy initiatives that  
11 provide explicit and systematic instruction in  
12 oral language, reading, and writing development  
13 across the curriculum;

14           “(G) identifying and supporting children  
15 reading and writing significantly below grade  
16 level by providing research-based, intensive  
17 interventions, including interventions conducted  
18 during extended learning time, to help the children  
19 acquire the language and literacy skills the  
20 children need to stay on track for graduation;

21           “(H) providing assistance to local educational  
22 agencies in order to provide educators  
23 with ongoing, job embedded professional development,  
24 and other support, that focuses on—

25           “(i) effective literacy instruction; and

1                   “(ii) the special knowledge and skills  
2                   necessary to teach and support literacy de-  
3                   velopment effectively across the develop-  
4                   mental and age span;

5                   “(I) supporting State educational agencies  
6                   and local educational agencies in improving  
7                   reading, writing, and literacy-based academic  
8                   achievement for children, especially children  
9                   who are low-income individuals, are English  
10                  learners, are migratory, are children with dis-  
11                  abilities, are Indian or Alaskan Native, are ne-  
12                  glected or delinquent, are homeless, are in the  
13                  custody of the child welfare system, or have  
14                  dropped out of school;

15                  “(J) supporting State educational agencies  
16                  and local educational agencies in using age ap-  
17                  propriate and developmentally and linguistically  
18                  appropriate instructional materials and strate-  
19                  gies that assist teachers as the teachers work  
20                  with children to develop reading and writing  
21                  competencies appropriate to the children’s  
22                  grade and skill levels;

23                  “(K) strengthening coordination among  
24                  schools, early literacy programs, family literacy  
25                  programs, juvenile justice programs, public li-

1           braries, and outside-of-school programs that  
2           provide children with strategies, curricula,  
3           interventions, and assessments designed to ad-  
4           vance early and continuing language and lit-  
5           eracy development in ways appropriate for each  
6           context;

7           “(L) supporting professional development  
8           for educators based on scientific approaches to  
9           adult learning; and

10           “(M) evaluating whether the professional  
11           development activities and approaches are effec-  
12           tive in building knowledge and skills of edu-  
13           cators and their use of appropriate and effective  
14           practices.

15 **“SEC. 4103. DEFINITIONS.**

16           “In this part:

17           “(1) CHILD.—The term ‘child’ means an indi-  
18           vidual from the age of birth through the final year  
19           for which the State provides free public education.

20           “(2) CLASSROOM-BASED INSTRUCTIONAL AS-  
21           SESSMENT.—The term ‘classroom-based instruc-  
22           tional assessment’ means an assessment for children  
23           from birth through grade 3 that—

24           “(A) is valid and reliable for the age and  
25           population of children served in the program;

1           “(B) is used to evaluate children’s develop-  
2           mental progress and learning and includes sys-  
3           tematic observations by teachers of children  
4           performing tasks, including academic and lit-  
5           eracy tasks, that are part of the children’s daily  
6           classroom experience; and

7           “(C) is used to improve classroom instruc-  
8           tion.

9           “(3) COMPREHENSIVE LITERACY INSTRU-  
10          TION.—The term ‘comprehensive literacy instruc-  
11          tion’ means instruction that—

12           “(A) incorporates effective literacy instruc-  
13          tion; and

14           “(B) is designed to support—

15           “(i) developmentally appropriate, con-  
16          textually explicit, systematic instruction,  
17          and frequent practice, in reading across  
18          content areas; and

19           “(ii) developmentally appropriate and  
20          contextually explicit instruction, and fre-  
21          quent practice, in writing across content  
22          areas.

23           “(4) DEVELOPMENTAL DELAY.—The term ‘de-  
24          velopmental delay’ has the meaning given the term

1 in section 632 of the Individuals with Disabilities  
2 Education Act (20 U.S.C. 1432).

3 “(5) EFFECTIVE LITERACY INSTRUCTION.—

4 “(A) IN GENERAL.—The term ‘effective lit-  
5 eracy instruction’ means literacy instruction  
6 that—

7 “(i) includes age-appropriate, explicit,  
8 systematic, and intentional instruction in  
9 phonological awareness, phonic decoding,  
10 vocabulary, language structure, reading  
11 fluency, and reading comprehension;

12 “(ii) includes age-appropriate, explicit  
13 instruction in writing, including opportuni-  
14 ties for children to write with clear pur-  
15 poses, with critical reasoning appropriate  
16 to the topic and purpose, and with specific  
17 instruction and feedback from instructional  
18 staff;

19 “(iii) makes available and uses di-  
20 verse, high-quality print materials that re-  
21 flect the reading and development levels,  
22 and interests, of children;

23 “(iv) uses differentiated instructional  
24 approaches, including individual and small  
25 group instruction and discussion;

1                   “(v) provides opportunities for chil-  
2                   dren to use language with peers and adults  
3                   in order to develop language skills, includ-  
4                   ing developing vocabulary;

5                   “(vi) includes frequent practice of  
6                   reading and writing strategies;

7                   “(vii) uses age-appropriate, valid, and  
8                   reliable screening assessments, diagnostic  
9                   assessments, formative assessments, and  
10                  summative assessments to identify a child’s  
11                  learning needs, to inform instruction, and  
12                  to monitor the child’s progress and the ef-  
13                  fects of instruction;

14                  “(viii) uses strategies to enhance chil-  
15                  dren’s motivation to read and write and  
16                  children’s engagement in self-directed  
17                  learning;

18                  “(ix) incorporates the principles of  
19                  universal design for learning;

20                  “(x) depends on teachers’ collabora-  
21                  tion in planning, instruction, and assessing  
22                  a child’s progress and on continuous pro-  
23                  fessional learning; and

24                  “(xi) links literacy instruction to the  
25                  State college and career ready academic



1 content standards under section  
2 1111(a)(1), including the ability to navi-  
3 gate, understand, and write about, complex  
4 print and digital subject matter.

5 “(B) BIRTH THROUGH KINDERGARTEN.—

6 When used with respect to instruction for chil-  
7 dren from birth to kindergarten entry, the term  
8 ‘effective literacy instruction’ also includes—

9 “(i) developing such children’s alpha-  
10 bet knowledge, reading aloud to children,  
11 discussing reading and writing with chil-  
12 dren, and modeling age and develop-  
13 mentally appropriate reading and writing  
14 strategies; and

15 “(ii) encouraging children’s early at-  
16 tempts at oral communication, reading,  
17 and writing.

18 “(C) KINDERGARTEN THROUGH GRADE

19 12.—When used with respect to the instruction  
20 of children in kindergarten through grade 12,  
21 the term ‘effective literacy instruction’ also in-  
22 cludes—

23 “(i) providing systematic and inten-  
24 sive interventions, which can be provided  
25 inside or outside the classroom as well as

1 before, during, or after regular school  
2 hours, to supplement regular instruction  
3 for children reading below grade level;

4 “(ii) providing reading and writing  
5 opportunities that build academic vocabu-  
6 lary and knowledge of different text struc-  
7 tures in core academic subjects;

8 “(iii) enabling children to write, com-  
9 municate, and create knowledge, in ways  
10 that fit purpose, audience, occasion, dis-  
11 cipline, and format, including practice in—

12 “(I) adhering to language con-  
13 ventions, including spelling, punctua-  
14 tion, and grammar;

15 “(II) planning and revising to  
16 improve clarity, coherence, logical de-  
17 velopment, and language usage; and

18 “(III) writing individually and  
19 collaboratively with feedback from in-  
20 structors and peers; and

21 “(iv) cultivating shared responsibility  
22 for children’s literacy learning by coordi-  
23 nating writing tasks, instructional prac-  
24 tices, and criteria for feedback across aca-  
25 demic content areas.



1 early learning programs, such as a  
2 Head Start program, a child care pro-  
3 gram, a State-funded prekindergarten  
4 program, a public library program, or  
5 a family literacy program, in partner-  
6 ship with 1 or more public or private  
7 nonprofit organizations or agencies  
8 that have a demonstrated record of ef-  
9 fectiveness—

10 “(aa) in improving the early  
11 literacy development of children  
12 from birth through kindergarten  
13 entry; and

14 “(bb) in providing profes-  
15 sional development aligned with  
16 the activities described in section  
17 4108(e)(1); or

18 “(ii) when used with respect to a  
19 subgrant under section 4109—

20 “(I) that is—

21 “(aa) a local educational  
22 agency;

23 “(bb) a consortium of local  
24 educational agencies; or

1                   “(cc) a local educational  
2 agency or consortium of local  
3 educational agencies acting in  
4 partnership with 1 or more public  
5 or private nonprofit organizations  
6 or agencies that have a dem-  
7 onstrated record of effectiveness  
8 in—

9                   “(AA) improving lit-  
10 eracy achievement of chil-  
11 dren consistent with the  
12 purposes of their participa-  
13 tion from kindergarten  
14 through grade 12; and

15                   “(BB) providing profes-  
16 sional development aligned  
17 with the activities described  
18 in subsection (b) and (c) of  
19 section 4109; and

20                   “(II)(aa) has the highest num-  
21 bers or proportion of children who are  
22 counted under section 1124(c), in  
23 comparison to other local educational  
24 agencies in the State;

1                   “(bb) is among or consists of the  
2                   local educational agencies in the State  
3                   with the highest numbers or percent-  
4                   ages of children reading or writing  
5                   below grade level, based on the most  
6                   currently available State academic as-  
7                   sessment data under section 1111(a);  
8                   or

9                   “(cc) has jurisdiction over a sig-  
10                  nificant number or percentage of  
11                  schools that are identified as persist-  
12                  ently low-achieving under section  
13                  1116(e)(2).

14                 “(7) EARLY LEARNING PROGRAM.—The term  
15                 ‘early learning program’ means a program serving  
16                 children between the ages of birth and kindergarten  
17                 entry.

18                 “(8) ENGLISH LANGUAGE ACQUISITION.—

19                 “(A) IN GENERAL.—The term ‘English  
20                 language acquisition’ means the process by  
21                 which a non-native English speaker acquires  
22                 proficiency in speaking, listening, reading, and  
23                 writing the English language.

24                 “(B) INCLUSIONS FOR ENGLISH LEARNERS  
25                 IN SCHOOL.—For an English learner in school,

1           such term includes not only the social language  
2           proficiency needed to participate in the school  
3           environment, but also the academic language  
4           proficiency needed to acquire literacy and aca-  
5           demic content and demonstrate the child’s  
6           learning.

7           “(9) FAMILY LITERACY SERVICES.—The term  
8           ‘family literacy services’ means literacy services pro-  
9           vided to participants on a voluntary basis that are  
10          of sufficient intensity and quality, that better enable  
11          parents to support their children’s learning needs,  
12          and that integrate—

13                 “(A) interactive literacy activities between  
14                 or among family members who are primary  
15                 caregivers and their children, including family  
16                 literacy education to improve literacy of par-  
17                 ents; and

18                 “(B) training for family members who are  
19                 primary caregivers regarding how to be the pri-  
20                 mary teacher for their children and full part-  
21                 ners in the education of their children.

22           “(10) FORMATIVE ASSESSMENT.—The term  
23          ‘formative assessment’ means an assessment that—

1           “(A) is teacher-generated or selected by  
2 teachers or instructional leaders for use during  
3 learning;

4           “(B) is embedded within the learning ac-  
5 tivity and linked directly to the intended out-  
6 comes of the current unit of instruction; and

7           “(C) provides feedback to help adjust on-  
8 going teaching and learning to improve chil-  
9 dren’s achievement of intended instructional  
10 outcomes.

11           “(11) HIGH-QUALITY PROFESSIONAL DEVELOP-  
12 MENT.—The term ‘high-quality professional develop-  
13 ment’ means professional development that—

14           “(A) is job-embedded, ongoing, and based  
15 on scientifically valid research;

16           “(B) is sustained, intensive, and class-  
17 room-focused, and is not limited in scope to a  
18 1-day or short-term workshop or conference;

19           “(C) is designed to increase the knowledge  
20 and expertise of teachers, early childhood edu-  
21 cators and administrators, principals, other in-  
22 structional leaders, and other program staff in  
23 applying—

24           “(i) effective literacy instruction; and



1                   “(ii) instructional strategies and prac-  
2                   tices that are appropriate to the age, devel-  
3                   opment, and needs of children and improve  
4                   learning, including strategies and practices  
5                   consistent with the principles of universal  
6                   design for learning;

7                   “(D) includes and supports teachers in ef-  
8                   fectively administering age and developmentally  
9                   appropriate assessments, and analyzing the re-  
10                  sults of these assessments for the purposes of  
11                  planning, monitoring, adapting, and improving  
12                  effective classroom instruction or teaching  
13                  strategies to improve child literacy;

14                  “(E) includes instructional strategies uti-  
15                  lizing one-to-one, small group, and classroom-  
16                  based instructional materials and approaches  
17                  based on scientifically valid research on literacy;

18                  “(F) provides ongoing instructional literacy  
19                  coaching—

20                         “(i) to ensure high-quality implemen-  
21                         tation of comprehensive literacy instruction  
22                         that is—

23                                 “(I) content centered;

24                                 “(II) integrated across the cur-  
25                                 riculum;

1 “(III) collaborative; and

2 “(IV) school, setting, and class-  
3 room embedded; and

4 “(ii) that uses student data to im-  
5 prove instruction;

6 “(G) includes and supports teachers in set-  
7 ting high reading and writing achievement goals  
8 for all children and provides the teachers with  
9 the instructional tools and skills to help chil-  
10 dren reach such goals;

11 “(H) for educators serving children in kin-  
12 dergarten through grade 12—

13 “(i) supports effective literacy instruc-  
14 tion through core academic subjects, and  
15 through career and technical education  
16 subjects where such career and technical  
17 education subjects provide for the integra-  
18 tion of core academic subjects; and

19 “(ii) includes explicit instruction in  
20 discipline-specific thinking and how to read  
21 and interpret discipline-specific text struc-  
22 tures and features;

23 “(I) is differentiated for educators working  
24 with children from birth through kindergarten  
25 entry, children in kindergarten through grade

1           3, and children in grades 4 through 12, and, as  
2           appropriate, based on the grade or needs of the  
3           children; and

4           “(J) supports family literacy experiences  
5           and practices, and educating parents, teachers,  
6           and other caregivers about literacy development  
7           and child literacy development.

8           “(12) LITERACY COACH.—The term ‘literacy  
9           coach’ means a professional—

10           “(A) who has—

11           “(i) previous teaching experience; and

12           “(ii)(I) a master’s degree with a con-  
13           centration in reading and writing edu-  
14           cation or demonstrated proficiency in  
15           teaching reading or writing in a core aca-  
16           demic subject consistent with effective lit-  
17           eracy instruction; or

18           “(II) in the case of a literacy coach  
19           for children from birth through kinder-  
20           garten entry, a concentration, credential,  
21           or significant experience in child develop-  
22           ment and early literacy development;

23           “(B) who supports teachers to—

1                   “(i) apply research on how children  
2                   become successful readers, writers, and  
3                   communicators;

4                   “(ii) apply multiple forms of assess-  
5                   ment to guide instructional decisionmaking  
6                   and use data to improve literacy instruc-  
7                   tion;

8                   “(iii) improve children’s writing and  
9                   reading in and across content areas such  
10                  as mathematics, science, social studies, and  
11                  language arts;

12                  “(iv) develop and implement differen-  
13                  tiated instruction and teaching approaches  
14                  to serve the needs of the full range of  
15                  learners, including English learners and  
16                  children with disabilities;

17                  “(v) apply principles of universal de-  
18                  sign for learning;

19                  “(vi) employ best practices in engag-  
20                  ing principals, early learning program edu-  
21                  cators and administrators, teachers, and  
22                  other relevant professionals to change  
23                  school cultures that encourage and support  
24                  literacy development and achievement; and

1                   “(vii) set for children birth to kinder-  
2                   garten developmentally appropriate expect-  
3                   tations for language and literacy develop-  
4                   ment, and high reading and writing  
5                   achievement goals for all children and se-  
6                   lect, acquire, and use instructional tools  
7                   and skills to help children reach such  
8                   goals; and

9                   “(C) whose role with teachers and profes-  
10                  sionals supporting literacy instruction is—

11                   “(i) to provide high-quality profes-  
12                   sional development, consistent with the  
13                   definition of comprehensive literacy in-  
14                   struction;

15                   “(ii) to work cooperatively and col-  
16                   laboratively with principals, teachers, and  
17                   other professionals in employing strategies  
18                   to help teachers identify and support child  
19                   literacy and language development needs  
20                   and teach literacy across the content areas  
21                   and developmental domains; and

22                   “(iii) to work cooperatively and col-  
23                   laboratively with other professionals in em-  
24                   ploying strategies to help teachers teach  
25                   literacy across the content areas so that

1           the teachers can meet the needs of all chil-  
2           dren, including children with disabilities,  
3           English learners, and children who are  
4           reading at or above grade level.

5           “(13) LOCAL EDUCATIONAL AGENCY.—The  
6           term ‘local educational agency’—

7           “(A) has the meaning given the term in  
8           section 9101; and

9           “(B) includes any public charter school  
10          that constitutes a local educational agency  
11          under State law.

12          “(14) READING.—The term ‘reading’ means a  
13          complex system of deriving meaning from print that  
14          is developmentally appropriate, that requires all of  
15          the following:

16                 “(A) The skills and knowledge to under-  
17                 stand how phonemes, or speech sounds, are  
18                 connected to print.

19                 “(B) The ability to read with comprehen-  
20                 sion.

21                 “(C) The ability to decode unfamiliar  
22                 words with fluency.

23                 “(D) The use of background knowledge  
24                 and vocabulary to make meaning from a text.

1           “(E) The development and use of appro-  
2           priate active strategies to interpret and con-  
3           struct meaning from print.

4           “(F) The development and maintenance of  
5           a motivation to read.

6           “(15) INSTRUCTIONAL LEADER.—The term ‘in-  
7           structional leader’ means an individual who—

8           “(A) is an employee or officer of a school;  
9           and

10          “(B) is responsible for—

11           “(i) the school’s performance; and

12           “(ii) the daily instructional and mana-  
13          gerial operations of the school.

14          “(16) SCIENTIFICALLY VALID RESEARCH.—The  
15          term ‘scientifically valid research’ has the meaning  
16          given the term in section 200 of the Higher Edu-  
17          cation Act of 1965 (20 U.S.C. 1021).

18          “(17) SCREENING ASSESSMENT.—The term  
19          ‘screening assessment’ means an assessment that  
20          is—

21           “(A) valid, reliable, and based on scientif-  
22          ically based reading research; and

23           “(B) a brief procedure designed as a first  
24          step in identifying children who may be at high  
25          risk for delayed development or academic fail-

1           ure and in need of further diagnosis of their  
2           need for special services or additional reading  
3           instruction.

4           “(18) STATE.—The term ‘State’ means each of  
5           the 50 States, the District of Columbia, and the  
6           Commonwealth of Puerto Rico.

7           “(19) STATE LITERACY LEADERSHIP TEAM.—

8           “(A) IN GENERAL.—The term ‘State lit-  
9           eracy leadership team’ means a team that—

10           “(i) is appointed and coordinated by  
11           the State educational agency;

12           “(ii) assumes the responsibility to  
13           guide the development and implementation  
14           of a statewide, comprehensive literacy plan;

15           “(iii) shall include, at a minimum—

16           “(I) a school principal with lit-  
17           eracy expertise;

18           “(II) a teacher with literacy ex-  
19           pertise;

20           “(III) a teacher or administrator  
21           with expertise in special education;

22           “(IV) a teacher or administrator  
23           with expertise in teaching the English  
24           language to English learners;



1                   “(V) a representative from the  
2                   State educational agency who oversees  
3                   literacy initiatives; and

4                   “(VI) a representative from high-  
5                   er education who is actively involved  
6                   in research, development, or teacher  
7                   preparation in comprehensive literacy  
8                   instruction and intervention based on  
9                   scientifically valid research;

10                  “(iv) may include—

11                   “(I) a literacy specialist serving  
12                   in a school district within the State;

13                   “(II) a literacy coach;

14                   “(III) a librarian;

15                   “(IV) a representative with fam-  
16                   ily literacy expertise;

17                   “(V) a representative from a  
18                   State child-serving agency with exper-  
19                   tise in comprehensive language and  
20                   literacy instruction and strategies;

21                   “(VI) a school counselor;

22                   “(VII) a teacher of a core aca-  
23                   demic subject;

24                   “(VIII) a special education ad-  
25                   ministrator;

1                   “(IX) a professor from a 4-year  
2                   institution of higher education;

3                   “(X) a parent;

4                   “(XI) a business leader;

5                   “(XII) the Governor or a dele-  
6                   gated representative of the Governor;

7                   “(XIII) a representative from the  
8                   State board of education;

9                   “(XIV) a representative from the  
10                  State legislature;

11                  “(XV) a representative of a non-  
12                  profit and community-based organiza-  
13                  tion providing comprehensive literacy  
14                  instruction and support; and

15                  “(XVI) a representative from a  
16                  school district superintendent’s office;  
17                  and

18                  “(v) shall include, among the individ-  
19                  uals selected to be members of the council  
20                  pursuant to clauses (iii) and (iv), not less  
21                  than 5 individuals who have literacy exper-  
22                  tise in 1 of each of the areas of—

23                  “(I) birth through kindergarten  
24                  entry, such as the State Head Start  
25                  collaboration director;

1                   “(II) kindergarten entry through  
2                   grade 3;

3                   “(III) grades 4 through 12;

4                   “(IV) English learners; and

5                   “(V) special education.

6                   “(B) INCLUSION OF A PREEXISTING PART-  
7                   NERSHIP.—If, before the date of enactment of  
8                   the Elementary and Secondary Education Re-  
9                   authorization Act of 2011, a State educational  
10                  agency established a consortium, partnership,  
11                  or any other similar body that was considered  
12                  a literacy partnership for purposes of subpart 1  
13                  or 2 of part B of title I (as such title was in  
14                  effect on such date) and that includes the indi-  
15                  viduals required under clauses (iii) and (v) of  
16                  subparagraph (A), such consortium, partner-  
17                  ship, or body may be considered a State literacy  
18                  leadership team for purposes of subparagraph  
19                  (A).

20                  “(20) SUMMATIVE ASSESSMENT.—The term  
21                  ‘summative assessment’ means an assessment that—

22                         “(A) is valid, reliable, and based on sci-  
23                         entifically valid research on literacy and English  
24                         language acquisition; and

1           “(B) for children from birth through kin-  
2           dergarten entry, measures how young children  
3           have progressed over time relative to develop-  
4           mental norms, and for children in kindergarten  
5           through grade 12, measures what children have  
6           learned over time, relative to academic content  
7           standards.

8           “(21) WRITING.—The term ‘writing’ means—

9           “(A) composing meaning in print or  
10          through other media, including technologies, to  
11          communicate and to create new knowledge in  
12          ways appropriate to the context of the writing  
13          and the literacy development stage of the writ-  
14          er;

15          “(B) composing ideas individually and col-  
16          laboratively in ways that are appropriate for a  
17          variety of purposes, audiences, and occasions;

18          “(C) choosing vocabulary, tone, genre, and  
19          conventions, such as spelling and punctuation,  
20          suitable to the purpose, audience, and occasion;  
21          and

22          “(D) revising compositions for clarity of  
23          ideas, coherence, logical development, and preci-  
24          sion of language use.

1 **“SEC. 4104. PROGRAM AUTHORIZED.**

2 “(a) RESERVATIONS AND AWARDS TO STATE EDU-  
3 CATIONAL AGENCIES.—

4 “(1) IN GENERAL.—From the amounts appro-  
5 priated to carry out this part for a fiscal year, the  
6 Secretary shall—

7 “(A) reserve not more than a total of 4  
8 percent of such amounts for dissemination of  
9 information and technical assistance under sec-  
10 tion 4110;

11 “(B) reserve not more than 5 percent of  
12 such amounts to award planning grants, on a  
13 competitive basis, to State educational agencies  
14 serving States, in accordance with section 4105;

15 “(C) in the case of a fiscal year for which  
16 the amounts to carry out this part are less than  
17 \$500,000,000, use the amount not reserved  
18 under subparagraphs (A) and (B) to make  
19 awards, on a competitive basis, to State edu-  
20 cational agencies serving States that have appli-  
21 cations approved under section 4106 to enable  
22 the State educational agencies to carry out the  
23 activities described in section 4106(a); and

24 “(D) in the case of a fiscal year for which  
25 the amounts appropriated to carry out this part  
26 are equal to or exceeding \$500,000,000—



1           “(2) SPECIAL RULES FOR YEARS WITH FUNDS  
2 EQUAL OR EXCEEDING \$500,000,000.—

3           “(A) PROPORTIONAL DIVISION.—In each  
4 fiscal year described in paragraph (1)(D), the  
5 amount reserved under paragraph (1)(D)(i)  
6 shall be divided between the uses described in  
7 subclauses (I) and (II) of such paragraph in the  
8 same proportion as the amount reserved under  
9 section 1121(a) is divided between the uses de-  
10 scribed in paragraphs (1) and (2) of such sec-  
11 tion for such fiscal year.

12           “(B) CONSULTATION.—A State edu-  
13 cational agency that receives an allotment  
14 under paragraph (1)(D)(ii) shall engage in  
15 timely and meaningful consultation with rep-  
16 resentatives of Indian tribes located in the  
17 State in order to improve the coordination and  
18 quality of activities designed to develop effective  
19 approaches to achieve the purposes of this part  
20 consistent with the cultural, language, and edu-  
21 cational needs of Indian children.

22           “(C) STATE ALLOTMENT FORMULA.—The  
23 Secretary shall allot the amount made available  
24 under paragraph (1)(D)(ii) for a fiscal year  
25 among the States in proportion to the number

1 of children, from birth through age 17, who re-  
2 side within the State and are from families with  
3 incomes below the poverty line for the most re-  
4 cent fiscal year for which satisfactory data are  
5 available, compared to the number of such chil-  
6 dren who reside in all States for that fiscal  
7 year.

8 “(3) MINIMUM AWARD AMOUNT.—No State  
9 educational agency receiving an award under this  
10 section for a fiscal year may receive less than one-  
11 fourth of 1 percent of the total amount appropriated  
12 to carry out this part for the fiscal year.

13 “(b) PEER REVIEW.—

14 “(1) IN GENERAL.—The Secretary shall con-  
15 vene a peer review panel to evaluate the application  
16 for each grant awarded to a State educational agen-  
17 cy to carry out section 4105 or 4106 using the eval-  
18 uation criteria described in paragraph (2).

19 “(2) DEVELOPMENT OF EVALUATION CRI-  
20 TERIA.—The Secretary shall report to the author-  
21 izing committees regarding the peer review process  
22 and evaluation criteria that shall be used to evaluate  
23 the grant applications to carry out sections 4105  
24 and 4106.

25 “(3) MEMBERSHIP.—



1           “(A) COMPOSITION.—A peer review panel  
2 convened under paragraph (1) shall be com-  
3 posed of not less than 9 members, of whom—

4           “(i) 3 shall be appointed by the Sec-  
5 retary;

6           “(ii) 3 shall be appointed by the Sec-  
7 retary from among individuals—

8           “(I) recommended by the Chair-  
9 man of the National Research Council  
10 of the National Academy of Sciences;  
11 and

12           “(II) with expertise in com-  
13 prehensive literacy instruction and  
14 strategies; and

15           “(iii) 3 shall be appointed by the Sec-  
16 retary from among individuals—

17           “(I) recommended by the Direc-  
18 tor of the National Institute of Child  
19 Health and Human Development; and

20           “(II) with expertise concerning  
21 literacy development in children from  
22 birth through grade 12.

23           “(B) COMPETENCY AND EXPERTISE; EX-  
24 PERTISE.—The peer review panel convened  
25 under paragraph (1) may include—

1 “(i) classroom teachers with expertise  
2 in literacy, and literacy coaches, includ-  
3 ing—

4 “(I) special education teachers;

5 “(II) teachers of children who are  
6 English learners; and

7 “(III) early childhood educators;

8 “(ii) experts who provide high-quality  
9 professional development to teachers and  
10 other instructional staff to support chil-  
11 dren’s literacy development;

12 “(iii) experts in the screening assess-  
13 ment, diagnostic assessment, and other as-  
14 sessment of children’s literacy develop-  
15 ment; and

16 “(iv) experts in comprehensive literacy  
17 instruction and strategies in reading and  
18 writing, language development, and  
19 English language acquisition, as appro-  
20 priate, including reading and writing in  
21 core academic subjects.

22 “(4) DISTRIBUTION OF RECOMMENDATIONS.—  
23 Not later than 120 days after a peer review panel  
24 submits to the Secretary the panel’s recommenda-  
25 tion regarding an application by a State educational

1       agency for a grant under section 4105 or 4106, the  
2       Secretary shall notify the State educational agency  
3       that the application has been approved or dis-  
4       approved and shall provide to such State educational  
5       agency a copy of the peer review panel's rec-  
6       ommendation.

7       “(c) CONFLICTS OF INTEREST.—

8               “(1) PEER REVIEW PANELS.—The Secretary  
9       shall ensure that each member of a peer review  
10      panel described in subsection (b) does not stand to  
11      benefit financially from a grant or subgrant awarded  
12      under this part.

13              “(2) STATE LITERACY LEADERSHIP TEAMS.—  
14      Each State educational agency that receives funding  
15      under this part shall ensure that each member of a  
16      State literacy leadership team participating in a pro-  
17      gram or activity assisted under this part does not  
18      stand to benefit financially from a grant or subgrant  
19      awarded under this part.

20              “(d) SUPPLEMENT NOT SUPPLANT.—Award funds  
21      provided under this part shall supplement, and not sup-  
22      plant, non-Federal funds that would, in the absence of  
23      such award funds, be made available for literacy instruc-  
24      tion and support of children participating in programs as-  
25      sisted under this part.

1           “(e) MAINTENANCE OF EFFORT.—Each State edu-  
2 cational agency that receives a grant or allotment under  
3 this section, and each eligible entity that receives a  
4 subgrant under section 4108 or 4109, shall maintain for  
5 the fiscal year for which the grant or subgrant is received  
6 and for each subsequent fiscal year the expenditures of  
7 the State educational agency or eligible entity, respec-  
8 tively, for literacy instruction at a level not less than the  
9 level of such expenditures maintained by the State edu-  
10 cational agency or eligible entity, respectively, for the fis-  
11 cal year preceding such fiscal year for which the grant  
12 or subgrant is received.

13 **“SEC. 4105. STATE PLANNING GRANTS.**

14           “(a) PLANNING GRANTS AUTHORIZED.—

15               “(1) IN GENERAL.—From amounts made avail-  
16 able under section 4104(a)(1)(B), the Secretary may  
17 award planning grants to State educational agencies  
18 to enable the State educational agencies to complete  
19 comprehensive planning to carry out activities that  
20 improve literacy for children from birth through  
21 grade 12.

22               “(2) GRANT PERIOD.—A planning grant award-  
23 ed under this section shall be for a period of not  
24 more than 1 year.

1           “(3) NONRENEWABILITY.—The Secretary shall  
2           not award a State educational agency more than 1  
3           planning grant under this section.

4           “(b) APPLICATION.—

5           “(1) IN GENERAL.—Each State educational  
6           agency desiring a planning grant under this section  
7           shall submit an application to the Secretary at such  
8           time, in such manner, and accompanied by such in-  
9           formation as the Secretary may require.

10           “(2) CONTENTS.—Each application submitted  
11           under this subsection shall, at a minimum, include  
12           a description of how the State educational agency  
13           will develop a plan for improving State efforts to de-  
14           velop, coordinate, implement, and assess comprehen-  
15           sive literacy activities that ensure high-quality in-  
16           struction and effective strategies in reading and  
17           writing for all children in early learning programs  
18           and kindergarten through grade 12 programs. Such  
19           plan shall—

20           “(A) describe the activities for which as-  
21           sistance under this section is sought, dem-  
22           onstrating a particular focus on children who  
23           are reading or writing below grade level and  
24           children whose early literacy skills are below the  
25           appropriate age or developmental level;

1           “(B) provide a budget for the use of the  
2           planning grant funds to complete the required  
3           activities described in subsection (c);

4           “(C) include an analysis of data on child  
5           literacy and language and student academic  
6           achievement in reading to identify and establish  
7           baseline and benchmark levels against which to  
8           monitor child progress and improvement in lit-  
9           eracy; and

10           “(D) provide an assurance that all State  
11           agencies responsible for administering early  
12           learning programs and services (including the  
13           State Head Start Collaboration Office and the  
14           State agency responsible for administering child  
15           care) and the State Advisory Council on Early  
16           Childhood Education and Care collaborated  
17           with the State educational agency to write the  
18           early learning portion of the grant application  
19           submitted under this subsection.

20           “(3) APPROVAL OF APPLICATIONS.—The Sec-  
21           retary shall evaluate applications under this sub-  
22           section based on the responsiveness of the applica-  
23           tions to the requirements under this subsection.

1           “(c) REQUIRED ACTIVITIES.—A State educational  
2 agency receiving planning grant funds under this section  
3 shall carry out each of the following activities:

4           “(1) Reviewing reading, writing, or other lit-  
5 eracy resources and programs, such as school library  
6 programs, and data across the State to identify any  
7 literacy needs and gaps in the State.

8           “(2) Forming or designating a State literacy  
9 leadership team which shall execute the following  
10 functions:

11           “(A) Creating a comprehensive State lit-  
12 eracy plan that—

13           “(i) is designed to improve language  
14 development, reading, writing, and aca-  
15 demic achievement for children, especially  
16 children reading below grade level and chil-  
17 dren whose literacy skills are below the ap-  
18 propriate age or developmental level;

19           “(ii) includes—

20           “(I) a needs assessment and an  
21 implementation plan, including an  
22 analysis of data on child literacy and  
23 student academic achievement in  
24 reading to identify baseline and  
25 benchmark levels of literacy and early

1 literacy skills in order to monitor  
2 progress and improvement; and

3 “(II) a plan to improve reading  
4 achievement among all children;

5 “(iii) ensures high-quality instruction,  
6 consistent with the characteristics of effec-  
7 tive literacy instruction and strategies, in  
8 early learning programs and kindergarten  
9 through grade 12 programs; and

10 “(iv) provides for activities designed  
11 to improve literacy achievement for chil-  
12 dren who read or write below grade level,  
13 including such children who—

14 “(I) attend schools that are iden-  
15 tified under section 1116(c)(2); or

16 “(II) are counted under section  
17 1124(c);

18 “(B) Providing recommendations to guide  
19 the State educational agency in the State edu-  
20 cational agency’s process of strengthening State  
21 literacy standards and embedding State literacy  
22 standards with the State’s college and career  
23 ready academic content standards and college  
24 and career ready student academic achievement



1 standards, and early learning and development  
2 standards.

3 “(C) Providing recommendations to guide  
4 the State educational agency in the State edu-  
5 cational agency’s process of measuring, assess-  
6 ing, and monitoring progress in literacy at the  
7 school, local educational agency, and State lev-  
8 els.

9 “(D) Identifying criteria for high-quality  
10 professional development providers, which pro-  
11 viders may include qualified teachers within the  
12 State, for the State educational agency and  
13 local educational agencies.

14 “(E) Advising the State educational agen-  
15 cy on how to help ensure that local educational  
16 agencies and schools provide timely and appro-  
17 priate data to teachers to inform and improve  
18 instruction.

19 “(F) Providing recommendations to guide  
20 the State educational agency in the State edu-  
21 cational agency’s planning process of building  
22 educators’ capacity to provide high-quality com-  
23 prehensive literacy instruction.

24 **“SEC. 4106. STATE IMPLEMENTATION GRANTS.**

25 “(a) IMPLEMENTATION GRANTS AUTHORIZED.—

1           “(1) IN GENERAL.—From amounts made avail-  
2           able under subparagraphs (C) or (D)(ii) of section  
3           4104(a)(1) (as applicable), the Secretary shall award  
4           implementation grants to State educational agencies  
5           to enable the State educational agencies—

6                   “(A) to implement the comprehensive lit-  
7                   eracy plan that meets the criteria in section  
8                   4105(c)(2)(A) for early learning programs and  
9                   kindergarten through grade 12 programs;

10                   “(B) to carry out State activities under  
11                   section 4107; and

12                   “(C) to award subgrants under sections  
13                   4108 and 4109.

14           “(2) LIMITATION.—The Secretary shall not  
15           award an implementation grant under this section to  
16           a State for any year for which the State has received  
17           a planning grant under section 4105.

18           “(3) DURATION OF GRANTS.—An implementa-  
19           tion grant under this section shall be awarded for a  
20           period of not more than 5 years.

21           “(4) RENEWALS.—

22                   “(A) IN GENERAL.—The Secretary may  
23                   renew a grant under this section for a period of  
24                   not more than 2 years.

1           “(B) CONDITIONS.—In order to be eligible  
2           to have an implementation grant renewed under  
3           this paragraph, the State educational agency  
4           shall demonstrate to the satisfaction of the Sec-  
5           retary that, during the project period—

6                   “(i) with respect to children from  
7                   birth through kindergarten entry, the State  
8                   educational agency has collaborated with  
9                   the State agencies that oversee child care  
10                  and other early learning programs, and  
11                  has collaborated with the State Advisory  
12                  Council on Early Childhood Education and  
13                  Care, to comply with the terms of the  
14                  grant, including using the funds—

15                           “(I) to increase access to high-  
16                           quality professional development;

17                           “(II) for developmentally appro-  
18                           priate curricula and teaching mate-  
19                           rials; and

20                           “(III) for developmentally appro-  
21                           priate classroom-based instructional  
22                           assessments and developmentally ap-  
23                           propriate screening assessments and  
24                           diagnostic assessments; and

1                   “(ii) with respect to children in kin-  
2                   dergarten through grade 12, demonstrates  
3                   that there has been significant progress in  
4                   student academic achievement, as meas-  
5                   ured by appropriate assessments, including  
6                   the assessments included in the State ac-  
7                   countability system under section  
8                   1111(a)(3)(A).

9                   “(b) STATE APPLICATIONS.—

10                   “(1) IN GENERAL.—A State educational agency  
11                   that desires to receive an implementation grant  
12                   under this section shall submit an application to the  
13                   Secretary at such time, in such manner, and con-  
14                   taining such information as the Secretary may re-  
15                   quire. The State educational agency shall collaborate  
16                   with the State agency responsible for administering  
17                   early learning programs and the State agency re-  
18                   sponsible for administering child care programs in  
19                   the State in writing and implementing the early  
20                   learning portion of the grant application under this  
21                   subsection.

22                   “(2) CONTENTS.—An application described in  
23                   paragraph (1) shall include the following:

24                   “(A) A description of the members of the  
25                   State literacy leadership team and a description

1 of how the State educational agency has devel-  
2 oped a comprehensive State literacy plan, con-  
3 sistent with the requirements of section  
4 4105(c)(2)(A).

5 “(B) An implementation plan that includes  
6 a description of how the State educational agen-  
7 cy will—

8 “(i) carry out the State activities de-  
9 scribed in section 4107;

10 “(ii) assist eligible entities with—

11 “(I) providing strategic and in-  
12 tensive comprehensive literacy instruc-  
13 tion based on scientifically valid re-  
14 search for children who are reading  
15 and writing below grade level, includ-  
16 ing through—

17 “(aa) the use of multitiered  
18 systems of support; and

19 “(bb) addressing the literacy  
20 needs of children with disabilities  
21 or developmental delays and  
22 English learners in programs  
23 serving children from birth  
24 through grade 12;

1                   “(II) providing training to par-  
2                   ents, as appropriate, so that the par-  
3                   ents can participate in the literacy re-  
4                   lated activities described in sections  
5                   4108 and 4109 to assist in the lan-  
6                   guage and literacy development of  
7                   their children;

8                   “(III) selecting and using read-  
9                   ing and writing assessments;

10                  “(IV) providing classroom-based  
11                  instruction that is supported by one-  
12                  to-one and small group work;

13                  “(V) using curricular materials  
14                  and instructional tools, which may in-  
15                  clude technology, to improve instruc-  
16                  tion and literacy achievement;

17                  “(VI) providing for high-quality  
18                  professional development; and

19                  “(VII) using the principles of  
20                  universal design for learning;

21                  “(iii) ensure that local educational  
22                  agencies in the State have leveraged and  
23                  are effectively leveraging the resources  
24                  needed to implement effective comprehen-  
25                  sive literacy instruction, and have the ca-

1           capacity to implement literacy initiatives ef-  
2           fectively; and

3                   “(iv) continually coordinate and align  
4           the activities assisted under this part with  
5           reading, writing, and other literacy re-  
6           sources and programs across the State and  
7           locally that serve children and their fami-  
8           lies and promote comprehensive literacy in-  
9           struction and learning, including strength-  
10          ening partnerships among schools, librar-  
11          ies, local youth-serving agencies, and pro-  
12          grams, in order to improve literacy for all  
13          children.

14                   “(C) A description of the key data metrics,  
15          and the performance targets for such metrics,  
16          that will be used and reported annually under  
17          section 4111(b)(1), which shall include—

18                           “(i) the performance targets estab-  
19                           lished pursuant to section 1111(a)(3)(C),  
20                           for children in grades 3 through 12; and

21                           “(ii) the relevant program metrics and  
22                           performance targets that the State shall  
23                           use to monitor the implementation of its  
24                           plan under section 4111.







1                   who are reading and writing below  
2                   grade level according to State assess-  
3                   ments.

4           “(c) APPROVAL OF APPLICATIONS.—

5                   “(1) IN GENERAL.—The Secretary shall evalu-  
6                   ate State educational agency applications under sub-  
7                   section (b) based on the responsiveness of the appli-  
8                   cations to the application requirements under such  
9                   subsection.

10                   “(2) PEER REVIEW.—The Secretary shall con-  
11                   vene a peer review panel in accordance with section  
12                   4104(b) to evaluate applications for each implemen-  
13                   tation grant awarded to a State educational agency  
14                   under this section.

15                   “(3) EARLY LEARNING.—In order for a State  
16                   educational agency’s application under this section  
17                   to be approved by the Secretary, the application  
18                   shall contain an assurance that the State agencies  
19                   responsible for administering early learning pro-  
20                   grams and services, including the State agency re-  
21                   sponsible for administering child care programs, and  
22                   the State Advisory Council on Early Childhood Edu-  
23                   cation and Care, approve of and will be extensively  
24                   consulted in the implementation of activities con-

1           sistent with section 4108, with respect to the early  
2           learning portion of the application.

3   **“SEC. 4107. STATE ACTIVITIES.**

4           “(a) REQUIRED ACTIVITIES.—A State educational  
5   agency shall use the implementation grant funds described  
6   in section 4106(b)(2)(E)(iv) to carry out the activities pro-  
7   posed in a State’s implementation plan under section  
8   4106(b)(2)(B), including the following activities:

9           “(1) In consultation with the State literacy  
10   leadership team, providing technical assistance, or  
11   engaging qualified providers to provide technical as-  
12   sistance, to eligible entities to enable the eligible en-  
13   tities to design and implement literacy programs  
14   under section 4108 or 4109.

15           “(2) Consulting with the State literacy leader-  
16   ship team and coordinating with institutions of high-  
17   er education in the State—

18           “(A) in order to provide recommendations  
19   to strengthen and enhance preservice courses  
20   for children preparing, at institutions of higher  
21   education in the State, to teach children from  
22   birth through grade 12 in explicit, systematic,  
23   and intensive instruction in evidence-based lit-  
24   eracy methods; and

1           “(B) by following up on reviews completed  
2           by the State literacy leadership team with rec-  
3           ommendations to ensure that such institutions  
4           offer courses that meet the highest standards.

5           “(3) Reviewing and updating, in collaboration  
6           with teachers, statewide educational and professional  
7           organizations representing teachers, and statewide  
8           educational and professional organizations rep-  
9           resenting institutions of higher education, State li-  
10          censure or certification standards in the area of lit-  
11          eracy instruction in early education through grade  
12          12.

13          “(4) Making publicly available, including on the  
14          State educational agency’s website, information on  
15          promising instructional practices to improve child lit-  
16          eracy achievement.

17          “(b) PERMISSIVE ACTIVITIES.—After carrying out  
18          the activities described in subsection (a), a State edu-  
19          cational agency may use remaining implementation grant  
20          funds described in section 4106(b)(2)(E)(iv) to carry out  
21          1 or more of the following activities:

22                 “(1) Training the personnel of eligible entities  
23                 to use data systems to improve child literacy learn-  
24                 ing.

1           “(2) Developing literacy coach training pro-  
2           grams and training literacy coaches.

3           “(3) Building public support among local edu-  
4           cational agency personnel, early learning programs,  
5           and the community for comprehensive literacy in-  
6           struction for children from birth through grade 12.

7 **“SEC. 4108. SUBGRANTS TO ELIGIBLE ENTITIES IN SUP-**  
8           **PORT OF BIRTH THROUGH KINDERGARTEN**  
9           **ENTRY LITERACY.**

10          “(a) SUBGRANTS.—

11           “(1) IN GENERAL.—A State educational agen-  
12           cy, in consultation with the State agencies respon-  
13           sible for administering early learning programs and  
14           services, including the State agency responsible for  
15           administering child care programs, and the State  
16           Advisory Council on Early Childhood Education and  
17           Care, shall use a portion of implementation grant  
18           funds provided under subparagraph (C) or (D)(ii) of  
19           section 4104(a)(1) to award subgrants, on a com-  
20           petitive basis, to eligible entities to enable the eligi-  
21           ble entities to support high-quality early literacy ini-  
22           tiatives for children from birth through kindergarten  
23           entry.

1           “(2) DURATION.—The term of a subgrant  
2           under this section shall be determined by the State  
3           educational agency awarding the subgrant.

4           “(b) SUFFICIENT SIZE AND SCOPE.—Each subgrant  
5           awarded under this section shall be of sufficient size and  
6           scope to allow the eligible entity to carry out high-quality  
7           early literacy initiatives for children from birth through  
8           kindergarten entry.

9           “(c) LOCAL APPLICATIONS.—An eligible entity desir-  
10          ing to receive a subgrant under this section shall submit  
11          an application to the State educational agency, at such  
12          time, in such manner, and containing such information as  
13          the State educational agency may require. Such applica-  
14          tion shall include a description of—

15               “(1) how the subgrant funds will be used to en-  
16               hance the language and literacy development and  
17               school readiness of children, from birth through kin-  
18               dergarten entry, in early learning programs, which  
19               shall include an analysis of data that support the  
20               proposed use of subgrant funds;

21               “(2) the programs that the eligible entity pro-  
22               poses to assist under the subgrant, including demo-  
23               graphic and socioeconomic information on the chil-  
24               dren enrolled in the programs;

1           “(3) a budget for the eligible entity that  
2 projects the cost of developing and implementing lit-  
3 eracy initiatives to carry out the activities described  
4 in subsection (e);

5           “(4) how, if the eligible entity is requesting a  
6 planning period, which shall not exceed 1 year, the  
7 eligible entity will use that planning period to pre-  
8 pare for successful implementation of a plan to sup-  
9 port the development of learning and literacy con-  
10 sistent with the purposes of this part;

11           “(5) the literacy initiatives, if any, in place and  
12 how these initiatives will be coordinated and inte-  
13 grated with activities supported under this section;

14           “(6) how the subgrant funds will be used to  
15 prepare and provide ongoing assistance to staff in  
16 the programs, through high-quality professional de-  
17 velopment;

18           “(7) how the subgrant funds will be used to  
19 provide services, incorporate activities, and select  
20 and use literacy instructional materials that—

21           “(A) meet the diverse developmental and  
22 linguistic needs of children, including English  
23 learners and children with disabilities and de-  
24 velopmental delays; and

1           “(B) are based on scientifically valid re-  
2           search on child development and learning for  
3           children from birth through kindergarten entry;

4           “(8) how the subgrant funds will be used to  
5           provide screening assessments, diagnostic assess-  
6           ments, and classroom-based instructional assess-  
7           ments and assessments of developmental progress;

8           “(9) how families and caregivers will be in-  
9           volved, as appropriate, in supporting their child’s lit-  
10          eracy development, instruction, and assessment;

11          “(10) how the subgrant funds will be used to  
12          help children, particularly children experiencing dif-  
13          ficulty with spoken and written language, to make  
14          the transition from early childhood education pro-  
15          grams to formal classroom instruction;

16          “(11) how the activities assisted under the  
17          subgrant will be coordinated with comprehensive lit-  
18          eracy instruction at the kindergarten through grade  
19          12 levels;

20          “(12) how the subgrant funds will be used—

21                 “(A) to evaluate the success of the activi-  
22                 ties assisted under the subgrant in enhancing  
23                 the early language and literacy development of  
24                 children from birth through kindergarten entry;  
25                 and



1           “(B) to evaluate data for program im-  
2           provement; and

3           “(13) such other information as the State edu-  
4           cational agency may require.

5           “(d) APPROVAL OF LOCAL APPLICATIONS.—The  
6           State educational agency, in consultation with the State  
7           agencies responsible for administering early learning pro-  
8           grams, including the State agency responsible for admin-  
9           istering child care programs and the State Advisory Coun-  
10          cil on Early Childhood Education and Care, shall—

11           “(1) select applications for funding under this  
12          section based on the quality of the applications sub-  
13          mitted, including the relationship between literacy  
14          activities proposed and the research base or data  
15          supporting such investments, as appropriate, and the  
16          recommendations of—

17           “(A) the State literacy leadership team;  
18          and

19           “(B) other experts in the area of early lit-  
20          eracy; and

21           “(2) place priority for funding programs based  
22          on the criteria in section 4106(b)(2)(F).

23          “(e) LOCAL USES OF FUNDS.—

24           “(1) IN GENERAL.—An eligible entity that re-  
25          ceives a subgrant under this section shall use the

1       subgrant funds, consistent with the entity’s approved  
2       application under subsection (c), to—

3               “(A) enhance and improve early learning  
4               programs to ensure that children in such pro-  
5               grams are provided with high-quality oral lan-  
6               guage and literature- and print-rich environ-  
7               ments in which to develop early literacy skills;

8               “(B) carry out high-quality professional  
9               development opportunities for early childhood  
10              educators, teachers, and instructional leaders;

11              “(C) acquire, provide training for, and im-  
12              plement screening assessments, diagnostic as-  
13              sessments, and classroom-based instructional  
14              assessments;

15              “(D) select, develop, and implement a  
16              multitier system of support;

17              “(E) integrate research-based instructional  
18              materials, activities, tools, and measures into  
19              the programs offered by the eligible entity to  
20              improve development of early learning language  
21              and literacy skills;

22              “(F) train providers and personnel to sup-  
23              port, develop, and administer high-quality early  
24              learning literacy initiatives that—

25                      “(i) utilize data—

1                   “(I) to inform instructional de-  
2                   sign; and

3                   “(II) to assess literacy needs;  
4                   and

5                   “(ii) provide time and support for per-  
6                   sonnel to meet to plan comprehensive lit-  
7                   eracy instruction;

8                   “(G) provide family literacy services, as  
9                   appropriate, and educate parents, teachers, and  
10                  other caregivers about child literacy develop-  
11                  ment;

12                  “(H) annually collect, summarize, and re-  
13                  port to the State educational agency data—

14                   “(i) to document child progress in  
15                   early literacy and language skills develop-  
16                   ment as a result of activities carried out  
17                   under this section;

18                   “(ii) to stimulate and accelerate im-  
19                   provement by identifying the programs  
20                   served by the eligible entity that produce  
21                   significant gains in skills development; and

22                   “(iii) for all subgroups of children and  
23                   categories of children, including children in  
24                   the subgroups described in section  
25                   1111(a)(2)(B)(ix), in a manner that—

1                   “(I) utilizes a variety of meas-  
2                   ures of child literacy and language  
3                   skills development; and

4                   “(II) is consistent across the  
5                   State; and

6                   “(I) coordinate the involvement of families,  
7                   early learning program staff, principals, other  
8                   instructional leaders, and teachers in literacy  
9                   development of children served under this part.

10                  “(2) CURRICULA AND ASSESSMENT MATERIALS  
11                  LIMITATION.—Each eligible entity that receives a  
12                  subgrant under this section shall not use more than  
13                  20 percent of the subgrant funds in the first year  
14                  of subgrant funding, and not more than 10 percent  
15                  of the subgrant funds in each year thereafter, to  
16                  purchase curricula and assessment materials.

17                  “(f) PROHIBITION.—The use of assessment items  
18                  and data on any assessment authorized under this section  
19                  to provide rewards or sanctions for individual children,  
20                  early learning program providers, teachers, program direc-  
21                  tors, or principals is prohibited.

1 **“SEC. 4109. SUBGRANTS TO ELIGIBLE ENTITIES IN SUP-**  
2 **PORT OF KINDERGARTEN THROUGH GRADE**  
3 **12 LITERACY.**

4 “(a) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-  
5 CIES.—

6 “(1) SUBGRANTS.—A State educational agency  
7 shall use a portion of the implementation grant  
8 funds provided under subparagraph (C) or (D)(ii) of  
9 section 4104(a)(1) to award subgrants, on a com-  
10 petitive basis, to eligible entities to enable the eligi-  
11 ble entities to carry out the authorized activities de-  
12 scribed in subsections (b) and (c).

13 “(2) SUFFICIENT SIZE AND SCOPE.—A State  
14 educational agency shall award subgrants under this  
15 section of sufficient size and scope to allow the eligi-  
16 ble entities to carry out high-quality literacy initia-  
17 tives in each grade level for which the subgrant  
18 funds are provided.

19 “(3) LOCAL APPLICATIONS.—An eligible entity  
20 desiring to receive a subgrant under this section  
21 shall submit an application to the State educational  
22 agency at such time, in such manner, and containing  
23 such information as the State educational agency  
24 may require. Such application shall include, for each  
25 school that the eligible entity identifies as partici-

1       pating in a subgrant program under this section, the  
2       following information:

3               “(A) A description of the eligible entity’s  
4               capacity survey conducted to identify how  
5               subgrant funds will be used to inform and im-  
6               prove comprehensive literacy instruction at the  
7               school.

8               “(B) How the school, local educational  
9               agency, or a provider of high-quality profes-  
10              sional development will provide ongoing high-  
11              quality professional development to all teachers,  
12              including early childhood educators, principals,  
13              and other instructional leaders served by the  
14              school, including early learning program admin-  
15              istrators.

16              “(C) How the school will identify children  
17              in need of literacy interventions or other sup-  
18              port services and provide appropriate scientif-  
19              ically valid instructional interventions or other  
20              support services which may include extended  
21              learning time for struggling children.

22              “(D) A budget for the school that projects  
23              the cost of developing and implementing literacy  
24              initiatives to carry out the activities described  
25              in subsections (b) and (c) as applicable.

1           “(E) An explanation of how the school will  
2 integrate comprehensive literacy instruction into  
3 core academic subjects.

4           “(F) A description of how the school will  
5 coordinate comprehensive literacy instruction  
6 with early learning and after-school programs  
7 and activities in the area served by the local  
8 educational agency, such as school library pro-  
9 grams.

10           “(G) A description of the assessments that  
11 will be used in an assessment system to improve  
12 comprehensive literacy instruction and track  
13 child literacy progress.

14           “(H) A description of how families and  
15 caregivers will be involved in supporting their  
16 children’s literacy instruction and assessment.

17           “(I) A description of how, if an eligible en-  
18 tity is requesting a planning period, the eligible  
19 entity will use that planning period to prepare  
20 for successful implementation of a plan to sup-  
21 port the development of learning and literacy  
22 consistent with the purposes of this part.

23           “(J) A description of the literacy initia-  
24 tives, if any, in place and how these initiatives

1 will be coordinated and integrated with activi-  
2 ties supported under this section.

3 “(K) An assurance that the eligible entity  
4 will, if requested, participate in the national  
5 evaluation described in section 4110.

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 literacy  
12 plan across content areas that—

13 “(A) serves the needs of all children, in-  
14 cluding children with disabilities and English  
15 learners, especially children who are reading or  
16 writing below grade level;

17 “(B) provides intensive, supplemental, ac-  
18 celerated, and explicit intervention and support  
19 in reading and writing for children whose lit-  
20 eracy skills are below grade level; and

21 “(C) supports activities that are provided  
22 primarily during the regular school day but  
23 which may be augmented by after-school and  
24 out-of-school time instruction.



1           “(2) Acquiring, providing training for, selecting,  
2           and administering assessments, and managing, mon-  
3           itoring, and planning instruction based on the as-  
4           sessment data.

5           “(3) Providing high-quality professional devel-  
6           opment opportunities for teachers, literacy coaches,  
7           literacy specialists, English as a second language  
8           specialists (as appropriate), principals, and other  
9           program staff.

10          “(4) Training principals, pupil services per-  
11          sonnel, and other school district personnel to sup-  
12          port, develop, administer, and evaluate high-quality  
13          kindergarten through grade 5 literacy initiatives  
14          that—

15                 “(A) utilize data—

16                         “(i) to inform instructional decisions;  
17                         and

18                         “(ii) to assess professional develop-  
19                         ment needs; and

20                 “(B) provide time and support for teachers  
21                 to meet to plan comprehensive literacy instruc-  
22                 tion.

23          “(5) Coordinating the involvement of early  
24          learning program staff, principals, other instruc-  
25          tional leaders, teachers, teacher literacy teams,

1 English as a second language specialists (as appro-  
2 priate), special educators, and school librarians in  
3 the literacy development of children served under  
4 this part.

5 “(6) Engaging families and encouraging family  
6 literacy experiences and practices to support literacy  
7 development.

8 “(c) LOCAL USES OF FUNDS FOR GRADES 6  
9 THROUGH 12.—An eligible entity that receives a subgrant  
10 under this section shall use subgrant funds to carry out  
11 the following activities pertaining to children in grades 6  
12 through 12:

13 “(1) Developing and implementing a literacy  
14 plan described in subsection (b)(1) for children in  
15 grades 6 through 12.

16 “(2) Acquiring, providing training for, selecting,  
17 and administering assessments, and managing, mon-  
18 itoring, and planning instruction based on the as-  
19 sessment data.

20 “(3) Providing high-quality professional devel-  
21 opment opportunities for teachers, literacy coaches,  
22 literacy specialists, English as a second language  
23 specialists (as appropriate), principals, and other  
24 program staff.

1           “(4) Training principals, pupil service per-  
2           sonnel, and other instructional leaders to support,  
3           develop, administer, and evaluate high-quality ado-  
4           lescent literacy initiatives that—

5                   “(A) utilize data—

6                           “(i) to inform instructional decisions  
7                           and allow for personalization of instruction  
8                           based on a child’s need; and

9                           “(ii) to assess professional develop-  
10                          ment needs;

11                   “(B) assess the quality of adolescent com-  
12                   prehensive literacy instruction in core academic  
13                   subjects, and career and technical education  
14                   subjects where such career and technical edu-  
15                   cation subjects provide for the integration of  
16                   core academic subjects;

17                   “(C) provide time for teachers to meet to  
18                   plan research-based adolescent comprehensive  
19                   literacy instruction in core academic subjects,  
20                   and career and technical education subjects  
21                   where such career and technical education sub-  
22                   jects provide for the integration of core aca-  
23                   demic subjects; and

24                   “(D) include explicit instruction in dis-  
25                   cipline-specific thinking and how to read and

1 interpret discipline-specific text structures and  
2 features.

3 “(5) Annually collecting, summarizing, and re-  
4 porting to the State educational agency data—

5 “(A) to document and monitor for the pur-  
6 pose of improving practice, improvements or in-  
7 creases in children’s reading and writing pursu-  
8 ant to activities carried out under this section;

9 “(B) to stimulate and accelerate improve-  
10 ment by identifying the schools that produce  
11 significant gains in literacy achievement; and

12 “(C) for all children and categories of chil-  
13 dren, including the subgroups of children de-  
14 scribed in section 1111(a)(2)(B)(ix), in a man-  
15 ner that utilizes a variety of measures and that  
16 is consistent across the State.

17 “(6) Coordinating the involvement of principals,  
18 other instructional leaders, teachers, teacher literacy  
19 teams, English as a second language specialists (as  
20 appropriate), special educators, and school librarians  
21 in the literacy development of children served under  
22 this part.

23 “(7) Engaging families and encouraging family  
24 literacy experiences and practices to support literacy  
25 development.

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 subsections (b) and  
4 (c), use subgrant funds to carry out the following activities  
5 pertaining to children in kindergarten through grade 12:

6           “(1) Providing a planning period of not more  
7 than 1 year for eligible entities to establish the ele-  
8 ments necessary for successful implementation of a  
9 literacy program for kindergarten through grade 12.

10           “(2) Recruiting, placing, training, and compen-  
11 sating literacy coaches.

12           “(3) Connecting out-of-school learning opportu-  
13 nities to in-school learning in order to improve the  
14 literacy achievement of the children.

15           “(4) Training families and caregivers to sup-  
16 port the improvement of adolescent literacy.

17           “(5) Providing for a multitier system of sup-  
18 port.

19           “(6) Forming a school literacy leadership team  
20 to help implement, assess, and identify necessary  
21 changes to the literacy initiatives in 1 or more  
22 schools to ensure success.

23           “(7) Providing high-quality, literacy-rich envi-  
24 ronments that engage children with materials and

1 experiences at the children’s reading and writing lev-  
2 els.

3 “(8) Providing time for teachers (and other lit-  
4 eracy staff, as appropriate, such as school librarians)  
5 to meet to plan comprehensive literacy instruction.

6 “(e) LIMITATION OF USE TO CERTAIN SCHOOLS.—  
7 An eligible entity receiving a subgrant under this section  
8 shall, in distributing the subgrant funds, provide the  
9 subgrant funds only to schools, including public charter  
10 schools, that have the highest percentages or numbers of  
11 children counted under section 1124(c).

12 **“SEC. 4110. NATIONAL EVALUATION, INFORMATION DIS-**  
13 **SEMINATION, AND TECHNICAL ASSISTANCE.**

14 “(a) NATIONAL EVALUATION.—

15 “(1) IN GENERAL.—From funds reserved under  
16 section 4104(a)(1)(A), the Secretary shall enter into  
17 a contract with an organization independent of the  
18 Department for a 5-year national evaluation of the  
19 grant and subgrant programs assisted under this  
20 part. Such evaluation shall include scientifically valid  
21 research that applies rigorous and systematic proce-  
22 dures to obtain valid knowledge relevant to the im-  
23 plementation and effect of the programs.

1           “(2) CONTENTS OF EVALUATION.—The evalua-  
2           tion described in this subsection shall include an  
3           analysis of each of the following:

4                   “(A) The impact of the implementation of  
5           literacy initiatives and practices supported  
6           under this part on—

7                           “(i) increasing academic outcomes, in-  
8                           cluding child literacy development in read-  
9                           ing and writing, and speaking (as appro-  
10                          priate), grade promotion, and graduation  
11                          to the extent predictable;

12                          “(ii) promoting the appropriate early  
13                          literacy development of young children;  
14                          and

15                          “(iii) strengthening the literacy skills  
16                          of English learners and children with dis-  
17                          abilities.

18                          “(B) The fidelity of implementation of core  
19           program features, such as coherence of the pro-  
20           gram across grades, quality of technical assist-  
21           ance, State and local educational agency leader-  
22           ship, professional development for teachers and  
23           administrators, use of quality materials and  
24           pedagogy, and use of assessment.

1           “(C) The relationship between implementa-  
2           tion of core features and children’s academic  
3           outcomes.

4           “(D) Other inquiries as designated by the  
5           Secretary, such as—

6                   “(i) the core functions of literacy ini-  
7                   tiatives that have demonstrated the great-  
8                   est impact on child literacy achievement,  
9                   especially among children reading below  
10                  grade level;

11                   “(ii) effective strategies to integrate  
12                   State and local standards, curricula, as-  
13                   sessments, instruction, materials, and  
14                   interventions to improve literacy;

15                   “(iii) the types of literacy activities  
16                   and professional development that most ef-  
17                   fectively improve the early reading, writing,  
18                   and language skills of children from birth  
19                   through kindergarten entry;

20                   “(iv) the impact of adolescent literacy  
21                   initiatives on adolescent motivation, en-  
22                   gagement, and participation in adolescent  
23                   literacy activities;

24                   “(v) the relationship between chil-  
25                   dren’s literacy achievement and secondary



1 school success, including improving grad-  
2 uation rates; and

3 “(vi) effective strategies to integrate  
4 school and public library programs to im-  
5 prove literacy.

6 “(3) PROGRAM IMPROVEMENT.—The Secretary  
7 shall—

8 “(A) provide the findings of the evaluation  
9 conducted under this section to State edu-  
10 cational agencies and subgrant recipients for  
11 use in program improvement;

12 “(B) make such findings publicly available,  
13 including on the Department’s website; and

14 “(C) submit such findings to the author-  
15 izing committees.

16 “(b) INFORMATION DISSEMINATION AND TECHNICAL  
17 ASSISTANCE.—

18 “(1) IN GENERAL.—From amounts reserved  
19 under section 4104(a)(1)(A), the Secretary, in col-  
20 laboration with the regional educational laboratories  
21 established under section 174 of the Education  
22 Sciences Reform Act of 2002, the comprehensive  
23 centers established under section 203 of the Edu-  
24 cational Technical Assistance Act of 2002, and the

1 Director of the National Institute of Child Health  
2 and Human Development, shall—

3 “(A) distribute information on—

4 “(i) comprehensive literacy instruc-  
5 tion, including best practices and model  
6 programs identified in the evaluation;

7 “(ii) other inquiries designated by the  
8 Secretary under subsection (a)(2)(D); or

9 “(iii) other relevant Federal studies of  
10 literacy activities; and

11 “(B) provide technical assistance in order  
12 to assist States and local educational agencies  
13 in improving comprehensive literacy instruction  
14 and learning.

15 “(2) DISSEMINATION AND COORDINATION.—

16 The Secretary shall disseminate the information de-  
17 scribed in paragraph (1)(A) to—

18 “(A) recipients of Federal financial assist-  
19 ance under this part, the Head Start Act, the  
20 Individuals with Disabilities Education Act, and  
21 the Adult Education and Family Literacy Act;  
22 and

23 “(B) each Bureau-funded school (as de-  
24 fined in section 1141 of the Education Amend-  
25 ments of 1978 (25 U.S.C. 2021)).

1           “(3) USE OF NETWORKS.—In carrying out this  
2 subsection, the Secretary shall, to the extent prac-  
3 ticable, use information and dissemination networks  
4 developed and maintained through other public and  
5 private entities.

6 **“SEC. 4111. CONSEQUENCES OF INSUFFICIENT PROGRESS,**  
7 **REPORTING REQUIREMENTS, AND CON-**  
8 **FFLICTS OF INTEREST.**

9           “(a) CONSEQUENCES OF INSUFFICIENT  
10 PROGRESS.—

11           “(1) CONSEQUENCES FOR GRANT RECIPI-  
12 ENTS.—If the Secretary determines that a State  
13 educational agency receiving an award under sub-  
14 paragraph (C) or (D)(ii) of section 4104(a)(1), or an  
15 eligible entity receiving a subgrant under section  
16 4108 or 4109, is not making significant progress in  
17 meeting the purposes of this part and the key data  
18 metrics identified by the State educational agency in  
19 section 4106(b)(2)(C) after the submission of a re-  
20 port described in subsection (b), then the Secretary  
21 may withhold, in whole or in part, further payments  
22 under this part in accordance with section 455 of  
23 the General Education Provisions Act or take such  
24 other action authorized by law as the Secretary de-  
25 termines necessary, including providing technical as-

1           sistance upon request of the State educational agen-  
2           cy, or eligible entity, respectively.

3           “(2) CONSEQUENCES FOR SUBGRANT RECIPI-  
4           ENTS.—

5           “(A) IN GENERAL.—A State educational  
6           agency receiving an award under subparagraph  
7           (C) or (D)(ii) of section 4104(a)(1) may refuse  
8           to award subgrant funds to an eligible entity  
9           under section 8 or 9 if the State educational  
10          agency finds that the eligible entity is not mak-  
11          ing significant progress in meeting the purposes  
12          of this part, after—

13                 “(i) affording the eligible entity no-  
14                 tice, a period for correction, and an oppor-  
15                 tunity for a hearing; and

16                 “(ii) providing technical assistance to  
17                 the eligible entity.

18           “(B) FUNDS AVAILABLE.—Subgrant funds  
19           not awarded under subparagraph (A) shall be  
20           redirected to an eligible entity serving similar  
21           children in the same area or region as the eligi-  
22           ble entity not awarded the subgrant funds, to  
23           the greatest extent practicable.

24           “(b) REPORTING REQUIREMENTS.—

1           “(1) STATE EDUCATIONAL AGENCY ANNUAL  
2           REPORTS.—Each State educational agency receiving  
3           an award under subparagraph (C) or (D)(ii) of sec-  
4           tion 4104(a)(1) shall report annually to the Sec-  
5           retary regarding the State educational agency’s  
6           progress in addressing the purposes of this part.  
7           Such report shall include at a minimum data, for  
8           each subgrantee, and for the State, on the metrics  
9           identified under section 4106(b)(2)(C), such as—

10                   “(A) the number and percentage of chil-  
11                   dren reading and writing on grade level by the  
12                   end of grade 3;

13                   “(B) the percent of children served under  
14                   the award who receive special education and re-  
15                   lated services; and

16                   “(C) the degree of appropriate develop-  
17                   mental progress or literacy achievement growth  
18                   of children, disaggregated by the subgroups de-  
19                   scribed in section 1111(a)(2)(B)(ix).

20           “(2) PERIODIC REPORTS.—Each State edu-  
21           cational agency receiving an award under subpara-  
22           graph (C) or (D)(ii) of section 4104(a)(1) shall peri-  
23           odically report to the Secretary regarding the State  
24           educational agency’s progress in addressing the pur-  
25           poses of this part. Such reports shall be submitted

1 at such times, and in such manner, as the Secretary  
2 shall establish, and shall, over the term of the grant,  
3 include descriptions of—

4 “(A) the professional development activi-  
5 ties provided under the award, including types  
6 of activities and entities involved in providing  
7 professional development to classroom teachers  
8 and other program staff, such as school librar-  
9 ians;

10 “(B) instruction, strategies, activities, cur-  
11 ricula, materials, and assessments used in the  
12 programs funded under the award;

13 “(C) the types of programs funded under  
14 the award and demographic information, includ-  
15 ing ages, of the children served by the programs  
16 funded under the award, except that such infor-  
17 mation shall not be personally identifiable;

18 “(D) the experience and qualifications of  
19 the program staff who provide comprehensive  
20 literacy instruction under the programs funded  
21 under the award, including the experience and  
22 qualifications of those staff working with chil-  
23 dren with disabilities or developmental delay,  
24 with English learners, and with children from  
25 birth to kindergarten entry; and

1           “(E) student performance on relevant pro-  
2           gram metrics, as identified in the State edu-  
3           cational agency’s plan, such as—

4                   “(i) the number of children reading  
5                   and writing on grade level by the end of  
6                   the third grade;

7                   “(ii) the percent of students served  
8                   under this part receiving special education  
9                   services;

10                   “(iii) the instruction and activities de-  
11                   livered to at-risk students served under  
12                   this part; and

13                   “(iv) the professional development ac-  
14                   tivities provided to teachers participating  
15                   under this part.

16           “(3) ELIGIBLE ENTITY REPORTS.—Each eligi-  
17           ble entity receiving a subgrant under section 4108 or  
18           4109 shall periodically report to the State edu-  
19           cational agency regarding the eligible entity’s  
20           progress in addressing the purposes of this part.  
21           Such report shall be submitted at such times, and  
22           in such manner, as the State educational agency  
23           shall establish, consistent with the requirements of  
24           paragraphs (1) and (2) for reports submitted by the  
25           State educational agency to the Secretary, and shall,

1 over the term of the subgrant, include, consistent  
2 with such requirements for the State educational  
3 agency reports, descriptions of—

4 “(A) how the subgrant funds were used;  
5 and

6 “(B) the results of an external evaluation,  
7 if the Secretary determines such evaluation to  
8 be applicable.

9 **“SEC. 4112. RULES OF CONSTRUCTION.**

10 “(a) CHILD ELIGIBILITY.—Nothing in this part shall  
11 be construed to prohibit children eligible for assistance  
12 under title I or III or children eligible for assistance under  
13 the Individuals with Disabilities Education Act from re-  
14 ceiving literacy instruction and intervention under this  
15 part.

16 “(b) IDEA EVALUATION.—The screening assess-  
17 ments, diagnostic assessments, and formative assessments  
18 of reading and writing authorized under this part shall  
19 not be construed to constitute an evaluation required  
20 under the Individuals with Disabilities Education Act, ex-  
21 cept that assessments administered under this Act may  
22 be used in conjunction with other assessments as part of  
23 an evaluation under the Individuals with Disabilities Edu-  
24 cation Act, provided that all assessment requirements of  
25 such Act are met.”.



1 **SEC. 4103. IMPROVING SCIENCE, TECHNOLOGY, ENGINEER-**  
2 **ING, AND MATH INSTRUCTION AND STUDENT**  
3 **ACHIEVEMENT.**

4 (a) REDESIGNATION.—Title IV (20 U.S.C. 7101 et  
5 seq.) is amended—

6 (1) by redesignating part B as part D;

7 (2) by striking section 4206; and

8 (3) by redesignating sections 4201, 4202, 4203,  
9 4204, and 4205, as sections 4401, 4402, 4403,  
10 4404, and 4405, respectively.

11 (b) IMPROVING SCIENCE, TECHNOLOGY, ENGINEER-  
12 ING, AND MATH INSTRUCTION AND STUDENT ACHIEVE-  
13 MENT.—Title IV (20 U.S.C. 7101 et seq.) is amended by  
14 inserting after part A the following:

15 **“PART B—IMPROVING SCIENCE, TECHNOLOGY,**  
16 **ENGINEERING, AND MATHEMATICS IN-**  
17 **STRUCTION AND STUDENT ACHIEVEMENT**

18 **“SEC. 4201. PURPOSE.**

19 “The purpose of this part is to improve student aca-  
20 demic achievement in science, technology, engineering, and  
21 mathematics by—

22 “(1) improving instruction in such subjects  
23 through grade 12;

24 “(2) improving student engagement in, and in-  
25 creasing student access to, courses in such subjects;

1           “(3) improving the quality and effectiveness of  
2           classroom instruction by recruiting, training, and  
3           supporting highly rated teachers and providing ro-  
4           bust tools and supports for students and teachers in  
5           such subjects; and

6           “(4) closing student achievement gaps, and pre-  
7           paring more students to be college and career ready,  
8           in such subjects.

9   **“SEC. 4202. DEFINITIONS.**

10          “In this part:

11           “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
12           tity’ means—

13                   “(A) a State educational agency; or

14                   “(B) a State educational agency in part-  
15           nership with 1 or more other State educational  
16           agencies.

17           “(2) ELIGIBLE SUBGRANTEE.—The term ‘eligi-  
18           ble subgrantee’ means—

19                   “(A) a high-need local educational agency;

20                   “(B) an educational service agency serving  
21           more than 1 high-need local educational agency;

22           or

23                   “(C) a consortium of high-need local edu-  
24           cational agencies.

1           “(3) OUTSIDE PARTNER.—The term ‘outside  
2 partner’ means an entity that has expertise and a  
3 demonstrated record of success in improving student  
4 learning and engagement in the identified subjects  
5 described in section 4204(b)(2), including any of the  
6 following:

7           “(A) A nonprofit or community-based or-  
8 ganization, which may include a cultural organi-  
9 zation, such as a museum or learning center.

10           “(B) A business.

11           “(C) An institution of higher education.

12           “(D) An educational service agency.

13           “(4) STATE.—The term ‘State’ means—

14           “(A) any of the 50 States;

15           “(B) the District of Columbia;

16           “(C) the Bureau of Indian Education; or

17           “(D) the Commonwealth of Puerto Rico.

18 **“SEC. 4203. GRANTS; ALLOTMENTS.**

19           “(a) RESERVATIONS.—

20           “(1) IN GENERAL.—From the amounts appro-  
21 priated for this part for a fiscal year, the Secretary  
22 shall reserve—

23           “(A) 2 percent to carry out technical as-  
24 sistance to States; and

1           “(B) 5 percent for State capacity-building  
2 grants, if the Secretary is awarding such grants  
3 in accordance with paragraph (2).

4           “(2) CAPACITY-BUILDING GRANTS.—

5           “(A) IN GENERAL.—In any year for which  
6 funding is distributed competitively, as de-  
7 scribed in subsection (b)(1), the Secretary may  
8 award 1 capacity-building grant to each State  
9 that does not receive a grant under subsection  
10 (b), on a competitive basis, to enable such  
11 States to become more competitive in future  
12 years.

13           “(B) DURATION.—Grants awarded under  
14 subparagraph (A) shall be for a period of 1  
15 year.

16           “(b) COMPETITIVE GRANTS.—

17           “(1) IN GENERAL.—For each fiscal year for  
18 which the amount appropriated to carry out this  
19 part is less than \$500,000,000, the Secretary shall  
20 award grants, on a competitive basis, to eligible enti-  
21 ties to enable such eligible entities to carry out the  
22 activities described in this part.

23           “(2) DURATION.—Grants awarded under this  
24 subsection shall be for a period of not more than 3  
25 years.

1           “(3) RENEWAL.—

2                   “(A) IN GENERAL.—If an eligible entity  
3 demonstrates progress, as measured by the  
4 metrics described in section 4206(a), the Sec-  
5 retary may renew a grant for an additional 2-  
6 year period.

7                   “(B) REDUCED FUNDING.—Grant funds  
8 awarded under subparagraph (A) shall be  
9 awarded at a reduced amount.

10          “(c) FORMULA GRANTS.—

11                   “(1) IN GENERAL.—For each fiscal year for  
12 which the amount appropriated to carry out this  
13 part is equal to or more than \$500,000,000, the  
14 Secretary shall award grants to States, based on the  
15 formula described in paragraph (2).

16                   “(2) DISTRIBUTION OF FUNDS.—The Secretary  
17 shall allot to each State—

18                           “(A) an amount that bears the same rela-  
19 tionship to 35 percent of the excess amount as  
20 the number of individuals ages 5 through 17 in  
21 the State, as determined by the Secretary on  
22 the basis of the most recent satisfactory data,  
23 bears to the number of those individuals in all  
24 such States, as so determined; and

1           “(B) an amount that bears the same rela-  
2           tionship to 65 percent of the excess amount as  
3           the number of individuals ages 5 through 17  
4           from families with incomes below the poverty  
5           line, in the State, as determined by the Sec-  
6           retary on the basis of the most recent satisfac-  
7           tory data, bears to the number of those individ-  
8           uals in all such States, as so determined.

9           “(3) FUNDING MINIMUM.—No State receiving  
10          an allotment under this subsection may receive less  
11          than one-half of 1 percent of the total amount allot-  
12          ted under paragraph (1) for a fiscal year.

13          “(4) REALLOTMENT OF UNUSED FUNDS.—If a  
14          State does not successfully apply, the Secretary shall  
15          reallot the amount of the State’s allotment to the re-  
16          maining States in accordance with this subsection.

17 **“SEC. 4204. APPLICATIONS.**

18          “(a) IN GENERAL.—Each eligible entity or State de-  
19          siring a grant under this part, whether through a competi-  
20          tive grant under section 4203(b) or through an allotment  
21          under section 4203(c), shall submit an application to the  
22          Secretary at such time, in such manner, and accompanied  
23          by such information as the Secretary may require.

24          “(b) CONTENTS.—At a minimum, an application sub-  
25          mitted under subsection (a) shall include the following:



1                   “(iv) access to science, technology, en-  
2                   gineering, and mathematics courses for  
3                   students through grade 12 who—

4                   “(I) are eligible to receive a free  
5                   or reduced priced lunch under the  
6                   Richard B. Russell National School  
7                   Lunch Act (42 U.S.C. 1751 et seq.);  
8                   or

9                   “(II) come from families with an  
10                  income that is below the poverty line;

11                  “(v) student achievement gaps in  
12                  science, technology, engineering, and math-  
13                  ematics subjects;

14                  “(vi) the percentage of students who  
15                  successfully—

16                  “(I) complete Advanced Place-  
17                  ment (AP) or International Bacca-  
18                  laureate (IB) courses in science, tech-  
19                  nology, engineering, and mathematics  
20                  subjects; or

21                  “(II) complete rigorous postsec-  
22                  ondary education courses in science,  
23                  technology, engineering, and mathe-  
24                  matics subjects;



1                   “(vii) the information collected under  
2                   section 1111(d)(3)(B)(viii)(III);

3                   “(viii) available instructional systems  
4                   and supports, such as curricula, instruc-  
5                   tional materials, professional development,  
6                   teacher evaluation systems, and assess-  
7                   ments;

8                   “(ix) science, technology, engineering,  
9                   and mathematics teacher qualifications;  
10                  and

11                  “(x) teacher shortages and teacher  
12                  distribution among local educational agen-  
13                  cies and schools in science, technology, en-  
14                  gineering, and mathematics subjects;

15                  “(C) shall include labor market informa-  
16                  tion regarding the industry and business work-  
17                  force needs within the eligible entity;

18                  “(D) shall include an analysis of the qual-  
19                  ity of pre-service preparation at all public insti-  
20                  tutions of higher education (including alter-  
21                  native pathways to teacher licensure or certifi-  
22                  cation) for individuals preparing to teach  
23                  science, technology, engineering, and mathe-  
24                  matics subjects in a preschool, elementary  
25                  school, or secondary school in the State; and

1           “(E) shall include an analysis of the imple-  
2           mentation of any multi-tiered systems of sup-  
3           port that have been employed in the State or  
4           States served by the eligible entity to address  
5           the learning needs of students in any science,  
6           technology, engineering, and mathematics sub-  
7           jects.

8           “(2) An identification of the specific science,  
9           technology, engineering, and mathematics subjects  
10          that the State or eligible entity will address through  
11          the activities described in section 4205, consistent  
12          with the needs identified under paragraph (1) (re-  
13          ferred to in this part as ‘identified subjects’).

14          “(3) A description, in a manner that addresses  
15          any needs identified under paragraph (1), of—

16                 “(A) how grant funds will be used by the  
17                 State or eligible entity to improve instruction in  
18                 identified subjects using evidence-based pro-  
19                 grams of instruction that are aligned with the  
20                 college and career ready standards and aca-  
21                 demic assessments under paragraphs (1) and  
22                 (2) section 1111(a);

23                 “(B) how grant funds will be used to sup-  
24                 port subgrantees and other high-need local edu-  
25                 cational agencies in the employment of multi-

1 tiered systems of support to provide early inter-  
2 vening services and to increase student achieve-  
3 ment in identified subjects;

4 “(C) the process that the State or eligible  
5 entity will use for awarding subgrants, includ-  
6 ing how relevant stakeholders will be involved;

7 “(D) how the State’s or eligible entity’s ac-  
8 tivities and subgrants will be coordinated with  
9 other Federal, State, and local programs and  
10 activities, including career and technical edu-  
11 cation programs authorized under the Carl D.  
12 Perkins Career and Technical Education Act of  
13 2006 (20 U.S.C. 2301 et seq.);

14 “(E) the technical assistance that the  
15 State or eligible entity will provide to sub-  
16 grantees to support the activities undertaken by  
17 the subgrantees;

18 “(F) how the State or eligible entity will  
19 evaluate the activities funded, both at the State  
20 and subgrantee level, with funds provided under  
21 this part, and in a manner consistent with any  
22 evaluation activities carried out by the Institute  
23 of Education Sciences under section 4207, or  
24 the National Science Foundation;

1           “(G) how the State or eligible entity will  
2           allocate funds in a manner that will provide  
3           services to both elementary schools and sec-  
4           ondary schools;

5           “(H) how the State or eligible entity will  
6           provide targeted support to improve instruction  
7           in high-need local educational agencies and  
8           high-need schools;

9           “(I) how the State or eligible entity’s pro-  
10          posed project will ensure an increase in access  
11          for students who are traditionally underrep-  
12          resented in science, technology, engineering,  
13          and mathematics subject fields to high-quality  
14          courses in 1 or more of the identified subjects;  
15          and

16          “(J) how the State or eligible entity will  
17          continue to involve stakeholders in education re-  
18          form efforts related to science, technology, engi-  
19          neering, and mathematics instruction.

20          “(4) Assurances that the State or eligible entity  
21          will monitor implementation of approved subgrantee  
22          plans.

23          “(c) ADDITIONAL FUNDING.—A State or eligible en-  
24          tity that submits a request to use the additional State ac-  
25          tivities reservation described in section 4205(d)(2), shall

1 provide, in a manner that addresses the needs identified  
2 under subsection (b)(1), a description of the activities that  
3 the eligible entity will carry out with such funds, con-  
4 sistent with section 4205.

5 **“SEC. 4205. AUTHORIZED ACTIVITIES.**

6 “(a) **REQUIRED ACTIVITIES.**—Each State or eligible  
7 entity that receives a grant under this part shall use the  
8 grant funds to carry out each of the following activities:

9 “(1) Increasing access for students through  
10 grade 12 that belong to groups that are traditionally  
11 underrepresented in science, technology, engineering,  
12 and mathematics subject fields to high-quality  
13 courses in the identified subjects.

14 “(2) Implementing evidence-based programs of  
15 instruction based on high-quality standards and as-  
16 sessments in the identified subjects.

17 “(3) Providing professional development and  
18 other comprehensive systems of support for teachers  
19 and school leaders to promote high-quality instruc-  
20 tion and instructional leadership in the identified  
21 subjects.

22 “(4) Providing technical assistance to sub-  
23 grantees and other high-need schools and local edu-  
24 cational agencies in order to improve student

1 achievement and narrow achievement gaps in identi-  
2 fied subjects, including through—

3 “(A) the development and implementation  
4 of multi-tiered systems of support; and

5 “(B) the development of curriculum con-  
6 sistent with the principals of universal design  
7 for learning, as defined in section 103 of the  
8 Higher Education Act of 1965.

9 “(b) PERMISSIBLE ACTIVITIES.—Each State or eligi-  
10 ble entity that receives a grant under this part may use  
11 the grant funds to carry out 1 or more of the following  
12 activities:

13 “(1) Recruiting qualified teachers and instruc-  
14 tional leaders who are trained in identified subjects,  
15 including teachers who have transitioned into the  
16 teaching profession from a career in science, tech-  
17 nology, engineering, and mathematics fields.

18 “(2) Providing induction and mentoring serv-  
19 ices to new teachers in identified subjects.

20 “(3) Developing instructional supports, such as  
21 curricula and assessments, which shall be evidence-  
22 based and aligned with State college and career  
23 ready academic content standards under section  
24 1111(a)(1), and may include Internet-based cur-  
25 ricula and Internet-based instructional supports.

1           “(4) Implementing an interdisciplinary ap-  
2           proach, by integrating instruction in 1 or more  
3           science, technology, engineering, and mathematics  
4           subjects with reading, English language arts, or in-  
5           struction in other core academic subjects (as defined  
6           in section 9101) and noncore academic subjects.

7           “(c) SUBGRANTS.—

8           “(1) IN GENERAL.—Each State or eligible enti-  
9           ty that receives a grant under this section shall  
10          award subgrants, on a competitive basis, to eligible  
11          subgrantees.

12          “(2) MINIMUM SUBGRANT.—A State or eligible  
13          entity shall award subgrants under this subsection  
14          that are of sufficient size and scope to support high-  
15          quality, evidence-based, effective programs that are  
16          consistent with the purpose of this part.

17          “(3) SUBGRANTEE APPLICATION.—

18               “(A) IN GENERAL.—Each eligible sub-  
19               grantee desiring a subgrant under this sub-  
20               section shall submit an application to the State  
21               or eligible entity at such time, in such manner,  
22               and accompanied by such information as the  
23               State or eligible entity may require.

24               “(B) CONTENTS OF SUBGRANTEE APPLI-  
25               CATION.—At a minimum, the application de-

1           scribed in subparagraph (A) shall include the  
2           following:

3                   “(i) A description of the activities that  
4                   the eligible subgrantee will carry out, and  
5                   how such activities will improve teaching  
6                   and student academic achievement in the  
7                   identified subjects, in a manner consistent  
8                   with scientifically-valid research.

9                   “(ii) A description of how the eligible  
10                  subgrantee will use funds provided under  
11                  this subsection to serve students and  
12                  teachers in high-need schools.

13                  “(iii) A description of how funds pro-  
14                  vided under this subsection will be coordi-  
15                  nated with other Federal, State, and local  
16                  programs and activities, including career  
17                  and technical education programs author-  
18                  ized under the Carl D. Perkins Career and  
19                  Technical Education Act of 2006 (20  
20                  U.S.C. 2301 et seq.).

21                  “(iv) If the eligible subgrantee is  
22                  working with outside partners, a descrip-  
23                  tion of how such outside partners will be  
24                  involved in improving instruction and in-



1                   creasing access to high-quality learning ex-  
2                   periences in the identified subjects.

3                   “(4) SUBGRANTEE USE OF FUNDS.—

4                   “(A) REQUIRED USE OF FUNDS.—Each el-  
5                   igible subgrantee that receives a subgrant under  
6                   this subsection shall use the subgrant funds to  
7                   carry out activities for students through grade  
8                   12, consistent with the activities described in  
9                   the subgrantee’s application, which shall in-  
10                  clude—

11                   “(i) high-quality teacher and instruc-  
12                  tional leader recruitment, support, evalua-  
13                  tion, and professional development in the  
14                  identified subjects;

15                   “(ii) professional development, which  
16                  may include development and support for  
17                  instructional coaches, to enable teachers  
18                  and instructional leaders to increase stu-  
19                  dent achievement in identified subjects,  
20                  through—

21                   “(I) implementation of classroom  
22                  assessments; and

23                   “(II) differentiation of instruc-  
24                  tion in identified subjects for all stu-  
25                  dents, including for students who are

1 children with disabilities and students  
2 who are English learners;

3 “(iii) activities to—

4 “(I) improve the content knowl-  
5 edge of teachers; and

6 “(II) facilitate professional col-  
7 laboration, which may include pro-  
8 viding time for such collaborations;

9 “(iv) the development, adoption, and  
10 improvement of high-quality curricula and  
11 instructional supports that—

12 “(I) are aligned with State col-  
13 lege and career ready academic con-  
14 tent standards under section  
15 1111(a)(1); and

16 “(II) the eligible subgrantee will  
17 use to improve student academic  
18 achievement in identified subjects;

19 “(v) the development or improvement,  
20 and implementation, of multi-tiered sys-  
21 tems of support to provide early inter-  
22 vening services and to increase student  
23 achievement in 1 or more of the identified  
24 subjects; and

1                   “(vi) integrating instruction in the  
2                   identified subjects with instruction in read-  
3                   ing, English language arts, or other core  
4                   and noncore academic subjects.

5                   “(B) ALLOWABLE USE OF FUNDS.—In ad-  
6                   dition to the required activities described in  
7                   subparagraph (A), each eligible subgrantee that  
8                   receives a subgrant under this subsection, may  
9                   also use the subgrant funds to—

10                   “(i) support the participation of low-  
11                   income students in nonprofit competitions  
12                   related to science, technology, engineering,  
13                   and mathematics subjects (such as robot-  
14                   ics, science research, invention, mathe-  
15                   matics, and technology competitions); and

16                   “(ii) broaden secondary school stu-  
17                   dents’ access to, and interest in, careers  
18                   that require academic preparation in 1 or  
19                   more identified subjects.

20                   “(C) LIMITATION.—Each subgrantee that  
21                   receives a subgrant under this subsection shall  
22                   not expend more than 15 percent of the  
23                   subgrant funds on the activities described in  
24                   subparagraph (B).

1           “(D) MATCHING FUNDS.—A State or eligi-  
2           ble entity shall require an eligible subgrantee  
3           receiving a subgrant under this subsection to  
4           demonstrate that such subgrantee has obtained  
5           a commitment from 1 or more outside partners  
6           to match, using non-Federal funds or in-kind  
7           contributions, not less than 15 percent of the  
8           amount of subgrant funds. In the case of sig-  
9           nificant financial hardship, an eligible sub-  
10          grantee may apply to the State or eligible entity  
11          for, and the State or eligible entity may grant,  
12          a waiver of a portion of the minimum matching  
13          funds requirement.

14          “(d) STATE ACTIVITIES.—

15                 “(1) IN GENERAL.—Each State or eligible enti-  
16                 ty that receives a grant under this part may use not  
17                 more than 5 percent of grant funds for—

18                         “(A) administrative costs;

19                         “(B) monitoring the implementation of  
20                         subgrants;

21                         “(C) providing technical assistance to sub-  
22                         grantees; and

23                         “(D) evaluating subgrants in coordination  
24                         with the evaluation described in section 4207.

1           “(2) RESERVATION.—Each State or eligible en-  
2           tity that receives a grant under this part may sub-  
3           mit a request to the Secretary to reserve not more  
4           than 15 percent of grant funds, inclusive of the  
5           amount described in paragraph (1), for additional  
6           State activities, consistent with subsections (a) and  
7           (b).

8   **“SEC. 4206. PERFORMANCE METRICS; REPORT.**

9           “(a) ESTABLISHMENT OF PERFORMANCE  
10          METRICS.—The Secretary, acting through the Director of  
11          the Institute of Education Sciences, shall establish per-  
12          formance metrics to evaluate the effectiveness of the ac-  
13          tivities carried out under this part.

14          “(b) ANNUAL REPORT.—Each State or eligible entity  
15          that receives a grant under this part shall prepare and  
16          submit an annual report to the Secretary, which shall in-  
17          clude information relevant to the performance metrics de-  
18          scribed in subsection (a).

19   **“SEC. 4207. EVALUATION.**

20          “The Secretary shall—

21                 “(1) acting through the Director of the Insti-  
22                 tute of Education Sciences, and in consultation with  
23                 the Director of the National Science Foundation—

24                         “(A) evaluate the implementation and im-  
25                         pact of the activities supported under this part,

1 including progress measured by the metrics es-  
2 tablished under section 4206(a); and

3 “(B) identify best practices to improve in-  
4 struction in science, technology, engineering,  
5 and mathematics subjects; and

6 “(2) disseminate, in consultation with the Na-  
7 tional Science Foundation, research on best prac-  
8 tices to improve instruction in science, technology,  
9 engineering, and mathematics subjects.

10 **“SEC. 4208. SUPPLEMENT NOT SUPPLANT.**

11 “Funds received under this part shall be used to sup-  
12 plement, and not supplant, funds that would otherwise be  
13 used for activities authorized under this part.

14 **“SEC. 4209. MAINTENANCE OF EFFORT.**

15 “A State that receives funds under this part for a  
16 fiscal year shall maintain the fiscal effort provided by the  
17 State for the subjects supported by the funds under this  
18 part at a level equal to or greater than the level of such  
19 fiscal effort for the preceding fiscal year.”.

20 **SEC. 4104. SUCCESSFUL, SAFE, AND HEALTHY STUDENTS.**

21 Title IV (20 U.S.C. 7101 et seq.) is amended by in-  
22 serting after part B, as added by section 4103 of this Act,  
23 the following:

1       **“PART C—SUCCESSFUL, SAFE, AND HEALTHY**  
2   **STUDENTS**

3       **“SEC. 4301. PURPOSE.**

4               “The purpose of this part is to assist States and local  
5 educational agencies in developing and implementing com-  
6 prehensive programs and strategies to foster positive con-  
7 ditions for learning in public schools, in order to increase  
8 academic achievement for all students through activities  
9 that—

10               “(1) promote student physical health and well-  
11 being, nutrition, and fitness;

12               “(2) promote student mental health and well-  
13 being;

14               “(3) prevent school violence and harassment,  
15 and reduce substance abuse among students; and

16               “(4) promote safe and supportive schools.

17       **“SEC. 4302. DEFINITIONS.**

18               “**In this part:**

19               “(1) **CONTROLLED SUBSTANCE.**—The term  
20 ‘controlled substance’ means a drug or other sub-  
21 stance identified under Schedule I, II, III, IV, or V  
22 of section 202(c) of the Controlled Substances Act  
23 (21 U.S.C. 812(e)).

24               “(2) **DRUG.**—The term ‘drug’ includes—

25                       “(A) a controlled substance;

1           “(B) with respect to alcohol and tobacco,  
2           the illegal use of such substances; and

3           “(C) with respect to inhalants and anabolic  
4           steroids, the harmful, abusive, or addictive use  
5           of such substances.

6           “(3) DRUG AND VIOLENCE PREVENTION.—The  
7           term ‘drug and violence prevention’ means—

8           “(A) with respect to drugs, prevention,  
9           early intervention, rehabilitation referral, or  
10          education related to the abuse and illegal use of  
11          drugs; and

12          “(B) with respect to violence, the pro-  
13          motion of school safety, such that students and  
14          school personnel are free from violent and dis-  
15          ruptive acts, including sexual harassment and  
16          abuse, and victimization associated with preju-  
17          dice and intolerance, on school premises, going  
18          to and from school, at school sponsored activi-  
19          ties, and via communications made available  
20          through electronic means through the creation  
21          and maintenance of a school environment that  
22          is free of weapons and fosters individual respon-  
23          sibility and respect for the rights of others, and  
24          employs positive, preventative approaches to  
25          school discipline that minimize students’ re-



1           moval from instruction and reduce disparities  
2           among the subgroups of students described in  
3           section 1111(a)(2)(B)(ix).

4           “(4) ELIGIBLE LOCAL APPLICANT.—The term  
5           ‘eligible local applicant’ means—

6                   “(A) a local educational agency;

7                   “(B) a consortium of local educational  
8                   agencies; or

9                   “(C) a local educational agency or consor-  
10                  tium of local educational agencies in partner-  
11                  ship with a nonprofit organization that has a  
12                  demonstrated record of success in implementing  
13                  activities consistent with the purpose of this  
14                  part.

15           “(5) PHYSICAL EDUCATION INDICATORS.—The  
16           term ‘physical education indicators’ means a set of  
17           measures for instruction on physical activity, health-  
18           related fitness, physical competence, and cognitive  
19           understanding about physical activity that—

20                   “(A) are publicly reported annually in the  
21                   State’s conditions for learning measurement  
22                   system described in section 4304(g); and

23                   “(B) include, for the State, for each local  
24                   educational agency in the State, and for each  
25                   school in the State, the average number of min-



1           “(7) PROGRAMS TO PROMOTE PHYSICAL ACTIV-  
2           ITY, EDUCATION, FITNESS, AND NUTRITION.—The  
3           term ‘programs to promote physical activity, edu-  
4           cation, fitness, and nutrition’ means programs that  
5           increase and enable active student participation in  
6           physical well-being activities, provide teacher profes-  
7           sional development, are comprehensive in nature,  
8           and include opportunities for professional develop-  
9           ment for teachers of physical education to stay  
10          abreast of the latest research, issues, and trends in  
11          the field of physical education, and 1 or more of the  
12          following activities:

13                 “(A) Fitness education and assessment to  
14                 help students understand, improve, or maintain  
15                 their physical well-being.

16                 “(B) Instruction in a variety of motor  
17                 skills and physical activities designed to en-  
18                 hance the physical, mental, social, and emo-  
19                 tional development of every student.

20                 “(C) Development of, and instruction in,  
21                 cognitive concepts about motor skill and phys-  
22                 ical fitness that support a lifelong healthy life-  
23                 style.

1           “(D) Opportunities to develop positive so-  
2           cial and cooperative skills through physical ac-  
3           tivity.

4           “(E) Instruction in healthy eating habits  
5           and good nutrition.

6 **“SEC. 4303. RESERVATIONS.**

7           “From amounts made available to carry out this part,  
8 the Secretary shall reserve—

9           “(1) for the first 3 years for which funding is  
10          made available to carry out this part—

11           “(A) not more than 30 percent of such  
12          amounts or \$30,000,000, whichever amount is  
13          greater, for State conditions for learning meas-  
14          urement systems grants, distributed to every  
15          State (by an application process consistent with  
16          section 4304) in an amount proportional to  
17          each State’s share of funding under part A of  
18          title I of this Act, to develop the State’s condi-  
19          tions for learning measurement system de-  
20          scribed in section 4304(g), and to conduct a  
21          needs analysis to meet the requirements of sec-  
22          tion 4304(c)(2); and

23           “(B) not more than 68 percent of such  
24          amounts for Successful, Safe, and Healthy Stu-  
25          dents State Grants under section 4304;

1           “(2) for the fourth year and each subsequent  
2           year for which funding is made available to carry  
3           out this part, not less than 98 percent of such  
4           amounts for Successful, Safe, and Healthy Students  
5           State Grants under section 4304; and

6           “(3) in each year for which funding is made  
7           available to carry out this part, not more than 2 per-  
8           cent of such amounts for technical assistance.

9           **“SEC. 4304. SUCCESSFUL, SAFE, AND HEALTHY STUDENTS**

10                           **STATE GRANTS.**

11           “(a) PURPOSE.—The purpose of this section is to  
12           provide funding to States to implement comprehensive  
13           programs that address conditions for learning in schools  
14           in the State. Such programs shall be based on —

15                   “(1) scientifically valid research; and

16                   “(2) an analysis of need that considers, at a  
17           minimum, the indicators in the State’s conditions for  
18           learning measurement system described in sub-  
19           section (g).

20           “(b) STATE GRANTS.—

21                   “(1) IN GENERAL.—From amounts reserved  
22           under section 4303 for Successful, Safe, and  
23           Healthy Students State Grants, the Secretary shall  
24           award grants to States to carry out the purpose of  
25           this section.



1 grants under this section on a competitive  
2 basis.

3 “(ii) SUFFICIENT SIZE AND SCOPE.—

4 In awarding grants on a competitive basis  
5 pursuant to clause (i), the Secretary shall  
6 ensure that grant awards are of sufficient  
7 size and scope to carry out required and  
8 approved activities under this section.

9 “(c) APPLICATIONS.—

10 “(1) IN GENERAL.—A State that desires to re-  
11 ceive a grant under this section shall submit an ap-  
12 plication at such time, in such manner, and con-  
13 taining such information as the Secretary may re-  
14 quire.

15 “(2) CONTENT OF APPLICATION.—At a min-  
16 imum, the application shall include—

17 “(A) a plan for improving conditions for  
18 learning in schools in the State in a manner  
19 consistent with the requirements of the pro-  
20 gram that may be a part of a broader statewide  
21 child and youth plan, if such a plan exists and  
22 is consistent with the requirements of this part;

23 “(B) a needs analysis of the conditions for  
24 learning in schools in the State, which—





1 this part, which may include programs to  
2 expand learning time and for before- and  
3 after-school programming;

4 “(iv) assist local educational agencies  
5 to align activities with funds the agencies  
6 receive under the program with other fund-  
7 ing sources in order to support a coherent  
8 and non-duplicative program;

9 “(v) solicit and approve subgrant ap-  
10 plications, including how the State will—

11 “(I) allocate funds for statewide  
12 activities and subgrants for each year  
13 of the grant, consistent with allocation  
14 requirements under subsection (h)(2);  
15 and

16 “(II) consider the results of the  
17 analysis described in subparagraph  
18 (B) in the State’s distribution of sub-  
19 grants;

20 “(vi) address the needs of diverse geo-  
21 graphic areas in the State, including rural  
22 and urban communities;

23 “(vii) provide assistance to local edu-  
24 cational agencies and schools in their ef-  
25 forts to prevent and appropriately respond

1 to incidents of harassment, including build-  
2 ing the capacity of such agencies and  
3 schools to educate family and community  
4 members regarding the agencies' and  
5 schools' respective roles in preventing and  
6 responding to such incidents; and

7 “(viii) provide assistance to local edu-  
8 cational agencies and schools in their ap-  
9 proaches to school discipline.

10 “(3) APPLICATION REVIEW PROCESS.—The  
11 Secretary shall establish a process to review applica-  
12 tions submitted under this subsection.

13 “(d) DURATION.—

14 “(1) IN GENERAL.—A State that receives a  
15 grant under this section may receive funding for not  
16 more than 5 years in accordance with this sub-  
17 section.

18 “(2) INITIAL PERIOD.—The Secretary shall  
19 award grants under this section for an initial period  
20 of not more than 3 years.

21 “(3) GRANT EXTENSION.—The Secretary may  
22 extend a competitive grant awarded to a State under  
23 this section for not more than an additional 2 years  
24 if the State shows sufficient improvement, as deter-  
25 mined by the Secretary, against baseline data for the

1 performance metrics established under subsection  
2 (i).

3 “(e) RESERVATION AND USE OF FUNDS.—A State  
4 that receives a grant under this section shall—

5 “(1) reserve not more than 7½ percent of the  
6 grant funds for administration of the program, tech-  
7 nical assistance, and the development, improvement,  
8 and implementation of the State’s conditions for  
9 learning measurement system, as described in sub-  
10 section (g); and

11 “(2) use the remainder of grant funds after  
12 making the reservation under paragraph (1) to  
13 award subgrants, on a competitive basis, to eligible  
14 local applicants.

15 “(f) REQUIRED STATE ACTIVITIES.—A State that re-  
16 ceives a grant under this section shall—

17 “(1) establish a statewide physical education re-  
18 quirement that is consistent with widely recognized  
19 standards;

20 “(2) require all local educational agencies in the  
21 State to—

22 “(A) establish policies that prevent and  
23 prohibit conduct that is sufficiently severe, per-  
24 sistent, or pervasive to limit a student’s ability  
25 to participate in or benefit from a program or

1 activity of a public school or educational agen-  
2 cy, or to create a hostile or abusive educational  
3 environment at a program or activity of a pub-  
4 lic school or educational agency, including acts  
5 of verbal, nonverbal, or physical aggression, in-  
6 timidation, or hostility; and

7 “(B) provide—

8 “(i) annual notice to parents and stu-  
9 dents describing the full range of prohib-  
10 ited conduct contained in such local edu-  
11 cational agency’s discipline policies; and

12 “(ii) grievance procedures for students  
13 or parents to register complaints regarding  
14 the prohibited conduct contained in such  
15 local educational agency’s discipline poli-  
16 cies, including—

17 “(I) the name of the local edu-  
18 cational agency officials who are des-  
19 igned as responsible for receiving  
20 such complaints; and

21 “(II) timelines that the local edu-  
22 cational agency will follow in the reso-  
23 lution of such complaints.

24 “(3) not later than 1 year after receipt of the  
25 grant, develop, adapt, improve, or adopt and imple-

1       ment the statewide conditions for learning measure-  
2       ment system described in subsection (g) (unless the  
3       State can demonstrate, to the satisfaction of the  
4       Secretary, that an appropriate system has already  
5       been implemented) that annually measures the  
6       State’s progress in the conditions for learning for  
7       every public school in the State;

8               “(4) collect information in each year of the  
9       grant on the conditions for learning at the school-  
10      building level;

11              “(5) collect annual incident data at the school-  
12      building level that are accurate and complete;

13              “(6) publicly report, at the school level and  
14      local educational agency level, the data collected in  
15      the State’s conditions for learning measurement sys-  
16      tem, described in subsection (g), each year in a time-  
17      ly and highly accessible manner;

18              “(7) use the results of the data collected in the  
19      State’s conditions for learning measurement system  
20      to—

21                      “(A) identify and address conditions for  
22      learning statewide;

23                      “(B) help subgrantees identify and address  
24      school and student needs; and

1           “(C) provide individualized assistance to  
2           schools identified under section 1116 and  
3           schools with significant conditions for learning  
4           weaknesses;

5           “(8) award subgrants, consistent with sub-  
6           section (h), to eligible local applicants; and

7           “(9) monitor subgrants and provide technical  
8           assistance to subgrantees on the implementation of  
9           grant activities.

10          “(g) CONDITIONS FOR LEARNING MEASUREMENT  
11 SYSTEM.—

12           “(1) IN GENERAL.—Each State that receives a  
13           grant under this part shall establish a State report-  
14           ing and information system that measures conditions  
15           for learning in the State and is, to the extent prac-  
16           ticable, part of the State’s statewide longitudinal  
17           data system and with the State’s system for report-  
18           ing the data required under section 1111.

19           “(2) SYSTEM ACTIVITIES.—The State reporting  
20           and information system described in paragraph (1)  
21           shall—

22           “(A) contain, at a minimum, data from  
23           valid and reliable surveys of students and staff  
24           and the indicators in subparagraph (B) that  
25           allow staff at the State, local educational agen-

1           cies, and schools to examine and improve  
2           school-level conditions for learning;

3           “(B) collect school-level data on—

4           “(i) physical education indicators;

5           “(ii) student attendance and truancy;

6           “(iii) in-school suspensions, out-of-  
7           school suspensions, expulsions, referrals to  
8           law enforcement, school-based arrests, and  
9           disciplinary transfers (including place-  
10          ments in alternative schools) by student;

11          “(iv) the frequency, seriousness, and  
12          incidence of violence and drug-related of-  
13          fenses resulting in disciplinary action in el-  
14          ementary schools and secondary schools in  
15          the State; and

16          “(v) the incidence and prevalence, age  
17          of onset, perception of health risk, and per-  
18          ception of social disapproval of drug use  
19          and violence, including harassment, by  
20          youth and school personnel in schools and  
21          communities;

22          “(C) collect and report data, including, at  
23          a minimum, the data described in clauses (ii),  
24          (iii), and (v) of subparagraph (B), in the aggre-  
25          gate and disaggregated by the categories of

1 race, ethnicity, gender, disability status, mi-  
2 grant status, English proficiency, and status as  
3 economically disadvantaged, and cross tabulated  
4 across all of such categories by gender and by  
5 disability;

6 “(D) protect student privacy, consistent  
7 with applicable data privacy laws and regula-  
8 tions, including section 444 of the General Edu-  
9 cation Provisions Act (20 U.S.C. 1232g, com-  
10 monly known as the ‘Family Educational  
11 Rights and Privacy Act of 1974’); and

12 “(E) to the extent practicable, utilize a  
13 web-based reporting system.

14 “(3) COMPILING STATISTICS.—In compiling the  
15 statistics required to measure conditions for learning  
16 in the State—

17 “(A) the offenses described in paragraph  
18 (2)(B)(iv) shall be defined pursuant to the  
19 State’s criminal code, and aligned to the extent  
20 possible, with the Federal Bureau of Investiga-  
21 tion’s Uniform Crime Reports categories, but  
22 shall not identify victims of crimes or persons  
23 accused of crimes and the collected data shall  
24 include incident reports by school officials,



1 anonymous student surveys, and anonymous  
2 teacher surveys;

3 “(B) the performance metrics that are es-  
4 tablished under subsection (i) shall be collected  
5 and the performance on such metrics shall be  
6 defined and reported uniformly statewide;

7 “(C) the State shall collect, analyze, and  
8 use the data under paragraph (2)(B) at least  
9 annually, except the indicators under paragraph  
10 (2)(B)(v) may be collected, at a minimum,  
11 every 2 years; and

12 “(D) grant recipients and subgrant recipi-  
13 ents shall use the data for planning and contin-  
14 uous improvement of activities implemented  
15 under this part, and may collect data for indi-  
16 cators that are locally defined, and that are not  
17 reported to the State, to meet local needs (so  
18 long as such indicators are aligned with the  
19 conditions for learning).

20 “(h) SUBGRANTS.—

21 “(1) IN GENERAL.—

22 “(A) AWARDING OF SUBGRANTS.—A State  
23 that receives a grant under this section shall  
24 award subgrants, on a competitive basis, to eli-  
25 gible local applicants—

1 “(i) based on need as identified by the  
2 State’s conditions for learning measure-  
3 ment system described in subsection (g);

4 “(ii) that are of sufficient size and  
5 scope to enable subgrantees to carry out  
6 approved activities; and

7 “(iii) to implement programs that—

8 “(I) are comprehensive in nature;

9 “(II) are based on scientifically  
10 valid research;

11 “(III) improve conditions for  
12 learning; and

13 “(IV) are part of a strategy to  
14 achieve all the conditions for learning.

15 “(B) ASSISTANCE.—A State that receives  
16 a grant under this section shall provide assist-  
17 ance to subgrant applicants and recipients in  
18 the selection of scientifically valid programs and  
19 interventions.

20 “(2) ALLOCATION.—

21 “(A) IN GENERAL.—In awarding sub-  
22 grants under this section, each State shall en-  
23 sure that, for the aggregate of all subgrants  
24 awarded by the State, not less than 20 percent  
25 of the subgrant funds are allocated to carry out

1 programs to promote physical activity, edu-  
2 cation, fitness, and nutrition.

3 “(B) RULE OF CONSTRUCTION.—Nothing  
4 in this paragraph shall be construed to require  
5 States, in making subgrants to eligible local ap-  
6 plicants, to require subgrant recipients to use  
7 20 percent of subgrant funds for the promotion  
8 of physical activity, education, fitness, and nu-  
9 trition.

10 “(3) APPLICATIONS.—An eligible local applicant  
11 that desires to receive a subgrant under this sub-  
12 section shall submit to the State an application at  
13 such time, in such manner, and containing such in-  
14 formation as the State may require.

15 “(4) PRIORITY.—In awarding subgrants under  
16 this subsection, a State shall give priority to applica-  
17 tions that—

18 “(A) demonstrate the greatest need ac-  
19 cording to the results of the local needs assess-  
20 ment; and

21 “(B) propose to serve schools with the  
22 highest concentrations of poverty, based on the  
23 percentage of students receiving or are eligible  
24 to receive a free or reduced price lunch under

1           the Richard B. Russell National School Lunch  
2           Act (42 U.S.C. 1751 et seq.).

3           “(5) ACTIVITIES OF SUBGRANT RECIPIENTS.—  
4           Each recipient of a subgrant under this subsection  
5           shall, for the duration of the subgrant, provide for  
6           the following:

7                   “(A) Carry out activities—

8                           “(i) the need for which has been iden-  
9                           tified, at a minimum, through the State’s  
10                           conditions for learning measurement sys-  
11                           tem described in subsection (g);

12                           “(ii) that are part of a comprehensive  
13                           strategy or framework to address such  
14                           need; and

15                           “(iii) that include 1 or more of the  
16                           following:

17                                   “(I) Drug and violence preven-  
18                                   tion;

19                                   “(II) Programs to promote men-  
20                                   tal health.

21                                   “(III) Programs to promote  
22                                   physical activity, education, fitness,  
23                                   and nutrition.

24                   “(B) Ensure that each framework, inter-  
25                   vention, or program selected be based on sci-

1           entifically valid research and be used for the  
2           purpose for which such framework, interven-  
3           tion, or program was found to be effective.

4           “(C) Use school-level data from the State’s  
5           conditions for learning measurement system,  
6           described in subsection (g), to inform the imple-  
7           mentation and continuous improvement of ac-  
8           tivities carried out under this part.

9           “(D) Collect and report to the State edu-  
10          cational agency, data for schools served by the  
11          subgrant recipient, in a manner consistent with  
12          the State’s conditions for learning measurement  
13          system, described in subsection (g).

14          “(E) Establish policies to expand access to  
15          quality physical activity opportunities, including  
16          local school wellness policies consistent with the  
17          requirements of section 9A of the Richard B.  
18          Russell National School Lunch Act. For pur-  
19          poses of this part, school wellness councils es-  
20          tablished consistent with section 9A of the  
21          Richard B. Russell National School Lunch Act,  
22          may be part of existing school councils, if such  
23          councils exist and have the capacity and willing-  
24          ness to address school wellness.

1           “(F) Engage family members and commu-  
2           nity-based organizations in the development of  
3           conditions for learning surveys, and in the plan-  
4           ning, implementation, and review of the  
5           subgrant recipient’s efforts under this part.

6           “(G) Consider and accommodate the  
7           unique needs of students with disabilities and  
8           English learners in implementing activities.

9           “(i) ACCOUNTABILITY.—

10           “(1) ESTABLISHMENT OF PERFORMANCE  
11           METRICS.—The Secretary, acting through the Direc-  
12           tor of the Institute of Education Sciences, shall es-  
13           tablish program performance metrics to measure the  
14           effectiveness of the activities carried out under this  
15           part.

16           “(2) ANNUAL REPORT.—Each State that re-  
17           ceives a grant under this part shall prepare and sub-  
18           mit an annual report to the Secretary, which shall  
19           include information relevant to the conditions for  
20           learning, including on progress towards meeting out-  
21           comes for the metrics established under paragraph  
22           (1).

23           **“SEC. 4305. FUNDS RESERVED FOR SECRETARY.**

24           “From the amount reserved under section 4303(3),  
25           the Secretary shall—

1           “(1) direct the Institute of Education Sciences  
2           to conduct an evaluation of the impact of the prac-  
3           tices funded or disseminated by the Successful, Safe,  
4           and Healthy Students State Grants program; and

5           “(2) provide technical assistance to applicants,  
6           recipients, and subgrant recipients of the programs  
7           funded under this part.

8   **“SEC. 4306. PROHIBITED USES OF FUNDS.**

9           “No funds appropriated under this part may be used  
10          to pay for—

11           “(1) school resource officer or other security  
12           personnel salaries, metal detectors, security cameras,  
13           or other security-related salaries, equipment, or ex-  
14           penses;

15           “(2) drug testing programs; or

16           “(3) the development, establishment, implemen-  
17           tation, or enforcement of zero-tolerance discipline  
18           policies, other than those expressly required under  
19           the Gun-Free Schools Act (20 U.S.C. 7151 et seq.).

20   **“SEC. 4307. FEDERAL AND STATE NONDISCRIMINATION**  
21           **LAWS.**

22           “Nothing in this part shall be construed to invalidate  
23          or limit nondiscrimination principles or rights, remedies,  
24          procedures, or legal standards available to victims of dis-  
25          crimination under any other Federal law or law of a State

1 or political subdivision of a State, including title VI of the  
2 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title  
3 IX of the Education Amendments of 1972 (20 U.S.C.  
4 1681 et seq.), section 504 or 505 of the Rehabilitation  
5 Act of 1973 (29 U.S.C. 794 and 794a), or the Americans  
6 with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).  
7 The obligations imposed by this part are in addition to  
8 those imposed by title VI of the Civil Rights Act of 1964  
9 (42 U.S.C. 2000d et seq.), title IX of the Education  
10 Amendments of 1972 (20 U.S.C. 1681 et seq.), section  
11 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794),  
12 and the Americans with Disabilities Act of 1990 (42  
13 U.S.C. 12101 et seq.).”.

14 **SEC. 4105. 21ST CENTURY COMMUNITY LEARNING CEN-**  
15 **TERS.**

16 Part D of title IV, as redesignated by section 4103(a)  
17 of this Act, is amended—

18 (1) in section 4401, as redesignated by section  
19 4103(a) of this Act—

20 (A) in subsection (a)—

21 (i) in the matter preceding paragraph

22 (1)—

23 (I) by striking “to provide” and  
24 inserting “to assist States in pro-  
25 viding”; and



1 (II) by striking “communities”  
2 and inserting “eligible entities”;

3 (ii) in paragraph (1)—

4 (I) by inserting “students with  
5 before school, after school, or summer  
6 learning” after provide;

7 (II) by striking “, particularly  
8 students”; and

9 (III) by striking the comma after  
10 “low-performing schools”;

11 (iii) in paragraph (2)—

12 (I) by inserting “who attend low-  
13 performing schools” after “offer stu-  
14 dents”; and

15 (II) by striking “and” after the  
16 semicolon; and

17 (iv) by striking paragraph (3) and in-  
18 serting the following:

19 “(3) significantly increase the number of hours  
20 in a regular school day, week, or year in order to  
21 provide students with additional time for academic  
22 work and for additional subjects and enrichment ac-  
23 tivities that increase student achievement and en-  
24 gagement; and

1           “(4) comprehensively redesign and implement  
2           an expanded school day, expanded school week, or  
3           expanded school year schedule for all students in a  
4           high-need school, to provide additional time for—

5                   “(A) instruction in core academic subjects;

6                   “(B) instruction in additional subjects and  
7           enrichment activities; and

8                   “(C) teachers and staff to collaborate,  
9           plan, and engage in professional development  
10          within and across grades and subjects.”; and

11                   (B) in subsection (b)—

12                           (i) in paragraph (1)—

13                                   (I) in the matter preceding sub-  
14                                   paragraph (A), by striking “that—”  
15                                   and inserting “that provides 1 or  
16                                   more of the following.”;

17                                   (II) in subparagraph (A)—

18   (aa) by striking “assists”  
19   and inserting “Before school,  
20   after school, or summer learning  
21   programs that assist”;

22   (bb) by striking “(such as  
23   before and after school or during  
24   summer recess)” after “not in  
25   session”; and

1 (cc) by striking “; and” and  
2 inserting a period; and

3 (III) by striking subparagraph  
4 (B) and inserting the following:

5 “(B) Expanded learning time programs  
6 that significantly increase the total number of  
7 hours in a regular school day, week, or year, in  
8 order to provide students with the greatest aca-  
9 demic needs with—

10 “(i) additional time to participate in  
11 academic activities that—

12 “(I) are aligned with the instruc-  
13 tion that such students receive during  
14 the regular school day; and

15 “(II) are targeted to the aca-  
16 demic needs of such students; and

17 “(ii) time to engage in enrichment  
18 and other activities that complement the  
19 academic program and contribute to a  
20 well-rounded education, which may include  
21 music and the arts, physical education, and  
22 experiential and work-based learning op-  
23 portunities.

24 “(C) Expanded learning time initiatives  
25 that use an expanded school day, expanded

1 school week, or expanded school year schedule  
2 to increase the total number of school hours for  
3 the school year at a high-need school by not less  
4 than 300 hours and redesign the school's pro-  
5 gram in a manner that includes additional  
6 time—

7 “(i) for academic work, and to sup-  
8 port innovation in teaching, in order to im-  
9 prove the proficiency of participating stu-  
10 dents, particularly struggling students, in  
11 core academic subjects;

12 “(ii) to advance student learning for  
13 all students in all grades;

14 “(iii) for additional subjects and en-  
15 richment activities that contribute to a  
16 well-rounded education, which may include  
17 music and the arts, physical education, and  
18 experiential and work-based learning op-  
19 portunities; and

20 “(iv) for teachers to engage in collabo-  
21 ration and professional planning, within  
22 and across grades and subjects.”;

23 (ii) by striking paragraphs (2) and (3)  
24 and inserting the following:

25 “(2) ELIGIBLE ENTITY.—

1           “(A) IN GENERAL.—The term ‘eligible en-  
2           tity’ means a partnership of—

3                   “(i) 1 or more high-need local edu-  
4                   cational agencies; and

5                   “(ii) 1 or more public or nonprofit or-  
6                   ganizations, including community-based or-  
7                   ganizations, with a demonstrated record of  
8                   success in designing and implementing be-  
9                   fore school, after school, summer learning,  
10                  or expanded learning time activities.

11               “(B) SPECIAL RULE.—A State educational  
12               agency shall deem a local educational agency  
13               applying for a grant under section 4204 with-  
14               out a partnering public or nonprofit organiza-  
15               tion to be an eligible entity if the local edu-  
16               cational agency demonstrates that such agency  
17               is unable to partner with a public or nonprofit  
18               organization in reasonable geographic proximity  
19               or of sufficient quality to meet the requirements  
20               of this part.”; and

21                   (iii) by redesignating paragraph (4) as  
22                   paragraph (3);

23               (2) in section 4402, as redesignated by section  
24               4103(a) of this Act—

25                   (A) in subsection (a)—

- 1 (i) by striking “under section 4206”  
2 and inserting “to carry out this part”;
- 3 (ii) by striking paragraph (1); and  
4 (iii) by redesignating paragraphs (2)  
5 and (3) as paragraphs (1) and (2), respec-  
6 tively;
- 7 (B) in subsection (b)(1), by striking  
8 “under section 4206” and inserting “to carry  
9 out this part”; and
- 10 (C) in subsection (c)—
- 11 (i) in paragraph (2)(B), by striking  
12 “responsible for administering youth devel-  
13 opment programs and adult learning ac-  
14 tivities” and inserting “as applicable”; and
- 15 (ii) in paragraph (3)—
- 16 (I) in subparagraph (A)—
- 17 (aa) by inserting “com-  
18 prehensive” after “Monitoring  
19 and”; and
- 20 (bb) by inserting “(directly,  
21 or through a grant or contract)  
22 of the effectiveness” after “eval-  
23 uation”;
- 24 (II) in subparagraph (B)—

1 (aa) by inserting “profes-  
2 sional development,” after “train-  
3 ing,”; and

4 (bb) by striking the period  
5 at the end and inserting “to eligi-  
6 ble entities, relating to activities  
7 such as—”

8 (AA) “coordinating ac-  
9 tivities carried out under  
10 this part with other Federal,  
11 State, and local programs so  
12 as to implement high-quality  
13 programs; and”

14 (BB) “aligning activi-  
15 ties carried out under this  
16 part with State academic  
17 content standards.”; and

18 (III) by striking subparagraphs  
19 (C) and (D);

20 (3) in section 4403(a), as redesignated by sec-  
21 tion 4103(a) of this Act—

22 (A) in paragraph (3), by striking “serve—  
23 ” through “subparagraph (A)” and inserting  
24 “serve students who primarily attend high need  
25 schools and schools that are identified through

1 a State’s accountability and improvement sys-  
2 tem under subsection (b) or (c)(2) of section  
3 1116”;

4 (B) in paragraph (4)—

5 (i) by inserting “the State’s rigorous,  
6 high-quality competition for grants under  
7 section 4204, including” after “describes”;  
8 and

9 (ii) by striking “, which shall include”  
10 through “standards”;

11 (C) by striking paragraph (7) and insert-  
12 ing the following:

13 “(7) describes how the State educational agency  
14 will assist eligible entities in coordinating funds re-  
15 ceived through the grant with other funding  
16 streams, in order to support a coherent and sustain-  
17 able approach to funding and implementing pro-  
18 grams and activities under this part and other pro-  
19 grams under this Act;”;

20 (D) in paragraph (8)(A), by striking “not  
21 less than 3 years and not more than 5 years”  
22 and inserting “not more than 3 years, and may  
23 extend a grant for an additional period of not  
24 more than 2 years if the eligible entity is  
25 achieving the intended outcomes of the grant”;



1 (E) in paragraph (10), by inserting “, if  
2 any,” after “transportation needs”;

3 (F) in paragraph (11), by striking “before  
4 and after school (or summer school) programs,  
5 the heads of the State health and mental health  
6 agencies or their designees,” and inserting “be-  
7 fore school, after school, summer learning, and  
8 expanded learning time programs and initia-  
9 tives,”;

10 (G) in paragraph (12), by striking “before  
11 and after school” and inserting “before school,  
12 after school, summer learning, and expanded  
13 learning time”; and

14 (H) in paragraph (13)—

15 (i) in the matter preceding subpara-  
16 graph (A), by inserting “, on a regular  
17 basis, and not less than every 3 years after  
18 the receipt of the grant” after “will evalu-  
19 ate”;

20 (ii) by striking subparagraph (A) and  
21 inserting the following:

22 “(A) a description of the benchmarks and  
23 performance goals that will be used to hold eli-  
24 gible entities accountable and to determine  
25 whether to provide eligible entities receiving a

1 grant under section 4204 with an additional 2-  
2 year period of grand funding after the initial 3-  
3 year grant; and”;

4 (iii) in subparagraph (B), by striking  
5 “and” after the semicolon;

6 (I) in paragraph (14), by striking the pe-  
7 riod at the end and inserting “; and”;

8 (J) by adding at the end the following:

9 “(15) contains an assurance that each eligible  
10 entity that applies for an award under section 4204  
11 shall have the flexibility to apply for funds to carry  
12 out programs described in subparagraph (A), (B), or  
13 (C) of section 4201(b)(1).”;

14 (4) in section 4404, as redesignated by section  
15 4103(a) of this Act—

16 (A) in subsection (b)(2)—

17 (i) by striking subparagraph (A) and  
18 inserting the following:

19 “(A) a description of the before school,  
20 after school, summer learning, or expanded  
21 learning time activities to be funded, includ-  
22 ing—

23 “(i) research-based evidence dem-  
24 onstrating that the proposed program will

1 improve student achievement and engage-  
2 ment;

3 “(ii) as applicable, an explanation of  
4 how the program will offer students—

5 “(I) academic instruction that is  
6 aligned with the academic needs of  
7 the students; and

8 “(II) engaging enrichment activi-  
9 ties that are aligned with the develop-  
10 mental needs and interests of the stu-  
11 dents, and that contribute to a well-  
12 rounded education;

13 “(iii) an assurance that the program  
14 will take place in a safe learning environ-  
15 ment and an easily accessible facility;

16 “(iv) if applicable, a description of  
17 how students participating in the program  
18 will travel safely to and from home; and

19 “(v) a description of how the eligible  
20 entity will disseminate information about  
21 the program to the community in a man-  
22 ner that is understandable and acces-  
23 sible;”;

24 (ii) in subparagraph (B)—

1 (I) by striking “activity” and in-  
2 sserting “program”; and

3 (II) by adding at the end “and  
4 help keep students on track to college  
5 and career readiness”;

6 (iii) by striking subparagraphs (J),  
7 (L), and (M);

8 (iv) by striking subparagraph (E) and  
9 inserting the following:

10 “(E) as applicable, an explanation of how  
11 the program will offer students—

12 “(i) academic instruction that is  
13 aligned with the academic needs of the stu-  
14 dents; and

15 “(ii) engaging enrichment activities  
16 that are aligned with the developmental  
17 needs and interests of the students, and  
18 that contribute to a well-rounded edu-  
19 cation;”;

20 (v) in subparagraph (F), by striking  
21 “schools eligible” and all that follows  
22 through “such students” and inserting  
23 “high-need schools and schools that are  
24 identified through a State’s accountability

1 and improvement system under subsections  
2 (b) or (c)(2) of section 1116”;

3 (vi) by striking subparagraph (H) and  
4 inserting the following:

5 “(H) a description of the capacity of the  
6 eligible entity partners described in section  
7 4201(b)(2)(A)(ii) to successfully implement the  
8 program, including the quality and experience  
9 of the management team of such partners;”;

10 (vii) in subparagraph (I)—

11 (I) by striking “in the center”;

12 and

13 (II) by striking “(including the  
14 needs of working families)”;

15 (viii) by redesignating subparagraphs  
16 (K) and (N) as subparagraphs (J) and  
17 (K), respectively;

18 (B) by striking subsections (d) and (h) and  
19 redesignating subsections (e) through (g) and  
20 (i) as subsections (d) through (f) and (g), re-  
21 spectively;

22 (C) in subsection (f), as redesignated by  
23 subparagraph (B), by striking “not less than 3  
24 years and not more than 5 years” and inserting  
25 “not more than 3 years, and may be extended

1 for an additional period of not more than 2  
2 years, if an eligible entity is achieving the in-  
3 tended outcomes of the grant.”;

4 (D) by striking subsection (g), as redesign-  
5 nated by subparagraph (B), and inserting the  
6 following:

7 “(g) PRIORITY.—

8 “(1) IN GENERAL.—In awarding grants under  
9 this part, a State educational agency shall give pri-  
10 ority to high-quality applications that—

11 “(A) are based on strong research evidence  
12 for improving student learning, as measured by  
13 student achievement and other measures of stu-  
14 dent learning and development that are appro-  
15 priate for, and aligned to, the program’s goals  
16 and design;

17 “(B) propose to serve the highest percent-  
18 age of students from low income families;

19 “(C) include a partnership agreement,  
20 signed by each partner of the eligible entity,  
21 that—

22 “(i) shows that the staff of each part-  
23 ner are committed to work collaboratively  
24 to implement the proposed activities, in-  
25 cluding through coordinated planning, col-

1 laborative implementation, and joint pro-  
2 fessional development and training oppor-  
3 tunities;

4 “(ii) sets clear expectations, including  
5 measurable goals for each partner;

6 “(iii) requires the collection and re-  
7 porting of data about the outcomes of pro-  
8 grams funded under this part, in order to  
9 monitor progress toward achieving such  
10 goals and inform implementation; and

11 “(iv) specifies how student informa-  
12 tion will be shared to advance the goals of  
13 the proposed program and activities, in-  
14 cluding student academic achievement and  
15 engagement data, as appropriate and in  
16 accordance with Federal, State, and local  
17 laws; and

18 “(D) are submitted by eligible entities that  
19 will provide matching funds to carry out the ac-  
20 tivities supported by the grant, as described in  
21 paragraph (2).

22 “(2) MATCHING FUNDS.—

23 “(A) AMOUNT OF MATCHING FUNDS.—In  
24 awarding grants under this section, a State  
25 educational agency shall give priority to applica-

1           tions from eligible entities that, in addition to  
2           meeting the requirements of paragraph (1),  
3           provide matching funds in an amount not less  
4           than—

5                   “(i) for the first year of an initial  
6                   grant under this section, 10 percent of the  
7                   cost of the activities;

8                   “(ii) for the second year of such  
9                   grant, 20 percent of the cost of the activi-  
10                  ties;

11                  “(iii) for the third year of such grant,  
12                  and for the first year of a subsequent  
13                  grant under this section, 30 percent of the  
14                  cost of the activities; and

15                  “(iv) for the second or any succeeding  
16                  year of such subsequent grant, 40 percent  
17                  of the cost of the activities.

18                  “(B) CASH OR IN KIND.—The eligible enti-  
19                  ty may provide the matching funds described in  
20                  subparagraph (A) in cash or in kind, fairly eval-  
21                  uated, including plant, equipment, or services,  
22                  but may not provide more than 50 percent of  
23                  the matching funds in kind.

24                  “(C) WAIVER.—A State educational agen-  
25                  cy may waive all or part of the matching re-



1           requirement for priority described in this para-  
2           graph, on a case-by-case basis, upon a showing  
3           of serious financial hardship.”;

4           (5) in section 4405, as redesignated by section  
5           4103(a) of this Act—

6           (A) in subsection (a)—

7                   (i) in the matter preceding paragraph  
8                   (1), by striking “before and after school  
9                   activities (including during summer recess  
10                  periods)” and inserting “before school,  
11                  after school, summer learning, or expanded  
12                  learning time activities”;

13                  (ii) by redesignating paragraphs (1)  
14                  through (12) as paragraphs (2) through  
15                  (13), respectively;

16                  (iii) by inserting before paragraph (2),  
17                  as redesignated by clause (ii), the fol-  
18                  lowing:

19                   “(1) high-quality expanded learning time pro-  
20                   grams or initiatives;” and

21                  (iv) in paragraph (6), as redesignated  
22                  by clause (ii), by striking “(including those  
23                  provided by senior citizen volunteers)”;

24                  (B) by striking subsection (b) and insert-  
25                  ing the following:

1           “(b) PERFORMANCE INDICATORS.—Each State edu-  
2 cational agency that receives a grant under this part shall  
3 collect, and annually report to the Secretary, information  
4 on the following performance indicators, disaggregated, as  
5 appropriate, by the subgroups described in section  
6 1111(a)(2)(B)(ix):

7           “(1) The average time added to the school day,  
8 school week, or school year, if applicable.

9           “(2) Student participation and attendance rates  
10 for the programs funded under this part.

11           “(3) Student achievement in core academic sub-  
12 jects and high school graduation rates, as applicable,  
13 for students who participate in such programs.”.

14 **SEC. 4106. PROMISE NEIGHBORHOODS.**

15           Title IV (20 U.S.C. 7101 et seq.) is amended by in-  
16 serting after part D, as redesignated by section 4103(a)  
17 of this Act, the following:

18           **“PART E—PROMISE NEIGHBORHOODS**

19 **“SEC. 4501. SHORT TITLE.**

20           “‘This part may be cited as the ‘Promise Neighbor-  
21 hoods Act of 2011’.

22 **“SEC. 4502. PURPOSE.**

23           “‘The purpose of this part is to significantly improve  
24 academic outcomes, including school readiness, high school  
25 graduation, and college and career readiness of children

1 living in our Nation’s most distressed neighborhoods, by  
2 using data-driven decisionmaking and existing external re-  
3 sources to provide children in such neighborhoods with ac-  
4 cess to a community-based continuum of high-quality pipe-  
5 line services that include access to early learning opportu-  
6 nities, high-quality schools, and evidence-based practices  
7 that address the needs of such children from birth through  
8 college and career.

9 **“SEC. 4503. DEFINITIONS.**

10 “In this part:

11 “(1) COLLEGE AND CAREER READINESS.—The  
12 term ‘college and career readiness’ means the level  
13 of preparation a student needs in order to meet the  
14 State academic content and achievement standards  
15 under section 1111(a)(1).

16 “(2) COMMUNITY OF PRACTICE.—The term  
17 ‘community of practice’ means a group of entities  
18 that interact regularly to share best practices to ad-  
19 dress 1 or more persistent problems, or improve  
20 practice with respect to such problems, in 1 or more  
21 neighborhoods.

22 “(3) EXPANDED LEARNING TIME.—The term  
23 ‘expanded learning time’ means the activities and  
24 programs described in subparagraphs (A), (B), and  
25 (C) of section 4201(b)(1).

1           “(4) FAMILY AND STUDENT SUPPORTS.—The  
2 term ‘family and student supports’ includes—

3           “(A) health programs (including both men-  
4 tal health and physical health services);

5           “(B) school-, public-, and child-safety pro-  
6 grams;

7           “(C) programs that improve family sta-  
8 bility;

9           “(D) workforce development programs (in-  
10 cluding those that meet local business needs,  
11 such as internships and externships);

12           “(E) social service programs;

13           “(F) legal aid programs;

14           “(G) financial literacy education programs;

15           “(H) adult education and family literacy  
16 programs;

17           “(I) parent, family, and community en-  
18 gagement programs; and

19           “(J) programs that increase access to  
20 learning technology and enhance the digital lit-  
21 eracy skills of students.

22           “(5) INTEGRATED STUDENT SUPPORTS.—The  
23 term ‘integrated student supports’ means services,  
24 supports, and community resources, which shall be  
25 offered through a site coordinator for at-risk stu-

1 dents, that have been shown by evidence-based re-  
2 search—

3 “(A) to increase academic achievement and  
4 engagement;

5 “(B) to support positive child and youth  
6 development; and

7 “(C) to increase student preparedness for  
8 success in college and the workforce.

9 “(6) NEIGHBORHOOD.—The term ‘neighbor-  
10 hood’ means a defined geographical area in which  
11 there are multiple signs of distress, demonstrated by  
12 indicators of need, including poverty, childhood obe-  
13 sity rates, academic failure, and rates of juvenile de-  
14 linquency, adjudication, or incarceration.

15 “(7) PIPELINE SERVICES.—The term ‘pipeline  
16 services’ references a continuum of supports and  
17 services for children from birth through college  
18 entry, college success, and career attainment, includ-  
19 ing, at a minimum, strategies to address through  
20 services or programs (including integrated student  
21 supports and wraparound services) the following:

22 “(A) Prenatal education and support for  
23 expectant parents.

24 “(B) High-quality early learning opportu-  
25 nities.

1           “(C) High-quality schools and out-of-  
2 school-time programs and strategies.

3           “(D) Support for a child’s transition to el-  
4 elementary school, between elementary school and  
5 middle school, from middle school to high  
6 school, and from high school into and through  
7 college and into the workforce.

8           “(E) Parent, family, and community en-  
9 gagement.

10           “(F) Parent, family, and student supports.

11           “(G) Activities that support college and ca-  
12 reer readiness, including coordination between  
13 such activities, such as—

14                   “(i) assistance with college admis-  
15 sions, financial aid, and scholarship appli-  
16 cations, especially for low-income and low-  
17 achieving students; and

18                   “(ii) career preparation services and  
19 supports and wrap-around services.

20           **“Subpart 1—Promise Neighborhood Partnership**

21                           **Grants**

22           **“SEC. 4511. PROGRAM AUTHORIZED.**

23           “(a) IN GENERAL.—

24                   “(1) PROGRAM AUTHORIZED.—From amounts  
25 appropriated to carry out this subpart, the Secretary

1 shall award grants, on a competitive basis, to eligible  
2 entities to implement a comprehensive, evidence-  
3 based continuum of coordinated services and sup-  
4 ports that engages community partners to improve  
5 academic achievement, student development, and col-  
6 lege and career readiness, measured by common out-  
7 comes, by carrying out the activities described in  
8 section 4514 in neighborhoods with high concentra-  
9 tions of low-income individuals and persistently low-  
10 achieving schools or schools with an achievement  
11 gap.

12 “(2) SUFFICIENT SIZE AND SCOPE.—Each  
13 grant awarded under this subpart shall be of suffi-  
14 cient size and scope to allow the eligible entity to  
15 carry out the purpose of this part.

16 “(b) DURATION.—Grants awarded under this sub-  
17 part shall be for a period of not more than 5 years and  
18 may be renewed for not more than 1 additional grant pe-  
19 riod.

20 “(c) CONTINUED FUNDING.—Continued funding  
21 after the third year of the grant period shall be contingent  
22 on the eligible entity’s progress toward meeting the per-  
23 formance metrics described in section 4516(a).

24 “(d) MATCHING REQUIREMENT.—Each eligible enti-  
25 ty receiving a grant under this subpart shall contribute

1 matching funds in an amount equal to not less than 100  
2 percent of the amount of the grant. Such matching funds  
3 shall come from non-Federal sources. The Secretary shall  
4 require that a portion of such matching funds come from  
5 private sources.

6 “(e) FINANCIAL HARDSHIP WAIVER.—The Secretary  
7 may waive or reduce, on a case-by-case basis, the matching  
8 requirement described in subsection (d), for a period of  
9 1 year at a time, if the eligible entity demonstrates signifi-  
10 cant financial hardship.

11 **“SEC. 4512. ELIGIBLE ENTITIES.**

12 “In this subpart, the term ‘eligible entity’ means not  
13 less than 1 nonprofit entity in partnership with not less  
14 than 1 high-need local educational agency. Such partner-  
15 ship may also include any of the following entities:

16 “(1) A charter school funded by the Bureau of  
17 Indian Education that is not a local educational  
18 agency, except that such school shall not be the fis-  
19 cal agent for the eligible entity partnership.

20 “(2) An institution of higher education, as de-  
21 fined in section 102 of the Higher Education Act of  
22 1965 (20 U.S.C. 1002).

23 “(3) The office of a chief elected official of a  
24 unit of local government.



1           “(4) An Indian tribe or tribal organization, as  
2           defined under section 4 of the Indian Self-Deter-  
3           mination and Education Assistance Act (25 U.S.C.  
4           450b).

5           **“SEC. 4513. APPLICATION REQUIREMENTS.**

6           “(a) IN GENERAL.—To be eligible to receive a grant  
7           under this subpart, an eligible entity shall submit an appli-  
8           cation to the Secretary at such time, in such manner, and  
9           containing such information as the Secretary may require.

10          “(b) CONTENTS OF APPLICATION.—At a minimum,  
11          an application described in subsection (a) shall include the  
12          following:

13                 “(1) A plan to significantly improve the aca-  
14                 demic outcomes of children living in a neighborhood  
15                 that is served by the eligible entity, by providing a  
16                 continuum of services and supports that addresses  
17                 the needs of children in the neighborhood, as identi-  
18                 fied by the needs analysis described in paragraph (4)  
19                 and supported by evidence-based practices.

20                 “(2) A description of the neighborhood that the  
21                 eligible entity will serve.

22                 “(3) Measurable annual goals for the outcomes  
23                 of the grant, including—

1           “(A) performance goals, in accordance with  
2           the metrics described in section 4516(a), for  
3           each year of the grant; and

4           “(B) projected participation rates and any  
5           plans to expand the number of children served  
6           or the neighborhood proposed to be served by  
7           the grant program.

8           “(4) An analysis of the needs and assets of the  
9           neighborhood identified in paragraph (2), includ-  
10          ing—

11           “(A) a description of the process through  
12           which the needs analysis was produced, includ-  
13           ing a description of how parents, family, and  
14           community members were engaged in such  
15           analysis;

16           “(B) an analysis of community assets, in-  
17           cluding programs already provided from Fed-  
18           eral and non-Federal sources, within, or acces-  
19           sible to, the neighborhood, including, at a min-  
20           imum—

21           “(i) early learning programs, includ-  
22           ing high-quality child care, Early Head  
23           Start programs, Head Start programs, and  
24           prekindergarten programs;

1                   “(ii) the availability of healthy food  
2                   options and opportunities for physical ac-  
3                   tivity;

4                   “(iii) existing family and student sup-  
5                   ports;

6                   “(iv) locally owned businesses and em-  
7                   ployers; and

8                   “(v) institutions of higher education;

9                   “(C) evidence of successful collaboration  
10                  within the neighborhood;

11                  “(D) the steps that the eligible entity is  
12                  taking, at the time of the application, to meet  
13                  the needs identified in the needs analysis; and

14                  “(E) any barriers the eligible entity, public  
15                  agencies, and other community-based organiza-  
16                  tions have faced in meeting such needs.

17                  “(5) A description of the data used to identify  
18                  the pipeline services to be provided, including data  
19                  regarding—

20                         “(A) school readiness;

21                         “(B) academic achievement and college  
22                         and career readiness;

23                         “(C) graduation rates;

24                         “(D) health indicators;

1           “(E) college enrollment, persistence, and  
2 completion rates, as available; and

3           “(F) conditions for learning, including  
4 school climate surveys, discipline rates, and stu-  
5 dent attendance and incident data.

6           “(6) A description of the process used to de-  
7 velop the application, including the involvement of  
8 family and community members.

9           “(7) An estimate of—

10           “(A) the number of children, by age, who  
11 will be served by each pipeline service; and

12           “(B) for each age group, the percentage of  
13 children (of such age group), within the neigh-  
14 borhood, who the eligible entity proposes to  
15 serve, disaggregated by each service, and the  
16 goals for increasing such percentage over time.

17           “(8) A description of how the pipeline services  
18 will coordinate the following activities:

19           “(A) Providing high-quality early learning  
20 opportunities for children, beginning prenatally  
21 and extending through grade 3, by—

22           “(i) supporting high-quality early  
23 learning opportunities that provide chil-  
24 dren with access to programs that support  
25 the cognitive and developmental skills, in-

1 cluding social and emotional skills, needed  
2 for success in elementary school;

3 “(ii) providing for opportunities,  
4 through parenting classes, baby academies,  
5 home visits, or other evidence-based strate-  
6 gies, for families and expectant parents  
7 to—

8 “(I) acquire the skills to promote  
9 early learning, development, and  
10 health and safety, including learning  
11 about child development and positive  
12 discipline strategies (such as through  
13 the use of technology and public  
14 media programming);

15 “(II) learn about the role of fam-  
16 ilies and expectant parents in their  
17 child’s education; and

18 “(III) become informed about  
19 educational opportunities for their  
20 children, including differences in qual-  
21 ity among early learning opportuni-  
22 ties;

23 “(iii) ensuring successful transitions  
24 between early learning programs and ele-  
25 mentary school, including through the es-

1           tablishment of memoranda of under-  
2           standing between early learning providers  
3           and local educational agencies serving  
4           young children and families;

5           “(iv) ensuring appropriate screening,  
6           diagnostic assessments, and referrals for  
7           children with disabilities, developmental  
8           delays, or other special needs, consistent  
9           with the Individuals with Disabilities Edu-  
10          cation Act (20 U.S.C. 1400 et seq.), where  
11          applicable;

12          “(v) improving the early learning  
13          workforce in the community, including  
14          through—

15                  “(I) investments in the recruit-  
16                  ment, retention, distribution, and sup-  
17                  port of high-quality professionals, es-  
18                  pecially those with certification and  
19                  experience in child development;

20                  “(II) the provision of high-quality  
21                  teacher preparation and professional  
22                  development; or

23                  “(III) the use of joint profes-  
24                  sional development for early learning

1 providers and elementary school  
2 teachers and administrators; and

3 “(vi) enhancing data systems and  
4 data sharing among the eligible entity,  
5 partners, early learning providers, schools,  
6 and local educational agencies operating in  
7 the neighborhood.

8 “(B) Supporting, enhancing, operating, or  
9 expanding rigorous and comprehensive edu-  
10 cation reforms designed to significantly improve  
11 educational outcomes for children and youth in  
12 early learning programs through grade 12,  
13 which may include—

14 “(i) operating schools or working in  
15 close collaboration with local schools to  
16 provide high-quality academic programs,  
17 curricula, and integrated student supports;

18 “(ii) providing expanded learning  
19 time; and

20 “(iii) providing programs and activi-  
21 ties that ensure that students—

22 “(I) are prepared for the college  
23 admissions, scholarship, and financial  
24 aid application processes; and

1                   “(II) graduate college and career  
2                   ready.

3                   “(C) Supporting access to a healthy life-  
4                   style, which may include—

5                   “(i) the provision of high-quality and  
6                   nutritious meals;

7                   “(ii) access to programs that promote  
8                   physical activity, physical education, and  
9                   fitness; and

10                  “(iii) education to promote a healthy  
11                  lifestyle and positive body image.

12                  “(D) Providing social, health, and mental  
13                  health services and supports, including referrals  
14                  for essential care and preventative screenings,  
15                  for children, family, and community members,  
16                  which may include—

17                  “(i) dental services;

18                  “(ii) vision care; and

19                  “(iii) oral and auditory screenings and  
20                  referrals.

21                  “(E) Supporting students and family mem-  
22                  bers as the students transition from early learn-  
23                  ing programs into elementary school, from ele-  
24                  mentary school to middle school, from middle  
25                  school to high school, from high school into and



1 through college and into the workforce, includ-  
2 ing through specialized resources to address  
3 challenges that students may face as they tran-  
4 sition, such as the following:

5 “(i) Early college high schools.

6 “(ii) Dual enrollment programs.

7 “(iii) Career academies.

8 “(iv) Counseling and support services.

9 “(v) Dropout prevention and recovery  
10 strategies.

11 “(vi) Collaboration with the juvenile  
12 justice system and reentry counseling for  
13 adjudicated youth.

14 “(vii) Advanced Placement (AP) or  
15 International Baccalaureate (IB) pro-  
16 grams.

17 “(viii) Teen parent classrooms.

18 “(ix) Graduation and career coaches.

19 “(9) A description of the strategies that will be  
20 used to provide pipeline services (including a de-  
21 scription of the process used to identify such strate-  
22 gies and the outcomes expected and a description of  
23 which programs and services will be provided to chil-  
24 dren, family members, community members, and  
25 children not attending schools or programs operated

1 by the eligible entity or its partner providers) to sup-  
2 port the purpose of this part.

3 “(10) An explanation of the process the eligible  
4 entity will use to establish and maintain family and  
5 community engagement.

6 “(11) An explanation of how the eligible entity  
7 will continuously evaluate and improve the con-  
8 tinuum of high-quality pipeline services, including—

9 “(A) a description of the metrics, con-  
10 sistent with section 4516(a), that will be used  
11 to inform each component of the pipeline; and

12 “(B) the processes for using data to im-  
13 prove instruction, optimize integrated student  
14 supports, provide for continuous program im-  
15 provement, and hold staff and partner organiza-  
16 tions accountable.

17 “(12) An identification of the fiscal agent,  
18 which may be any entity described in section 4512  
19 (not including paragraph (1) of such section).

20 “(13) A list of the non-Federal sources of fund-  
21 ing that the eligible entity will secure to comply with  
22 the matching funds requirement described in section  
23 4511(d), in addition to other programs from which  
24 the eligible entity has already secured funding, in-  
25 cluding those funded by the Department or pro-

1       grams in the Department of Health and Human  
2       Services, the Department of Housing and Urban De-  
3       velopment, the Department of Justice, or the De-  
4       partment of Labor.

5       “(c) MEMORANDUM OF UNDERSTANDING.—An eligi-  
6       ble entity, as part of the application described in this sec-  
7       tion, shall submit a preliminary memorandum of under-  
8       standing, signed by each partner entity or agency. The  
9       preliminary memorandum of understanding shall describe,  
10      at a minimum—

11           “(1) each partner’s financial and programmatic  
12           commitment with respect to the strategies described  
13           in the application, including an identification of the  
14           fiscal agent;

15           “(2) each partner’s long-term commitment to  
16           providing pipeline services that, at a minimum, ac-  
17           counts for the cost of supporting the continuum of  
18           supports and services (including a plan for how to  
19           support services and activities after grant funds are  
20           no longer available) and potential changes in local  
21           government;

22           “(3) each partner’s mission and the plan that  
23           will govern the work that the partners do together;

24           “(4) each partner’s long-term commitment to  
25           supporting the continuum of supports and services

1 through data collection, monitoring, reporting, and  
2 sharing; and

3 “(5) each partner’s commitment to ensure  
4 sound fiscal management and controls, including evi-  
5 dence of a system of supports and personnel.

6 **“SEC. 4514. USE OF FUNDS.**

7 “(a) IN GENERAL.—Each eligible entity that receives  
8 a grant under this subpart shall use the grant funds to—

9 “(1) implement the pipeline services, as de-  
10 scribed in the application under section 4513; and

11 “(2) continuously evaluate the success of the  
12 program and improve the program based on data  
13 and outcomes.

14 “(b) SPECIAL RULES.—

15 “(1) FUNDS FOR PIPELINE SERVICES.—Each  
16 eligible entity that receives a grant under this sub-  
17 part shall, in the second year of the grant and each  
18 subsequent year, including each year of a renewal  
19 grant, use not less than 80 percent of grant funds  
20 to carry out the activities described in subsection  
21 (a)(1).

22 “(2) OPERATIONAL FLEXIBILITY.—Each eligi-  
23 ble entity that operates a school in a neighborhood  
24 served by a grant program under this subpart shall  
25 provide such school with the operational flexibility,

1 including autonomy over staff, time, and budget,  
2 needed to effectively carry out the activities de-  
3 scribed in the application under section 4513.

4 **“SEC. 4515. REPORT AND PUBLICLY AVAILABLE DATA.**

5 “(a) REPORT.—Each eligible entity that receives a  
6 grant under this subpart shall prepare and submit an an-  
7 nual report to the Secretary, which shall include—

8 “(1) information about the number and per-  
9 centage of children in the neighborhood who are  
10 served by the grant program, including a description  
11 of the number and percentage of children accessing  
12 each of the pipeline services;

13 “(2) data (disaggregated by the categories de-  
14 scribed in section 1111(a)(2)(B)(ix)) about the grant  
15 program’s success in—

16 “(A) narrowing achievement gaps and im-  
17 proving student achievement;

18 “(B) ensuring school readiness and healthy  
19 socio-emotional development;

20 “(C) increasing student persistence;

21 “(D) increasing student attendance, and  
22 decreasing incidences of violence, suspension,  
23 and expulsion;

24 “(E) improving conditions for learning, as  
25 measured by a school climate survey; and

1                   “(F) increasing secondary school gradua-  
2                   tion rates and college entry;

3                   “(3) information relating to the performance  
4                   metrics described in section 4516(a); and

5                   “(4) other indicators that may be required by  
6                   the Secretary, in consultation with the Director of  
7                   the Institute of Education Sciences.

8                   “(b) PUBLICLY AVAILABLE DATA.—Each eligible en-  
9                   tity that receives a grant under this subpart shall make  
10                  publicly available, including through electronic means, the  
11                  information described in subsection (a). To the extent  
12                  practicable, such information shall be provided in a form  
13                  and language accessible to parents and families in the  
14                  neighborhood, and such information shall be a part of  
15                  statewide longitudinal data systems.

16                  **“SEC. 4516. ACCOUNTABILITY.**

17                  “(a) PERFORMANCE METRICS.—The Secretary shall  
18                  establish performance metrics relevant to the evaluation  
19                  of the grant program under this subpart.

20                  “(b) EVALUATION.—The Secretary shall evaluate the  
21                  implementation and impact of the activities funded under  
22                  this subpart, in accordance with section 9601.

23                                  **“Subpart 2—Promise School Grants**

24                  **“SEC. 4521. PROGRAM AUTHORIZED.**

25                  “(a) IN GENERAL.—

1           “(1) PROGRAM AUTHORIZED.—From amounts  
2           appropriated to carry out this subpart, the Secretary  
3           shall award grants, on a competitive basis, to eligible  
4           entities to implement school-centered, evidence-based  
5           strategies and integrated student supports that le-  
6           verage community partnerships to improve student  
7           achievement and child and youth development by  
8           carrying out the activities described in section 4524  
9           in schools with high concentrations of low-income  
10          children.

11          “(2) SUFFICIENT SIZE AND SCOPE.—Each  
12          grant awarded under this subpart shall be of suffi-  
13          cient size and scope to allow the eligible entity to  
14          carry out the purpose of this part.

15          “(b) GENERAL PROVISIONS.—The requirements of  
16          subsections (b), (c), (d), and (e) of section 4511 and sec-  
17          tion 4514(b) shall apply to a grant under this subpart in  
18          the same manner as such subsections apply to a grant  
19          under subpart 1, except that the performance metrics used  
20          for section 4511(c) shall be the metrics under section  
21          4526(a).

22          **“SEC. 4522. DEFINITION OF ELIGIBLE ENTITY.**

23          “‘In this subpart, the term ‘eligible entity’ means—

24                  “(1) not less than 1 high-need local educational  
25                  agency (including a charter school that is a local

1 educational agency) in partnership with 1 or more  
2 nonprofit entities or institutions of higher education;  
3 or

4 “(2) a school funded by the Bureau of Indian  
5 Education that falls under the definition of a local  
6 educational agency under section 9101 in partner-  
7 ship with 1 or more nonprofit entities or institutions  
8 of higher education.

9 **“SEC. 4523. APPLICATION REQUIREMENTS; PRIORITY.**

10 “(a) IN GENERAL.—To be eligible to receive a grant  
11 under this subpart, an eligible entity shall submit an appli-  
12 cation to the Secretary at such time, in such manner, and  
13 containing such information as the Secretary may require.

14 “(b) CONTENTS OF APPLICATION.—At a minimum,  
15 the application described in subsection (a) shall include  
16 the following:

17 “(1) A description of the local educational agen-  
18 cy, schools, and students that will be served by the  
19 grant program.

20 “(2) A description of the steps that the eligible  
21 entity is taking—

22 “(A) to meet the needs identified in the  
23 analysis described in paragraph (4); and

24 “(B) to remove any barriers that the eligi-  
25 ble entity has identified in meeting such needs.



1           “(3) The designation of a site coordinator, with  
2           appropriate qualifications and appropriate time, au-  
3           tonomy, and support to provide—

4                   “(A) leadership in building relationships  
5                   and establishing and sustaining partnerships  
6                   that support school improvement, school turn-  
7                   around efforts in accordance with section  
8                   1116(c), increases in student achievement, posi-  
9                   tive child and youth development, and parent,  
10                  family, and community engagement; and

11                   “(B) effective coordination of student serv-  
12                   ices at all stages of the continuum of high-qual-  
13                   ity pipeline services.

14           “(4) An analysis of the needs and assets of the  
15           schools and communities that will be assisted under  
16           this subpart. Such analysis shall include—

17                   “(A) student data, including information  
18                  about—

19                           “(i) school readiness;

20                           “(ii) achievement;

21                           “(iii) credit accumulation;

22                           “(iv) grade-to-grade promotion;

23                           “(v) graduation;

24                           “(vi) attendance; and

25                           “(vii) discipline; and

1           “(B) information about the assets de-  
2           scribed in section 4513(b)(4)(B) with respect to  
3           such schools and communities.

4           “(5) An explanation of how the eligible entity  
5           and its program partners will use evidence-based  
6           practice, data, and research to leverage partnerships  
7           to implement integrated student supports and wrap-  
8           around services to—

9           “(A) address the needs identified in para-  
10          graph (4);

11          “(B) encourage parents, family members,  
12          and community members to—

13                 “(i) participate in the education of  
14                 their children and become an integral part  
15                 of the school culture, school improvement,  
16                 and decisionmaking; and

17                 “(ii) promote strategies that include  
18                 the educational and financial literacy infor-  
19                 mation that is necessary to increase access  
20                 to, and success in, postsecondary edu-  
21                 cation;

22          “(C) enable teachers and administrators,  
23          including early learning providers, to com-  
24          plement and enrich efforts to help children—

25                 “(i) achieve learning gains;

1 “(ii) prepare for graduation; and

2 “(iii) plan for the future, including  
3 preparing for college and careers; and

4 “(D) coordinate and leverage other pro-  
5 grams that serve children, the schools served by  
6 the grant, and the neighborhood.

7 “(6) An explanation of the extent to which the  
8 eligible entity and its program partners will serve or  
9 involve children residing in the neighborhood regard-  
10 less of whether such children attend a school served  
11 by the grant (including by, as appropriate, providing  
12 high-quality early learning opportunities for chil-  
13 dren, beginning at birth and extending through  
14 grade 3) by—

15 “(A) carrying out the activities described  
16 in section 4513(b)(8)(A), as appropriate; and

17 “(B) carrying out the activities described  
18 in subparagraphs (B) through (E) of section  
19 4513(b)(8).

20 “(7) A description of the capacity of the eligible  
21 entity for measuring student outcomes and school-  
22 specific outcomes.

23 “(8) A description of how the strategies sup-  
24 ported with funds under this subpart will be—

1           “(A) coordinated with other programs and  
2 strategies carried out by the local educational  
3 agency; and

4           “(B) to the greatest extent practicable, co-  
5 ordinated with other agencies, such as agencies  
6 that provide reentry services to adjudicated  
7 youth.

8           “(9) A description of the strategy the eligible  
9 entity will use to—

10           “(A) support family and community en-  
11 gagement; and

12           “(B) make schools the centers of their re-  
13 spective communities.

14           “(10) A list of the non-Federal sources of fund-  
15 ing that the eligible entity will secure to comply with  
16 the matching funds requirement described in section  
17 4511(d), in addition to other programs the eligible  
18 entity has already secured funding from, including  
19 those funded by the Department, or programs in the  
20 Department of Health and Human Services, the De-  
21 partment of Housing and Urban Development, the  
22 Department of Justice, or the Department of Labor.

23           “(c) MEMORANDUM OF UNDERSTANDING.—An eligi-  
24 ble entity, as part of the application described in this sec-

1 tion, shall submit a preliminary memorandum of under-  
2 standing that meets the requirements of section 4513(c).

3 “(d) PRIORITY.—In awarding grants under this sub-  
4 part, the Secretary shall give priority to applicants that—

5 “(1) propose to provide a continuum of high-  
6 quality education and student support services for  
7 children beginning in prekindergarten and extending  
8 through high school graduation;

9 “(2) propose to include significant investments  
10 in high-quality early learning programs, consistent  
11 with subsection (b)(6)(A); and

12 “(3) provide schools served by the grant with  
13 the operational flexibility, including autonomy over  
14 staff, time, and budget, needed to effectively carry  
15 out the activities described in the application under  
16 this section.

17 **“SEC. 4524. USE OF FUNDS.**

18 “Each eligible entity that receives a grant under this  
19 subpart shall use the grant funds to—

20 “(1) implement the activities described in the  
21 application under section 4523; and

22 “(2) continuously evaluate the success of the  
23 grant program and improve the grant program  
24 based on data and outcomes.

1 **“SEC. 4525. REPORT AND PUBLICLY AVAILABLE DATA.**

2 “(a) REPORT.—Each eligible entity that receives a  
3 grant under this subpart shall prepare and submit an an-  
4 nual report to the Secretary, which shall include—

5 “(1) information about the number and per-  
6 centage of children served by the grant program,  
7 disaggregated the subgroups described in section  
8 1111(b)(2)(B)(ix);

9 “(2) data about the grant program’s success  
10 in—

11 “(A) narrowing achievement gaps;

12 “(B) ensuring school readiness and healthy  
13 socio-emotional development;

14 “(C) improving academic achievement;

15 “(D) increasing student persistence in ele-  
16 mentary school and secondary school;

17 “(E) increasing on-time secondary school  
18 graduation rates and college entry; and

19 “(F) increasing student attendance and de-  
20 creasing incidents of violence, suspension, and  
21 expulsion; and

22 “(3) other indicators that may be required by  
23 the Secretary, in consultation with the Director of  
24 the Institute of Education Sciences.

25 “(b) PUBLICLY AVAILABLE DATA.—Each eligible en-  
26 tity that receives a grant under this subpart shall make

1 publicly available, including through electronic means, the  
2 information described in subsection (a). To the extent  
3 practicable, such information shall be provided in a form  
4 and language accessible to parents and families in the  
5 neighborhood.

6 **“SEC. 4526. ACCOUNTABILITY.**

7 “(a) PERFORMANCE METRICS.—The Secretary shall  
8 establish performance metrics relevant to the evaluation  
9 of the grant program under this subpart.

10 “(b) EVALUATION.—The Secretary shall evaluate the  
11 implementation and impact of the activities funded under  
12 this subpart, in accordance with section 9601.

13 **“Subpart 3—General Provisions**

14 **“SEC. 4531. NATIONAL ACTIVITIES.**

15 “From the amounts appropriated to carry out this  
16 part for a fiscal year, in addition to the amounts that may  
17 be reserved in accordance with section 9601, the Secretary  
18 may reserve not more than 5 percent for national activi-  
19 ties, which may include—

20 “(1) research on the activities carried out under  
21 subparts 1 and 2;

22 “(2) identification and dissemination of best  
23 practices;

24 “(3) technical assistance;

25 “(4) professional development; and

1           “(5) other activities consistent with the purpose  
2           of this part.”.

3 **SEC. 4107. PARENT AND FAMILY INFORMATION AND RE-**  
4 **SOURCE CENTERS.**

5           Title IV (20 U.S.C. 7101 et seq.) is amended by in-  
6           serting after part E, as added by section 4106 of this Act,  
7           the following:

8           **“PART F—PARENT AND FAMILY INFORMATION**  
9 **AND RESOURCE CENTERS**

10 **“SEC. 4601. PURPOSE.**

11           “The purpose of this part is to increase and enhance  
12           parent and family engagement in education by—

13           “(1) providing support and technical assistance  
14           to State educational agencies;

15           “(2) supporting a community of practice related  
16           to effective parent and family engagement strategies  
17           and practices; and

18           “(3) as appropriate, providing information and  
19           training to local educational agencies, schools, par-  
20           ents and families, and community members.

21 **“SEC. 4602. DEFINITION OF ELIGIBLE ENTITY.**

22           “In this part, the term ‘eligible entity’ means—

23           “(1) a nonprofit organization (including a state-  
24           wide nonprofit organization); or



1           “(2) a consortium consisting of a nonprofit or-  
2           ganization (including a statewide nonprofit organiza-  
3           tion) and a State educational agency or local edu-  
4           cational agency.

5   **“SEC. 4603. GRANTS AUTHORIZED.**

6           “(a) PARENT AND FAMILY INFORMATION AND RE-  
7   SOURCE CENTERS.—The Secretary is authorized to award  
8   grants, on a competitive basis, to eligible entities to enable  
9   such eligible entities to operate State parent and family  
10 information and resource centers that—

11           “(1) assist the State educational agency in  
12   identifying, implementing, and replicating effective  
13   evidence-based parent, family, and community en-  
14   gagement strategies, including assisting the State  
15   educational agency in carrying out parent and family  
16   engagement strategies that are funded under section  
17   1118 and other provisions of this Act;

18           “(2) provide technical assistance, training, in-  
19   formation, and support, as appropriate (including  
20   support in turning around schools), to, at a min-  
21   imum, high-need schools and schools that are served  
22   by high-need local educational agencies; and

23           “(3) strengthen partnerships among parents,  
24   family members, community-based organizations (in-  
25   cluding faith-based organizations), schools, local

1 educational agencies, employers, and other appro-  
2 priate community members who are committed to  
3 improving and enhancing parent, family, and com-  
4 munity engagement in order to improve student  
5 achievement and support positive child development.

6 “(b) DURATION.—Grants awarded under this part  
7 shall be for a period of 5 years.

8 “(c) GEOGRAPHIC DISTRIBUTION.—In awarding  
9 grants under this part, the Secretary shall ensure that not  
10 less than 1 grant is awarded to an eligible entity in each  
11 State.

12 “(d) PRIORITY.—In awarding grants under this part,  
13 the Secretary shall give priority to applications from eligi-  
14 ble entities that have a demonstrated record of effective-  
15 ness in increasing and enhancing the engagement of par-  
16 ents and families whose children attend a high-need school  
17 or a school that is served by a high-need local educational  
18 agency.

19 **“SEC. 4604. APPLICATIONS.**

20 “(a) SUBMISSION.—Each eligible entity that desires  
21 a grant under this part shall submit an application to the  
22 Secretary at such time, in such manner, and accompanied  
23 by such information as the Secretary may require.

1       “(b) ASSURANCES.—Each application submitted  
2 under subsection (a) shall include, at a minimum, an as-  
3 surance that the eligible entity will—

4               “(1)(A) be governed by a board of directors, of  
5 which not less than 50 percent is comprised of mem-  
6 bers who are—

7                       “(i) parents or family members of school-  
8 aged children in the State that the eligible enti-  
9 ty serves, including educationally and economi-  
10 cally disadvantaged parents; and

11                       “(ii) community stakeholders who are com-  
12 mitted to improving schools and increasing par-  
13 ent and family engagement; or

14               “(B) be an organization or consortium that rep-  
15 resents the interests of parents and family members  
16 of school-aged children;

17               “(2) use not less than 75 percent of the funds  
18 received under this part for each fiscal year to serve  
19 areas with a demonstrated high concentration of  
20 low-income families;

21               “(3) reserve not less than 20 percent of the  
22 funds received under this part for each fiscal year to  
23 establish, expand, or operate parent education pro-  
24 grams for parents whose children attend early child-  
25 hood education and care programs;

1           “(4) operate a parent and family information  
2           and resource center of sufficient size, scope, and  
3           quality to effectively carry out the purpose of this  
4           part;

5           “(5) ensure that parents and family members,  
6           including economically disadvantaged parents and  
7           family members with children who attend high-need  
8           schools or schools that are served by high-need local  
9           educational agencies, have access to leadership devel-  
10          opment training and other evidence-based strategies  
11          that provide the skills and resources parents and  
12          family members need to support school improve-  
13          ment, increase student achievement, and promote  
14          positive student development; and

15          “(6) demonstrate to the Secretary that a por-  
16          tion of the services provided by the eligible entity  
17          under the grant is supported through non-Federal  
18          contributions, which contributions may be in cash or  
19          in kind.

20          “(c) CONTENTS.—In addition to the requirements de-  
21          scribed in subsection (b), each application submitted  
22          under subsection (a) shall, at a minimum—

23                 “(1) describe how the eligible entity will serve  
24                 both urban and rural areas throughout the State  
25                 that is served by the eligible entity;

1           “(2) demonstrate the eligible entity’s record of  
2 effectiveness in carrying out parent and family en-  
3 gagement activities, including the provision of high-  
4 quality technical assistance to State educational  
5 agencies and local educational agencies;

6           “(3) describe the process through which the eli-  
7 gible entity will—

8           “(A) leverage relationships with, and col-  
9 lect and exchange information among, partners;  
10 and

11           “(B) disseminate information about evi-  
12 dence-based best practices to support parent  
13 and family engagement strategies;

14           “(4) describe the eligible entity’s strategy for  
15 serving parents and family members of children in  
16 the area served by the eligible entity, including par-  
17 ents and family members of students who are served  
18 by high-need local educational agencies;

19           “(5) describe how the eligible entity will assist  
20 the State educational agency in effectively sup-  
21 porting high-need local educational agencies in—

22           “(A) increasing parent and family member  
23 understanding of, and opportunities to develop  
24 the knowledge and skills to engage as full part-

1           ners in, supporting academic achievement, child  
2           development, and school improvement; and

3           “(B) employing evidence-based strategies  
4           to—

5                   “(i) increase the participation of eco-  
6                   nomically disadvantaged and English  
7                   learner parents and family members in  
8                   school activities; and

9                   “(ii) improve parent and family en-  
10                  gagement strategies in low-performing  
11                  schools served by high-need local edu-  
12                  cational agencies; and

13           “(6) identify the Federal, State, and local serv-  
14           ices and programs that prepare children to be ready  
15           for institutions of higher education and careers with  
16           which the eligible entity will coordinate, including—

17                   “(A) programs supported under this Act;

18                   “(B) violence prevention programs;

19                   “(C) programs that serve at-risk or out-of-  
20           school youth;

21                   “(D) nutrition programs;

22                   “(E) housing programs;

23                   “(F) Head Start and other early childhood  
24           care and education programs;

1           “(G) adult education and literacy activities  
2           (as defined in section 203 of the Adult Edu-  
3           cation and Family Literacy Act); and

4           “(H) workforce development programs.

5 **“SEC. 4605. USES OF FUNDS.**

6           “(a) **REQUIRED ACTIVITIES.**—Each eligible entity  
7 that receives a grant under this part shall use such grant  
8 funds to provide services to parents, family members, edu-  
9 cators, and community members and to assist State edu-  
10 cational agencies, local educational agencies, and, where  
11 applicable, districtwide parent advisory committees in sup-  
12 porting parent and family engagement in education by  
13 carrying out the following activities:

14           “(1) Providing technical assistance to State  
15 educational agencies in—

16           “(A) reviewing and responding to local  
17 parent and family engagement plans (including,  
18 at a minimum, such plans submitted by high-  
19 need local educational agencies) in order to sup-  
20 port evidence-based strategies and best prac-  
21 tices in parent and family engagement;

22           “(B) the implementation of Federal and  
23 State laws, regulations, and guidance relating  
24 to parent and family engagement;

1           “(C) the implementation or replication of  
2           statewide evidence-based programs and strate-  
3           gies, especially for parents who are education-  
4           ally and economically disadvantaged; and

5           “(D) applicable evaluation, reporting, and  
6           accountability processes.

7           “(2) Obtaining and disseminating information  
8           about the range of options, programs, services, and  
9           resources (including curricula) that are available at  
10          the national level, the State level, and the local level  
11          to assist school and local educational agency per-  
12          sonnel in implementing evidence-based parent and  
13          family engagement strategies.

14          “(3) Coordinating parent and family engage-  
15          ment strategies with relevant Federal, State, and  
16          local services and programs.

17          “(4) Working with individuals and organiza-  
18          tions with expertise in identifying and implementing  
19          evidence-based practices to improve parent and fam-  
20          ily engagement.

21          “(5) Coordinating and integrating early care  
22          and education programs with school-age programs,  
23          especially those programs focusing on supporting the  
24          transition of young children into kindergarten  
25          through grade 3, such as by increasing awareness of



1 school readiness expectations among family and  
2 community members.

3 “(6) Implementing parent institutes or other  
4 leadership development strategies to ensure that par-  
5 ents and family members have the skills and re-  
6 sources needed to understand student and school  
7 data in order to make decisions, effectively commu-  
8 nicate with school officials and educators, support  
9 school improvement, and increase student achieve-  
10 ment.

11 “(b) PERMISSIVE ACTIVITIES.—In addition to the ac-  
12 tivities required under subsection (a), each eligible entity  
13 that receives a grant under this part may use such grant  
14 funds to carry out the following activities:

15 “(1) Assisting parents and family members in  
16 the State to participate effectively in their children’s  
17 education through the provision of direct services to  
18 parents and family members.

19 “(2) Developing and disseminating templates  
20 for schools and local educational agencies to use to  
21 provide information about curricula, academic expect-  
22 tations, academic assessments, and the results of  
23 academic assessments to family members in a man-  
24 ner and a language that such family members can  
25 understand.

1           “(3) Providing training, information, and sup-  
2 port to organizations that support partnerships  
3 among schools, parents, family members, and dis-  
4 trictwide parent advisory committees, as applicable.

5           “(4) Providing professional development to  
6 school and local educational agency staff (which may  
7 be provided jointly to educators and family mem-  
8 bers) to assist school and agency staff in developing  
9 and implementing strategies to increase and  
10 strengthen ongoing communication with parents and  
11 family members, including professional development  
12 opportunities that prepare teachers to have more fo-  
13 cused, goal-oriented, and reciprocal parent-teacher  
14 conferences.

15 **“SEC. 4606. ADMINISTRATIVE PROVISIONS.**

16           “(a) MATCHING FUNDS FOR GRANT RENEWAL.—  
17 For each fiscal year after the first fiscal year for which  
18 an eligible entity receives assistance under this part, the  
19 eligible entity shall demonstrate that a portion of the serv-  
20 ices provided by the eligible entity is supported through  
21 non-Federal contributions, which contributions may be in  
22 cash or in kind.

23           “(b) PERFORMANCE ACCOUNTABILITY.—

24           “(1) PERFORMANCE INDICATORS.—Each eligi-  
25 ble entity receiving a grant under this part shall

1 submit to the Secretary an annual report regarding  
2 the parent and family information and resource cen-  
3 ters assisted under this part. Such report shall be  
4 made publicly available, including through electronic  
5 means, and shall include, at a minimum, a descrip-  
6 tion of how each parent and family information and  
7 resource center has performed with respect to the  
8 following indicators:

9 “(A) The number of local educational  
10 agencies or other entities that received assist-  
11 ance or support in the previous academic year.

12 “(B) The number of parents and family  
13 members whose children participated in the pre-  
14 vious academic year in programs, activities, or  
15 strategies supported by the parent and family  
16 information and resource center, and—

17 “(i) the number of such parents  
18 whose children are eligible to be counted  
19 under section 1124(e)(1)(A);

20 “(ii) the number of such parents  
21 whose children are English learners; and

22 “(iii) the number of such parents who  
23 are parents of children with disabilities.

24 “(C) The outcomes directly attributable to  
25 the provision of assistance or support provided

1 by the parent and family information and re-  
2 source center, such as increased parent and  
3 family member participation in school planning  
4 activities, parent-teacher conferences, or the  
5 local educational agency budgeting process.

6 “(D) Other evidence-based indicators that  
7 the Secretary may reasonably require.

8 “(2) PERFORMANCE GOALS.—

9 “(A) IN GENERAL.—Each eligible entity  
10 that is awarded a grant under this part shall  
11 establish, in consultation with the Secretary,  
12 annual performance goals for each of the indi-  
13 cators described in paragraph (1). Such per-  
14 formance goals shall be made publicly available,  
15 including through electronic means.

16 “(B) TERMINATION.—If an eligible entity  
17 receiving grant funds under this part does not  
18 meet the performance goals established under  
19 this paragraph for 2 consecutive years, after  
20 the provision of technical assistance in the sec-  
21 ond consecutive year, the Secretary shall termi-  
22 nate the grant and conduct a new competition  
23 for the grant.

24 “(C) LOSS OF ELIGIBILITY.—If an eligible  
25 entity has received a grant under this part and

1           such grant has been terminated in accordance  
2           with subparagraph (B), the eligible entity shall  
3           not be eligible to participate in future grant  
4           competitions, or receive grant funds, under this  
5           part.

6           “(3) TECHNICAL ASSISTANCE.—The Secretary  
7           shall provide technical assistance to each eligible en-  
8           tity receiving a grant under this part that does not  
9           meet the performance goals established under para-  
10          graph (2).

11          “(c) REPORT TO CONGRESS.—The Secretary shall  
12          prepare and submit an annual report to the authorizing  
13          committees, which shall—

14                 “(1) include the information that each eligible  
15                 entity submits to the Secretary in accordance with  
16                 subsection (b)(1);

17                 “(2) summarize and synthesize the best prac-  
18                 tices collected by the parent and family information  
19                 and resource centers for increasing and improving  
20                 parent, family, and community engagement; and

21                 “(3) be made available to the public (including  
22                 through electronic means).

23          “(d) RULE OF CONSTRUCTION.—Nothing in this part  
24          shall be construed to prohibit a parent and family informa-  
25          tion and resource center from—

1           “(1) allowing its employees or agents to meet  
2 with family members at a site that is not on school  
3 grounds; or

4           “(2) working with another public or nonprofit  
5 agency that serves children.

6           “(e) PARENTAL RIGHTS.—Notwithstanding any  
7 other provision of this part—

8           “(1) no individual (including a parent who edu-  
9 cates a child at home, parent of a public school stu-  
10 dent, or parent of a private school student) shall be  
11 required to participate in any program of parent or  
12 family education or developmental screening under  
13 this part; and

14           “(2) a program or center assisted under this  
15 part shall not take any action that infringes in any  
16 manner on the right of a parent to direct the edu-  
17 cation of such parent’s child.”.

18 **SEC. 4108. PROGRAMS OF NATIONAL SIGNIFICANCE.**

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

20           (1) by redesignating subpart 1 of part D of title  
21 V as part H of title IV;

22           (2) in part H of title IV, as redesignated under  
23 paragraph (1), by striking the part heading and in-  
24 serting the following: “**PROGRAMS OF NATIONAL**  
25 **SIGNIFICANCE** ”;

1           (3) by redesignating sections 5411, 5412, 5413,  
2           and 5414 as sections 4801, 4802, 4803, and 4804,  
3           respectively;

4           (4) in section 4801, as redesignated under  
5           paragraph (3)—

6           (A) in subsection (a), by striking “chal-  
7           lenging State academic content and student  
8           academic achievement standards” and inserting  
9           “college and career ready academic content  
10          standards and college and career ready student  
11          academic achievement standards”; and

12          (B) by striking subsection (b), and insert-  
13          ing the following:

14          “(b) USES OF FUNDS.—A nonprofit entity receiving  
15          a grant under subsection (a) shall use the grant funds to  
16          carry out 1 of the following activities:

17               “(1) Providing funding for economically dis-  
18               advantaged students, including students from mili-  
19               tary families and recent immigrants, and their  
20               teachers, to participate in programs based in Wash-  
21               ington, D.C. that increase civic responsibility and  
22               understanding of the Federal Government among  
23               young people.

24               “(2) Developing, implementing, evaluating, and  
25               disseminating innovative, research-based approaches

1 to civic learning, which may include hands-on civic  
2 engagement activities, for low-income elementary  
3 school and secondary school students that dem-  
4 onstrate innovation, scalability, accountability, and a  
5 focus on underserved populations.

6 “(3) Supporting a national principal and teach-  
7 er certification process that provides a framework  
8 for measuring and improving teaching and instruc-  
9 tional leadership with a focus on educators working  
10 in schools that are eligible for funding under part A  
11 of title I, including comprehensive rigorous teaching  
12 standards and assessment systems designed to re-  
13 ward educator effectiveness and deliver high-quality  
14 professional development across all academic sub-  
15 jects and grades.

16 “(4) Creating a national teacher corps of out-  
17 standing college graduates to teach in underserved  
18 communities in order to—

19 “(A) increase the supply of effective teach-  
20 ers in low-income communities; and

21 “(B) provide and support the retention of  
22 teachers for high-need fields.

23 “(5) Supporting a national network of providers  
24 of high-quality, evidence-based professional develop-



1       ment in writing instruction for teachers across all  
2       academic subjects and grades.

3           “(6) Encouraging parents and caregivers to  
4       read aloud to their children by supporting programs  
5       through which, during pediatric exams, doctors and  
6       nurses train parents and caregivers who may not be  
7       skilled readers.

8           “(7) Preparing young children from low-income  
9       families for reading success by the third grade by—

10           “(A) distributing inexpensive books;

11           “(B) training volunteers to serve at-risk  
12       children;

13           “(C) developing motivational literacy ac-  
14       tivities for at-risk children; and

15           “(D) providing information on literacy re-  
16       sources, such as those provided by local librar-  
17       ies and other community-based organizations.

18           “(8) Supporting projects that encourage the in-  
19       volvement of persons with disabilities in the arts,  
20       by—

21           “(A) increasing access to all forms of the  
22       arts for all persons, including those living with  
23       intellectual, physical, and sensory disabilities;  
24       and

1           “(B) fostering a greater awareness of the  
2           need for arts programs for individuals with dis-  
3           abilities.

4           “(9) Implementing a coordinated program of  
5           scientifically based research, demonstration projects,  
6           innovative strategies, and professional development  
7           for teachers and other instructional leaders working  
8           in high-poverty schools to—

9           “(A) enhance the ability of educators to  
10          meet the special educational needs of gifted and  
11          talented students, including high-ability stu-  
12          dents who have not been formally identified as  
13          gifted; and

14          “(B) prioritize students who have been  
15          underrepresented in gifted education programs,  
16          including students who are economically dis-  
17          advantaged, of minority backgrounds, English  
18          language learners, students with disabilities,  
19          and students in rural communities.

20          “(10) Promoting gender equity in education by  
21          supporting educational agencies and institutions in  
22          meeting the requirements of title IX of the Edu-  
23          cation Amendments of 1972 (20 U.S.C. 1681 et.  
24          seq.).

1           “(11) Other high quality, nationally significant  
2 programs that meet the purposes of this Act.”;

3           (5) in section 4802(c), as redesignated under  
4 paragraph (3), by striking “and in recognizing  
5 States, local educational agencies, and schools under  
6 section 5411(b)(3), only if funds are used for such  
7 recognition programs”; and

8           (6) in section 4803, as redesignated under  
9 paragraph (3), by striking subsection (d).

10           **TITLE V—PROMOTING**  
11           **INNOVATION**

12           **PART A—RACE TO THE TOP**

13           **SEC. 5101. RACE TO THE TOP.**

14           Part A of title V (20 U.S.C. 7201 et seq.) is amended  
15 to read as follows:

16           **“PART A—RACE TO THE TOP**

17           **“SEC. 5101. PURPOSES.**

18           “The purposes of this part are to provide incentives  
19 for States and high-need local educational agencies to im-  
20 plement comprehensive reforms and innovative strategies  
21 that are designed to lead to—

22           “(1) significant improvements in outcomes for  
23 all students, including improvements in student  
24 readiness, student academic achievement, high  
25 school graduation rates, and rates of student enroll-

1       ment, persistence, and completion in institutions of  
2       higher education; and

3               “(2) significant reductions in achievement gaps  
4       between the groups of students described in section  
5       1111(a)(2)(B)(ix).

6       **“SEC. 5102. RESERVATION OF FUNDS.**

7       “From amounts made available to carry out this part  
8       for a fiscal year, the Secretary may reserve not more than  
9       5 percent to carry out activities in accordance with this  
10      part related to technical assistance and outreach and dis-  
11      semination.

12      **“SEC. 5103. RACE TO THE TOP PROGRAM.**

13      “(a) PROGRAM AUTHORIZED.—

14              “(1) IN GENERAL.—For each fiscal year for  
15      which funds are appropriated under this part and  
16      from such funds that not reserved under section  
17      5102, the Secretary shall, in accordance with para-  
18      graph (2), determine the goals that are the greatest  
19      priority for the United States and award grants,  
20      through a grant competition, to eligible entities to  
21      enable the eligible entities to carry out comprehen-  
22      sive reforms and innovative strategies in furtherance  
23      of such goals.

24              “(2) SELECTION OF GOALS AND CATEGORIES  
25      OF ENTITIES.—

1           “(A) IN GENERAL.—The Secretary shall  
2 determine the priorities for grants awarded  
3 through a grant competition under this part by  
4 selecting in advance of the application period—

5           “(i) 1 or more categories of entities  
6 described in paragraph (3) that may apply  
7 for and receive the grants through such  
8 grant competition; and

9           “(ii) 1 or more goals described in  
10 paragraph (4) to be supported under the  
11 grants.

12           “(B) ANNOUNCEMENT.—The Secretary  
13 shall ensure that information regarding the se-  
14 lections of goals and categories of entities for  
15 the grants under this part for an upcoming  
16 grant competition is made widely available to el-  
17 igible entities and that the eligible entities will  
18 have sufficient time to prepare a grant applica-  
19 tion based on the Secretary’s decisions for the  
20 upcoming grant competition.

21           “(3) ELIGIBLE ENTITIES.—The categories of  
22 entities that may be selected for grants under this  
23 part are the following:

24           “(A) A State.

25           “(B) A high-need local educational agency.

1 “(C) A consortium of States.

2 “(D) A consortium of high-need local edu-  
3 cational agencies.

4 “(4) EDUCATIONAL GOALS.—The goals that the  
5 Secretary shall select to support through grants  
6 under this part are one or more of the following:

7 “(A) Increasing the access of children from  
8 low-income families to highly rated teachers and  
9 school leaders, including by—

10 “(i) improving the effectiveness of  
11 teachers (including early childhood care  
12 and education educators and school lead-  
13 ers), including through high-quality prepa-  
14 ration, recruitment, professional develop-  
15 ment, and other personnel policies; and

16 “(ii) ensuring that all teachers are  
17 prepared to effectively serve the needs of  
18 students who are children with disabilities  
19 or English learners, particularly through  
20 the general education curriculum.

21 “(B) Strengthening the availability and  
22 use of high-quality and timely data to improve  
23 instructional practices, policies, and student  
24 outcomes.

25 “(C) Implementing—

1                   “(i) elementary and secondary school  
2                   academic standards that prepare students  
3                   to be college and career ready, in accord-  
4                   ance with section 1111(a)(1)(A)(ii); and

5                   “(ii) strategies that translate such  
6                   standards into classroom practice, includ-  
7                   ing in the areas of assessment, instruc-  
8                   tional materials, and professional develop-  
9                   ment.

10                  “(D) Turning around the schools served by  
11                  the eligible entity that are identified through a  
12                  State’s accountability and improvement system  
13                  under subsection (b) or (c)(2) of section 1116.

14                  “(E) Creating successful conditions for the  
15                  creation, expansion, and replication of high-per-  
16                  forming public charter schools and the creation  
17                  of new, innovative, and highly autonomous pub-  
18                  lic schools that will enroll a large percentage of  
19                  students from low-income families.

20                  “(F) Providing more equitable State and  
21                  local resources to high-poverty schools.

22                  “(G) Improving school readiness by—

23                         “(i) increasing the number and per-  
24                         centage of children from low-income fami-  
25                         lies, in each age group of infants, toddlers,

1 and preschoolers, who are enrolled in high-  
2 quality early childhood education and care  
3 programs; and

4 “(ii) designing and implementing an  
5 integrated system of high-quality early  
6 childhood education and care programs  
7 and services that strengthens the coordina-  
8 tion and collaboration among Federal,  
9 State, and local early childhood education  
10 and care programs.

11 “(b) DURATION OF GRANTS.—

12 “(1) IN GENERAL.—Each grant awarded under  
13 this part shall be for a period of not more than 4  
14 years.

15 “(2) REQUIREMENTS FOR ADDITIONAL FUND-  
16 ING.—Before receiving funding under any grant  
17 under this part for the second or any subsequent  
18 year of the grant, the eligible entity receiving the  
19 grant shall demonstrate to the Secretary that the el-  
20 igible entity is—

21 “(A) making progress in implementing the  
22 plan under subsection (a)(3) at a rate that the  
23 Secretary determines will result in full imple-  
24 mentation of the plan during the remainder of  
25 the grant period; and



1           “(B) making progress, as measured by the  
2           annual performance measures and targets es-  
3           tablished by the eligible entity under section  
4           5105, at a rate that the Secretary determines  
5           will result in reaching the targets and achieving  
6           the objectives of the grant, during the remain-  
7           der of the grant period.

8   **“SEC. 5104. APPLICATION PROCESS.**

9           “(a) IN GENERAL.—Each eligible entity that desires  
10          to receive a grant under this part shall submit an applica-  
11          tion to the Secretary at such time, in such manner, and  
12          containing such information as the Secretary may reason-  
13          ably require. At a minimum, each such application shall  
14          include the following:

15                 “(1) Documentation of the eligible entity’s  
16                 record, as applicable, in the areas to be measured by  
17                 the performance measures identified by the Sec-  
18                 retary under section 5105(2).

19                 “(2) Evidence of conditions of innovation and  
20                 reform that the eligible entity has established and  
21                 the eligible entity’s plan for implementing additional  
22                 conditions for innovation and reform, including—

23                         “(A) a description of how the eligible enti-  
24                         ty has identified and eliminated ineffective

1 practices in the past, and its plan for doing so  
2 in the future;

3 “(B) a description of how the eligible enti-  
4 ty has identified and promoted effective prac-  
5 tices in the past, and its plan for doing so in  
6 the future; and

7 “(C) steps the eligible entity has taken and  
8 will take to eliminate statutory, regulatory, pro-  
9 cedural, or other barriers to facilitate the full  
10 implementation of its proposed plan under  
11 paragraph (3).

12 “(3) A comprehensive and coherent plan for  
13 using funds under this part, and other Federal,  
14 State, and local funds, to improve the eligible enti-  
15 ty’s performance on the performance measures iden-  
16 tified under section 5105(2), including how the ap-  
17 plicant will implement reforms and innovative strate-  
18 gies to achieve the goals selected by the Secretary  
19 under section 5103(a)(2).

20 “(4) In the case of an eligible entity that is de-  
21 scribed in subparagraph (A) or (C) of section  
22 5103(a)(3), evidence of collaboration among the eli-  
23 gible entity, local educational agencies in the State  
24 (including the local educational agencies partici-  
25 pating in carrying out the plan under paragraph

1 (3)), schools that are expected to benefit from the  
2 activities under the plan, parents, teachers, and  
3 other stakeholders, in developing and implementing  
4 the plan, including evidence of the commitment and  
5 capacity to implement such plan.

6 “(5) In the case of an eligible entity described  
7 in subparagraph (B) or (D) of section 5103(a)(3),  
8 evidence of the eligible entity’s collaboration with its  
9 school leaders, teachers, parents, and other stake-  
10 holders in developing the plan under paragraph (3),  
11 including evidence of the commitment and capacity  
12 to implement that plan.

13 “(6) The eligible entity’s annual performance  
14 measures and targets, in accordance with the re-  
15 quirements of section 5105.

16 “(b) CRITERIA FOR EVALUATING APPLICATIONS.—

17 “(1) IN GENERAL.—The Secretary shall award  
18 grants under this part on a competitive basis, based  
19 on the quality of the applications submitted by eligi-  
20 ble entities.

21 “(2) PUBLICATION OF EXPLANATION.—The  
22 Secretary shall publish an explanation of how the  
23 application review process will ensure an equitable,  
24 transparent, and objective evaluation.

1           “(c) PRIORITY.—In awarding grants under this part,  
2 the Secretary shall give priority to—

3           “(1) any eligible entity described in subpara-  
4 graph (B) or (D) of section 5103(a)(3) that serves  
5 a school designated with a school locale code of 33,  
6 41, 42, or 43, as determined by the Secretary; and

7           “(2) for any grant competition under this part  
8 for the goal of improving early childhood care and  
9 education, as described in section 5103(a)(4)(G),  
10 any eligible entity that provides a full-day kinder-  
11 garten program to all kindergarten students, or to  
12 all kindergarten students from low-income families,  
13 served by the eligible entity.

14 **“SEC. 5105. PERFORMANCE MEASURES.**

15           “Each eligible entity receiving a grant under this part  
16 shall establish, subject to approval by the Secretary, an-  
17 nual performance measures and targets for the programs  
18 and activities carried out under this part. Such perform-  
19 ance measures and targets shall, at a minimum, track the  
20 eligible entity’s progress in—

21           “(1) implementing the plan described in section  
22 5104(a)(3); and

23           “(2) making progress on any other performance  
24 measure identified by the Secretary.

1 **“SEC. 5106. USES OF FUNDS.**

2 “(a) USE OF STATE GRANT FUNDS.—

3 “(1) IN GENERAL.—Each eligible entity de-  
4 scribed in subparagraph (A) or (C) of section  
5 5103(a)(3) that receives a grant under this part  
6 shall—

7 “(A) except as provided in paragraph (3),  
8 use not less than 50 percent of the grant funds  
9 to award subgrants under paragraph (2) to the  
10 local educational agencies that will participate  
11 in the plan for any purpose included in the eli-  
12 gible entity’s plan described in section  
13 5104(a)(3); and

14 “(B) use any amount of the grant not dis-  
15 tributed under subparagraph (A) for any pur-  
16 pose included in the eligible entity’s plan.

17 “(2) AMOUNT OF SUBGRANTS.—For a fiscal  
18 year, the amount of a subgrant under paragraph  
19 (1)(A) for a local educational agency that has been  
20 selected to participate in the eligible entity’s plan  
21 shall bear the same relation to the amount available  
22 for all such subgrants by the eligible entity for such  
23 year, as the amount made available to the local edu-  
24 cational agency under part A of title I for the most  
25 recent year for which such data is available bears to  
26 the total amount made available for such year to all

1 local educational agencies selected to participate in  
2 the eligible entity's plan.

3 “(3) EXCEPTION.—An eligible entity described  
4 in subparagraph (A) or (C) of section 5103(a)(3)  
5 that receives a grant under this part for the goal of  
6 improving early childhood care and education, as de-  
7 scribed in section 5103(a)(4)(G)—

8 “(A) shall not be subject to the require-  
9 ments of paragraph (1)(A); and

10 “(B) may use grant funds to award sub-  
11 grants to public or private nonprofit agencies  
12 and organizations for activities consistent with  
13 any purpose included in the eligible entity's  
14 plan described in section 5104(a)(3).

15 “(b) USE OF SUBGRANT FUNDS.—Each local edu-  
16 cational agency or public or private nonprofit agency or  
17 organization that receives a subgrant under paragraph  
18 (1)(A) or (3)(B) of subsection (a) from an eligible entity  
19 shall use subgrant funds for any purpose included in the  
20 eligible entity's plan described in section 5104(a)(3), sub-  
21 ject to any requirements of the eligible entity.

22 “(c) USE OF HIGH-NEED LOCAL EDUCATIONAL  
23 AGENCY GRANT FUNDS.—Each eligible entity described  
24 in subparagraph (B) or (D) of section 5103(a)(3) that re-  
25 ceives a grant under this part shall use such funds for

1 any purpose included in the eligible entity's plan described  
2 in section 5104(a)(3).

3 “(d) SPECIAL RULE.—Notwithstanding any other  
4 provision of this section, grant or subgrant funds under  
5 this part shall only be used to fund a program or activity  
6 that is an allowable use of funds under another section  
7 of this Act (excluding this part), the Individuals with Dis-  
8 abilities Education Act, the Adult and Family Literacy  
9 Act, or the Carl D. Perkins Career and Technical Edu-  
10 cation Act of 2006, except that grant or subgrant funds  
11 for the goal of improving early childhood care and edu-  
12 cation, as described in section 5103(a)(4)(G), may also be  
13 used to fund a program or activity that is an allowable  
14 use of funds under the Head Start Act, or the Child Care  
15 and Development Block Grant Act of 1990.

16 **“SEC. 5107. REPORTING.**

17 “(a) ANNUAL REPORT.—An eligible entity that re-  
18 ceives a grant under this part shall submit to the Sec-  
19 retary, at such time and in such manner as the Secretary  
20 may require, an annual report including, at a minimum—

21 “(1) data on the eligible entity's progress in  
22 achieving the targets for the annual performance  
23 measures and targets established under section  
24 5105; and

1           “(2) a description of the challenges the eligible  
2           entity has faced in implementing its program under  
3           this part, and how the eligible entity has addressed,  
4           or plans to address, such challenges.

5           “(b) LOCAL REPORT.—Each local educational agency  
6           and each public or private nonprofit agency or organiza-  
7           tion that receives a subgrant from an eligible entity under  
8           section 5106(a) shall submit to the eligible entity such in-  
9           formation as the eligible entity may require to complete  
10          the annual report required by subsection (a).”.

11           **PART B—INVESTING IN INNOVATION**

12          **SEC. 5201. INVESTING IN INNOVATION.**

13          Part B of title V (20 U.S.C. 7221 et seq.) is amended  
14          to read as follows:

15           **“PART B—INVESTING IN INNOVATION**

16          **“SEC. 5201. PURPOSES.**

17          “The purposes of this part are to—

18           “(1) fund the identification, development, eval-  
19           uation, and expansion of innovative, research- and  
20           evidence-based practices, programs, and strategies in  
21           order to significantly—

22           “(A) increase student academic achieve-  
23           ment and close achievement gaps;

24           “(B) increase high school graduation rates;



1           “(C) increase college enrollment rates and  
2 rates of college persistence;

3           “(D) improve teacher and school leader ef-  
4 fectiveness; and

5           “(E) improve school readiness and  
6 strengthen collaboration and coordination  
7 among elementary schools and early childhood  
8 care and education; and

9           “(2) support the rapid development, expansion,  
10 adoption, and implementation of tools and resources  
11 that improve the efficiency, effectiveness, or pace of  
12 adoption of such educational practices, programs,  
13 and strategies.

14 **“SEC. 5202. NATIONAL ACTIVITIES.**

15           “(a) NATIONAL ACTIVITIES.—The Secretary may re-  
16 serve not more than 5 percent of funds appropriated to  
17 carry out this part for any fiscal year to carry out activi-  
18 ties of national significance. Such activities may include—

19           “(1) capacity-building;

20           “(2) technical assistance;

21           “(3) dissemination of best practices developed  
22 with grant funds provided under this part; and

23           “(4) carrying out prize awards consistent with  
24 section 24 of the Stevenson-Wydler Technology In-  
25 novation Act of 1980 (15 U.S.C. 3719).

1       “(b) AVAILABILITY OF FUNDS.—Funds for prize  
2 awards under subsection (a)(4) shall be available until ex-  
3 pended.

4       **“SEC. 5203. PROGRAM AUTHORIZED; LENGTH OF GRANTS;  
5                                   PRIORITIES.**

6       “(a) PROGRAM AUTHORIZATION.—

7               “(1) IN GENERAL.—The Secretary shall use  
8 funds made available to carry out this part for a fis-  
9 cal year to award grants, consistent with section  
10 5204(b), to eligible entities.

11              “(2) ELIGIBLE ENTITY.—In this part, the term  
12 ‘eligible entity’ means—

13                      “(A) a local educational agency or a con-  
14 sortium of local educational agencies; or

15                      “(B) a partnership between a nonprofit or-  
16 ganization or an educational service agency  
17 and—

18                              “(i) 1 or more local educational agen-  
19 cies; or

20                              “(ii) a consortium of public schools.

21       “(b) DURATION OF GRANTS.—The Secretary—

22               “(1) shall award grants under this part for a  
23 period of not more than 3 years; and

24               “(2) may extend such grants for an additional  
25 2-year period if the grantee demonstrates to the Sec-

1       retary that it is making significant progress on the  
2       program performance measures identified in section  
3       5206.

4       “(c) RURAL SET-ASIDE.—The Secretary shall ensure  
5       that not less than 22 percent of the funds awarded under  
6       subsection (a) for any fiscal year are for projects that meet  
7       both of the following requirements, except that the Sec-  
8       retary shall not be required to make such awards unless  
9       a sufficient number of otherwise eligible high quality appli-  
10      cations are received:

11           “(1) The eligible entity includes—

12                   “(A) a local educational agency with an  
13                   urban-centric district locale code of 32, 33, 41,  
14                   42, or 43, as determined by the Secretary;

15                   “(B) a consortium of such local edu-  
16                   cational agencies; or

17                   “(C) if the applicant is a partnership, an  
18                   educational service agency or a nonprofit orga-  
19                   nization with demonstrated expertise in serving  
20                   students from rural areas.

21           “(2) A majority of the schools to be served by  
22       the project are designated with a school locale code  
23       of 41, 42, or 43, or a combination of such codes, as  
24       determined by the Secretary, and—

1           “(A) are served by a local educational  
2 agency in which 20 percent or more of the chil-  
3 dren ages 5 through 17 years old are from fam-  
4 ilies with income below the poverty line;

5           “(B) are served by a local educational  
6 agency in which the total number of students in  
7 average daily attendance at all of the schools  
8 served by the local educational agency is fewer  
9 than 600; or

10           “(C) are served by a local educational  
11 agency located in a county that has a total pop-  
12 ulation density of fewer than 10 persons per  
13 square mile.

14           “(d) PRIORITIES.—In awarding grants under this  
15 part, the Secretary shall give priority to an eligible entity  
16 that includes, in its application under section 5204, a plan  
17 to—

18           “(1) address the needs of high-need local edu-  
19 cational agencies;

20           “(2) improve school readiness; or

21           “(3) address the unique learning needs of stu-  
22 dents who are children with disabilities or English  
23 learners.

24           “(e) STANDARDS OF EVIDENCE.—The Secretary  
25 shall set standards for the quality of evidence that an ap-

1 plicant shall provide in order to demonstrate that the ac-  
2 tivities it proposes to carry out with funds under this part  
3 are likely to succeed in improving student outcomes, in-  
4 cluding academic achievement and graduation rates.  
5 These standards shall include the following:

6           “(1) Strong evidence that the activities pro-  
7 posed by the applicant will have a statistically sig-  
8 nificant effect on student outcomes.

9           “(2) Moderate evidence that the activities pro-  
10 posed by the applicant will improve outcomes.

11           “(3) A rationale based on research findings or  
12 a reasonable hypothesis that the activities proposed  
13 by the applicant will improve student outcomes.

14           “(f) SUPPORT FOR NEW PRACTICES, STRATEGIES,  
15 OR PROGRAMS.—The Secretary shall ensure that not less  
16 than one-half of the funds awarded under subsection (a)  
17 for any fiscal year are for projects that only meet an evi-  
18 dence standard described in paragraph (2) or (3) of sub-  
19 section (e).

20 **“SEC. 5204. APPLICATIONS.**

21           “Each eligible entity that desires to receive a grant  
22 under this part shall submit an application to the Sec-  
23 retary at such time, in such manner, and containing such  
24 information as the Secretary may reasonably require. At  
25 a minimum, each application shall—

1           “(1) describe the project for which the appli-  
2           cant is seeking a grant and how the evidence sup-  
3           porting that project meets the standards of evidence  
4           established by the Secretary under section 5203(e);

5           “(2) describe how the applicant will address at  
6           least 1 of the areas described in section 5205(a)(1);

7           “(3) provide an estimate of the number of chil-  
8           dren that the applicant plans to serve under the pro-  
9           posed project, including the percentage of those chil-  
10          dren who are from low-income families;

11          “(4) demonstrate that the applicant has estab-  
12          lished 1 or more partnerships with public or private  
13          organizations and that the partner or partners will  
14          provide matching funds, except that the Secretary  
15          may waive the matching funds requirement on a  
16          case-by-case basis, upon a showing of exceptional  
17          circumstances;

18          “(5) describe the applicant’s plan for continuing  
19          the proposed project after funding under this part  
20          ends;

21          “(6) if the applicant is a local educational agen-  
22          cy—

23                  “(A) document the local educational agen-  
24                  cy’s record during the previous 3 years in—

1                   “(i) increasing student achievement,  
2                   including achievement for each subgroup of  
3                   students described in section  
4                   1111(b)(2)(C)(v); and

5                   “(ii) closing achievement gaps; and

6                   “(B) demonstrate how the local edu-  
7                   cational agency has made significant improve-  
8                   ments in other outcomes, as applicable, on the  
9                   performance measures described in section  
10                  5206;

11                  “(7) if the applicant is a partnership that in-  
12                  cludes a nonprofit organization, provide evidence  
13                  that the nonprofit organization has helped at least  
14                  1 school or local educational agency, during the pre-  
15                  vious 3 years, significantly—

16                         “(A) increase student achievement, includ-  
17                         ing achievement for each subgroup of students  
18                         described in section 1111(b)(2)(C)(v); and

19                         “(B) close achievement gaps;

20                  “(8) provide a description of the applicant’s  
21                  plan for independently evaluating the effectiveness of  
22                  activities carried out with funds under this part;

23                  “(9) provide an assurance that the applicant  
24                  will—

1           “(A) cooperate with evaluations, as re-  
2           quested by the Secretary;

3           “(B) make data available to third parties  
4           for validation and further study; and

5           “(C) participate in communities of prac-  
6           tice; and

7           “(10) if the applicant is a partnership that in-  
8           cludes a nonprofit organization that intends to make  
9           subgrants, consistent with section 5205(b), provide  
10          an assurance that the applicant will apply para-  
11          graphs (1) through (9), as appropriate, in its selec-  
12          tion of subgrantees and in its oversight of those sub-  
13          grants.

14   **“SEC. 5205. USES OF FUNDS.**

15          “(a) USES OF FUNDS.—

16               “(1) MANDATORY USES.—Each eligible entity  
17               that receives a grant under this part shall carry out  
18               the following:

19                       “(A) Use the grant funds to carry out, at  
20                       a minimum, 1 of the following activities:

21                               “(i) Improving the effectiveness of  
22                               teachers and school leaders and increasing  
23                               equity in the distribution of effective teach-  
24                               ers and school leaders.



1                   “(ii) Strengthening the use of data to  
2                   improve teaching and learning.

3                   “(iii) Providing high-quality instruc-  
4                   tion based on college and career ready  
5                   standards and measuring students’ mas-  
6                   tery of standards using high-quality assess-  
7                   ments aligned with those standards.

8                   “(iv) Turning around the lowest-per-  
9                   forming schools.

10                  “(v) Improving school readiness for  
11                  students who are low-income, English  
12                  learners, and children with disabilities.

13                  “(vi) Other areas relating to school  
14                  improvement consistent with the purposes  
15                  of this part, as determined by the Sec-  
16                  retary.

17                  “(B) Use the grant funds to develop or ex-  
18                  pand strategies to improve the performance of  
19                  high-need students on the performance meas-  
20                  ures described in section 5206.

21                  “(2) PERMISSIVE USE OF FUNDS.—Each eligi-  
22                  ble entity that receives a grant under this part may  
23                  use the grant funds for an independent evaluation,  
24                  as required under section 5204(a)(8), of the innova-  
25                  tive practice carried out with the grant.

1 “(b) AUTHORITY TO SUBGRANT.—

2 “(1) IN GENERAL.—If an eligible entity that re-  
3 ceives a grant under this part includes a nonprofit  
4 organization, such nonprofit organization may use  
5 the grant funds to award subgrants to other entities  
6 to provide support to 1 or more schools or local edu-  
7 cational agencies.

8 “(2) COMPLIANCE WITH REQUIREMENTS OF  
9 GRANTEES.—Each entity awarded a subgrant under  
10 paragraph (1) shall comply with the requirements of  
11 this part relating to grantees, as appropriate.

12 **“SEC. 5206. PERFORMANCE MEASURES.**

13 “The Secretary shall establish performance measures  
14 for the programs and activities carried out under this part.  
15 These measures, at a minimum, shall track the grantee’s  
16 progress in improving outcomes for each subgroup of stu-  
17 dents described in section 1111(b)(2)(C)(v) that is served  
18 by the grantee, including, as applicable, by—

19 “(1) increasing student achievement and de-  
20 creasing achievement gaps;

21 “(2) increasing high school graduation rates;

22 “(3) increasing college enrollment rates and  
23 rates of college persistence;

24 “(4) improving teacher and school leader effec-  
25 tiveness;

1           “(5) improving school readiness; and

2           “(6) any other indicator as the Secretary or  
3           grantee may determine.

4   **“SEC. 5207. REPORTING.**

5           “An eligible entity that receives a grant under this  
6   part shall submit to the Secretary, at such time and in  
7   such manner as the Secretary may require, an annual re-  
8   port that includes, among other things, information on the  
9   entity’s progress on the performance measures established  
10   under section 5206, and the data supporting that  
11   progress.”.

12       **PART C—MAGNET SCHOOLS ASSISTANCE**

13   **SEC. 5301. FINDINGS AND PURPOSE.**

14       Section 5301 (20 U.S.C. 7231) is amended—

15           (1) in subsection (a)—

16               (A) by striking paragraph (2) and insert-  
17               ing the following:

18               “(2) The use of magnet schools has increased  
19               dramatically since the inception of the magnet  
20               schools assistance program under this Act, with  
21               more than 1,500,000 students nationwide attending  
22               such schools.”; and

23               (B) in paragraph (4), by striking subpara-  
24               graph (B) and inserting the following:

1           “(B) to ensure that all students have equi-  
2           table access to a high-quality public education  
3           that will prepare them to succeed in a highly  
4           competitive economy comprised of people from  
5           many different racial and ethnic backgrounds;  
6           and”;

7           (2) in subsection (b)—

8           (A) in paragraph (2), by inserting “, par-  
9           ticularly whole-school programs,” after “magnet  
10          school programs”;

11          (B) by striking paragraphs (3) and (4) and  
12          inserting the following:

13          “(3) the development and design of evidence-  
14          based educational methods and practices that pro-  
15          mote diversity and increase high-quality public edu-  
16          cational options;

17          “(4) courses of instruction within magnet  
18          schools that will substantially increase the college-  
19          and career-readiness of students attending such  
20          schools;”.

21   **SEC. 5302. PROGRAM AUTHORIZED.**

22          Section 5303 (20 U.S.C. 7231b) is amended, in the  
23          matter preceding paragraph (1), by inserting “competi-  
24          tive” after “to award”.

1 **SEC. 5303. APPLICATIONS AND REQUIREMENTS.**

2 Section 5305 (20 U.S.C. 7231d) is amended—

3 (1) by striking subsection (b) and inserting the  
4 following:

5 “(b) INFORMATION AND ASSURANCES.—Each appli-  
6 cation submitted under subsection (a) shall include—

7 “(1) a description of—

8 “(A) how a grant awarded under this part  
9 will be used to—

10 “(i) improve student academic  
11 achievement for all students and subgroups  
12 of students described in section  
13 1111(a)(2)(B)(ix) attending the magnet  
14 school program; and

15 “(ii) promote desegregation, including  
16 how the proposed magnet school program  
17 will increase interaction among students of  
18 different social, economic, ethnic, and ra-  
19 cial backgrounds, including the policies,  
20 programs, and activities aimed at increas-  
21 ing interaction among such students;

22 “(B)(i) a description of the evidence that  
23 the magnet school program that the applicant  
24 proposes to implement would improve student  
25 academic achievement and reduce minority  
26 group isolation; or

1           “(ii) if such evidence is not available, a ra-  
2           tionale, based on current research findings, for  
3           how the program would improve student aca-  
4           demic achievement and reduce minority group  
5           isolation;

6           “(C) how the applicant will continue the  
7           magnet school program after assistance under  
8           this part is no longer available, and, if applica-  
9           ble, an explanation of why magnet schools es-  
10          tablished or supported by the applicant with  
11          grant funds under this part cannot be contin-  
12          ued without the use of grant funds under this  
13          part;

14          “(D) how grant funds under this part will  
15          be used—

16                 “(i) to improve student academic  
17                 achievement for all students attending the  
18                 magnet school programs; and

19                 “(ii) to implement services and activi-  
20                 ties that are consistent with other pro-  
21                 grams under this Act, and other Acts, as  
22                 appropriate;

23          “(E) the student application process, and  
24          selection criteria, if any, to be used by the pro-  
25          posed magnet school program;

1           “(F) how the applicant will conduct out-  
2 reach and disseminate information about the  
3 proposed magnet school program, including the  
4 application and selection process, in a timely,  
5 clear, and accessible manner to all students and  
6 their parents and families and, to the extent  
7 practicable, in a language they can understand;  
8 and

9           “(G) how the applicant will assess, mon-  
10 itor, and evaluate the impact of the activities  
11 funded under this part on student academic  
12 achievement and integration; and

13           “(2) assurances that the applicant will—

14           “(A) use grant funds under this part for  
15 the purpose specified in section 5301(b);

16           “(B) employ highly rated school leaders  
17 and teachers in the courses of instruction as-  
18 sisted under this part;

19           “(C) not engage in discrimination based on  
20 race, religion, color, national origin, sex, or dis-  
21 ability in—

22           “(i) the hiring, promotion, or assign-  
23 ment of employees of the applicant or  
24 other personnel for whom the applicant has  
25 any administrative responsibility;

1                   “(ii) the assignment of students to  
2                   schools, or to courses of instruction within  
3                   the schools, of such applicant, except to  
4                   carry out the approved plan; and

5                   “(iii) designing or operating extra-  
6                   curricular activities for students;

7                   “(D) carry out a high-quality education  
8                   program that will result in greater parent and  
9                   family decisionmaking and engagement; and

10                  “(E) give students residing in the local at-  
11                  tendance area of the proposed magnet school  
12                  program equitable consideration for placement  
13                  in the program, consistent with desegregation  
14                  guidelines and the capacity of the applicant to  
15                  accommodate the students.”; and

16                  (2) in subsection (c), by striking “will be met”  
17                  and inserting “are being met”.

18 **SEC. 5304. PRIORITY.**

19                  Section 5306 (20 U.S.C. 7231e) is amended by strik-  
20                  ing paragraphs (1), (2), and (3), and inserting the fol-  
21                  lowing:

22                  “(1) have the highest quality applications or  
23                  demonstrate the greatest need for assistance, based  
24                  on the expense or difficulty of effectively carrying



1 out approved desegregation plans and the magnet  
2 school program for which the grant is sought;

3 “(2) propose to carry out new magnet school  
4 programs, significantly revise existing magnet school  
5 programs, or significantly expand magnet school  
6 programs, in a manner that—

7 “(A) is aligned with other programs that  
8 have demonstrated a record of success in in-  
9 creasing student academic achievement and re-  
10 ducing minority group isolation; or

11 “(B) has a strong research basis for im-  
12 proving student academic achievement and re-  
13 ducing minority group isolation;

14 “(3) select, or propose to select, students to at-  
15 tend magnet school programs solely or primarily by  
16 lottery, rather than through academic examination  
17 or other selective enrollment methods; and

18 “(4) propose to serve the entire student popu-  
19 lation of a school.”.

20 **SEC. 5305. USE OF FUNDS.**

21 Section 5307 (20 U.S.C. 7231f) is amended—

22 (1) in subsection (a), by striking paragraphs  
23 (1) through (7) and inserting the following:

24 “(1) for planning, outreach, and promotional  
25 activities directly related to the development, expan-

1 sion, continuation, or enhancement of academic pro-  
2 grams and services offered at magnet schools;

3 “(2) for the acquisition of books, educational  
4 technology, materials, and equipment necessary to  
5 conduct programs in magnet schools;

6 “(3) for—

7 “(A) the compensation, or subsidization of  
8 the compensation, of elementary school and sec-  
9 ondary school teachers, leaders, and other in-  
10 structional staff who are highly rated; and

11 “(B) high-quality professional development  
12 and staff capacity-building activities, including  
13 those designed to recruit, prepare, support, and  
14 retain highly rated school teachers, leaders, and  
15 other instructional staff; and

16 “(4) with respect to a magnet school program  
17 offered to less than the entire student population of  
18 a school, for instructional activities that are designed  
19 to make available the special curriculum that is of-  
20 fered by the magnet school program to students who  
21 are enrolled in the school but who are not enrolled  
22 in the magnet school program;

23 “(5) for activities, which may include the for-  
24 mation of partnerships with public or nonprofit or-  
25 ganizations to help enhance the program or promote

1 parent and family decisionmaking and engagement  
2 that will build the recipient's capacity to operate  
3 magnet school programs once the grant period has  
4 ended;

5 “(6) to enable the local educational agency, or  
6 consortium of such agencies, to have more flexibility  
7 in designing magnet schools for students in all  
8 grades; and

9 “(7) for other operational costs that cannot be  
10 met with other State or local sources.”; and

11 (2) in subsection (b), by striking “based on the  
12 State's challenging academic content standards and  
13 student academic achievement standards or directly  
14 related to improving student reading skills or knowl-  
15 edge of mathematics, science, history, geography,  
16 English, foreign languages, art, or music, or to im-  
17 proving vocational, technological, and professional  
18 skills” and inserting “and growth and leading to  
19 students being on track to college and career readi-  
20 ness”.

21 **SEC. 5306. LIMITATIONS.**

22 Section 5309 (20 U.S.C. 7231h) is amended—

23 (1) in subsection (a), by striking “a period that  
24 shall not exceed 3 fiscal years” and inserting “an  
25 initial period of not more than 3 fiscal years, and

1       may be renewed for not more than an additional 2  
2       years if the Secretary finds that the grantee is  
3       achieving the intended outcomes of the grant and  
4       shows improvement in increasing student academic  
5       achievement and reducing minority-group isolation,  
6       and other indicators of success established by the  
7       Secretary”; and

8               (2) in subsection (b)—

9                       (A) by striking “50” and inserting “40”;

10                      and

11                      (B) by striking “15” and inserting “10”.

12 **SEC. 5307. EVALUATIONS.**

13       Section 5310 (20 U.S.C. 7231i) is amended to read  
14 as follows:

15 **“SEC. 5310. EVALUATIONS.**

16       “(a) **IMPACT OF ACTIVITIES.**—From the amount re-  
17 served for evaluation activities in accordance with section  
18 9601(a), the Secretary, acting through the Director of the  
19 Institute of Education Sciences, shall, in consultation with  
20 the relevant program office at the Department, evaluate  
21 the implementation and impact of the activities supported  
22 under this part, consistent with section 9601, including—

23               “(1) how, and the extent to which, magnet  
24 school programs lead to educational quality and im-  
25 provement;

1           “(2) the extent to which magnet school pro-  
2           grams enhance student access to a high quality edu-  
3           cation;

4           “(3) the extent to which magnet school pro-  
5           grams lead to the elimination, reduction, or preven-  
6           tion of minority group isolation in elementary  
7           schools and secondary schools with substantial pro-  
8           portions of minority students; and

9           “(4) the extent to which magnet school pro-  
10          grams differ from other school programs in terms of  
11          the organizational characteristics and resource allo-  
12          cations of such magnet school programs.

13          “(b) DISSEMINATION.—The Secretary shall collect  
14          and disseminate to the general public information on suc-  
15          cessful magnet school programs.”.

16          **SEC. 5308. AVAILABILITY OF FUNDS FOR GRANTS TO AGEN-**  
17                           **AGENCIES NOT PREVIOUSLY ASSISTED.**

18          Section 5311 (20 U.S.C. 7231j) is amended to read  
19          as follows:

20          **“SEC. 5311. AVAILABILITY OF FUNDS FOR GRANTS TO**  
21                           **AGENCIES NOT PREVIOUSLY ASSISTED.**

22          “For any fiscal year for which the amount appro-  
23          priated pursuant to section 3(u) exceeds \$75,000,000, the  
24          Secretary shall give priority in using such amounts in ex-  
25          cess of \$75,000,000 to awarding grants to local edu-

1 cational agencies or consortia of such agencies that did  
2 not receive a grant under this part for the preceding fiscal  
3 year.”.

4 **PART D—PUBLIC CHARTER SCHOOLS**

5 **SEC. 5401. PUBLIC CHARTER SCHOOLS.**

6 Part D of title V (20 U.S.C. 7241 et seq.) is amended  
7 to read as follows:

8 **“PART D—PUBLIC CHARTER SCHOOLS**

9 **“SEC. 5401. DISTRIBUTION OF FUNDS.**

10 “From the funds appropriated to carry out this part  
11 for a fiscal year—

12 “(1) 85 percent shall be available to carry out  
13 subpart 1; and

14 “(2) 15 percent shall be available to carry out  
15 subpart 2.

16 **“Subpart 1—Successful Charter Schools Program**

17 **“SEC. 5411. DEFINITIONS.**

18 “In this subpart:

19 “(1) CHARTER SCHOOL.—The term ‘charter  
20 school’ means a public school that—

21 “(A) is governed by a separate and inde-  
22 pendent board that exercises authority over 1 or  
23 more schools, including authority in the areas  
24 of governance, personnel, budget, schedule, and  
25 instructional program;

1           “(B) has ongoing, significant autonomy in  
2           the areas of—

3                   “(i) the hiring, replacement, and sala-  
4                   ries of the school staff;

5                   “(ii) the school budget;

6                   “(iii) scheduling formats for the  
7                   school day and school year;

8                   “(iv) the instructional programs of the  
9                   school, including instructional models and  
10                  curricula; and

11                  “(v) the management and daily oper-  
12                  ation of the school;

13           “(C) in accordance with a specific State  
14           statute authorizing the granting of charters to  
15           schools, is exempt from significant State or  
16           local rules that inhibit the flexible operation  
17           and management of public schools, but not  
18           from any rules relating to the other require-  
19           ments of this paragraph;

20           “(D) is created by a developer as a public  
21           school, or is adapted by a developer from an ex-  
22           isting public school, and is operated under pub-  
23           lic supervision and direction;

24           “(E) operates in pursuit of a specific set of  
25           educational objectives determined by the

1 school's developer and agreed to by the charter  
2 school authorizer;

3 "(F) provides 1 or more programs of ele-  
4 mentary education, secondary education, or  
5 both, and may also provide prekindergarten or  
6 adult education, in accordance with State law;

7 "(G) is nonsectarian in its programs, ad-  
8 missions policies, employment practices, and all  
9 other operations, and is not affiliated with a  
10 sectarian school or religious institution;

11 "(H) does not charge tuition;

12 "(I) complies with the Age Discrimination  
13 Act of 1975, title VI of the Civil Rights Act of  
14 1964, title IX of the Education Amendments of  
15 1972, section 504 of the Rehabilitation Act of  
16 1973, title II of the Americans with Disabilities  
17 Act of 1990, and part B of the Individuals with  
18 Disabilities Education Act;

19 "(J) is a school to which parents choose to  
20 send their children, and that admits students  
21 on the basis of a lottery if more students apply  
22 for admission than can be accommodated, ex-  
23 cept as modified by the Secretary by regulation  
24 in accordance with clause (v) or (vi) of section  
25 1116(d)(6)(B);





1 rolled at the school as a whole and for each  
2 subgroup described in section  
3 1111(a)(2)(B)(ix) will be used as a pri-  
4 mary factor in decisions about the renewal  
5 or revocation of the charter, in addition to  
6 other criteria, as appropriate;

7 “(iii) the student academic achieve-  
8 ment, growth (consistent with section  
9 1111), and student retention goals, and, in  
10 the case of a high school, graduation rate  
11 goals for the students enrolled at the  
12 school as a whole and for each subgroup  
13 described in section 1111(a)(2)(B)(ix), and  
14 any other goals to be achieved by the end  
15 of the contract period;

16 “(iv) the obligations and responsibil-  
17 ities of the charter school and the charter  
18 school authorizer; and

19 “(v) a description of the autonomy  
20 that will be granted to the charter school  
21 in each area described under paragraph  
22 (1)(B).

23 “(2) DEVELOPER.—The term ‘developer’ means  
24 any individual, group of individuals, or public non-  
25 profit organization that—

1           “(A) has applied for, or been granted, a  
2 charter for a charter school; or

3           “(B) has received authorization to start a  
4 charter school.

5           “(3) ELIGIBLE ENTITY.—The term ‘eligible en-  
6 tity’ means—

7           “(A) a State educational agency;

8           “(B) a local educational agency, except a  
9 charter school that is considered a local edu-  
10 cational agency under State law;

11           “(C) a charter school authorizer; or

12           “(D) a charter management organization.

13           “(4) EXPAND.—The term ‘expand’ means to  
14 significantly increase the student enrollment of an  
15 existing high-performing charter school through the  
16 addition of not less than 2 grades to such existing  
17 charter school over the course of a grant under this  
18 part.

19           “(5) HIGH-PERFORMING CHARTER SCHOOL.—  
20 The term ‘high-performing charter school’ means—

21           “(A) in the case of a charter school that  
22 was not open or did not enroll students in the  
23 preceding school year, a charter school that has  
24 a written performance contract with a charter  
25 school authorizer that includes, for the students

1 enrolled at the school as a whole and for each  
2 subgroup described in section 1111(a)(2)(B)(ix)  
3 for the most recent year for which such data  
4 are available—

5 “(i) student academic achievement  
6 and growth goals (as measured, in the case  
7 of a charter school that is an elementary  
8 school or secondary school, by performance  
9 on the statewide academic assessments re-  
10 quired under section 1111(a)(2) and indi-  
11 vidual academic growth, consistent with  
12 section 1111) that are higher than the av-  
13 erage student academic achievement and  
14 growth results, consistent with section  
15 1111, in demographically similar schools in  
16 the State;

17 “(ii) student retention goals that are  
18 similar to, or greater than, the average  
19 student retention rates in demographically  
20 similar schools in the State; and

21 “(iii) if the charter school is a high  
22 school, goals for graduation rates, rates of  
23 student enrollment at institutions of higher  
24 education, and rates of student persistence  
25 at institutions of higher education that are

1 higher than such average rates in demo-  
2 graphically similar schools in the State; or  
3 “(B) in the case of a charter school that  
4 was open and enrolled students for the pre-  
5 ceeding school year, a charter school that has,  
6 for the students enrolled at the school as a  
7 whole and for each subgroup described in sec-  
8 tion 1111(a)(2)(B)(ix) for the most recent year  
9 for which such data are available—

10 “(i) student academic achievement  
11 and growth results (as measured, in the  
12 case of a charter school that is an elemen-  
13 tary school or secondary school, by per-  
14 formance on the statewide academic as-  
15 sessments required under section  
16 1111(a)(2) and individual academic  
17 growth, consistent with section 1111) that  
18 are significantly higher than the average  
19 student academic achievement and growth  
20 results, consistent with section 1111, in de-  
21 mographically similar schools in the State;

22 “(ii) student retention rates that are  
23 similar to or higher than the average stu-  
24 dent retention rates in demographically  
25 similar schools in the State; and

1                   “(iii) if the school is a high school,  
2                   higher graduation rates, rates of student  
3                   enrollment at institutions of higher edu-  
4                   cation, and rates of student persistence at  
5                   institutions of higher education than such  
6                   average rates in demographically similar  
7                   schools in the State.

8                   “(6) REPLICATE.—The term ‘replicate’ means  
9                   that an existing high-performing charter school will  
10                  open 1 or more new campuses under a new or exist-  
11                  ing charter, or both, over the course of a grant  
12                  under this part.

13                  **“SEC. 5412. PROGRAM AUTHORIZED.**

14                  “(a) IN GENERAL.—From the amount available to  
15                  carry out this subpart, the Secretary shall award grants,  
16                  on a competitive basis, to eligible entities to enable such  
17                  eligible entities to award subgrants to developers to create,  
18                  expand, or replicate 1 or more high-performing charter  
19                  schools, including through conversion of an existing school  
20                  into a charter school.

21                  “(b) ALLOCATIONS.—The Secretary shall use not less  
22                  than 65 percent of funds to award grants to eligible enti-  
23                  ties described in 5411(3)(A).

24                  “(c) CONSIDERATIONS.—In awarding grants under  
25                  this subpart, the Secretary shall consider—

1           “(1) the geographic diversity of the eligible en-  
2           tities, including the distribution of grants among  
3           urban, suburban, and rural areas; and

4           “(2) the number of eligible entities in a State  
5           that are receiving grants under this subpart in any  
6           fiscal year.

7           “(d) GRANT AMOUNT.—

8           “(1) In determining the amount of each grant  
9           to be awarded under subsection (a), the Secretary  
10          shall consider—

11           “(A) the number of operating charter  
12           schools under the jurisdiction or in the service  
13           area of the eligible entity;

14           “(B) to the extent practicable, the number  
15           of students, including students on charter  
16           school waiting lists, that will be served by high-  
17           performing charter schools that receive funds  
18           under this subpart; and

19           “(C) the amount of funds that is needed to  
20           implement the activities described in the ap-  
21           proved application.

22          “(e) DURATION.—

23           “(1) IN GENERAL.—Each grant awarded under  
24           this subpart shall be for an initial period of not  
25           more than 3 years.

1           “(2) RENEWAL.—The Secretary may renew a  
2           grant awarded under this subpart for an additional  
3           period of not more than 2 years, if the eligible entity  
4           is achieving the objectives of the grant and has  
5           shown improvement on the performance measures  
6           and targets described in section 5417(a).

7           “(f) LIMITATIONS.—

8           “(1) GRANTS.—An eligible entity may not re-  
9           ceive more than 1 grant at a time under this section.

10           “(2) SUBGRANTS.—A developer may not receive  
11           more than 1 subgrant at a time under this section.

12           “(g) RESERVATIONS.—An eligible entity that receives  
13 a grant under this subpart may use—

14           “(1) not more than a total of 5 percent of grant  
15           funds for administrative expenses associated with  
16           the grant, including for improvement of the eligible  
17           entity’s oversight or management of charter schools;  
18           and

19           “(2) in the case of an eligible entity described  
20           in section 5411(3)(C), not more than 5 percent of  
21           grant funds for improvements to charter school over-  
22           sight and monitoring systems, including procedures  
23           for revoking or not renewing charters.

24           “(h) WAIVER.—The Secretary may waive a statutory  
25 or regulatory requirement over which the Secretary exer-



1 cises administrative authority, except a requirement de-  
2 scribed in section 5411(1), if—

3 “(1) the waiver is requested in an approved ap-  
4 plication under this subpart; and

5 “(2) the Secretary determines that granting the  
6 waiver will promote the purpose of this subpart.

7 **“SEC. 5413. APPLICATIONS.**

8 “(a) IN GENERAL.—Each eligible entity desiring a  
9 grant under this subpart shall submit an application to  
10 the Secretary at such time, in such manner, and con-  
11 taining such information and assurances as the Secretary  
12 may require.

13 “(b) CONTENTS.—

14 “(1) ELIGIBLE ENTITIES.—At a minimum, the  
15 application described in subsection (a) shall include  
16 a description of —

17 “(A) how the eligible entity will use grant  
18 funds to create, expand, or replicate 1 or more  
19 high-performing charter schools;

20 “(B) the need for the high-performing  
21 charter schools that the eligible entity seeks to  
22 support, including information that dem-  
23 onstrates the interest of parents and commu-  
24 nities in increasing charter school enrollment  
25 capacity, such as the number of students who

1 are on waiting lists for charter schools under  
2 the jurisdiction of the eligible entity;

3 “(C) the performance measures the eligible  
4 entity will use to measure outcomes;

5 “(D) how the eligible entity will provide in-  
6 formation and support to parents, families, and  
7 students regarding the available charter school  
8 options in a simple, clear, and easily accessible  
9 format and, to the extent practicable, in a lan-  
10 guage that such parents, families, and students  
11 can understand;

12 “(E) how the eligible entity will coordinate  
13 the grant funds received under this subpart  
14 with other Federal, State, and local funds;

15 “(F) how the eligible entity will ensure  
16 that each charter school within such eligible en-  
17 tity’s jurisdiction or service area—

18 “(i) meets the requirements of section  
19 5411(1); and

20 “(ii) provides equitable access and ef-  
21 fectively serves the needs of all students,  
22 including children with disabilities and  
23 English learners, and implements outreach  
24 and recruitment practices that include  
25 families of such students;

1           “(G) how the eligible entity will award sub-  
2 grants to developers, on a competitive basis and  
3 through a high-quality peer review process, in-  
4 cluding a description of the subgrant applica-  
5 tion;

6           “(H) how the eligible entity will target  
7 subgrants to high-performing charter schools  
8 that plan to serve students who attend schools  
9 that have been identified through the State ac-  
10 countability and improvement system described  
11 in section 1116;

12           “(I) the eligible entity’s record, if applica-  
13 ble, of success in creating, expanding, repli-  
14 cating, managing, and overseeing high-per-  
15 forming charter schools, and closing unsuccess-  
16 ful schools;

17           “(J) how the eligible entity will hold char-  
18 ter schools within such eligible entity’s jurisdic-  
19 tion accountable if such schools do not meet the  
20 objectives specified in the performance contract  
21 described in section 5411(1)(N), including by  
22 closing unsuccessful schools; and

23           “(K) how charter school authorizers are  
24 approved, monitored, held accountable for es-  
25 tablishing rigorous standards, periodically re-

1 viewed, and re-approved in the State in which  
2 the eligible entity operates, based on the per-  
3 formance of the charter schools that such char-  
4 ter school authorizers authorize, including in  
5 the areas of student safety, financial manage-  
6 ment, and compliance with all applicable stat-  
7 utes and regulations.

8 “(2) STATE EDUCATIONAL AGENCIES.—Each  
9 eligible entity described in section 5411(3)(A) shall  
10 include in the application described in paragraph (1)  
11 (in addition to the requirements of such paragraph),  
12 the following:

13 “(A) A description of the State’s laws,  
14 policies, or procedures, if applicable, that ad-  
15 dress—

16 “(i) how decisions are made to close  
17 unsuccessful charter schools, and how stu-  
18 dent academic achievement and growth,  
19 consistent with section 1111, for all stu-  
20 dents and for each subgroup of students  
21 described in section 1111(a)(2)(B)(ix), is a  
22 primary factor in such decisions;

23 “(ii) how charter schools are mon-  
24 itored and held accountable for—

605

1                   “(I) meeting the requirements  
2                   described in section 5411(1); and

3                   “(II) providing equitable access  
4                   and effectively serving the needs of all  
5                   students, including students with dis-  
6                   abilities and English learners; and

7                   “(iii) how a charter school that is con-  
8                   sidered a local educational agency under  
9                   State law, or a local educational agency in  
10                  which a charter school is located, will com-  
11                  ply with subsections (a)(5) and (e)(1)(B)  
12                  of section 613 of the Individuals with Dis-  
13                  abilities Education Act.

14                  “(B) Information about the eligible entity’s  
15                  record of funding charter schools, including  
16                  funding charter school facilities.

17                  “(C) Information about the number of  
18                  charter schools in the State that—

19                         “(i) have been closed or have had  
20                         charters revoked or not renewed in the pre-  
21                         ceding 5-year period, and the reasons for  
22                         such closures, revocations, or non-renewals;

23                         “(ii) have been identified through the  
24                         State accountability and improvement sys-

1           tem described in section 1116 in the pre-  
2           ceding 5-year period;

3           “(iii) have met objectives specified in  
4           the performance contract described in sec-  
5           tion 5411(1)(N); and

6           “(iv) the charter school authorizer has  
7           authorized that are high-performing char-  
8           ter schools, and the percentage of such  
9           charter schools as compared to the total  
10          number of charter schools that the charter  
11          school authorizer has authorized.

12          “(3) LOCAL EDUCATIONAL AGENCIES.—Each  
13          eligible entity described in section 5411(3)(B) shall  
14          include in the application described in paragraph (1)  
15          (in addition to the requirements described in such  
16          paragraph), a description of the eligible entity’s poli-  
17          cies and procedures for—

18                 “(A) ensuring that charter schools under  
19                 the jurisdiction of such eligible entity have equi-  
20                 table access to school facilities;

21                 “(B) complying with subsections (a)(5)  
22                 and (e)(1)(B) of section 613 of the Individuals  
23                 with Disabilities Education Act; and

24                 “(C) supporting public school choice.

1           “(4) CHARTER SCHOOL AUTHORIZERS.—Each  
2 eligible entity described in section 5411(3)(C) shall  
3 include in the application described in paragraph (1)  
4 (in addition to the requirements of such paragraph),  
5 the following:

6           “(A) A demonstration that the eligible en-  
7 tity has explicit and clear policies and proce-  
8 dures in place for the approval, monitoring, re-  
9 newal, and closure of charter schools, and an  
10 assurance that such policies and procedures  
11 make student academic achievement and  
12 growth, consistent with section 1111, for all  
13 students and for each subgroup of students de-  
14 scribed in section 1111(a)(2)(B)(ix), a primary  
15 factor in such decisions.

16           “(B) A description of how the eligible enti-  
17 ty will make publicly available (in a clear and  
18 uniform format, a timely manner, and a form  
19 that is easily accessible, and, to the extent prac-  
20 ticable, in a language that families and students  
21 can understand)—

22           “(i) information about the criteria and  
23 procedures for granting, denying, revoking,  
24 and renewing charters for charter schools;  
25 and

1           “(ii) the results of decisions relating  
2           to the granting, denial, revocation, and re-  
3           newal of charters for charter schools, in-  
4           cluding performance data and other rel-  
5           evant information on which each decision  
6           is based.

7           “(C) Information about the number of  
8           charter schools that—

9           “(i) the charter school authorizer has  
10          authorized that have been closed or have  
11          had charters revoked or not renewed by  
12          the eligible entity in the preceding 5-year  
13          period, and the reasons for such closures,  
14          revocations, or non-renewals;

15          “(ii) have been identified through the  
16          State accountability and improvement sys-  
17          tem described in section 1116;

18          “(iii) have met objectives specified in  
19          the performance contract described in sec-  
20          tion 5411(1)(N); and

21          “(iv) the charter school authorizer has  
22          authorized that are high-performing char-  
23          ter schools, and the percentage of such  
24          charter schools as compared to the total



1                   number of charter schools that the charter  
2                   school authorizer has authorized.

3                   “(5) CHARTER MANAGEMENT ORGANIZA-  
4                   TIONS.—Each eligible entity described in section  
5                   5411(3)(D) shall include in the application described  
6                   in paragraph (1) (in addition to the requirements of  
7                   such paragraph), a description of—

8                   “(A) the qualifications of such eligible enti-  
9                   ty’s management team; and

10                   “(B) a multi-year financial and operating  
11                   model for each of the high-performing charter  
12                   schools that such eligible entity will create, ex-  
13                   pand, or replicate under the grant.

14                   “(6) SPECIAL RULE.—In the case of a devel-  
15                   oper that plans to open a charter school in a juris-  
16                   diction or service area where no eligible entity will  
17                   be awarding subgrants under this subpart for the  
18                   fiscal year for which the developer applies, the Sec-  
19                   retary may award a grant to such developer if such  
20                   developer has an approved application that includes  
21                   the requirements described in subparagraphs (A)  
22                   through (F) of paragraph (1) and paragraph (5).  
23                   The requirements of subsections (b) and (c) of sec-  
24                   tion 5416 and section 5417(c) shall apply to a devel-  
25                   oper receiving a grant under this paragraph in the

1 same manner as such sections apply to a developer  
2 receiving a subgrant under section 5416, except that  
3 the developer shall submit the data under section  
4 5417(e) directly to the Secretary.

5 **“SEC. 5414. SELECTION CRITERIA; PRIORITY.**

6 “(a) SELECTION CRITERIA.—

7 “(1) IN GENERAL.—In awarding grants to eligi-  
8 ble entities under this subpart, the Secretary shall  
9 consider—

10 “(A) the quality of the eligible entity’s ap-  
11 plication;

12 “(B) the eligible entity’s record, if applica-  
13 ble, of success in creating, expanding, repli-  
14 cating, managing, and overseeing high-per-  
15 forming charter schools;

16 “(C) the eligible entity’s record of dis-  
17 continuing funding or closing low-performing  
18 charter schools, including, as applicable, by re-  
19 voking or not renewing the charters of such  
20 charter schools, and the eligible entity’s com-  
21 mitment to discontinuing funding or closing  
22 low-performing charter schools in the future;

23 “(D) the extent to which the eligible entity  
24 demonstrates that such eligible entity will  
25 award subgrants targeted to serving students

1           who attend schools that have been identified  
2           through the State accountability and improve-  
3           ment system described in section 1116;

4           “(E) the quality of the eligible entity’s  
5           plan for supporting subgrant recipients,  
6           through such activities as technical assistance,  
7           in order to—

8                   “(i) improve student academic  
9                   achievement and growth, consistent with  
10                  section 1111, for all students and for each  
11                  subgroup of students described in section  
12                  1111(a)(2)(B)(ix); and

13                   “(ii) promote effective outreach to,  
14                   and recruitment of, students who are chil-  
15                   dren with disabilities and students who are  
16                   English learners, and the parents and fam-  
17                   ilies of such students; and

18           “(F) the extent to which the State in  
19           which the eligible entity operates provides for,  
20           and enforces, high-quality standards for charter  
21           school authorizers, including by establishing  
22           standards for rigorous and periodic reviews.

23           “(2) STATE EDUCATIONAL AGENCIES.—In the  
24           case of an applicant that is an eligible entity de-  
25           scribed in section 5411(3)(A), in addition to the ele-

1       ments described in paragraph (1), the Secretary  
2       shall also consider, the extent to which such eligible  
3       entity—

4               “(A) ensures that charter schools receive  
5               equitable funding compared to other public  
6               schools in the State, and a commensurate share  
7               of Federal, State, and local revenues compared  
8               to public schools in the State, including equi-  
9               table State funding to support early learning  
10              programs operated by charter schools in the  
11              State, in accordance with State law; and

12              “(B) provides charter schools with equi-  
13              table access to funds for facilities (which may  
14              include funds for leasing or purchasing facilities  
15              or for making tenant improvements), assistance  
16              for facilities acquisition, access to public facili-  
17              ties, the ability to share in the proceeds of  
18              bonds and levies, or other support related to fa-  
19              cilities.

20              “(3) LOCAL EDUCATIONAL AGENCIES.—In the  
21              case of an applicant that is an eligible entity de-  
22              scribed in section 5411(3)(B) (except for a charter  
23              school that is considered a local educational agency  
24              under State law) in addition to the elements de-

1 scribed in paragraph (1), the Secretary shall also  
2 consider—

3 “(A) if charter schools are operating with-  
4 in the area served by such eligible entity, the  
5 extent to which the eligible entity has policies  
6 and procedures in place to ensure that—

7 “(i) charter schools have equitable ac-  
8 cess to school facilities; or

9 “(ii) charter schools are not denied  
10 access to available public school facilities;  
11 and

12 “(B) the extent to which the eligible entity  
13 demonstrates support for public school choice.

14 “(4) CHARTER SCHOOL AUTHORIZERS.—In the  
15 case of an applicant that is an eligible entity de-  
16 scribed in section 5411(3)(C), in addition to the ele-  
17 ments described in paragraph (1), the Secretary  
18 shall also consider the eligible entity’s record of suc-  
19 cess in authorizing and supporting high-performing  
20 charter schools.

21 “(5) CHARTER MANAGEMENT ORGANIZA-  
22 TIONS.—In the case of an applicant that is an eligi-  
23 ble entity described in section 5411(3)(D), in addi-  
24 tion to the elements described in paragraph (1), as  
25 applicable, the Secretary shall also consider—

1           “(A) the quality of the eligible entity’s  
2           management team; and

3           “(B) the quality of the eligible entity’s  
4           multi-year financial and operating model.

5           “(b) PRIORITY.—

6           “(1) STUDENTS FROM LOW-INCOME FAMI-  
7           LIES.—In awarding grants under this subpart, the  
8           Secretary shall give priority to eligible entities that  
9           propose to create, expand, or replicate high-per-  
10          forming charter schools that plan to enroll a large  
11          percentage of students from low-income families.

12          “(2) DIVERSITY.—In awarding grants under  
13          this subpart, the Secretary may give priority to eligi-  
14          ble entities that propose to create, expand, or rep-  
15          licate a high-performing charter school that will have  
16          a diverse student population.

17          “(3) STATE EDUCATIONAL AGENCIES.—In the  
18          case of an applicant that is an eligible entity de-  
19          scribed in section 5411(3)(A), the Secretary shall  
20          give priority to such eligible entities—

21                 “(A) from States that do not have a law  
22                 that prohibits, or effectively inhibits, increasing  
23                 the number of high-performing charter schools  
24                 in the State;

25                 “(B) from States that—

1 “(i) provide for, and adequately sup-  
2 port, 2 or more charter school authorizers,  
3 of which not less than 1 is a statewide  
4 charter school authorizer; or

5 “(ii) in the case of a State in which  
6 local educational agencies are the only  
7 charter school authorizers—

8 “(I) allow for an appeals process  
9 through which developers have an op-  
10 portunity to appeal a denial to an-  
11 other authorizer that will issue a final  
12 determination regarding whether or  
13 not to grant the developer a charter;  
14 and

15 “(II) require charter school au-  
16 thorizers to indicate an affirmative in-  
17 terest in serving as charter school au-  
18 thorizers; and

19 “(C) that have a policy or procedure in  
20 place that ensures that charter schools are re-  
21 authorized or have their charter renewed not  
22 less than once every 5 years.

23 **“SEC. 5415. USES OF FUNDS.**

24 “(a) **REQUIRED USES OF FUNDS.**—Each eligible en-  
25 tity receiving a grant under section 5412(a) shall—

1           “(1) use the remaining grant funds, after the  
2           reservations made under section 5412(g), to award  
3           subgrants to 1 or more developers, as described  
4           under section 5416, to enable such developers to cre-  
5           ate, expand, or replicate 1 or more high-performing  
6           charter schools (which may include opening new  
7           schools or converting existing schools into charter  
8           schools) in the area served by the eligible entity or  
9           under the jurisdiction of the eligible entity;

10           “(2) in awarding subgrants, give priority to de-  
11           velopers that propose to create, expand, or replicate  
12           a high-performing charter school in which a large  
13           percentage of the students enrolled are from low-in-  
14           come families;

15           “(3) provide developers who are receiving a  
16           subgrant with support and technical assistance in—

17                   “(A) improving student academic achieve-  
18                   ment and growth, consistent with section 1111;

19                   “(B) effectively serving the needs of all  
20                   students, including students who are children  
21                   with disabilities and English learners; and

22                   “(C) implementing outreach and recruit-  
23                   ment practices that includes families of stu-  
24                   dents who are children with disabilities and  
25                   English learners;



1           “(4) directly, or through a partnership with a  
2           nonprofit organization (such as a community-based  
3           organization), develop and implement parent, family,  
4           and student information, outreach, and recruitment  
5           programs to provide information and support to par-  
6           ents, families, and students about the public school  
7           choice options available to them, including students  
8           who are children with disabilities and English learn-  
9           ers, in a simple, clear, and easily accessible format  
10          and, to the extent practicable, in a language that  
11          such parents, families, and students can understand.

12          “(b) PERMISSIBLE USE OF FUNDS.—Each eligible  
13          entity receiving a grant under section 5412(a) may use  
14          not more than 1 percent of grant funds to disseminate  
15          information to public schools in the eligible entity’s juris-  
16          diction or service area about lessons learned through the  
17          grant activities, in order to—

18                 “(1) successfully address the education needs of  
19                 all students, including students who are children  
20                 with disabilities and students who are English learn-  
21                 ers; and

22                 “(2) replicate high-performing charter school  
23                 models.

1 **“SEC. 5416. SUBGRANTS.**

2 “(a) APPLICATIONS.—Each developer that desires to  
3 receive a subgrant under this subpart shall submit an ap-  
4 plication to the appropriate eligible entity at such time,  
5 in such form, and including such information and assur-  
6 ances as the eligible entity may reasonably require, which  
7 shall include the information required under subpara-  
8 graphs (A) through (F) of paragraph (1) and paragraph  
9 (5) of section 5413(b).

10 “(b) USE OF FUNDS.—A developer that receives a  
11 subgrant under this subpart shall use such subgrant funds  
12 to create, expand, or replicate 1 or more high-performing  
13 charter schools, which may include carrying out the fol-  
14 lowing activities:

15 “(1) If necessary, carrying out not more than  
16 12 months of planning and program design, unless  
17 such developer demonstrates the need for an addi-  
18 tional planning period of not more than 3 months.

19 “(2) Recruiting and providing preparation, in-  
20 duction, and professional development for teachers,  
21 school leaders, and other staff who will work in a  
22 charter school that is supported by the developer.

23 “(3) Acquiring necessary equipment, supplies,  
24 and educational materials, including curricula, as-  
25 sessments, and instructional materials.

1           “(4) Professional development and implementa-  
2           tion of systems for the delivery of appropriate serv-  
3           ices for students who are children with disabilities  
4           and English learners, including through centralizing,  
5           purchasing, or sharing the provision of such services  
6           with other organizations.

7           “(5) Providing transportation to students to  
8           and from the school.

9           “(6) Paying operational costs for a charter  
10          school that cannot be met through State or local  
11          funding sources.

12          “(7) Directly, or through a partnership with a  
13          nonprofit organization (including a community-based  
14          organization), developing and implementing parent,  
15          family, and student information and outreach pro-  
16          grams to provide information and support to par-  
17          ents, families, and students about each charter  
18          school, in a simple, clear, and easily accessible for-  
19          mat and, to the extent practicable, in a language  
20          that the parents, families, and students can under-  
21          stand.

22          “(8) Developing and implementing effective out-  
23          reach and recruitment strategies to inform families  
24          of students who are children with disabilities and  
25          students who are English learners about the charter

1 school, the charter school admissions process, and  
2 the charter school's plan to effectively provide appro-  
3 priate educational and related services to such stu-  
4 dents.

5 “(9) Evaluating and disseminating information,  
6 including through technical assistance, about the ef-  
7 fectiveness of the activities supported by the  
8 subgrant.

9 “(c) LIMITATIONS.—Not more than 1 percent of  
10 subgrant funds may be used to carry out the activities de-  
11 scribed in subsection (b)(9).

12 **“SEC. 5417. PERFORMANCE MEASURES; REPORTS.**

13 “(a) PERFORMANCE MEASURES AND TARGETS.—  
14 Each eligible entity receiving a grant under this subpart  
15 shall establish performance measures and annual targets,  
16 approved by the Secretary, for the charter schools that  
17 are created, expanded, or replicated with funds provided  
18 through a grant or subgrant under this subpart. Such  
19 measures and targets shall include, at a minimum, in the  
20 aggregate and disaggregated by each subgroup of students  
21 described in section 1111(a)(2)(B)(ix)—

22 “(1) the number of students enrolled in each  
23 charter school;

24 “(2) the number of students enrolled in each  
25 high-performing charter school;

1           “(3) the number of students enrolled in each  
2 high-performing charter school who were formerly  
3 attending a school that has been identified through  
4 the State accountability and improvement system de-  
5 scribed in section 1116;

6           “(4) student academic achievement and growth,  
7 consistent with section 1111, including, if applicable,  
8 performance on the State academic assessments re-  
9 quired under section 1111(a)(2), and student growth  
10 consistent with section 1111;

11           “(5) student retention rates;

12           “(6) in the case of a public charter school that  
13 is a secondary school, student graduation rates, and  
14 student rates of enrollment and persistence in insti-  
15 tutions of higher education; and

16           “(7) other measures required by the Secretary.

17           “(b) REPORTS.—Each eligible entity receiving a  
18 grant under this subpart shall annually prepare and sub-  
19 mit a report to the Secretary containing the information  
20 described under subsection (a).

21           “(c) DEVELOPERS.—Each developer receiving a  
22 subgrant under this subpart from an eligible entity shall  
23 provide the eligible entity with the data necessary to com-  
24 ply with the requirements of this section.

1 **“SEC. 5418. FEDERAL FORMULA ALLOCATION DURING**  
2 **FIRST YEAR AND FOR SUCCESSIVE ENROLL-**  
3 **MENT EXPANSIONS.**

4 “(a) IN GENERAL.—For purposes of the allocation  
5 to schools by the States or their agencies of funds under  
6 part A of title I, and any other Federal funds which the  
7 Secretary allocates to States on a formula basis, the Sec-  
8 retary and each State educational agency shall take such  
9 measures as are necessary to ensure that every charter  
10 school receives the Federal funding for which the charter  
11 school is eligible not later than 5 months after the charter  
12 school first opens, notwithstanding the fact that the iden-  
13 tity and characteristics of the students enrolling in that  
14 charter school are not fully and completely determined  
15 until that charter school actually opens. The measures  
16 similarly shall ensure that every charter school expanding  
17 its enrollment in any subsequent year of operation receives  
18 the Federal funding for which the charter school is eligible  
19 not later than 5 months after such expansion.

20 “(b) ADJUSTMENT AND LATE OPENINGS.—

21 “(1) IN GENERAL.—The measures described in  
22 subsection (a) shall include provision for appropriate  
23 adjustments, through recovery of funds or reduction  
24 of payments for the succeeding year, in cases where  
25 payments made to a charter school on the basis of  
26 estimated or projected enrollment data exceed the

1 amounts that the school is eligible to receive on the  
2 basis of actual or final enrollment data.

3 “(2) RULE.—For charter schools that first  
4 open after November 1 of any academic year, the  
5 State, in accordance with guidance provided by the  
6 Secretary and applicable Federal statutes and regu-  
7 lations, shall ensure that such charter schools that  
8 are eligible for the funds described in subsection (a)  
9 for such academic year have a full and fair oppor-  
10 tunity to receive those funds during the charter  
11 schools’ first year of operation.

12 **“SEC. 5419. RECORDS TRANSFER.**

13 “State educational agencies and local educational  
14 agencies receiving funds under part A of title I or any  
15 other Federal funds from the Secretary, shall, in the most  
16 timely manner possible and to the extent practicable, en-  
17 sure that a student’s records and, if applicable, a student’s  
18 individualized education program as defined in section  
19 602(11) of the Individuals with Disabilities Education  
20 Act, are transferred to a charter school upon the transfer  
21 of the student to the charter school, and to another public  
22 school upon the transfer of the student from a charter  
23 school to another public school, in accordance with appli-  
24 cable State law.

1 **“SEC. 5420. NATIONAL ACTIVITIES.**

2 “From funds made available under this subpart for  
3 each fiscal year, the Secretary may reserve not more than  
4 2.5 percent for national activities to carry out (directly  
5 or through grants, contracts that use a competitive bid-  
6 ding process, or cooperative agreements) research, devel-  
7 opment, data collection, technical assistance, outreach,  
8 and dissemination activities, including—

9 “(1) research, technical assistance, and other  
10 activities to assist eligible entities receiving a grant  
11 under this subpart, and other eligible entities in im-  
12 proving the entity’s capacity to—

13 “(A) create, expand, replicate, operate, or  
14 support high-performing charter schools that  
15 meet the needs of, and improve the outcomes  
16 for, all students, including students who are  
17 children with disabilities and English learners;

18 “(B) support charter school authorizers to  
19 improve quality through the adoption of re-  
20 search-based policies and procedures and in-  
21 creased capacity; and

22 “(C) work to turn around schools that  
23 have been identified through the State account-  
24 ability and improvement system described in  
25 section 1116;



1           “(2) providing for the research and dissemina-  
2           tion of information about specific charter school  
3           models and program characteristics for which there  
4           is strong evidence of a significant impact on improv-  
5           ing student academic achievement and growth, con-  
6           sistent with section 1111, for all students, including  
7           students who are children with disabilities and  
8           English learners;

9           “(3) developing and implementing activities  
10           that help parents, families, students, and the com-  
11           munity identify and access high-performing charter  
12           schools;

13           “(4) providing for the collection of information  
14           regarding the financial resources available to charter  
15           schools (including access to private capital) and  
16           widely disseminating to charter schools any such rel-  
17           evant information and model descriptions of success-  
18           ful programs; and

19           “(5) carrying out other related activities.

20           **“Subpart 2—Charter School Facility Acquisition,**  
21   **Construction, and Renovation**

22           **“SEC. 5431. PURPOSE.**

23           “The purpose of this subpart is to provide grants to  
24           eligible entities to improve access to facilities and facilities  
25           financing for high-performing charter schools and assist

1 such schools to address the cost of acquiring, constructing,  
2 and renovating facilities.

3 **“SEC. 5432. DEFINITIONS.**

4 “In this subpart:

5 “(1) HIGH-PERFORMING CHARTER SCHOOL.—

6 The term ‘high-performing charter school’ has the  
7 meaning given such term in section 5411(5).

8 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-  
9 tity’ means—

10 “(A) a State educational agency;

11 “(B) a local educational agency, except a  
12 charter school that is considered a local edu-  
13 cational agency under State law;

14 “(C) a nonprofit entity;

15 “(D) a State financing authority; or

16 “(E) a consortium of entities described in  
17 any of subparagraphs (A) through (D).

18 “(3) PER-PUPIL FACILITIES AID PROGRAM.—

19 The term ‘per-pupil facilities aid program’ means a  
20 program—

21 “(A) that is specified in State law;

22 “(B) that provides annual financing, on a  
23 per-pupil basis, for charter school facilities; and

1           “(C) in which a State makes payments, on  
2           a per-pupil basis, to charter schools to provide  
3           such schools with financing—

4                   “(i) that is dedicated solely for fund-  
5                   ing charter school facilities; or

6                   “(ii) a portion of which is dedicated  
7                   for funding charter school facilities.

8   **“SEC. 5433. GRANTS TO ELIGIBLE ENTITIES.**

9           “(a) CREDIT ENHANCEMENT GRANTS.—The Sec-  
10          retary shall use not less than 65 percent of the amount  
11          available to carry out this subpart to award grants on a  
12          competitive basis to eligible entities to enable such eligible  
13          entities to demonstrate innovative credit enhancement  
14          methods of assisting high-performing charter schools to  
15          access private sector capital to address the cost of acquir-  
16          ing, constructing, and renovating facilities by enhancing  
17          the availability of loans or bond financing.

18          “(b) OTHER FACILITIES GRANTS.—The Secretary  
19          shall use the remainder of the amount available to carry  
20          out this subpart to award grants on a competitive basis  
21          to eligible entities to—

22                   “(1) improve access to facilities and facilities fi-  
23                   nancing for high-performing charter schools, through  
24                   methods that may include—

1           “(A) leveraging State and local facilities  
2 funds, including the cost of implementing school  
3 bond programs that include high-performing  
4 charter schools;

5           “(B) implementing open-facilities-access  
6 programs or making available renovated or  
7 adapted space for high-performing charter  
8 schools; and

9           “(C) assisting with constructing or improv-  
10 ing, at low cost, facilities for high-performing  
11 charter schools through innovative methods;  
12 and

13           “(2) support an eligible entity described in sec-  
14 tion 5411(3)(A) in the establishment, enhancement,  
15 and administration of a per-pupil facilities aid pro-  
16 gram through Federal payments that shall be not  
17 more than—

18           “(A) 90 percent of the cost, for the first  
19 fiscal year for which the program receives as-  
20 sistance under this subsection;

21           “(B) 80 percent in the second such year;

22           “(C) 60 percent in the third such year;

23           “(D) 40 percent in the fourth such year;

24 and

25           “(E) 20 percent in the fifth such year.

1           “(c) STATE SHARE OF PER-PUPIL FACILITIES AID  
2 PROGRAM.—A State receiving a grant under subsection  
3 (b)(2) may partner with 1 or more organizations to pro-  
4 vide not more than 50 percent of the State share of the  
5 cost of establishing, enhancing, or administering the per-  
6 pupil facilities aid program.

7           “(d) GRANT AMOUNT.—In determining the amount  
8 of each grant to be awarded under this subpart, the Sec-  
9 retary shall consider—

10                 “(1) the quality of the application submitted  
11                 under section 5435;

12                 “(2) the number of students that are served or  
13                 may be served by high-performing charter schools  
14                 that would receive assistance under the grant pro-  
15                 gram; and

16                 “(3) the amount of funds that is needed to im-  
17                 plement the activities described in the approved ap-  
18                 plication.

19           “(e) SUPPLEMENT NOT SUPPLANT.—Funds made  
20 available under this section shall be used to supplement,  
21 and not supplant, State and local public funds expended  
22 to provide programs for charter schools.

23 **“SEC. 5434. CHARTER SCHOOL OBJECTIVES.**

24           “An eligible entity receiving a grant under this sub-  
25 part shall use the funds to assist 1 or more high-per-

1 forming charter schools to accomplish 1 or both of the fol-  
2 lowing objectives:

3           “(1) The acquisition (by purchase, lease, dona-  
4 tion, or otherwise) of an interest (including an inter-  
5 est held by a third party for the benefit of a charter  
6 school) in improved or unimproved real property  
7 that is necessary to commence or continue the oper-  
8 ation of a charter school.

9           “(2) The construction of new facilities, or the  
10 renovation, repair, or alteration of existing facilities,  
11 necessary to commence or continue the operation of  
12 a charter school.

13 **“SEC. 5435. APPLICATIONS; SELECTION CRITERIA.**

14           “(a) IN GENERAL.—Each eligible entity desiring a  
15 grant under this subpart shall submit an application to  
16 the Secretary at such time, in such manner, and con-  
17 taining such information and assurances as the Secretary  
18 may require.

19           “(b) CONTENTS.—An application submitted under  
20 subsection (a) shall include—

21           “(1) a description of the activities that the eligi-  
22 ble entity proposes to carry out using funds received  
23 under this subpart;

1           “(2) a demonstration that the eligible entity will  
2 consider the quality of a charter school when deter-  
3 mining—

4           “(A) which charter schools will receive as-  
5 sistance under this subpart;

6           “(B) how much grant assistance will be  
7 provided to each charter school; and

8           “(C) the type of assistance that each char-  
9 ter school will receive;

10          “(3) a description of the eligible entity’s record  
11 of successfully carrying out the activities that such  
12 eligible entity proposes to carry out;

13          “(4) if applicable, the eligible entity’s record of  
14 leveraging private-sector funding and a description  
15 of how the proposed activities will leverage the max-  
16 imum amount of private-sector financing capital rel-  
17 ative to the amount of government funding;

18          “(5) an explanation of how the eligible entity  
19 possesses sufficient expertise in education to evalu-  
20 ate the likelihood of success of a charter school for  
21 which facilities financing is sought;

22          “(6) in the case of an application submitted by  
23 an eligible entity that includes 1 or more State or  
24 local educational agencies, a description of the agen-  
25 cy’s policies and procedures for ensuring that char-

1       ter schools have equitable access to school facilities;  
2       and

3               “(7) such other information as the Secretary  
4       may reasonably require.

5       “(c) SELECTION CRITERIA.—In awarding grants  
6       under this subpart, the Secretary shall consider—

7               “(1) the quality of the eligible entity’s applica-  
8       tion;

9               “(2) the extent to which the eligible entity pro-  
10       poses to support high-performing charter schools  
11       that plan to enroll a large percentage of students  
12       from low-income families;

13               “(3) the geographic diversity of the eligible en-  
14       tities, including the distribution of grants between  
15       urban and rural areas; and

16               “(4) the number of eligible entities in a State  
17       that are receiving grants under this subpart in any  
18       fiscal year.

19       **“SEC. 5436. RESERVE ACCOUNT.**

20               “(a) USE OF FUNDS.—To assist charter schools with  
21       addressing the cost of acquiring, constructing, and ren-  
22       ovating facilities and accessing facilities and facilities fi-  
23       nancing, an eligible entity receiving a grant under section  
24       5433(a) shall, in accordance with State and local law, di-  
25       rectly or indirectly, alone or in collaboration with others,



1 deposit the funds received under this subpart (other than  
2 funds used for administrative costs in accordance with sec-  
3 tion 5437) in a reserve account established and main-  
4 tained by the eligible entity for this purpose. Amounts de-  
5 posited in such account shall be used by the eligible entity  
6 for 1 or more of the following purposes:

7           “(1) Guaranteeing, insuring, and reinsuring  
8           bonds, notes, evidences of debt, loans, and interests  
9           therein, the proceeds of which are used for an objec-  
10          tive described in section 5434.

11           “(2) Guaranteeing and insuring leases of per-  
12          sonal and real property for an objective described in  
13          section 5434.

14           “(3) Facilitating financing by identifying poten-  
15          tial lending sources, encouraging private lending,  
16          and other similar activities that directly promote  
17          lending to, or for the benefit of, charter schools.

18           “(4) Facilitating the issuance of bonds by char-  
19          ter schools, or by other public entities for the benefit  
20          of charter schools, by providing technical, adminis-  
21          trative, and other appropriate assistance (including  
22          the recruitment of bond counsel, underwriters, and  
23          potential investors and the consolidation of multiple  
24          charter school projects within a single bond issue).

1           “(b) INVESTMENT.—Funds received under this sub-  
2 part and deposited in the reserve account established  
3 under subsection (a) shall be invested in obligations issued  
4 or guaranteed by the United States or a State, or in other  
5 similarly low-risk securities.

6           “(c) REINVESTMENT OF EARNINGS.—Any earnings  
7 on funds received under this subpart shall be deposited  
8 in the reserve account established under subsection (a)  
9 and used in accordance with such subsection.

10 **“SEC. 5437. LIMITATION ON ADMINISTRATIVE COSTS.**

11           “An eligible entity may use not more than 2.5 percent  
12 of the funds received under this subpart for the adminis-  
13 trative costs of carrying out its responsibilities under this  
14 subpart.

15 **“SEC. 5438. AUDITS AND REPORTS.**

16           “(a) FINANCIAL RECORD MAINTENANCE AND  
17 AUDIT.—The financial records of each eligible entity re-  
18 ceiving a grant under this subpart shall be maintained in  
19 accordance with generally accepted accounting principles  
20 and shall be subject to an annual audit by an independent  
21 public accountant.

22           “(b) REPORTS.—

23                   “(1) GRANTEE ANNUAL REPORTS.—Each eligi-  
24 ble entity receiving a grant under this subpart annu-

1 ally shall submit to the Secretary a report of its op-  
2 erations and activities under this subpart.

3 “(2) CONTENTS.—Each annual report sub-  
4 mitted under paragraph (1) shall include—

5 “(A) a copy of the most recent financial  
6 statements, and any accompanying opinion on  
7 such statements, prepared by the independent  
8 public accountant reviewing the financial  
9 records of the eligible entity;

10 “(B) a copy of any report made on an  
11 audit of the financial records of the eligible en-  
12 tity that was conducted under subsection (a)  
13 during the reporting period;

14 “(C) if applicable, an evaluation by the eli-  
15 gible entity of the effectiveness of its use of the  
16 Federal funds provided under this subpart in  
17 leveraging private funds;

18 “(D) a listing and description of the char-  
19 ter schools served during the reporting period  
20 and the performance of such charter schools in  
21 increasing student achievement and growth,  
22 consistent with section 1111;

23 “(E) a description of the activities carried  
24 out by the eligible entity to assist charter

1 schools in meeting the objectives set forth in  
2 section 5434; and

3 “(F) a description of the characteristics of  
4 lenders and other financial institutions partici-  
5 pating in the activities undertaken by the eligi-  
6 ble entity under this subpart during the report-  
7 ing period, if applicable.

8 “(3) SECRETARIAL REPORT.—The Secretary  
9 shall review the reports submitted under paragraph  
10 (1) and shall provide a comprehensive annual report  
11 to Congress on the activities conducted under this  
12 subpart.

13 **“SEC. 5439. NO FULL FAITH AND CREDIT FOR GRANTEE OB-**  
14 **LIGATIONS.**

15 “No financial obligation of an eligible entity entered  
16 into pursuant to this subpart (such as an obligation under  
17 a guarantee, bond, note, evidence of debt, or loan) shall  
18 be an obligation of, or guaranteed in any respect by, the  
19 United States. The full faith and credit of the United  
20 States is not pledged to the payment of funds which may  
21 be required to be paid under any obligation made by an  
22 eligible entity pursuant to any provision of this subpart.

1 **“SEC. 5440. RECOVERY OF FUNDS.**

2 “(a) IN GENERAL.—The Secretary, in accordance  
3 with chapter 37 of title 31, United States Code, shall col-  
4 lect—

5 “(1) all of the funds in a reserve account estab-  
6 lished by an eligible entity under section 5436(a) if  
7 the Secretary determines, not earlier than 2 years  
8 after the date on which the eligible entity first re-  
9 ceived funds under this subpart, that the eligible en-  
10 tity has failed to make substantial progress in car-  
11 rying out the purposes described in section 5436(a);  
12 or

13 “(2) all or a portion of the funds in a reserve  
14 account established by an eligible entity under sec-  
15 tion 5436(a) if the Secretary determines that the eli-  
16 gible entity has permanently ceased to use all or a  
17 portion of the funds in such account to accomplish  
18 any purpose described in section 5436(a).

19 “(b) EXERCISE OF AUTHORITY.—The Secretary shall  
20 not exercise the authority provided in subsection (a) to  
21 collect from any eligible entity any funds that are being  
22 properly used to achieve 1 or more of the purposes de-  
23 scribed in section 5436(a).

24 “(c) PROCEDURES.—The provisions of sections 451,  
25 452, and 458 of the General Education Provisions Act  
26 shall apply to the recovery of funds under subsection (a).

1           “(d) CONSTRUCTION.—This section shall not be con-  
2   strued to impair or affect the authority of the Secretary  
3   to recover funds under part D of the General Education  
4   Provisions Act.”.

5    **PART E—VOLUNTARY PUBLIC SCHOOL CHOICE**

6    **SEC. 5501. VOLUNTARY PUBLIC SCHOOL CHOICE.**

7           Title V (20 U.S.C. 7221 et seq.) is amended by add-  
8   ing at the end the following:

9    **“PART E—VOLUNTARY PUBLIC SCHOOL CHOICE**

10   **PROGRAMS**

11   **“SEC. 5501. GRANTS.**

12           “(a) AUTHORIZATION.—From funds made available  
13   to carry out this subpart, the Secretary shall award  
14   grants, on a competitive basis, to eligible entities to enable  
15   the entities to establish or expand a program of public  
16   school choice (referred to in this subpart as a ‘program’)  
17   in accordance with this subpart.

18           “(b) DURATION.—Grants awarded under subsection  
19   (a) may be awarded for a period of 3 years and may be  
20   renewed for not more than an additional 2 years if the  
21   Secretary finds that the grantee is achieving the objectives  
22   of the grant.

23   **“SEC. 5502. USES OF FUNDS.**

24           “(a) REQUIRED USE OF FUNDS.—An eligible entity  
25   that receives a grant under this subpart shall use the

1 grant funds to establish or expand inter- or intra-district  
2 public school choice programs for students attending the  
3 lowest-performing schools to attend high-quality public el-  
4 ementary schools and secondary schools, including charter  
5 schools.

6 “(b) PERMISSIBLE USES OF FUNDS.—An eligible en-  
7 tity that receives a grant under this subpart may use the  
8 grant funds for—

9 “(1) planning or designing a program (for not  
10 more than 1 year);

11 “(2) transportation services to and from high-  
12 quality schools for participating students;

13 “(3) improving public school finance systems to  
14 allow school funding to follow students, including  
15 tuition transfer payments to high-quality public ele-  
16 mentary schools or secondary schools to which stu-  
17 dents transfer under the program;

18 “(4) capacity-enhancing activities that enable  
19 high-quality public elementary schools or secondary  
20 schools to accommodate transfer requests under the  
21 program;

22 “(5) public education and recruitment cam-  
23 paigns to inform students attending the lowest-per-  
24 forming schools and their parents about the program  
25 and to facilitate their participation; and

1           “(6) other costs reasonably necessary to imple-  
2           ment the program, such as the development of lot-  
3           tery systems.

4           “(c) NONPERMISSIBLE USES OF FUNDS.—An eligible  
5           entity that receives a grant under this subpart may not  
6           use the grant funds for school construction.

7           “(d) ADMINISTRATIVE EXPENSES.—The eligible enti-  
8           ty may use not more than 5 percent of the funds made  
9           available through the grant for any fiscal year for adminis-  
10          trative expenses.

11       **“SEC. 5503. APPLICATIONS.**

12          “(a) SUBMISSION.—An eligible entity that desires a  
13          grant under this subpart shall submit an application to  
14          the Secretary at such time, in such manner, and con-  
15          taining such information as the Secretary may require.

16          “(b) CONTENTS.—An application submitted under  
17          subsection (a) shall include a comprehensive plan that de-  
18          scribes—

19               “(1) the activities to be carried out;

20               “(2) how the activities—

21                       “(A) will increase access to high-quality  
22                       schools for students attending the lowest-per-  
23                       forming schools;

24                       “(B) will increase the student academic  
25                       achievement and student growth of students



1 participating in the grant activities, including  
2 English learners and students with disabilities;  
3 and

4 “(C) if applicable, will increase diversity;  
5 “(3) how students will be selected to participate  
6 in grant activities, including the design and imple-  
7 mentation of a lottery system if the program is over-  
8 subscribed, and how students and parents will be in-  
9 formed of their opportunity to participate;

10 “(4) how the program will be coordinated with  
11 and leverage other related Federal and non-Federal  
12 funding and programs;

13 “(5) how the applicant will continue to imple-  
14 ment the plan after the period of the grant has ex-  
15 pired;

16 “(6) if the activities required under section  
17 5505(a)(2) are to be carried out in partnership with  
18 a public or other nonprofit organization, a descrip-  
19 tion of the organization’s experience, capacity, re-  
20 sponsibilities, and how the eligible entity will mon-  
21 itor the public or other nonprofit organization’s ef-  
22 fectiveness in carrying out such activities; and

23 “(7) such other information as the Secretary  
24 may require.

1           “(c) SELECTION CRITERIA.—In selecting grantees  
2 under this part, the Secretary shall consider—

3                   “(1) the quality of the applicant’s comprehen-  
4 sive plan;

5                   “(2) the extent to which the applicant can dem-  
6 onstrate that its grant activities will increase student  
7 academic achievement and student growth for stu-  
8 dents participating in the grant activities, including  
9 English learners and students with disabilities; and

10                   “(3) the extent to which the applicant can dem-  
11 onstrate that its grant activities will ensure that par-  
12 ents and students are informed of the program, in  
13 a clear and uniform format and, to the extent prac-  
14 ticable, in a language that the parents and students  
15 can understand, to increase the likelihood that par-  
16 ents will have their children participate in the grant-  
17 ee’s program.

18 **“SEC. 5504. PRIORITIES.**

19           “In awarding grants under this subpart, the Sec-  
20 retary shall give priority to an eligible entity that proposes  
21 to—

22                   “(1) establish or expand an inter-district choice  
23 program that serves a large percentage of students  
24 from low-income families; and

1           “(2) establish or expand a program that will in-  
2           crease diversity.

3   **“SEC. 5505. REQUIREMENTS AND VOLUNTARY PARTICIPA-**  
4                                   **TION.**

5           “(a) PARENT AND COMMUNITY INVOLVEMENT AND  
6 NOTICE.—In carrying out a program under this subpart,  
7 an eligible entity shall carry out the following:

8           “(1) Develop the program with—

9                           “(A) the involvement of parents and other  
10                          education stakeholders in the community to be  
11                          served; and

12                          “(B) individuals who will carry out the  
13                          program, including administrators, teachers,  
14                          principals, and other staff.

15           “(2) Develop and carry out the following activi-  
16           ties, alone or in partnership with a public or other  
17           nonprofit organization that has a record of success  
18           in implementing such activities:

19                          “(A) Disseminating timely and accurate in-  
20                          formation about the program to parents of stu-  
21                          dents attending the lowest-performing schools,  
22                          in a clear and uniform format and, to the ex-  
23                          tent practicable, in a language that they can  
24                          understand, including through the use of a vari-  
25                          ety of effective and innovative outreach ap-

1           proaches, such as by sending customized letters  
2           to each family about available programs.

3           “(B) Providing education and training to  
4           parents of students attending the lowest-per-  
5           forming schools to enable the parents to use the  
6           information provided under subparagraph (A)  
7           in their decisions about their children’s edu-  
8           cation.

9           “(b) SELECTION OF STUDENTS.—An eligible entity  
10          that receives a grant under this subpart shall select stu-  
11          dents to participate in a program on the basis of a lottery,  
12          if more students apply for admission to the program than  
13          can be accommodated.

14          “(c) VOLUNTARY PARTICIPATION.—Student partici-  
15          pation in a program funded under this subpart shall be  
16          voluntary.

17          “(d) PERFORMANCE MEASURES.—

18                 “(1) IN GENERAL.—Each eligible entity award-  
19                 ed a grant under this part shall establish perform-  
20                 ance measures and targets that—

21                         “(A) are approved by the Secretary;

22                         “(B) are implemented for each program  
23                         established or expanded with funds provided  
24                         under this part; and

25                         “(C) at a minimum, track—

1                   “(i) the number of students partici-  
2                   pating;

3                   “(ii) the participating students’ aca-  
4                   demic achievement and student growth;

5                   “(iii) in the case of participating high  
6                   school students, their graduation rates;  
7                   and

8                   “(iv) any other measure required by  
9                   the Secretary.

10                  “(2) REPORTS.—Each eligible entity awarded a  
11                  grant under this part shall annually report to the  
12                  Secretary on its performance on the measures and  
13                  targets established under paragraph (1), and shall  
14                  provide that information both in the aggregate and  
15                  disaggregated for each subgroup of students de-  
16                  scribed in section 1111(a)(2)(B)(ix).

17                  **“SEC. 5506. EVALUATIONS.**

18                  “From the amount reserved for evaluation activities  
19                  in accordance with section 9601(a), the Secretary, acting  
20                  through the Director of the Institute of Education  
21                  Sciences, shall, in consultation with the relevant program  
22                  office at the Department, evaluate the implementation and  
23                  impact of the activities supported under this part, con-  
24                  sistent with section 9601, including—

1           “(1) how, and the extent to which, the pro-  
2           grams promote educational equity and excellence;

3           “(2) the characteristics of the students partici-  
4           pating in the programs; and

5           “(3) the effect of the programs on the academic  
6           achievement and student growth of students partici-  
7           pating in the programs both in the aggregate and  
8           disaggregated for each subgroup of students de-  
9           scribed in section 1111(a)(2)(B)(ix).

10 **“SEC. 5507. DEFINITIONS.**

11           “In this subpart:

12           “(1) CHARTER SCHOOL.—The term ‘charter  
13           school’ has the meaning given such term in section  
14           5210.

15           “(2) ELIGIBLE ENTITY.—The term ‘eligible en-  
16           tity’ means—

17                   “(A) one or more high-need local edu-  
18                   cational agencies applying with 1 or more other  
19                   local educational agencies; or

20                   “(B) a State educational agency applying  
21                   with 1 or more high-need local educational  
22                   agencies.

23           “(3) LOWEST-PERFORMING SCHOOL.—The term  
24           ‘lowest-performing school’ means a public elemen-  
25           tary school or secondary school that has been identi-

1        fied as an achievement gap school pursuant to sec-  
2        tion 1116(b) or a persistently low-achieving school  
3        pursuant to section 1116(c).”.

4        **TITLE VI—PROMOTING FLEXI-**  
5        **BILITY; RURAL EDUCATION**

6        **PART A—PROMOTING FLEXIBILITY**

7        **SEC. 6101. PROMOTING FLEXIBILITY.**

8        Title VI (20 U.S.C. 7301 et seq.) is amended—

9            (1) by striking the title heading and inserting  
10        the following: “**PROMOTING FLEXIBILITY;**  
11        **RURAL EDUCATION**”;

12           (2) by striking part A and inserting the fol-  
13        lowing:

14            **“PART A—TRANSFERABILITY**

15        **“SEC. 6101. TRANSFERABILITY OF FUNDS.**

16            “(a) TRANSFERS BY STATES.—

17            “(1) AUTHORITY TO TRANSFER.—Except as  
18        provided in paragraph (2), in accordance with this  
19        part, a State may transfer up to 100 percent of the  
20        State funds allotted to the State for a fiscal year for  
21        use for State-level activities described in this Act  
22        that are carried out as part of a grant program in  
23        which funds for the grant are distributed by a for-  
24        mula to 1 or more other State formula grant pro-  
25        grams under this Act for such fiscal year.

1           “(2) PROHIBITION AGAINST TRANSFERRING  
2 FUNDS OUT CERTAIN TITLES.—A State may not  
3 transfer, pursuant to paragraph (1), any funds that  
4 originate in title I, III, VII, or VIII out of such re-  
5 spective title.

6           “(b) TRANSFERS BY LOCAL EDUCATIONAL AGEN-  
7 CIES.—

8           “(1) AUTHORITY TO TRANSFER.—Except as  
9 provided in paragraph (2), in accordance with this  
10 part, a local educational agency may transfer 100  
11 percent of the funds allocated to it for a fiscal year  
12 for use for local-level activities described in this Act  
13 that are carried out as part of a grant program in  
14 which funds for the grant are distributed by a for-  
15 mula to 1 or more other local educational agency  
16 formula grant programs under this Act for such fis-  
17 cal year.

18           “(2) PROHIBITION AGAINST TRANSFERRING  
19 FUNDS OUT OF CERTAIN TITLES.—A local edu-  
20 cational agency may not transfer, pursuant to para-  
21 graph (1), any funds that originate in title I, III,  
22 VII, or VIII out of such respective title.

23           “(c) MODIFICATION OF PLANS AND APPLICATIONS;  
24 NOTIFICATION.—



1           “(1) STATE TRANSFERS.—Each State that  
2 makes a transfer of funds under this section shall—

3           “(A) modify, to account for such transfer,  
4 each State plan, or application submitted by the  
5 State, to which such funds relate;

6           “(B) not later than 30 days after the date  
7 of such transfer, submit a copy of such modi-  
8 fied plan or application to the Secretary; and

9           “(C) not later than 30 days before the ef-  
10 fective date of such transfer, notify the Sec-  
11 retary of such transfer.

12           “(2) LOCAL TRANSFERS.—Each local edu-  
13 cational agency that makes a transfer of funds  
14 under this section shall—

15           “(A) modify, to account for such transfer,  
16 each local plan, or application submitted by the  
17 agency, to which such funds relate;

18           “(B) not later than 30 days after the date  
19 of such transfer, submit a copy of such modi-  
20 fied plan or application to the State; and

21           “(C) not later than 30 days before the ef-  
22 fective date of such transfer, notify the State of  
23 such transfer.

24           “(d) APPLICABLE RULES.—

1           “(1) IN GENERAL.—Except as otherwise pro-  
2           vided in this part, funds transferred pursuant to this  
3           section are subject to each of the rules and require-  
4           ments applicable to the funds under the provision—

5                   “(A) to which the transferred funds are  
6           transferred; and

7                   “(B) from which the transferred funds are  
8           transferred.

9           “(2) CONSULTATION.—Each State educational  
10          agency or local educational agency that transfers  
11          funds under this section shall conduct consultations  
12          in accordance with section 9501, if such transfer  
13          transfers funds from a program that provides for  
14          the participation of students, teachers, or other edu-  
15          cational personnel, from private schools.”;

16          (3) in part B—

17                   (A) by striking section 6211;

18                   (B) by redesignating sections 6212 and  
19          6213 as sections 6211 and 6212, respectively;

20                   (C) in section 6211, as redesignated by  
21          subparagraph (B)—

22                           (i) in the section heading, by striking  
23                   “**GRANT**”;

24                           (ii) in subsection (a), by striking “ac-  
25          tivities authorized” and all that follows

## 651

1 through the period at the end of paragraph  
2 (5) and inserting “activities consistent with  
3 section 6101(b).”;

4 (iii) in subsection (b)—

5 (I) in paragraph (1)—

6 (aa) by striking “section  
7 6211(b)” and inserting “sub-  
8 section (d)”;

9 (bb) by striking “section  
10 6211(c)” and inserting “subpara-  
11 graphs (A) through (C) of section  
12 6231(a)(1)”;

13 (II) by striking paragraph (2)  
14 and inserting 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) APPROPRIATION MORE THAN  
24 \$211,723,832.—Notwithstanding subparagraph  
25 (A), if the appropriation for this part is more

1           than \$211,723,832, a grant under this part  
2           shall not be less than \$25,000, and the initial  
3           amount may not exceed \$80,000.”.

4                       (iv) by redesignating subsection (d) as  
5           subsection (e);

6                       (v) by inserting after subsection (c)  
7           the following:

8           “(d) ELIGIBILITY.—

9                       “(1) IN GENERAL.—A local educational agency  
10          shall be eligible for a grant under this section if—

11                      “(A)(i)(I) the total number of students in  
12                      average daily attendance at all of the schools  
13                      served by the local educational agency is fewer  
14                      than 600; or

15                      “(II) each county or locale in which a  
16                      school served by the local educational agency is  
17                      located has a total population density of fewer  
18                      than 10 persons per square mile; and

19                      “(ii) each of the schools served by the local  
20                      educational agency is designated with a school  
21                      locale code of 33, 41, 42, or 43, as determined  
22                      by the Secretary; or

23                      “(B) the agency meets at least one of the  
24                      criteria established in subparagraph (A)(i) and  
25                      the Secretary, in accordance with paragraph

1           (2), grants the State educational agency's re-  
2           quest to waive the criterion described in sub-  
3           paragraph (A)(ii).

4           “(2) CERTIFICATION.—The Secretary shall de-  
5           termine whether to waive the criterion described in  
6           paragraph (1)(A)(ii) based on a demonstration by  
7           the local educational agency, and with the concu-  
8           rence of the State educational agency, that the local  
9           educational agency is located in an area defined as  
10          rural by a governmental agency of the State.”; and

11                         (vi) by striking subsection (e), as re-  
12                         designated by clause (iv), and inserting the  
13                         following:

14          “(e) SPECIAL ELIGIBILITY RULE.—

15                 “(1) ELIGIBILITY.—A local educational agency  
16                 that is eligible to receive a grant under this subpart  
17                 for a fiscal year shall be eligible to receive funds for  
18                 such fiscal year under subpart 2.

19                 “(2) LIMITATION ON RECEIPT OF GRANTS.—A  
20                 local educational agency may receive grant funding  
21                 under subpart 1 or subpart 2, but may not receive  
22                 grant funding under both such subparts. If a local  
23                 educational agency is eligible to receive a grant  
24                 under subpart 1 or subpart 2, the local educational

1 agency may choose which grant the agency will re-  
2 ceive.”;

3 (D) by striking section 6212, as redesign-  
4 nated by subparagraph (B), and inserting the  
5 following:

6 **“SEC. 6212. ACADEMIC ACHIEVEMENT ASSESSMENTS.**

7 “Each local educational agency that uses or receives  
8 funds under this subpart for a fiscal year shall administer  
9 assessments that are consistent with section 1111(a)(2).”;

10 (E) in section 6221—

11 (i) in subsection (b)(1)(B), by striking  
12 “6, 7, or 8” and inserting “33, 41, 42, or  
13 43,”;

14 (ii) in subsection (c)(1), by striking  
15 “Bureau of Indian Affairs” and inserting  
16 “Bureau of Indian Education”; and

17 (iii) by adding at the end the fol-  
18 lowing:

19 “(d) SPECIAL ELIGIBILITY RULE.—A local edu-  
20 cational agency that is eligible to receive a grant under  
21 this subpart and is also eligible to receive a grant under  
22 subpart 1, may receive a grant under this subpart for a  
23 fiscal year only if the local educational agency does not  
24 receive a grant under subpart 1 for such fiscal year.”;

1 (F) in section 6222, by striking subsection

2 (a) and inserting the following:

3 “(a) LOCAL AWARDS.—Grant funds awarded to local  
4 educational agencies under this subpart shall be used to  
5 carry out local-level activities consistent with section  
6 6101(b).”;

7 (G) in section 6224—

8 (i) in subsection (c)—

9 (I) in the matter preceding para-  
10 graph (1), by striking “the Committee  
11 on Education and the Workforce of  
12 the House of Representatives and the  
13 Committee on Health, Education,  
14 Labor, and Pensions of the Senate”  
15 and inserting “the authorizing com-  
16 mittees”; and

17 (II) by striking “local educational  
18 agencies and schools” and inserting  
19 the following:

20 “(2) how local educational agencies and  
21 schools”;

22 (ii) in subsection (d)—

23 (I) in the subsection heading, by  
24 striking “ASSESSMENT” and inserting  
25 “ASSESSMENTS”; and

1 (II) by striking “an assessment  
2 that is consistent with section  
3 1111(b)(3)” and inserting “assess-  
4 ments that are consistent with section  
5 1111(a)(2)”;

6 (iii) by striking subsection (e);

7 (H) by striking section 6234;

8 (I) by redesignating sections 6231 through  
9 6233 as sections 6232 through 6234, respec-  
10 tively;

11 (J) by inserting before section 6232, as re-  
12 designated by subparagraph (I), the following:

13 **“SEC. 6231. CHOICE OF PARTICIPATION.**

14 “If a local educational agency is eligible for funding  
15 under subpart 1 and subpart 2 of this part, such local  
16 educational agency may choose to participate in either  
17 subpart 1 or subpart 2.”;

18 (K) in section 6232, as redesignated by  
19 subparagraph (I)—

20 (i) in subsection (a), by striking  
21 “6212” and inserting “6211”; and

22 (ii) in subsection (b)—

23 (I) by striking “under section  
24 6212 or subpart 2” each place the



1 term appears and inserting “under  
2 this part”; and

3 (II) by striking “under this sec-  
4 tion” and inserting “under this part”;  
5 and

6 (L) in section 6233, as redesignated by  
7 subparagraph (I), by striking “subpart 1 or  
8 subpart 2” and inserting “this part”; and

9 (4) by striking part C.

10 **TITLE VII—INDIAN, NATIVE HA-**  
11 **WAIAN, AND ALASKA NATIVE**  
12 **EDUCATION**

13 **PART A—INDIAN EDUCATION**

14 **SEC. 7101. PURPOSE.**

15 Section 7102 (20 U.S.C. 7402) is amended to read  
16 as follows:

17 **“SEC. 7102. PURPOSE.**

18 “It is the purpose of this part to support the efforts  
19 of local educational agencies, Indian tribes and organiza-  
20 tions, postsecondary institutions, and other entities—

21 “(1) to ensure the academic achievement of In-  
22 dian and Alaska Native students by meeting their  
23 unique cultural, language, and educational needs,  
24 consistent with section 1111(a);



1           (1) in subsection (a), by striking “and Indian  
2           tribes” and inserting “Indian tribes, and tribal orga-  
3           nizations”;

4           (2) in subsection (b)(2), by striking “a reserva-  
5           tion” and inserting “an Indian reservation”; and

6           (3) by striking subsection (c) and inserting the  
7           following:

8           “(c) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

9           “(1) IN GENERAL.—If a local educational agen-  
10          cy that is otherwise eligible for a grant under this  
11          subpart does not establish a committee under section  
12          7114(c)(5) for such grant, an Indian tribe, a tribal  
13          organization (as defined for purposes of this title by  
14          section 4 of the Indian Self Determination and Edu-  
15          cation Act (25 U.S.C. 450b)), or a consortium of  
16          such entities that represents not less than  $\frac{1}{3}$  of the  
17          eligible Indian children who are served by such local  
18          educational agency may apply for such grant.

19          “(2) SPECIAL RULE.—

20          “(A) IN GENERAL.—The Secretary shall  
21          treat each Indian tribe, tribal organization, or  
22          consortium of such entities applying for a grant  
23          pursuant to paragraph (1) as if such entity  
24          were a local educational agency for purposes of  
25          this subpart.

1           “(B) EXCEPTIONS.—Notwithstanding sub-  
2           paragraph (A), such Indian tribe, tribal organi-  
3           zation, or consortium shall not be subject to the  
4           requirements of subsections (b)(9) or (c)(5) of  
5           section 7114 or section 7118(c).

6           “(3) ELIGIBILITY.—If more than 1 Indian  
7           tribe, tribal organization, or consortium of such enti-  
8           ties qualify to apply for a grant under paragraph  
9           (1), the entity that represents the most eligible In-  
10          dian children who are served by the local educational  
11          agency shall be eligible to receive the grant.

12          “(4) UNAFFILIATED INDIAN TRIBES.—An In-  
13          dian tribe that operates a school and is not affiliated  
14          with either the local educational agency or the Bu-  
15          reau of Indian Education, shall be eligible to apply  
16          for a grant under this subpart.

17          “(5) ASSURANCE TO SERVE ALL INDIAN CHIL-  
18          DREN.—An Indian tribe, tribal organization, or con-  
19          sortium of such entities that qualifies to apply for a  
20          grant under paragraph (1) shall provide in the appli-  
21          cation an assurance that the entity will use the  
22          grant funds to provide services to all Indian students  
23          served by the local educational agency.”.

24 **SEC. 7113. AMOUNT OF GRANTS.**

25          Section 7113 (20 U.S.C. 7423) is amended—

1 (1) in subsection (b)—

2 (A) in paragraph (1), by striking “Bureau  
3 of Indian Affairs” and inserting “Bureau of In-  
4 dian Education”; and

5 (B) in paragraph (2)—

6 (i) by inserting “with other local edu-  
7 cational agencies, Indian tribes, or tribal  
8 organizations” after “consortium”; and

9 (ii) by inserting “and operating pro-  
10 grams” after “grants”; and

11 (2) in subsection (d)—

12 (A) in the heading, by striking “BUREAU  
13 OF INDIAN AFFAIRS” and inserting “BUREAU  
14 OF INDIAN EDUCATION”;

15 (B) in paragraph (1)(A)(i), by striking  
16 “the Bureau of Indian Affairs” and inserting  
17 “the Bureau of Indian Education”; and

18 (C) in paragraph (2), by striking “section  
19 7114(c)(4)” and inserting “section 7114(c)(5)”.

20 **SEC. 7114. APPLICATIONS.**

21 (a) IN GENERAL.—Section 7114 (20 U.S.C. 7424)  
22 is amended—

23 (1) in subsection (b)—

24 (A) in paragraph (2)—

25 (i) in subparagraph (A)—

662

1 (I) by striking “is consistent  
2 with” and inserting “supports”; and

3 (II) by inserting “, tribal,” after  
4 “State”; and

5 (ii) in subparagraph (B), by striking  
6 “such goals” and all that follows through  
7 the semicolon at the end and inserting  
8 “such goals, to ensure such students meet  
9 the same challenging student academic  
10 achievement standards adopted under title  
11 I for all children”;

12 (B) by striking paragraph (3) and insert-  
13 ing the following:

14 “(3) explains how the local educational agency  
15 will use the funds made available under this subpart  
16 to supplement other Federal, State, and local pro-  
17 grams that meet the needs of such students;”;

18 (C) in paragraph (5)(B), by striking “and”  
19 after the semicolon;

20 (D) in paragraph (6)—

21 (i) in subparagraph (B)—

22 (I) in clause (i), by striking “sub-  
23 section (c)(4)” and inserting “sub-  
24 section (c)(5)”; and

1 (II) by striking clause (ii) and in-  
2 serting the following:

3 “(ii) the Indian tribes whose children  
4 are served by the local educational agency;  
5 and”;

6 (ii) in subparagraph (C), by striking  
7 the period at the end and inserting a semi-  
8 colon; and

9 (E) by adding at the end the following:

10 “(7) provides an assurance that the local edu-  
11 cational agency will coordinate activities under this  
12 title with other Federal programs supporting edu-  
13 cational and related services administered by such  
14 agency;

15 “(8) provides an assurance that the local edu-  
16 cational agency conducted outreach to parents and  
17 family members to meet the requirements under  
18 subsection (c)(5);

19 “(9) describes—

20 “(A) the formal process the local edu-  
21 cational agency used to collaborate with Indian  
22 tribes located in the community in the develop-  
23 ment of the comprehensive programs; and

24 “(B) the actions taken as a result of the  
25 collaboration.”;

1 (2) in subsection (c)—

2 (A) in paragraph (1), by striking “the edu-  
3 cation of Indian children, and not to supplant  
4 such funds” and inserting “services and activi-  
5 ties consistent with those described in this sub-  
6 part, and not to supplant such funds”;

7 (B) by redesignating paragraphs (2), (3),  
8 and (4), as paragraphs (3), (4), and (5), re-  
9 spectively; and

10 (C) by inserting after paragraph (1) the  
11 following:

12 “(2) the local educational agency will use funds  
13 received under this subpart only for activities de-  
14 scribed and authorized under this subpart;”

15 (D) in paragraph (3)(B), as redesignated  
16 by subparagraph (B), by inserting “, as meas-  
17 ured by the State academic assessments re-  
18 quired under section 1111(a)(2), high school  
19 graduation rates, and other academic outcomes  
20 as appropriate,” after “effective”;

21 (E) in paragraph (4)(C), as redesignated  
22 by subparagraph (B), by striking “and” after  
23 the semicolon;

24 (F) in paragraph (5), as redesignated by  
25 subparagraph (B)—



1 (i) by inserting “and family members”  
2 after “parents” each place the term ap-  
3 pears;

4 (ii) in subparagraph (D)(ii), by strik-  
5 ing “and” after the semicolon;

6 (iii) in subparagraph (E), by striking  
7 the period at the end and inserting a semi-  
8 colon; and

9 (iv) by adding at the end the fol-  
10 lowing:

11 “(F) that shall determine the extent to  
12 which the activities of the local educational  
13 agency will address the unique cultural, lan-  
14 guage, and education needs of Indian students;  
15 and

16 “(G) that shall determine the extent to  
17 which grant funds will directly enhance the edu-  
18 cational experiences of American Indian stu-  
19 dents.”.

20 **SEC. 7115. AUTHORIZED SERVICES AND ACTIVITIES.**

21 Section 7115 (20 U.S.C. 7425) is amended—

22 (1) in subsection (a)—

23 (A) by adjusting the margin of paragraph  
24 (1) to align with paragraphs (2) and (3); and

1 (B) in paragraph (1), by inserting “solely  
2 for the services and activities described in such  
3 application” after “section 7114(a)”;

4 (2) in subsection (b)—

5 (A) by redesignating paragraphs (1)  
6 through (11) as paragraphs (2) through (12),  
7 respectively;

8 (B) by inserting before paragraph (2), as  
9 redesignated by subparagraph (A), the fol-  
10 lowing:

11 “(1) activities that support Native American  
12 language immersion programs and Native American  
13 language restoration programs, which may be taught  
14 by traditional leaders;”;

15 (C) in paragraph (3), as redesignated by  
16 subparagraph (A), by striking “early childhood”  
17 and inserting “high-quality early care and edu-  
18 cation”;

19 (D) by striking paragraph (5), as redesign-  
20 ated by subparagraph (A), and inserting the  
21 following:

22 “(5) programs that promote parent, family, and  
23 tribal engagement to meet the unique needs of In-  
24 dian and Alaska Native children;”;

1           (E) by striking paragraph (7), as redesignated by subparagraph (A), and inserting the following:

2           “(7) activities to educate individuals so as to prevent violence, suicide, and substance abuse;”;

3           (F) by striking paragraph (10), as redesignated by subparagraph (A), and inserting the following:

4           “(10) activities that incorporate culturally and linguistically relevant curriculum content into classroom instruction that is responsive to the unique learning styles of Indian and Alaska Native children to ensure that such children are better able to meet the student academic achievement standards, consistent with section 1111(a);”;

5           (G) in paragraph (11), as redesignated by subparagraph (A), by striking “and” after the semicolon;

6           (H) in paragraph (12), as redesignated by subparagraph (A), by striking “qualified tribal elders and seniors.” and inserting “traditional leaders; and”; and

7           (I) by adding at the end the following:

8           “(13) dropout prevention strategies, and strategies—

1           “(A) to meet the educational needs of at-  
2 risk Indian students in correctional facilities;  
3 and

4           “(B) to support Indian students who are  
5 transitioning between local educational agencies  
6 and such facilities--from such facilities to  
7 schools served by local educational agencies.”;

8           (3) in subsection (c)(1), by striking “section  
9 7114(c)(4)” and inserting “section 7114(c)(5)”; and  
10          (4) by adding at the end the following:

11          “(e) LIMITATION ON USE OF FUNDS.—Funds pro-  
12 vided to a grantee under this subpart may not be used  
13 for long-distance travel expenses for training activities  
14 available locally or regionally.”.

15 **SEC. 7116. INTEGRATION OF SERVICES AUTHORIZED.**

16          Section 7116 (20 U.S.C. 7426) is amended—

17           (1) in subsection (d)(9), by striking “section  
18 7114(c)(4)” and inserting “section 7114(c)(5)”;  
19

20           (2) in subsection (g), in the matter preceding  
21 paragraph (1)—

22           (A) by striking “the No Child Left Behind  
23 Act of 2001” and inserting “the Elementary  
24 and Secondary Education Reauthorization Act  
of 2011”;

1 (B) by inserting “the Secretary of Health  
2 and Human Services,” after “the Secretary of  
3 the Interior,”; and

4 (C) by inserting “and coordination” after  
5 “providing for the implementation”;

6 (3) by striking subsection (o) and inserting the  
7 following:

8 “(o) REPORT ON STATUTORY OBSTACLES TO, AND  
9 BEST PRACTICES FOR, PROGRAM INTEGRATION.—

10 “(1) IN GENERAL.—Not later than 3 years  
11 after the date of enactment of the Elementary and  
12 Secondary Education Reauthorization Act of 2011,  
13 the Secretary of Education shall submit a report to  
14 the authorizing committees, the Committee on In-  
15 dian Affairs of the Senate, and the Committee on  
16 Natural Resources of the House of Representatives  
17 on the results of the implementation of the dem-  
18 onstration projects authorized under this section.

19 “(2) CONTENTS.—Such report shall identify—

20 “(A) statutory barriers to the ability of  
21 participants to integrate more effectively their  
22 education and related services to Indian stu-  
23 dents in a manner consistent with the objectives  
24 of this section; and

1           “(B) the best practices for program inte-  
2           gration that result in increased student pro-  
3           ficiency, graduation rates, and other relevant  
4           academic outcomes for Indian and Alaska Na-  
5           tive students.”.

6 **SEC. 7117. STUDENT ELIGIBILITY FORMS.**

7           Section 7117 (20 U.S.C. 7427) is amended—

8           (1) in subsection (b)(1)—

9                 (A) in subparagraph (A)(ii), by inserting  
10           “or membership” after “enrollment”; and

11                 (B) in subparagraph (B), by inserting “or  
12           membership” after “enrollment”;

13           (2) by striking subsection (d) and inserting the  
14           following:

15           “(d) FORMS AND STANDARDS OF PROOF.—

16                 “(1) TYPES OF PROOF.—For purposes of deter-  
17           mining whether a child is eligible to be counted for  
18           the purpose of computing the amount of a grant  
19           award under section 7113, the membership of the  
20           child, or any parent or grandparent of the child, in  
21           a tribe or tribal organization may be established by  
22           proof other than an enrollment number, notwith-  
23           standing the availability of an enrollment number  
24           for a member of such tribe or tribal organization.

1           “(2) PREVIOUSLY FILED FORMS.—An Indian  
2 student eligibility form that was on file as required  
3 by this section on the day before the date of enact-  
4 ment of the Elementary and Secondary Education  
5 Reauthorization Act of 2011 and that met the re-  
6 quirements of this section, as this section was in ef-  
7 fect on the day before the date of enactment of such  
8 Act, shall remain valid for such Indian student.”;

9           (3) by striking subsection (e);

10           (4) by redesignating subsection (f) as sub-  
11 section (e);

12           (5) in subsection (e), as redesignated by para-  
13 graph (4), by striking paragraph (1)(B) and insert-  
14 ing the following:

15           “(B) EXCEPTION.—A local educational  
16 agency may not be held liable to the United  
17 States or be subject to any penalty, by reason  
18 of the findings of an audit that relates to the  
19 date of completion, or the date of submission,  
20 of any forms used to establish, before April 28,  
21 1988, the eligibility of a child for an entitle-  
22 ment under the Indian Elementary and Sec-  
23 ondary School Assistance Act.”;

24           (6) by inserting after subsection (e), as redesign-  
25 nated by paragraph (4), the following:

1           “(f) TECHNICAL ASSISTANCE.—The Secretary shall  
2 either directly or through a contract provide technical as-  
3 sistance to a local educational agency upon request, in ad-  
4 dition to any technical assistance available under section  
5 1116 or available through the Institute of Education  
6 Sciences, to support the services and activities described  
7 under this section, including for the—

8           “(1) development of applications under this sec-  
9 tion;

10           “(2) improvement in the quality of implementa-  
11 tion, content of activities, and evaluation of activities  
12 supported under this subpart;

13           “(3) integration of activities under this title  
14 with other educational activities established by the  
15 local educational agency; and

16           “(4) coordination of activities under this title  
17 with programs administered by each Federal agency  
18 providing grants for the provision of educational and  
19 related services.”; and

20           (7) in subsection (g), by striking “the Bureau  
21 of Indian Affairs” and inserting “the Bureau of In-  
22 dian Education”.



1 **Subpart 2—Special Programs and Projects to Im-**  
2 **prove Educational Opportunities for Indian**  
3 **Children and Youth**

4 **SEC. 7121. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**  
5 **TIES FOR INDIAN CHILDREN AND YOUTH.**

6 Section 7121 (20 U.S.C. 7441) is amended—

7 (1) in the heading, by adding “**AND YOUTH**”  
8 after “**CHILDREN**”;

9 (2) in subsection (a), by inserting “and youth”  
10 after “children” both places the term appears;

11 (3) in subsection (c)—

12 (A) by inserting “and youth” after “chil-

13 dren” each place the term appears; and

14 (B) in paragraph (1)—

15 (i) in subparagraph (D), by inserting

16 “emotional,” after “social,”;

17 (ii) by striking subparagraph (G) and

18 inserting the following:

19 “(G) high-quality early childhood education

20 and care programs that are effective in pre-

21 paring young children to be on track for college

22 and career readiness by the end of grade 3, in-

23 cluding kindergarten and prekindergarten pro-

24 grams, family-based preschool programs that

25 emphasize school readiness, screening and refer-

1           ral, and the provision of services to Indian chil-  
2           dren and youth with disabilities;”;

3                   (iii) in subparagraph (L), by striking  
4           “qualified tribal elders and seniors; or”  
5           and inserting “traditional leaders;”;

6                   (iv) in subparagraph (M), by striking  
7           the period at the end and inserting “; or”;  
8           and

9                   (v) by adding at the end the following:  
10          “(N) other services that meet the purpose  
11          described in this section.”;

12                  (C) in paragraph (2), by striking “Profes-  
13          sional development of” and inserting “High-  
14          quality professional development of”;

15          (4) in subsection (d)—

16                  (A) in paragraph (1)(C), by striking  
17          “make a grant payment for a grant described  
18          in this paragraph to an eligible entity after the  
19          initial year of the multiyear grant only if the  
20          Secretary determines” and inserting “award  
21          grants for an initial period of not more than 3  
22          years and may renew such grants for not more  
23          than an additional 2 years if the Secretary de-  
24          termines”; and

25                  (B) in paragraph (3)(B)—

1 (i) in clause (i), by striking “parents  
2 of Indian children and representatives of  
3 Indian tribes” and inserting “family mem-  
4 bers of Indian children and youth and offi-  
5 cial representatives designated by the In-  
6 dian tribes”; and

7 (ii) in clause (iii)—

8 (I) by striking “information” and  
9 inserting “evidence”; and

10 (II) by striking “scientifically  
11 based” and inserting “evidence-  
12 based”; and

13 (5) by adding at the end the following:

14 “(f) CONTINUATION.—Notwithstanding any other  
15 provision of this section, a grantee that is carrying out  
16 activities pursuant to a grant awarded under this section  
17 prior to the date of enactment of the Elementary and Sec-  
18 ondary Education Reauthorization Act of 2011 may con-  
19 tinue to carry out such activities under such grant in ac-  
20 cordance with the terms of that grant award.”.

21 **SEC. 7122. PROFESSIONAL DEVELOPMENT FOR TEACHERS**

22 **AND EDUCATION PROFESSIONALS.**

23 Section 7122 (20 U.S.C. 7442) is amended—

24 (1) in subsection (a), by striking paragraphs  
25 (1) and (2) and inserting the following:

1           “(1) to increase the number of qualified Indian  
2 teachers and administrators serving Indian students;

3           “(2) to recruit and provide training and sup-  
4 port to qualified Indian individuals to enable such  
5 individuals to become highly rated teachers or ad-  
6 ministrators; and”;

7           (2) in subsection (d), by adding at the end the  
8 following:

9           “(3) CONTINUATION.—Notwithstanding any  
10 other provision of this section, a grantee that is car-  
11 rying out activities pursuant to a grant awarded  
12 under this section prior to the date of enactment of  
13 the Elementary and Secondary Education Reauthor-  
14 ization Act of 2011 may continue to carry out such  
15 activities under such grant in accordance with the  
16 terms of that award.”;

17           (3) by striking subsection (e) and inserting the  
18 following:

19           “(e) APPLICATION.—Each eligible entity desiring a  
20 grant under this section shall submit an application to the  
21 Secretary at such time, in such manner, and accompanied  
22 by such information, as the Secretary may reasonably re-  
23 quire. At a minimum, an application under this section  
24 shall describe how the eligible entity will—

1           “(1) recruit qualified Indian individuals, such  
2           as students who may not be of traditional college  
3           age, to become teachers or principals;

4           “(2) use funds made available under the grant  
5           to support the recruitment, preparation, and profes-  
6           sional development of Indian teachers or principals  
7           in local educational agencies that serve a high pro-  
8           portion of Indian students; and

9           “(3) assist participants in meeting the require-  
10          ments under subsection (h).”; and

11          (4) by striking subsection (g) and inserting the  
12          following:

13          “(g) GRANT PERIOD.—The Secretary shall award  
14          grants under this section for an initial period of not more  
15          than 3 years, and may renew such grants for not more  
16          than an additional 2 years if the Secretary finds that the  
17          grantee is achieving the objectives of the grant.”; and

18          (5) in subsection (h)(1)(A), by striking clause  
19          (ii) and inserting the following:

20                       “(ii) in a local educational agency that  
21                       serves a high proportion of Indian stu-  
22                       dents; or”.

1                   **Subpart 3—National Activities**

2   **SEC. 7131. NATIONAL ACTIVITIES.**

3           Subpart 3 of part A of title VII (20 U.S.C. 7451 et  
4 seq.) is amended—

5                   (1) in section 7131—

6                           (A) in subsection (a)—

7                                   (i) in paragraph (1), by striking “the  
8 education” and inserting “improving the  
9 academic achievement and development”;

10                                   (ii) by striking paragraph (2);

11                                   (iii) by redesignating paragraph (3) as  
12 paragraph (2);

13                                   (iv) in paragraph (2), as redesignated  
14 by clause (iii), by striking “Indians; and”  
15 and inserting “Indian students;”; and

16                                   (v) by inserting after paragraph (2),  
17 as redesignated by clause (iii), the fol-  
18 lowing:

19                                   “(3) provide technical assistance and logistical  
20 support to grantees under this subpart; and”; and

21                                   (B) by striking subsection (c) and insert-  
22 ing the following:

23                                   “(c) COORDINATION.—Research activities supported  
24 under this section—

25                                   “(1) shall be coordinated with appropriate of-  
26 fices within the Department; and

1           “(2) may include collaborative research activi-  
2           ties that are jointly funded and carried out by the  
3           Bureau of Indian Education and the Institute of  
4           Education Sciences.”;

5           (2) by striking sections 7132, 7133, 7134,  
6           7135, and 7136; and

7           (3) by inserting at the end the following:

8   **“SEC. 7132. IMPROVEMENT OF ACADEMIC SUCCESS FOR**  
9                   **STUDENTS THROUGH NATIVE AMERICAN**  
10                   **LANGUAGE.**

11           “(a) PURPOSE.—It is the purpose of this section to  
12 improve educational opportunities and academic achieve-  
13 ment of Indian and Alaska Native students through Na-  
14 tive American language programs and to foster the acqui-  
15 sition of Native American language.

16           “(b) ELIGIBLE ENTITIES.—In this section, the term  
17 ‘eligible entity’ means a State educational agency, local  
18 educational agency, Indian tribe, Indian organization, fed-  
19 erally supported elementary school or secondary school for  
20 Indian students, Indian institution (including an Indian  
21 institution of higher education), or a consortium of such  
22 entities.

23           “(c) GRANTS AUTHORIZED.—The Secretary shall  
24 award grants to eligible entities to enable such entities to  
25 carry out the following activities:

1           “(1) Native American language programs  
2           that—

3                   “(A) provide instruction through the use of  
4                   a Native American language for not less than  
5                   10 children for an average of not less than 500  
6                   hours per year per student;

7                   “(B) provide for the involvement of par-  
8                   ents, caregivers, and families of students en-  
9                   rolled in the program;

10                   “(C) utilize, and may include the develop-  
11                   ment of instructional courses and materials for  
12                   learning Native American languages and for in-  
13                   struction through the use of Native American  
14                   languages;

15                   “(D) provide support for professional de-  
16                   velopment activities; and

17                   “(E) include a goal of all students achiev-  
18                   ing—

19                           “(i) fluency in a Native American lan-  
20                           guage; and

21                           “(ii) academic proficiency in mathe-  
22                           matics, English, reading or language arts,  
23                           and science.

24           “(2) Native American language restoration pro-  
25           grams that—



1           “(A) provide instruction in not less than 1  
2           Native language;

3           “(B) provide support for professional de-  
4           velopment activities for teachers of Native  
5           American languages;

6           “(C) develop instructional materials for the  
7           programs; and

8           “(D) include the goal of increasing pro-  
9           ficiency and fluency in not less than 1 Native  
10          American language.

11         “(d) APPLICATION.—

12           “(1) IN GENERAL.—An eligible entity that de-  
13           sires to receive a grant under this section shall sub-  
14           mit an application to the Secretary at such time, in  
15           such manner, and accompanied by such information  
16           as the Secretary may require.

17           “(2) CERTIFICATION.—An eligible entity that  
18           submits an application for a grant to carry out the  
19           activity specified in subsection (c)(1), shall include  
20           in such application a certification that assures that  
21           such entity has experience and a demonstrated  
22           record of effectiveness in operating and admin-  
23           istering a Native American language program or any  
24           other educational program in which instruction is  
25           conducted in a Native American language.

1           “(e) GRANT DURATION.—The Secretary shall make  
2 grants under this section only on a multi-year basis for  
3 a period not to exceed 5 years.

4           “(f) DEFINITION.—In this section, the term ‘average’  
5 means the aggregate number of hours of instruction  
6 through the use of a Native American language to all stu-  
7 dents enrolled in a Native language program during a  
8 school year divided by the total number of students en-  
9 rolled in the program.

10          “(g) ADMINISTRATIVE COSTS.—

11               “(1) IN GENERAL.—Except as provided in para-  
12 graph (2), not more than 5 percent of the funds pro-  
13 vided to a grantee under this section for any fiscal  
14 year may be used for administrative purposes.

15               “(2) EXCEPTION.—An elementary school or  
16 secondary school for Indian students that receives  
17 funds from a recipient of a grant under subsection  
18 (e) for any fiscal year may use not more than 10  
19 percent of the funds for administrative purposes.

20   **“SEC. 7133. IMPROVING STATE AND TRIBAL EDUCATIONAL**  
21                           **AGENCY COLLABORATION.**

22           “The Secretary, in consultation with the Director of  
23 the Bureau of Indian Education, shall conduct a study of  
24 the relationship among State educational agencies, local

1 educational agencies, and other relevant State and local  
2 agencies, and tribes or tribal representatives to—

3 “(1) identify examples of best practices in col-  
4 laboration among those entities that result in the  
5 provision of better services to Indian students; and

6 “(2) provide recommendations on—

7 “(A) State educational agency functions  
8 that tribal educational agencies could perform;

9 “(B) areas and agency functions in which  
10 greater State educational agency and tribal  
11 educational agency collaboration is needed; and

12 “(C) other steps to reducing barriers to  
13 serving Indian students, especially such stu-  
14 dents who are at risk of academic failure.”.

15 **Subpart 4—Federal Administration**

16 **SEC. 7141. NATIONAL ADVISORY COUNCIL ON INDIAN EDU-**  
17 **CATION.**

18 Section 7141(b)(1) (20 U.S.C. 7471(b)(1)) is amend-  
19 ed by inserting “and the Secretary of the Interior” after  
20 “advise the Secretary”.

21 **Subpart 5—Definitions; Authorization of**

22 **Appropriations**

23 **SEC. 7151. DEFINITIONS.**

24 Section 7151 (20 U.S.C. 7491) is amended—

25 (1) by striking paragraph (2);

1           (2) by redesignating paragraph (3) as para-  
2           graph (2); and

3           (3) by adding at the end the following:

4           “(3) TRADITIONAL LEADERS.—The term ‘tradi-  
5           tional leaders’ has the meaning given the term in the  
6           Native American Languages Act of 1990 (25 U.S.C.  
7           2902).”.

8   **SEC. 7152. AUTHORIZATIONS OF APPROPRIATIONS.**

9           Section 7152 (20 U.S.C. 7492) is amended to read  
10          as follows:

11   **“SEC. 7152. AUTHORIZATIONS OF APPROPRIATIONS.**

12          “(a) SUBPART 1.—For the purpose of carrying out  
13          subpart 1, there are authorized to be appropriated  
14          \$104,331,000 for fiscal year 2012 and such sums as may  
15          be necessary for each of the 5 succeeding fiscal years.

16          “(b) SUBPARTS 2 AND 3.—For the purpose of car-  
17          rying out subparts 2 and 3, there are authorized to be  
18          appropriated \$22,351,000 for fiscal year 2012 and such  
19          sums as may be necessary for each of the 5 succeeding  
20          fiscal years.”.

21   **PART B—NATIVE HAWAIIAN EDUCATION; ALASKA**

22                           **NATIVE EDUCATION**

23   **SEC. 7201. NATIVE HAWAIIAN EDUCATION AND ALASKA NA-**  
24                           **TIVE EDUCATION.**

25          Title VII (20 U.S.C. 7401 et seq.) is amended—

1 (1) in part B, by striking the heading and in-  
2 serting the following: “**NATIVE HAWAIIAN EDU-  
3 CATION; ALASKA NATIVE EDUCATION**”;

4 (2) by inserting before section 7201 the fol-  
5 lowing: “**Subpart 1—Hawaiian Education**”;

6 (3) in section 7201, by striking “part” and in-  
7 serting “subpart”;

8 (4) by redesignating part C as subpart 2;

9 (5) in subpart 2, as redesignated by paragraph  
10 (4), by striking the heading and inserting “**Alaska  
11 Native Education**”;

12 (6) in section 7301, by striking “part” and in-  
13 serting “subpart”;

14 (7) in section 7302(5), by striking “part” and  
15 inserting “subpart”;

16 (8) in section 7303, by striking “part” each  
17 place the term appears and inserting “subpart”; and

18 (9) in section 7306, in the matter preceding  
19 paragraph (1), by striking “part” and inserting  
20 “subpart”.

21 **Subpart 1—Native Hawaiian Education**

22 **SEC. 7202. FINDINGS.**

23 Section 7202 (20 U.S.C. 7512) is amended to read  
24 as follows:

1 **“SEC. 7202. FINDINGS.**

2 “Congress finds the following:

3 “(1) Native Hawaiians are a distinct and  
4 unique indigenous people with a historical continuity  
5 to the original inhabitants of the Hawaiian archi-  
6 pelago, whose society was organized as a nation and  
7 internationally recognized as a nation by the United  
8 States, Britain, France, and Japan, as evidenced by  
9 treaties governing friendship, commerce, and naviga-  
10 tion.

11 “(2) The United States has recognized and re-  
12 affirmed that—

13 “(A) Native Hawaiians have a cultural,  
14 historic, and land-based link to the indigenous  
15 people who exercised sovereignty over the Ha-  
16 waiian Islands, and that group has never relin-  
17 quished its claims to sovereignty or its sov-  
18 ereign lands;

19 “(B) Congress does not extend services to  
20 Native Hawaiians because of their race, but be-  
21 cause of their unique status as the indigenous  
22 people of a once sovereign nation as to whom  
23 the United States has established a trust rela-  
24 tionship;

1           “(C) Congress has also delegated broad  
2 authority to administer a portion of the Federal  
3 trust responsibility to the State of Hawaii;

4           “(D) the political status of Native Hawai-  
5 ians is comparable to that of American Indians  
6 and Alaska Natives; and

7           “(E) the aboriginal, indigenous people of  
8 the United States have—

9           “(i) a continuing right to autonomy in  
10 their internal affairs; and

11           “(ii) an ongoing right of self-deter-  
12 mination and self-governance that has  
13 never been extinguished.

14           “(3) The political relationship between the  
15 United States and the Native Hawaiian people has  
16 been recognized and reaffirmed by the United  
17 States, as evidenced by the inclusion of Native Ha-  
18 waiians in—

19           “(A) the Native American Programs Act of  
20 1974 (42 U.S.C. 2991 et seq.);

21           “(B) the American Indian Religious Free-  
22 dom Act (42 U.S.C. 1996);

23           “(C) the National Museum of the Amer-  
24 ican Indian Act (20 U.S.C. 80q et seq.);

1           “(D) the Native American Graves Protec-  
2           tion and Repatriation Act (25 U.S.C. 3001 et  
3           seq.);

4           “(E) the National Historic Preservation  
5           Act (16 U.S.C. 470 et seq.);

6           “(F) the Native American Languages Act  
7           (25 U.S.C. 2901 et seq.);

8           “(G) the American Indian, Alaska Native,  
9           and Native Hawaiian Culture and Art Develop-  
10          ment Act (20 U.S.C. 4401 et seq.);

11          “(H) the Workforce Investment Act of  
12          1998 (29 U.S.C. 2801 et seq.); and

13          “(I) the Older Americans Act of 1965 (42  
14          U.S.C. 3001 et seq.).

15          “(4) In 1993, 2005, and 2009 the Kameha-  
16          meha Schools Bishop Estate released an updated  
17          findings of the Native Hawaiian Educational Assess-  
18          ment Project, which found that despite the successes  
19          of the programs established under title IV of the Au-  
20          gustus F. Hawkins-Robert T. Stafford Elementary  
21          and Secondary School Improvement Amendments of  
22          1988, many of the same educational needs still ex-  
23          isted for Native Hawaiians. Subsequent reports by  
24          the Kamehameha Schools Bishop Estate and other



1 organizations have generally confirmed those find-  
2 ings. For example—

3 “(A) Native Hawaiian students continue to  
4 begin their school experience lagging behind  
5 other students in terms of readiness factors  
6 such as vocabulary test scores;

7 “(B) Native Hawaiian students continue to  
8 score below national norms on standardized  
9 education achievement tests at all grade levels;

10 “(C) both public and private schools con-  
11 tinue to show a pattern of lower percentages of  
12 Native Hawaiian students in the uppermost  
13 achievement levels and in gifted and talented  
14 programs;

15 “(D) Native Hawaiian students continue to  
16 be overrepresented among students qualifying  
17 for special education programs provided to stu-  
18 dents with learning disabilities, mild mental re-  
19 tardation, emotional impairment, and other  
20 such disabilities;

21 “(E) Native Hawaiians continue to be  
22 underrepresented in institutions of higher edu-  
23 cation and among adults who have completed 4  
24 or more years of college; and

1           “(F) Native Hawaiians continue to be dis-  
2           proportionately represented in many negative  
3           social and physical statistics indicative of spe-  
4           cial educational needs.

5           “(5) Native Hawaiian students served by the  
6           State of Hawaii Department of Education has risen  
7           from 20 percent in 1980 to 26 percent in 2008, and  
8           there are and will continue to be geographically  
9           rural, isolated areas with a high Native Hawaiian  
10          population density.

11          “(6) Despite the consequences of more than  
12          100 years of nonindigenous influence, the Native  
13          Hawaiian people are determined to preserve, de-  
14          velop, and transmit to future generations their an-  
15          cestral territory and their cultural identity in accord-  
16          ance with their own spiritual and traditional beliefs,  
17          customs, practices, language, and social institutions.

18          “(7) The State of Hawaii, in the constitution  
19          and statutes of the State of Hawaii—

20                 “(A) reaffirms and protects the unique  
21                 right of the Native Hawaiian people to practice  
22                 and perpetuate their culture and religious cus-  
23                 toms, beliefs, practices, and language;

24                 “(B) recognizes the traditional language of  
25                 the Native Hawaiian people as an official lan-

1           guage of the State of Hawaii, which may be  
2           used as the language of instruction for all sub-  
3           jects and grades in the public school system;  
4           and

5                   “(C) promotes the study of the Hawaiian  
6           culture, language, and history by providing a  
7           Hawaiian education program and using commu-  
8           nity expertise as a suitable and essential means  
9           to further the program.”.

10 **SEC. 7203. PURPOSES.**

11       Section 7203 (20 U.S.C. 7513) is amended to read  
12 as follows:

13 **“SEC. 7203. PURPOSES.**

14       “The purposes of this subpart are to—

15                   “(1) develop, implement, assess, expand, and  
16       evaluate innovative educational programs, Native  
17       Hawaiian language medium programs, Native Ha-  
18       waiian culture-based education programs, and other  
19       education programs to improve the academic  
20       achievement of Native Hawaiian students by meet-  
21       ing their unique cultural and language needs to help  
22       such students meet challenging State academic con-  
23       tent standards and challenging State student aca-  
24       demic achievement standards;

1           “(2) provide guidance to appropriate Federal,  
2           State, and local agencies to more effectively and effi-  
3           ciently focus resources, including resources made  
4           available under this subpart, on the development and  
5           implementation of—

6                   “(A) innovative educational programs for  
7           Native Hawaiian students;

8                   “(B) rigorous and substantive Native Ha-  
9           waiian language programs; and

10                   “(C) Native Hawaiian culture-based edu-  
11           cational programs; and

12           “(3) create a system by which information from  
13           programs funded under this subpart will be col-  
14           lected, analyzed, evaluated, reported, and used in de-  
15           cision making activities with respect to the types of  
16           grants awarded under this subpart.”.

17 **SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL.**

18           Section 7204 (20 U.S.C. 7514) is amended to read  
19 as follows:

20 **“SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL.**

21           “(a) **ESTABLISHMENT OF NATIVE HAWAIIAN EDU-**  
22 **CATION COUNCIL.**—In order to better effectuate the pur-  
23 poses of this subpart through the coordination of edu-  
24 cational and related services and programs available to  
25 Native Hawaiian students, including those programs re-

1 ceiving funding under this subpart, the Secretary shall es-  
2 tablish a Native Hawaiian Education Council (referred to  
3 in this subpart as the ‘Education Council’).

4 “(b) COMPOSITION.—

5 “(1) IN GENERAL.—The Education Council  
6 shall consist of 15 members of whom—

7 “(A) 1 shall be the President of the Uni-  
8 versity of Hawaii (or a designee);

9 “(B) 1 shall be the Governor of the State  
10 of Hawaii (or a designee);

11 “(C) 1 shall be the Superintendent of the  
12 State of Hawaii Department of Education (or a  
13 designee);

14 “(D) 1 shall be the chairperson of the Of-  
15 fice of Hawaiian Affairs (or a designee);

16 “(E) 1 shall be the chief executive director  
17 of Hawaii’s Charter School Network (or a des-  
18 ignee);

19 “(F) 1 shall be the chief executive officer  
20 of the Kamehameha Schools (or a designee);

21 “(G) 1 shall be the chairperson of the  
22 Queen Liliuokalani Trust (or a designee);

23 “(H) 1 shall be a member, selected by the  
24 other members of the Education Council, who

1 represents a private grant making entity (or a  
2 designee);

3 “(I) 1 shall be the mayor of the County of  
4 Hawaii (or a designee);

5 “(J) 1 shall be the Mayor of Maui County  
6 (or a designee from the Island of Maui);

7 “(K) 1 shall be the Mayor of the County  
8 of Kauai (or a designee);

9 “(L) 1 shall be appointed by the Mayor of  
10 Maui County from the Island of either Molokai  
11 or Lanai;

12 “(M) 1 shall be the Mayor of the City and  
13 County of Honolulu (or a designee);

14 “(N) 1 shall be the Chairperson the Ha-  
15 waiian Homes Commission; and

16 “(O) 1 shall be the Chairperson of the Ha-  
17 waii Workforce Development Council (or a des-  
18 ignedee representing the private sector).

19 “(c) CHAIR, VICE CHAIR.—

20 “(1) SELECTION.—The Education Council shall  
21 select a Chair and Vice Chair from among the mem-  
22 bers of the Education Council.

23 “(2) SERVICE.—The Chair and Vice Chair se-  
24 lected under paragraph (1) shall each serve for one  
25 2-year term.

1           “(d) NATIVE HAWAIIAN EDUCATION COUNCIL  
2 GRANT.—The Secretary shall make a grant to the Edu-  
3 cation Council to carry out the following activities:

4           “(1) Coordinate the educational and related  
5 services and programs available to Native Hawaiian  
6 students, including the programs assisted under this  
7 subpart.

8           “(2) Assess the extent to which such services  
9 and programs meet the needs of Native Hawaiians,  
10 and collect data on the status of Native Hawaiian  
11 education.

12           “(3) Provide direction and guidance, through  
13 the issuance of reports and recommendations, to ap-  
14 propriate Federal, State, and local agencies in order  
15 to focus and improve the use of resources, including  
16 resources made available under this subpart, relating  
17 to Native Hawaiian student education, and serve,  
18 where appropriate, in an advisory capacity.

19           “(4) Make direct grants and subgrants, if such  
20 grants and subgrants would enable the Education  
21 Council to carry out the duties of the Education  
22 Council, as described in paragraphs (1) through (3).

23           “(5) Hire an executive director who shall exe-  
24 cute the duties and powers of the Education Council  
25 as described in subsection (e).

1           “(e) DUTIES AND POWERS OF THE EDUCATION  
2 COUNCIL.—The Education Council shall—

3                   “(1) obtain from the Secretary information re-  
4 garding grants awarded under this subpart;

5                   “(2) provide technical assistance to Native Ha-  
6 waiian organizations that are grantees or potential  
7 grantees under this subpart;

8                   “(3) assess and define the educational needs of  
9 Native Hawaiian students;

10                   “(4) assess the programs and services currently  
11 available to address the educational needs of Native  
12 Hawaiian students;

13                   “(5) assess and evaluate the individual and ag-  
14 gregate impact achieved by grantees in improving  
15 Native Hawaiian educational performance and meet-  
16 ing the goals of this subpart;

17                   “(6) prepare and submit to the Secretary, be-  
18 fore the end of each calendar year, annual reports  
19 that contain—

20                           “(A) a description of the activities of the  
21 Education Council during the preceding cal-  
22 endar year;

23                           “(B) recommendations of the Education  
24 Council, if any, regarding priorities established  
25 under section 7205(b);



1           “(C) significant barriers to achieving the  
2 goals under this part;

3           “(D) a summary of each community con-  
4 sultation session, as described in subsection (f);

5           “(E) recommendations to establish funding  
6 priorities based on an assessment of—

7           “(i) the educational needs of Native  
8 Hawaiians;

9           “(ii) programs and services currently  
10 available to address such needs, including  
11 the effectiveness of such programs in im-  
12 proving educational performance of Native  
13 Hawaiians; and

14           “(iii) priorities for funding in specific  
15 geographic communities; and

16           “(7) hold annual community consultations as  
17 described in subsection (f).

18           “(f) COMMUNITY CONSULTATIONS.—

19           “(1) IN GENERAL.—The Education Council  
20 shall hold not less than 1 community consultation  
21 each year on each of the Islands of Hawaii, Maui,  
22 Mololceii, Lancii, Oahu, and Kauai—

23           “(A) which not less than 3 members of the  
24 Education Council shall attend;

1                   “(B) at which the Education Council shall  
2                   gather community input regarding—

3                   “(i) current grantees;

4                   “(ii) priorities and needs;

5                   “(iii) other Native Hawaiian edu-  
6                   cational issues; and

7                   “(C) at which the Education Council shall  
8                   report to the community on the outcomes of the  
9                   grants awarded under this part.

10                  “(2) SUPPORT FOR COMMUNITY CONSULTA-  
11                  TIONS.—The Education Council may, from funds  
12                  made available under section 7205(i)(2), provide  
13                  such financial support to the community consulta-  
14                  tions described in paragraph (1) as the Education  
15                  Council determines to be appropriate.

16                  “(g) ADMINISTRATIVE PROVISIONS RELATING TO  
17                  EDUCATION COUNCIL.—The Education Council shall  
18                  meet at the call of the Chair of the Council, or upon re-  
19                  quest by a majority of the members of the Education  
20                  Council, but in any event not less often than every 120  
21                  days.

22                  “(h) FUNDING.—

23                  “(1) IN GENERAL.—For each fiscal year, the  
24                  Secretary shall provide to the Education Council (in-  
25                  cluding through grants and contracts) the amount

1 described in section 7205(i)(2), to remain available  
2 until expended.

3 “(2) NO COMPENSATION.—Each member of the  
4 Education Council, and each member of a commu-  
5 nity consultation, Kupuna council, or other working  
6 group established by the Education Council, shall  
7 serve without compensation.

8 “(i) REPORT.—Not later than 2 years after the date  
9 of enactment of the Elementary and Secondary Education  
10 Reauthorization Act of 2011, the Secretary shall prepare  
11 and submit to the Committee on Indian Affairs and the  
12 Committee on Health, Education, Labor, and Pensions of  
13 the Senate and the Committee on Education and the  
14 Workforce of the House of Representatives, a report  
15 that—

16 “(1) summarizes the annual reports of the Edu-  
17 cation Council;

18 “(2) describes the allocation and use of funds  
19 under this subpart and the information gathered  
20 since the first annual report submitted by the Edu-  
21 cation Council to the Secretary under this section;  
22 and

23 “(3) contains recommendations for changes in  
24 Federal, State, and local policy to advance the pur-  
25 poses of this subpart.

1           “(j) FEDERAL ADVISORY COMMITTEE ACT APPLICA-  
2 BILITY.—The provisions of the Federal Advisory Com-  
3 mittee Act (5 U.S.C. App.) shall apply to the Education  
4 Council, except that section 14 of such Act shall not apply.

5           “(k) TERMINATION.—The Education Council shall  
6 terminate on the date that is the expiration of the 10-  
7 year period following the date of enactment of the Elemen-  
8 tary and Secondary Education Reauthorization Act of  
9 2011”.

10 **SEC. 7205. PROGRAM AUTHORIZED.**

11           Section 7205 (20 U.S.C. 7515 et seq.) is amended  
12 to read as follows:

13 **“SEC. 7205. PROGRAM AUTHORIZED.**

14           “(a) GRANTS AND CONTRACTS.—In order to carry  
15 out programs that meet the purposes of this subpart, the  
16 Secretary is authorized to award grants to, or enter into  
17 contracts with—

18                   “(1) Native Hawaiian educational organiza-  
19 tions;

20                   “(2) Native Hawaiian community-based organi-  
21 zations;

22                   “(3) public and private nonprofit organizations,  
23 agencies, and institutions with experience in success-  
24 fully developing or operating Native Hawaiian edu-  
25 cation and workforce development programs or pro-

1       grams of instruction in the Native Hawaiian lan-  
2       guage;

3             “(4) charter schools; and

4             “(5) consortia of the organizations, agencies,  
5       and institutions described in paragraphs (1) through  
6       (4).

7       “(b) PRIORITY.—In providing grants and entering  
8       into contracts under this subpart, the Secretary shall give  
9       priority to—

10            “(1) programs that meet the educational prior-  
11       ities established by the Education Council under sec-  
12       tion 7204(e)(6);

13            “(2) programs designed to improve the aca-  
14       demic achievement of Native Hawaiian students by  
15       meeting their unique cultural and language needs in  
16       order to help such students meet challenging State  
17       academic content standards and challenging State  
18       student academic achievement standards, including  
19       activities relating to—

20            “(A) achieving competence in reading, lit-  
21       eracy, mathematics, and science for students in  
22       preschool through grade 3;

23            “(B) the educational needs of at-risk chil-  
24       dren and youth;

1           “(C) professional development for teachers  
2           and administrators;

3           “(D) the use of Native Hawaiian language  
4           and preservation or reclamation of Native Ha-  
5           waiian culture-based educational practices;

6           “(E) preparation for employment in fields  
7           in which Native Hawaiians are underemployed  
8           or underrepresented; and

9           “(F) other programs relating to the activi-  
10          ties described in this subpart; and

11          “(3) programs in which a State educational  
12          agency, local educational agency, institution of high-  
13          er education, or a State educational agency or local  
14          educational agency in partnership with an institution  
15          of higher education apply for a grant or contract  
16          under this part as part of a partnership or consor-  
17          tium involving—

18                 “(A) a Native Hawaiian community-based  
19                 organization;

20                 “(B) a Native Hawaiian education organi-  
21                 zation;

22                 “(C) a Native Hawaiian focused public  
23                 charter school; or

24                 “(D) a Native Hawaiian organization.

1           “(c) AUTHORIZED ACTIVITIES.—Activities provided  
2 through programs carried out under this subpart may in-  
3 clude—

4           “(1) the development and maintenance of a  
5 statewide Native Hawaiian early childhood education  
6 and care system to provide a continuum of high-  
7 quality services for Native Hawaiian children from  
8 the prenatal period through the age of kindergarten  
9 entry;

10           “(2) the operation of family-based education  
11 centers that provide such services as—

12           “(A) programs for Native Hawaiian par-  
13 ents and their infants from the prenatal period  
14 of infancy through age 3;

15           “(B) preschool programs for Native Ha-  
16 waiian children; and

17           “(C) research on, and development and as-  
18 sessment of, family-based early care and edu-  
19 cation and preschool programs for Native Ha-  
20 waiians;

21           “(3) activities that enhance beginning reading  
22 and literacy in either the Hawaiian or the English  
23 language among Native Hawaiian students in kin-  
24 dergarten through third grade and assistance in ad-  
25 dressing the distinct features of combined English

1 and Hawaiian literacy for Hawaiian speakers in fifth  
2 and sixth grade;

3 “(4) activities to meet the special needs of Na-  
4 tive Hawaiian students with disabilities, including—

5 “(A) the identification of such students  
6 and their needs;

7 “(B) the provision of support services to  
8 the families of those students; and

9 “(C) other activities consistent with the re-  
10 quirements of the Individuals with Disabilities  
11 Education Act;

12 “(5) activities that address the special needs of  
13 Native Hawaiian students who are gifted and tal-  
14 ented, including—

15 “(A) educational, psychological, social,  
16 emotional, and developmental activities designed  
17 to assist in the educational progress of such  
18 students; and

19 “(B) activities that involve the parents of  
20 such students in a manner designed to assist in  
21 the students’ educational progress;

22 “(6) the development of academic and voca-  
23 tional curricula to address the needs of Native Ha-  
24 waiian children, youth, and adults, including cur-  
25 riculum materials in the Hawaiian language, mathe-



1 matics, science, engineering, and technology cur-  
2 ricula that incorporate Native Hawaiian tradition  
3 and culture;

4 “(7) professional development activities for edu-  
5 cators, including—

6 “(A) the development of programs to pre-  
7 pare prospective teachers to address the unique  
8 needs of Native Hawaiian students within the  
9 context of Native Hawaiian culture, language,  
10 and traditions;

11 “(B) in-service programs to improve the  
12 ability of teachers who teach in schools with  
13 concentrations of Native Hawaiian students to  
14 meet those students’ unique needs; and

15 “(C) the recruitment and preparation of  
16 Native Hawaiian individuals, and other individ-  
17 uals who live in communities with a high con-  
18 centration of Native Hawaiians, to become  
19 teachers or leaders;

20 “(8) the operation of community-based learning  
21 centers that address the needs of Native Hawaiian  
22 families and communities through the coordination  
23 of public and private programs and services, includ-  
24 ing—

1           “(A) early care and education programs,  
2 including preschool programs;

3           “(B) before- and after-school programs  
4 and Saturday academies;

5           “(C) career and technical and adult edu-  
6 cation programs; and

7           “(D) programs that recognize and support  
8 the unique cultural and educational needs of  
9 Native Hawaiian children and youth and incor-  
10 porate appropriately qualified Native Hawaiian  
11 elders and seniors;

12           “(9) activities, including program co-location, to  
13 enable Native Hawaiian individuals to enter and  
14 complete programs of postsecondary education, in-  
15 cluding—

16           “(A) provision of full or partial scholar-  
17 ships for undergraduate or graduate study that  
18 are awarded to students based on their aca-  
19 demic promise and financial need, with a pri-  
20 ority, at the graduate level, given to Native Ha-  
21 waiian students entering professions in which  
22 Native Hawaiians are underrepresented;

23           “(B) family literacy services;

24           “(C) counseling and support services for  
25 students receiving scholarship assistance;

1           “(D) counseling and guidance for Native  
2           Hawaiian secondary students who have the po-  
3           tential to receive scholarships;

4           “(E) assistance with completing the college  
5           admissions and financial aid application pro-  
6           cess; and

7           “(F) faculty development activities de-  
8           signed to promote the matriculation of Native  
9           Hawaiian students;

10          “(10) activities that recognize and supports the  
11          unique needs of Native Hawaiian youth to complete  
12          quality workforce preparation and training programs  
13          and activities, including apprenticeship programs;

14          “(11) research and data collection activities to  
15          determine the educational status and needs of Na-  
16          tive Hawaiian children and youth;

17          “(12) other research and evaluation activities  
18          related to programs carried out under this subpart;  
19          and

20          “(13) other activities, consistent with the pur-  
21          poses of this subpart, to meet the educational needs  
22          of Native Hawaiian children and youth.

23          “(d) ADDITIONAL ACTIVITIES.—From funds made  
24          available to carry out this section, the Secretary shall sup-  
25          port the following:

1           “(1) Development of a body of Native Hawaiian  
2 law.

3           “(2) Repair and renovation of public schools  
4 that serve high concentrations of Native Hawaiian  
5 students.

6           “(3) Informal education programs that present  
7 traditional Hawaiian knowledge, science, astronomy,  
8 and the environment through State museums or  
9 learning centers.

10          “(e) SPECIAL RULE AND CONDITIONS.—

11           “(1) INSTITUTIONS OUTSIDE HAWAII.—The  
12 Secretary may not establish a policy under this sec-  
13 tion that prevents a Native Hawaiian student en-  
14 rolled at a 2- or 4-year degree granting institution  
15 of higher education outside of the State of Hawaii  
16 from receiving a scholarship pursuant to subsection  
17 (c)(9)(A).

18           “(2) SCHOLARSHIP CONDITIONS.—The Sec-  
19 retary shall establish conditions for receipt of a  
20 scholarship awarded under subsection (c)(9)(A). The  
21 conditions shall require that an individual seeking  
22 such a scholarship enter into a contract to provide  
23 professional services, either during the scholarship  
24 period or upon completion of a program of postsec-

1       ondary education, to the Native Hawaiian commu-  
2       nity.

3       “(f) TREATMENT OF FUNDS.—

4             “(1) IN GENERAL.—Except as provided in para-  
5       graph (2), funds made available under this subpart  
6       shall be used to supplement, and not supplant, any  
7       State or local funds used to achieve the purposes of  
8       this subpart.

9             “(2) EXCEPTION.—Paragraph (1) shall not  
10       apply to any nonprofit entity or Native Hawaiian  
11       community-based organization that receives a grant  
12       or other funds under this subpart.

13       “(g) ADMINISTRATIVE COSTS.—

14             “(1) IN GENERAL.—Except as provided in para-  
15       graph (2), not more than 5 percent of funds pro-  
16       vided to a recipient of a grant or contract under  
17       subsection (a) for any fiscal year may be used for  
18       administrative purposes.

19             “(2) EXCEPTION.—Not more than 10 percent  
20       of funds provided under subsection (a) for any fiscal  
21       year to a nonprofit entity serving the Native Hawai-  
22       ian community may be used for administrative pur-  
23       poses.

24       “(h) SUPPLEMENT NOT SUPPLANT.—Funds made  
25       available under this section shall be used to supplement,

1 and not supplant, any State or local funds used to achieve  
2 the purposes of this subpart.

3 “(i) AUTHORIZATION OF APPROPRIATIONS.—

4 “(1) IN GENERAL.—There are authorized to be  
5 appropriated to carry out this section and section  
6 7204 such sums as may be necessary for fiscal year  
7 2012 and each of the 5 succeeding fiscal years.

8 “(2) RESERVATION.—Of the funds appro-  
9 priated under this subsection, the Secretary shall re-  
10 serve, for each of fiscal years 2012 through 2017  
11 not less than \$500,000 for the Education Council.

12 “(3) AVAILABILITY.—Funds appropriated  
13 under this subsection shall remain available until ex-  
14 pended.”.

15 **SEC. 7206. ADMINISTRATIVE PROVISIONS.**

16 Section 7206 (20 U.S.C. 7516) is amended to read  
17 as follows:

18 **“SEC. 7206. ADMINISTRATIVE PROVISIONS.**

19 “(a) APPLICATION REQUIRED.—

20 “(1) IN GENERAL.—No grant may be made  
21 under this subpart, and no contract may be entered  
22 into under this subpart, unless the entity seeking the  
23 grant or contract submits an application to the Sec-  
24 retary at such time, in such manner, and containing  
25 such information as the Secretary may determine to

1 be necessary to carry out the provisions of this sub-  
2 part.

3 “(2) ACADEMIC PROJECTS.—Applications sub-  
4 mitted under this subpart to carry out projects and  
5 activities that are academic in nature shall de-  
6 scribe—

7 “(A) the criteria that will be used to en-  
8 sure that such projects and activities use evi-  
9 dence-based strategies and methods; and

10 “(B) the process through which the appli-  
11 cant will monitor and report such activities, in-  
12 cluding the achievement of identified objectives.

13 “(b) APPLICATIONS TO EDUCATION COUNCIL.—The  
14 Secretary shall provide to the Education Council a copy  
15 of each grant or contract application submitted under this  
16 subpart.

17 “(c) ANNUAL REPORT.—

18 “(1) IN GENERAL.—Each entity that receives a  
19 grant under this subpart shall submit to the Sec-  
20 retary an annual report, in such form and con-  
21 taining such information as the Secretary may re-  
22 quire that determines the extent to which activities  
23 carried out with funds provided under this subpart  
24 are effective in improving the educational achieve-

1       ment of Native Hawaiian students served by such  
2       funds.

3           “(2) CONTENT.—As a part of the information  
4       reported under paragraph (1), each entity that re-  
5       ceives a grant under this subpart shall provide data,  
6       using information from the most recent year for  
7       which data are available, on—

8           “(A) the academic achievement of the Na-  
9       tive Hawaiian students the entity serves, as  
10       measured by the State assessments required  
11       under section 1111(a) and the high school  
12       graduation and college-going rates of those stu-  
13       dents; and

14           “(B) such other measures as the Secretary  
15       may prescribe.”.

16 **SEC. 7207. DEFINITIONS.**

17       Section 7207 (20 U.S.C. 7517) is amended—

18           (1) in the matter preceding paragraph (1), by  
19       striking “part” and inserting “subpart”;

20           (2) by redesignating paragraphs (1) through  
21       (6) as paragraphs (2) through (7), respectively; and

22           (3) by inserting before paragraph (2), as red-  
23       esignated by paragraph (1), the following:



1           “(1) COMMUNITY CONSULTATION.—The term  
2           ‘community consultation’ means a public gath-  
3           ering—

4                   “(A) to discuss Native Hawaiian education  
5           concerns; and

6                   “(B) about which the public has been given  
7           not less than 30 days notice.”.

8           **Subpart 2—Alaska Native Student Education**

9           **SEC. 7211. PROGRAM AUTHORIZED.**

10          Section 7304 (20 U.S.C. 7544) is amended—

11           (1) by striking “this part” each place it appears  
12          and inserting “this subpart”;

13           (2) in subsection (a)—

14                   (A) in paragraph (2)—

15                           (i) by striking subparagraph (D) and  
16                   inserting the following:

17                           “(D) The development and operation of  
18                   high-quality early care and education programs,  
19                   including home visiting and home-based pro-  
20                   grams for Alaska Native preschool children,  
21                   that ensure the active involvement of families  
22                   and communities in their children’s education  
23                   from the earliest ages.”;

24                           (ii) in subparagraph (F)—

1 (I) in the matter preceding clause  
2 (i), by striking “science and mathe-  
3 matics” and inserting “science, tech-  
4 nology, engineering, and mathe-  
5 matics”; and

6 (II) in clause (iii), by inserting “,  
7 linguistic,” after “unique cultural”;

8 (iii) in subparagraph (G), by inserting  
9 “and youth,” after “Alaska Native chil-  
10 dren”;

11 (iv) in subparagraph (I), by inserting  
12 “and in becoming on track to college and  
13 career readiness” after “tests”;

14 (v) in subparagraph (J), by inserting  
15 “, such as students who may not be of tra-  
16 ditional college age,” after “Native stu-  
17 dents”;

18 (vi) in subparagraph (K)—

19 (I) by striking “and caregivers”  
20 and inserting “, caregivers, and fami-  
21 lies”; and

22 (II) by striking “discipline and”  
23 and inserting “nurturing positive so-  
24 cial and emotional development, dis-  
25 cipline, and”;

1 (vii) by striking subparagraph (M)  
2 and inserting the following:

3 “(M) Cultural exchange programs designed  
4 to share Alaska Native culture that place urban  
5 students in a rural setting.”;

6 (viii) by striking subparagraph (O)  
7 and inserting the following:

8 “(O) Other high-quality early care and  
9 education programs, including high-quality pre-  
10 school programs.”;

11 (ix) in subparagraph (R)—

12 (I) by inserting “with opportuni-  
13 ties for advancement and economic  
14 self-sufficiency” after “employment”;  
15 and

16 (II) by striking “and apprentice-  
17 ship activities.” and inserting “and  
18 apprenticeship and pre-apprenticeship  
19 programs and activities.”;

20 (x) in subparagraph (S), by striking  
21 “vocational” and inserting “area career  
22 and technical education”; and

23 (xi) in subparagraph (T), by striking  
24 “children and adults.” and inserting “chil-  
25 dren and youth, and adults, including, as

1 appropriate, other activities authorized  
2 under this Act.”; and

3 (B) by striking paragraph (3) and insert-  
4 ing the following:

5 “(3) HOME-BASED PROGRAMS.—Home-based  
6 early care and education programs for Alaska Native  
7 preschool children carried out under paragraph  
8 (2)(D) may include the following:

9 “(A) Programs for families and their in-  
10 fants, from the prenatal period through age 3.

11 “(B) High-quality preschool programs fo-  
12 cused on school readiness.

13 “(C) Professional development, education,  
14 and support for parents in such areas as high-  
15 quality literacy instruction, storytelling, social  
16 and emotional development, numeracy, tech-  
17 nology, and critical thinking.”; and

18 (3) by striking subsection (d) and inserting the  
19 following:

20 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated to carry out this section  
22 such sums as may be necessary for fiscal year 2012 and  
23 each of the 5 succeeding fiscal years.”.

24 **SEC. 7212. ADMINISTRATIVE PROVISIONS.**

25 Section 7305 (20 U.S.C. 7545) is amended—

1           (1) by striking “this part” each place it appears  
2           and inserting “this subpart”; and

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

4           “(e) ANNUAL REPORT.—

5           “(1) IN GENERAL.—Each entity that receives a  
6           grant under this subpart shall submit to the Sec-  
7           retary an annual report, in such form and con-  
8           taining such information as the Secretary may re-  
9           quire, to determine the extent to which activities car-  
10          ried out with funds provided under this subpart are  
11          effective in improving the educational achievement of  
12          Alaska Native students served by such funds.

13          “(2) CONTENT.—As a part of the information  
14          reported under paragraph (1), each entity that re-  
15          ceives a grant under this subpart shall provide data,  
16          using information from the most recent year for  
17          which that data is available, on—

18                 “(A) the academic achievement of the  
19                 Alaska Native students the entity serves, as  
20                 measured by the State assessments required  
21                 under section 1111(a) and the high school  
22                 graduation and college-going rates of those stu-  
23                 dents; and

24                 “(B) such other measures as the Secretary  
25                 may prescribe.”.

1                   **TITLE VIII—IMPACT AID**

2   **SEC. 8001. PURPOSE.**

3           Section 8001 (20 U.S.C. 7701) is amended, in the  
4 matter preceding paragraph (1), by striking “challenging  
5 State standards” and inserting “college and career ready  
6 State academic content and student academic achievement  
7 standards under section 1111(a)(1)”.

8   **SEC. 8002. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.**

9           Section 8002 (20 U.S.C. 7702) is amended—

10           (1) in the matter preceding paragraph (1) of  
11 subsection (a), by striking “2003” and inserting  
12 **["\_\_\_\_\_"]**;

13           (2) in subsection (b)—

14           (A) in paragraph (1)(B), by striking  
15 “8014(a)” and inserting “3(z)(1)”;

16           (B) in paragraph (2), by striking “aggre-  
17 gate assessed” and inserting “estimated tax-  
18 able”; and

19           (C) by striking paragraph (3) and insert-  
20 ing the following:

21           **“(3) DETERMINATION OF TAXABLE VALUE FOR**  
22 **ELIGIBLE FEDERAL PROPERTY.—**

23           **“(A) IN GENERAL.—**In determining the  
24 total taxable value of such acquired Federal  
25

1 property for fiscal year 2011 and each suc-  
2 ceeding fiscal year, the Secretary shall—

3 “(i) first determine the total taxable  
4 value for the purpose of levying property  
5 tax for school purposes for current expend-  
6 itures of real property located within the  
7 boundaries of such local educational agen-  
8 cy;

9 “(ii) then determine the per acre  
10 value of the eligible Federal property by di-  
11 viding the total taxable value as deter-  
12 mined in clause (i) by the difference be-  
13 tween the total acres located within the  
14 boundaries of the local educational agency  
15 and the number of Federal acres eligible  
16 under this section; and

17 “(iii) multiply the per acre value as  
18 calculated under clause (ii) by the number  
19 of Federal acres eligible under this section.

20 “(B) SPECIAL RULE.—When 2 or more  
21 local educational agencies share Federal prop-  
22 erty eligible under this section, a local edu-  
23 cational agency may ask the Secretary to cal-  
24 culate the per acre value of each local edu-  
25 cational agency as provided under subpara-

1 graph (A) and apply the average of these per  
2 acre values to the acres of the Federal property  
3 in that agency.”;

4 (3) in subsection (f)—

5 (A) by aligning the margins of paragraphs  
6 (2) and (3) with the margins of paragraph (1);  
7 and

8 (B) by striking paragraphs (4) and (5);

9 (4) by striking subsection (g) and inserting the  
10 following:

11 “(g) FORMER DISTRICTS.—

12 “(1) CONSOLIDATIONS.—For fiscal year 2006  
13 and all succeeding fiscal years, if a local educational  
14 agency described in paragraph (2) is formed at any  
15 time after 1938 by the consolidation of 2 or more  
16 former school districts, the local educational agency  
17 may elect to have the Secretary determine its eligi-  
18 bility and any amount for which the local edu-  
19 cational agency is eligible under this section for any  
20 fiscal year on the basis of one or more of those  
21 former districts, as designated by the local edu-  
22 cational agency.

23 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-  
24 CIES.—A local educational agency referred to in  
25 paragraph (1) is—



1           “(A) any local educational agency that, for  
2           fiscal year 1994 or any preceding fiscal year,  
3           applied, and was determined to be eligible  
4           under section 2(e) of the Act of September 30,  
5           1950 (Public Law 874, 81st Congress) as the  
6           section was in effect for that fiscal year; or

7           “(B) a local educational agency formed by  
8           the consolidation of 2 or more districts, at least  
9           one of which was eligible for assistance under  
10          this section for the fiscal year proceeding the  
11          year of consolidation, if—

12                 “(i) for fiscal years 2006 through  
13                 2011, the local educational agency had no-  
14                 tified the Secretary of the designation not  
15                 later than 30 days after the date of enact-  
16                 ment of the Elementary and Secondary  
17                 Education Reauthorization Act of 2011;  
18                 and

19                 “(ii) for fiscal year 2012, and any  
20                 subsequent fiscal year, the local edu-  
21                 cational agency includes the designation in  
22                 its application under section 8005 or any  
23                 timely amendment to such application.

24           “(3) AVAILABILITY OF FUNDS.—Notwith-  
25          standing any other provision of law limiting the pe-

1       riod during which the Secretary may obligate funds  
2       appropriated for any fiscal year after 2005, the Sec-  
3       retary may obligate funds remaining after final pay-  
4       ments have been made from any of such fiscal years  
5       to carry out this subsection.”;

6             (5) in subsection (h)—

7                 (A) by striking “8014(a)” each place the  
8                 term appears and inserting “3(z)(1)”;

9                 (B) in paragraph (1)—

10                     (i) in the paragraph heading, by strik-  
11                     ing “FOR PRE-1995 RECIPIENTS”;

12                     (ii) in subparagraph (A), by striking  
13                     “is eligible” and all that follows through  
14                     the period at the end and inserting “was  
15                     eligible to receive a payment under this  
16                     section for fiscal year 2007.”; and

17                     (iii) in subparagraph (B), by striking  
18                     “38 percent” and all that follows through  
19                     the period at the end and inserting “90  
20                     percent of the payment the local edu-  
21                     cational agency received in 2006.”; and

22                 (C) by striking paragraphs (2) through (4)  
23       and inserting the following:

1           “(2) FOUNDATION PAYMENTS FOR LOCAL EDU-  
2           CATIONAL AGENCIES DETERMINED ELIGIBLE AFTER  
3           FISCAL YEAR 2007.—

4                   “(A) FIRST YEAR.—From any amounts re-  
5                   maining after making payments under para-  
6                   graph (1) for the fiscal year involved, the Sec-  
7                   retary shall make a payment, in an amount de-  
8                   termined in accordance with subparagraph (C),  
9                   to each local educational agency that the Sec-  
10                  retary determines eligible for a payment under  
11                  this section for a fiscal year after fiscal year  
12                  2007, for the fiscal year for which such agency  
13                  was determined eligible for such payment.

14                  “(B) SECOND AND SUCCEEDING YEARS.—  
15                  For any succeeding fiscal year after the first  
16                  fiscal year that a local educational agency re-  
17                  ceives a foundation payment under subpara-  
18                  graph (A), the amount of the local educational  
19                  agency’s foundation payment under this para-  
20                  graph for such succeeding fiscal year shall be  
21                  equal to the local educational agency’s founda-  
22                  tion payment under this paragraph for the first  
23                  fiscal year.

1           “(C) AMOUNTS.—The amount of a pay-  
2           ment under subparagraph (A) for a local edu-  
3           cational agency shall be determined as follows:

4                   “(i) Calculate the local educational  
5                   agency’s maximum payment under sub-  
6                   section (b).

7                   “(ii) Calculate the percentage that the  
8                   amount appropriated under section 3(z)(1)  
9                   for the most recent fiscal year for which  
10                  the Secretary has completed making pay-  
11                  ments under this section is of the total  
12                  maximum payments for such fiscal year for  
13                  all local educational agencies eligible for a  
14                  payment under subsection (b) and multiply  
15                  the agency’s maximum payment by such  
16                  percentage.

17                  “(iii) Multiply the amount determined  
18                  under clause (ii) by 90 percent.

19           “(3) REMAINING FUNDS.—From any funds re-  
20           maining after making payments under paragraphs  
21           (1) and (2) for the fiscal year involved, the Sec-  
22           retary shall make a payment to each local edu-  
23           cational agency that received a foundation payment  
24           under paragraph (1) or (2) for the fiscal year in-  
25           volved in an amount that bears the same relation to

1 the remainder as a percentage share determined for  
2 the local educational agency (by dividing the max-  
3 imum amount that the agency is eligible to receive  
4 under subsection (b) by the total of the maximum  
5 amounts for all such agencies) bears to the percent-  
6 age share determined (in the same manner) for all  
7 local educational agencies eligible to receive a pay-  
8 ment under this section for the fiscal year involved,  
9 except that, for the purpose of calculating a local  
10 educational agency's maximum amount under sub-  
11 section (b), data from the most current fiscal year  
12 shall be used.”;

13 (6) by striking subsection (k);

14 (7) by redesignating subsections (l) through (n)  
15 as subsections (j) through (l), respectively;

16 (8) in subsection (j) (as redesignated by para-  
17 graph (7)), in the matter preceding paragraph (1),  
18 by striking “(h)(4)(B)” and inserting “(h)(3)”;

19 (9) in subsection (l)(2)(B) (as redesignated by  
20 paragraph (7)), by striking “2003” and inserting  
21 “2012”; and

22 (10) by adding at the end the following:

23 “(m) RECORDS.—The Secretary may base a deter-  
24 mination of eligibility under subsection (a)(1) on original  
25 records (including facsimiles or other reproductions of

1 those records) documenting the assessed value of real  
2 property, prepared by a legally authorized official as of  
3 the time of the Federal acquisition, or other records that  
4 the Secretary determines to be appropriate and reliable,  
5 including Federal agency records or local historical  
6 records.”.

7 **SEC. 8003. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**  
8 **NECTED CHILDREN.**

9 Section 8003 (20 U.S.C. 7703) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1), in the matter pre-  
12 ceding subparagraph (A), by inserting after  
13 “such agency” the following: “(including those  
14 children enrolled in a State that has a State  
15 open enrollment policy but not including chil-  
16 dren enrolled in a distance learning program  
17 who are not residing within the geographic  
18 boundaries of the agency)”;

19 (B) in paragraph (4)—

20 (i) in subparagraph (A), by inserting  
21 “, or was authorized for demolition,” after  
22 “rebuilding” each place the term appears;  
23 and

24 (ii) in subparagraph (B)—

1 (I) in each of clauses (i)(I) and  
2 (ii) (I) of subparagraph (B), by  
3 striking “ 3 fiscal years” and inserting  
4 “4 fiscal years (which are not re-  
5 quired to run consecutively)”;

6 (II) in clause (i)—

7 (aa) in subclause (I), by in-  
8 serting “, or authorized for dem-  
9 olition,” after “rebuilding”; and

10 (bb) in subclause (II), by in-  
11 serting “, or authorized for dem-  
12 olition,” before “in accordance”;  
13 and

14 (III) in clause (ii)—

15 (aa) in subclause (I), by in-  
16 serting “, or authorized for dem-  
17 olition,” after “rebuilding”;

18 (bb) in subclause (II), by in-  
19 serting “, or authorized for dem-  
20 olition,” before “in accordance”;  
21 and

22 (C) in paragraph (5)(A), by inserting after  
23 “1984,” the following: “or under lease of off-  
24 base property under subchapter IV of chapter

1           169 of title 10, United States Code (10 U.S.C.  
2           2871 et seq.),”;

3           (2) in subsection (b)—

4                 (A) in each of paragraphs (1) and (2)(A),  
5           by striking “8014(b)” and inserting “3(z)(2)”;

6                 (B) in paragraph (2)—

7                     (i) in subparagraph (B)—

8                         (I) in the subparagraph heading,  
9                     by striking “CONTINUING”;

10                         (II) by striking clauses (i) and  
11                     (ii) and inserting the following:

12                         “(i) IN GENERAL.—A heavily im-  
13                     pacted local educational agency is eligible  
14                     to receive a basic support payment under  
15                     subparagraph (A) with respect to a num-  
16                     ber of children determined under sub-  
17                     section (a)(1) if the agency—

18                         “(I) is a local educational agency  
19                     whose boundaries are the same as a  
20                     Federal military installation, or whose  
21                     boundaries are the same as island  
22                     property designated by the Secretary  
23                     of the Interior to be property that is  
24                     held in trust by the Federal Govern-



1                   ment, and that has no taxing author-  
2                   ity;

3                   “(II) is a local educational agen-  
4                   cy that—

5                   “(aa) has an enrollment of  
6                   children described in subsection  
7                   (a)(1) that constitutes a percent-  
8                   age of the total student enroll-  
9                   ment of the agency that is not  
10                  less than 45 percent;

11                  “(bb) has a per-pupil ex-  
12                  penditure that is less than—

13                  “(AA) for an agency  
14                  that has a total student en-  
15                  rollment of 500 or more stu-  
16                  dents, 125 percent of the av-  
17                  erage per-pupil expenditure  
18                  of the State in which the  
19                  agency is located; or

20                  “(BB) for an agency  
21                  that has a total student en-  
22                  rollment of less than 500  
23                  students, 150 percent of the  
24                  average per-pupil expendi-  
25                  ture of the State in which

1 the agency is located, or the  
2 average per-pupil expendi-  
3 ture of 3 or more com-  
4 parable local educational  
5 agencies in the State in  
6 which the agency is located;  
7 and

8 “(cc) is an agency that—

9 “(AA) has a tax rate  
10 for general fund purposes  
11 that is not less than 95 per-  
12 cent of the average tax rate  
13 for general fund purposes of  
14 comparable local educational  
15 agencies in the State; or

16 “(BB) was eligible to  
17 receive a payment under this  
18 subsection for fiscal year  
19 2012 and is located in a  
20 State that by State law has  
21 eliminated ad valorem tax as  
22 a revenue source for local  
23 educational agencies; or

24 “(III) is a local educational agen-  
25 cy that has a total student enrollment

1 of not less than 25,000 students, of  
2 which not less than 50 percent are  
3 children described in subsection (a)(1)  
4 and not less than 5,500 of such chil-  
5 dren are children described in sub-  
6 paragraphs (A) and (B) of subsection  
7 (a)(1).

8 “(ii) LOSS OF ELIGIBILITY.—

9 “(I) IN GENERAL.—Subject to  
10 subclause (II), a heavily impacted  
11 local educational agency that met the  
12 requirements of clause (i) for a fiscal  
13 year shall be ineligible to receive a  
14 basic support payment under subpara-  
15 graph (A) if the agency fails to meet  
16 the requirements of such clause for  
17 the subsequent fiscal year, except that  
18 such agency shall continue to receive  
19 a basic support payment under this  
20 paragraph for the fiscal year for  
21 which the ineligibility determination is  
22 made.

23 “(II) EXCEPTION.—A local edu-  
24 cational agency that is eligible under  
25 subparagraph (A) but whose tax rate

1 for general fund purposes falls below  
2 95 percent of the average tax rate for  
3 general fund purposes of local edu-  
4 cational agencies in the State for two  
5 consecutive years shall lose its eligi-  
6 bility and be subject to subclause  
7 (I).”;

8 (III) by adding at the end the  
9 following:

10 “(iv) SPECIAL RULE.—Notwith-  
11 standing clause (i)(II), a local educational  
12 agency shall be considered eligible to re-  
13 ceive a basic support payment under sub-  
14 paragraph (A) with respect to the number  
15 of children determined under subsection  
16 (a)(1) if the agency—

17 “(I) has an enrollment of chil-  
18 dren described in subsection (a)(1),  
19 including, for purposes of determining  
20 eligibility, those children described in  
21 subparagraphs (F) and (G) of such  
22 subsection, that constitutes a percent-  
23 age of the total student enrollment of  
24 the agency that is not less than 35  
25 percent; and

1                   “(II) was eligible to receive as-  
2                   sistance under this paragraph for fis-  
3                   cal year 2001.”;

4                   (ii) by striking subparagraphs (C) and  
5                   (D) and inserting the following:

6                   “(C) MAXIMUM AMOUNT FOR HEAVILY IM-  
7                   PACTED LOCAL EDUCATIONAL AGENCIES.—

8                   “(i) IN GENERAL.—Except as pro-  
9                   vided for in subparagraph (D), the max-  
10                  imum amount that a heavily impacted local  
11                  educational agency is eligible to receive  
12                  under this paragraph for any fiscal year is  
13                  the sum of the total weighted student  
14                  units, as computed under subsection (a)(2)  
15                  and subject to clause (ii), multiplied by the  
16                  greater of—

17                  “(I) four-fifths of the average  
18                  per-pupil expenditure of the State in  
19                  which the local educational agency is  
20                  located for the third fiscal year pre-  
21                  ceding the fiscal year for which the  
22                  determination is made; or

23                  “(II) four-fifths of the average  
24                  per-pupil expenditure of all of the  
25                  States for the third fiscal year pre-

1 ceding the fiscal year for which the  
2 determination is made.

3 “(ii) SPECIAL RULES.—

4 “(I) CALCULATIONS FOR LOCAL  
5 EDUCATIONAL AGENCIES WITH LARGE  
6 NUMBERS OF CERTAIN ELIGIBLE  
7 CHILDREN.—

8 “(aa) IN GENERAL.—In the  
9 case of a local educational agency  
10 with respect to which 35 percent  
11 or more of the total student en-  
12 rollment of the schools of the  
13 agency are children described in  
14 subparagraph (D) or (E) of sub-  
15 section (a)(1), and that has an  
16 enrollment of children described  
17 in subparagraphs (A), (B), or (C)  
18 of such subsection equal to at  
19 least 10 percent of the agency’s  
20 total enrollment, the Secretary  
21 shall calculate the weighted stu-  
22 dent units of the children de-  
23 scribed in subparagraphs (D) or  
24 (E) of such subsection by multi-

735

1                   plying the number of such chil-  
2                   dren by a factor of 0.55.

3                   “(bb)     EXCEPTION.—Not-  
4                   withstanding subclause (I), any  
5                   local educational agency that re-  
6                   ceived a payment under this  
7                   clause for fiscal year 2006, shall  
8                   not be required to have an enroll-  
9                   ment of children described in  
10                  subparagraph (A), (B), or (C) of  
11                  subsection (a)(1) equal to at least  
12                  10 percent of the agency’s total  
13                  enrollment for purposes of sub-  
14                  clause (I).

15                  “(II) CALCULATIONS FOR LOCAL  
16                  EDUCATIONAL AGENCIES WITH SMALL  
17                  NUMBERS OF ELIGIBLE CHILDREN.—  
18                  For a local educational agency that  
19                  has an enrollment of 100 or fewer  
20                  children described in subsection  
21                  (a)(1), the Secretary shall calculate  
22                  the total number of weighted student  
23                  units for purposes of subsection (a)(2)  
24                  by multiplying the number of such  
25                  children by a factor of 1.75.

1                   “(III) CALCULATIONS FOR CER-  
2                   TAIN OTHER LOCAL EDUCATIONAL  
3                   AGENCIES.—For a local educational  
4                   agency that does not qualify under  
5                   paragraph (2)(B)(i)(I) and has an en-  
6                   rollment of more than 100 but not  
7                   more than 1,000 children described in  
8                   subsection (a)(1), the Secretary shall  
9                   calculate the total number of weighted  
10                  student units for purposes of sub-  
11                  section (a)(2) by multiplying the num-  
12                  ber of such children by a factor of  
13                  1.25.

14                  “(D) MAXIMUM AMOUNT FOR LARGE  
15                  HEAVILY IMPACTED LOCAL EDUCATIONAL  
16                  AGENCIES.—

17                  “(i) APPLICABLE FORMULA.—

18                  “(I) IN GENERAL.—Subject to  
19                  clause (ii), the maximum amount that  
20                  a heavily impacted local educational  
21                  agency described in subclause (II) is  
22                  eligible to receive under this para-  
23                  graph for any fiscal year shall be de-  
24                  termined in accordance with the for-  
25                  mula described in paragraph (1)(C).



## 737

1                   “(II) HEAVILY IMPACTED LOCAL  
2                   EDUCATIONAL AGENCIES.—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                  5,500 of such children are children  
11                  described in subparagraph (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 subparagraph (A) and (B) of  
19                  subsection (a)(1) shall be 1.35.”;

20                  (iii) by striking subparagraph (E);

21                  (iv) by redesignating subparagraphs  
22                  (F) through (H) as subparagraph (E)  
23                  through (G), respectively;

24                  (v) in subparagraph (E) (as redesign-  
25                  ated by clause (iv))—

738

1 (I) by striking clause (ii);

2 (II) by striking “; and” at the  
3 end of clause (i) and inserting a pe-  
4 riod; and

5 (III) by striking “the Secretary”  
6 and all that follows through “shall  
7 use” and inserting “the Secretary  
8 shall use”;

9 (vi) in subparagraph (F) (as redesign-  
10 nated by clause (iv)), in the matter pre-  
11 ceding clause (i), by striking  
12 “(C)(i)(II)(bb)” and inserting  
13 “(B)(i)(II)(bb)”;

14 (vii) in subparagraph (G) (as redesign-  
15 nated by clause (iv))—

16 (I) in clause (i)—

17 (aa) by striking “(B), (C),  
18 (D), or (E)”, and inserting “(B),  
19 (C), or (D),”;

20 (bb) by striking “by reason  
21 of” and inserting “due to”;

22 (cc) by inserting after  
23 “clause (iii)” the following: “or  
24 as the direct result of base re-  
25 alignment and closure or

1 modularization as determined by  
2 the Secretary of Defense, force  
3 structure change, or force reloca-  
4 tion,”; and

5 (dd) by inserting before the  
6 period at the end the following:  
7 “or during such time as activities  
8 associated with base realignment  
9 and closure, modularization, force  
10 structure change, or force reloca-  
11 tion are ongoing”; and

12 (II) in clause (ii), by striking  
13 “(D) or (E)” in both places such term  
14 appears and inserting “(C) or (D)”;

15 (C) in paragraph (3)—

16 (i) in subparagraph (B)—

17 (I) by redesignating clause (iv) as  
18 clause (v); and

19 (II) by inserting after clause (iii)  
20 the following:

21 “(iv) In the case of a local educational  
22 agency that is providing a program of dis-  
23 tance learning to children not residing  
24 within the geographic boundaries of the  
25 agency, the Secretary shall disregard such

1 children from such agency's total enroll-  
2 ment when calculating the percentage  
3 under clause (i)(I) and shall disregard any  
4 funds received for such children when cal-  
5 culating the total current expenditures at-  
6 tributed to the operation of such agency  
7 when calculating the percentage under  
8 clause (i)(II).”;

9 (D) in subparagraph (C), by striking “sub-  
10 subparagraph (D) or (E) of paragraph (2), as the  
11 case may be” and inserting “paragraph  
12 (2)(D)”;

13 (E) by striking subparagraph (D) and in-  
14 serting the following:

15 “(D) RATABLE DISTRIBUTION.—

16 “(i) IN GENERAL.—For each fiscal  
17 year described in subparagraph (A) for  
18 which the sums appropriated under section  
19 3(z)(2) exceed the amount required to pay  
20 each local educational agency 100 percent  
21 of the local educational agency's threshold  
22 payment under subparagraph (B), the Sec-  
23 retary shall distribute the excess sums to  
24 each eligible local educational agency that  
25 has not received the agency's maximum

1 payment amount computed under para-  
2 graph (1) or (2) (as the case may be) by  
3 multiplying—

4 “(I) a percentage, the denomi-  
5 nator of which is the difference be-  
6 tween the maximum payment amount  
7 computed under paragraph (1) or (2)  
8 (as the case may be) for all local edu-  
9 cational agencies and the amount of  
10 the threshold payment (as calculated  
11 under subparagraphs (B) and (C)) of  
12 all local educational agencies, and the  
13 numerator of which is the aggregate  
14 amount of the excess sums; by

15 “(II) the difference between the  
16 maximum payment amount computed  
17 under paragraph (1) or (2) (as the  
18 case may be) for the agency and the  
19 amount of the threshold payment as  
20 calculated under subparagraphs (B)  
21 and (C) for the agency.

22 “(ii) INSUFFICIENT PAYMENTS.—For  
23 each fiscal year described in subparagraph  
24 (A) for which the sums appropriated under  
25 section 3(z)(2) are insufficient to pay each

1 local educational agency all of the local  
2 educational agency's threshold payment de-  
3 scribed in clause (i), the Secretary shall re-  
4 duce the local contribution rate for the  
5 local educational agencies under para-  
6 graphs (1)(C) and (2)(D)(i) by the uni-  
7 form percentage necessary to make pay-  
8 ments under clause (i) to each local edu-  
9 cational agency at 100 percent of the local  
10 educational agencies' threshold payments.

11 “(iii) INCREASES.—If the sums appro-  
12 priated under section 3(z)(2) are sufficient  
13 to increase the threshold payment above  
14 the 100 percent threshold payment de-  
15 scribed in clause (i), then the Secretary  
16 shall increase payments on the same basis  
17 as such payments were reduced, except no  
18 local educational agency may receive a pay-  
19 ment amount greater than 100 percent of  
20 the maximum payment calculated under  
21 this subsection.”; and

22 (3) in subsection (c), by amending paragraph  
23 (2) to read as follows:

24 “(2) EXCEPTION.—Calculation of payments for  
25 a local educational agency shall be based on data

1 from the fiscal year for which the agency is making  
2 an application for payment if such agency—

3 “(A) is newly established by a State, for  
4 the first year of operation of such agency only;

5 “(B) was eligible to receive a payment  
6 under this section for the previous fiscal year  
7 and has had an overall increase in enrollment  
8 (as determined by the Secretary in consultation  
9 with the Secretary of Defense, the Secretary of  
10 Interior, or the heads of other Federal agen-  
11 cies)—

12 “(i) of not less than 10 percent, or  
13 100 students, of children described in—

14 “(I) subparagraph (A), (B), (C),  
15 or (D) of subsection (a)(1); or

16 “(II) subparagraph (F) or (G) of  
17 subsection (a)(1), but only to the ex-  
18 tent such children are civilian depend-  
19 ents of employees of the Department  
20 of Defense or the Department of the  
21 Interior; and

22 “(ii) that is the direct result of closure  
23 or realignment of military installations  
24 under the base closure process or the relo-  
25 cation of members of the Armed Forces

1 and civilian employees of the Department  
2 of Defense as part of force structure  
3 changes or movements of units or per-  
4 sonnel between military installations or be-  
5 cause of actions initiated by the Secretary  
6 of Interior or the head of another Federal  
7 agency; or

8 “(C) was eligible to receive a payment  
9 under this section for the previous fiscal year  
10 and has had an overall increase in enrollment  
11 (as determined by the Secretary)—

12 “(i) of not less than 10 percent of  
13 children described in subsection (a)(1), or  
14 not less than 100 of such children; and

15 “(ii) that is the direct result of the  
16 closure of a local educational agency that  
17 received a payment under paragraph (1) or  
18 (2) of subsection (b) in the previous fiscal  
19 year.”;

20 (4) in subsection (d), by striking “8014(c)” and  
21 inserting “3(z)(3)”;

22 (5) in subsection (e)—

23 (A) by striking paragraphs (1) and (2) and  
24 inserting the following:



1           “(1) IN GENERAL.—Subject to paragraph (2),  
2           the total amount the Secretary shall pay a local edu-  
3           cational agency under subsection (b)—

4                   “(A) for fiscal year 2012, shall not be less  
5                   than 90 percent of the total amount that the  
6                   local educational agency received under para-  
7                   graphs (1) and (2) of subsection (b) for fiscal  
8                   year 2011;

9                   “(B) for fiscal year 2013, shall not be less  
10                  than 85 percent of the total amount that the  
11                  local educational agency received under para-  
12                  graphs (1) and (2) of subsection (b) for fiscal  
13                  year 2011; and

14                  “(C) for fiscal year 2014, shall not be less  
15                  than 80 percent of the total amount that the  
16                  local educational agency received under para-  
17                  graphs (1) and (2) of subsection (b) for fiscal  
18                  year 2011.”; and

19                  (B) by redesignating paragraph (3) as  
20                  paragraph (2); and

21                  (6) by striking subsection (g).

22 **SEC. 8004. CONSTRUCTION.**

23           Section 8007 (20 U.S.C. 7707) is amended—

24                   (1) by striking “8014(e)” each place the term  
25                   appears and inserting “3(z)(4)”; and

1           (2) in subsection (a)(2), by adding at the end  
2           the following:

3                   “(C) The agency is eligible under section  
4                   8003(b)(2) or is receiving a basic support pay-  
5                   ment under circumstances described in section  
6                   8003(b)(2)(B)(ii).”.

7   **SEC. 8005. FACILITIES.**

8           Section 8008(a) (20 U.S.C. 7708(a)) is amended by  
9           striking “8014(f)” and inserting “3(z)(5)”.

10 **SEC. 8006. FEDERAL ADMINISTRATION.**

11           Section 8010 (20 U.S.C. 7710) is amended—

12                   (1) in subsection (c)—

13                           (A) in paragraph (1), by striking “para-  
14                           graph (3) of this subsection” each place the  
15                           term appears and inserting “paragraph (2)”;  
16                           and

17                           (B) in paragraph (2)(E), by striking  
18                           “under section 8003(b)” and all that follows  
19                           through the period at the end and inserting  
20                           “under this title.”; and

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

22                   “(d) **TIMELY PAYMENTS.**—

23                           “(1) **IN GENERAL.**—Subject to paragraph (2),  
24                           the Secretary shall pay a local educational agency  
25                           the full amount that the agency is eligible to receive

1 under this title for a fiscal year not later than Sep-  
2 tember 30 of the second fiscal year following the fis-  
3 cal year for which such amount has been appro-  
4 priated if, not later than 1 calendar year following  
5 the fiscal year in which such amount has been ap-  
6 propriated, such local educational agency submits to  
7 the Secretary all the data and information necessary  
8 for the Secretary to pay the full amount that the  
9 agency is eligible to receive under this title for such  
10 fiscal year.

11 “(2) PAYMENTS WITH RESPECT TO FISCAL  
12 YEARS IN WHICH INSUFFICIENT FUNDS ARE APPRO-  
13 PRIATED.—For a fiscal year in which the amount  
14 appropriated under section 3(z) is insufficient to pay  
15 the full amount a local educational agency is eligible  
16 to receive under this title, paragraph (1) shall be ap-  
17 plied by substituting ‘is available to pay the agency’  
18 for ‘the agency is eligible to receive’ each place the  
19 term appears.”.

20 **SEC. 8007. DEFINITIONS.**

21 Section 8013(1) (20 U.S.C. 7713(1)) is amended by  
22 striking “and Marine Corps” and inserting “Marine  
23 Corps, and Coast Guard”.

1 **SEC. 8008. CONFORMING AMENDMENT.**

2 Title VIII (20 U.S.C. 7701 et seq.) is amended by  
3 striking section 8014.

4 **TITLE IX—GENERAL**  
5 **PROVISIONS**

6 **SEC. 9101. DEFINITIONS.**

7 (a) IN GENERAL.—Section 9101 (20 U.S.C. 7801)  
8 is amended to read as follows:

9 **“SEC. 9101. DEFINITIONS.**

10 “Except as otherwise provided, in this Act:

11 “(1) ADJUSTED COHORT; ENTERING COHORT;  
12 TRANSFERRED INTO; TRANSFERRED OUT.—

13 “(A) ADJUSTED COHORT.—Subject to sub-  
14 paragraphs (D)(ii) through (G), the term ‘ad-  
15 justed cohort’ means the difference of—

16 “(i) the sum of—

17 “(I) the entering cohort; plus

18 “(II) any students that trans-  
19 ferred into the cohort in any of grades  
20 9 through 12; minus

21 “(ii) any students that are removed  
22 from the cohort as described in subpara-  
23 graph (E).

24 “(B) ENTERING COHORT.—The term ‘en-  
25 tering cohort’ when used with respect to a sec-  
26 ondary school, means the number of first-time

1 students in grade 9 enrolled in the secondary  
2 school 1 month after the start of the secondary  
3 school's academic year.

4 “(C) TRANSFERRED INTO.—The term  
5 ‘transferred into’ when used with respect to a  
6 secondary school student, means a student  
7 who—

8 “(i) was a first-time student in grade  
9 9 during the same school year as the en-  
10 tering cohort; and

11 “(ii) enrolls after the entering cohort  
12 is calculated as described in subparagraph  
13 (B).

14 “(D) TRANSFERRED OUT.—

15 “(i) IN GENERAL.—The term ‘trans-  
16 ferred out’ when used with respect to a  
17 secondary school student, means a student  
18 who the secondary school or local edu-  
19 cational agency has confirmed has trans-  
20 ferred—

21 “(I) to another school from which  
22 the student is expected to receive a  
23 regular secondary school diploma; or

24 “(II) to another educational pro-  
25 gram from which the student is ex-

## 750

1                   pected to receive a regular secondary  
2                   school diploma.

3                   “(ii)     CONFIRMATION     REQUIRE-  
4                   MENTS.—

5                   “(I)     DOCUMENTATION     RE-  
6                   QUIRED.—The confirmation of a stu-  
7                   dent’s transfer to another school or  
8                   educational program described in  
9                   clause (i) requires documentation  
10                  from the receiving school or program  
11                  that the student enrolled in the receiv-  
12                  ing school or program.

13                  “(II) LACK OF CONFIRMATION.—  
14                  A student who was enrolled, but for  
15                  whom there is no confirmation of the  
16                  student having transferred out, shall  
17                  remain in the cohort as a nongraduate  
18                  for reporting and accountability pur-  
19                  poses under this **[Act]**.

20                  “(iii) PROGRAMS NOT PROVIDING  
21                  CREDIT.—A student enrolled in a GED or  
22                  other alternative educational program that  
23                  does not issue or provide credit toward the  
24                  issuance of a regular secondary school di-  
25                  ploma shall not be considered transferred

1 out and shall remain in the adjusted co-  
2 hort.

3 “(E) COHORT REMOVAL.—To remove a  
4 student from a cohort, a school or local edu-  
5 cational agency shall require documentation to  
6 confirm that the student has transferred out,  
7 emigrated to another country, or is deceased.

8 “(F) TREATMENT OF OTHER DEPARTURES  
9 AND WITHDRAWALS.—A student who was re-  
10 tained in a grade, enrolled in a GED program,  
11 aged out of a secondary school or secondary  
12 school program, or left secondary school for any  
13 other reason, including expulsion, shall not be  
14 considered transferred out, and shall remain in  
15 the adjusted cohort.

16 “(G) SPECIAL RULE.—For those secondary  
17 schools that start after grade 9, the entering  
18 cohort shall be calculated 1 month after the  
19 start of the secondary school’s academic year in  
20 the earliest secondary school grade at the sec-  
21 ondary school.

22 “(2) ADVANCED PLACEMENT OR INTER-  
23 NATIONAL BACCALAUREATE COURSE.—The term  
24 ‘Advanced Placement or International Baccalaureate  
25 course’ means—

1           “(A) a course of postsecondary-level in-  
2           struction provided to secondary school students,  
3           terminating in Advanced Placement or Inter-  
4           national Baccalaureate examination; or

5           “(B) another highly rigorous, evidence-  
6           based, postsecondary preparatory program ter-  
7           minating in—

8                   “(i) an examination administered by a  
9                   nationally recognized educational organiza-  
10                  tion that has a demonstrated record of ef-  
11                  fectiveness in assessing secondary school  
12                  students; or

13                   “(ii) another such examination ap-  
14                  proved by the Secretary.

15           “(3)    ADVANCED    PLACEMENT    OR    INTER-  
16           NATIONAL    BACCALAUREATE    EXAMINATION.—The  
17           term ‘Advanced Placement or International Baccalaureate  
18           examination’ means an Advanced Place-  
19           ment examination administered by the College  
20           Board, an International Baccalaureate examination  
21           administered by the International Baccalaureate Or-  
22           ganization, or another such examination approved by  
23           the Secretary.

24           “(4)    AUTHORIZING    COMMITTEES.—The term  
25           ‘authorizing committees’ means the Committee on



1 Education and the Workforce of the House of Rep-  
2 resentatives and the Committee on Health, Edu-  
3 cation, Labor, and Pensions of the Senate.

4 “(5) AVERAGE DAILY ATTENDANCE.—

5 “(A) IN GENERAL.—Except as provided  
6 otherwise by State law or this paragraph, the  
7 term ‘average daily attendance’ means—

8 “(i) the aggregate number of days of  
9 attendance of all students during a school  
10 year; divided by

11 “(ii) the number of days school is in  
12 session during that year.

13 “(B) CONVERSION.—The Secretary shall  
14 permit the conversion of average daily member-  
15 ship (or other similar data) to average daily at-  
16 tendance for local educational agencies in  
17 States that provide State aid to local edu-  
18 cational agencies on the basis of average daily  
19 membership (or other similar data).

20 “(C) SPECIAL RULE.—If the local edu-  
21 cational agency in which a child resides makes  
22 a tuition or other payment for the free public  
23 education of the child in a school located in an-  
24 other school district, the Secretary shall, for the  
25 purpose of this Act—

1                   “(i) consider the child to be in attend-  
2                   ance at a school of the agency making the  
3                   payment; and

4                   “(ii) not consider the child to be in at-  
5                   tendance at a school of the agency receiv-  
6                   ing the payment.

7                   “(6) AVERAGE PER-PUPIL EXPENDITURE.—The  
8                   term ‘average per-pupil expenditure’ means, in the  
9                   case of a State or of the United States—

10                   “(A) without regard to the source of  
11                   funds—

12                   “(i) the aggregate current expendi-  
13                   tures, during the most recent fiscal year  
14                   for which satisfactory data are available, of  
15                   all local educational agencies in the State  
16                   or, in the case of the United States, for all  
17                   States (which, for the purpose of this para-  
18                   graph, means the 50 States and the Dis-  
19                   trict of Columbia); plus

20                   “(ii) any direct current expenditures  
21                   by the State for the operation of those  
22                   agencies; divided by

23                   “(B) the aggregate number of children in  
24                   average daily attendance to whom those agen-

1           cies provided free public education during that  
2           year.

3           “(7) CHARTER MANAGEMENT ORGANIZATION.—  
4           The term ‘charter management organization’ means  
5           a nonprofit organization that operates, manages, or  
6           oversees multiple charter schools by centralizing or  
7           sharing certain functions and resources among such  
8           schools.

9           “(8) CHARTER SCHOOL AUTHORIZER.—The  
10          term ‘charter school authorizer’ means any public or  
11          nonprofit entity that has the authority under State  
12          law, and is approved by the Secretary, to authorize  
13          or approve a public charter school.

14          “(9) CHILD.—The term ‘child’ means any per-  
15          son within the age limits for which the State pro-  
16          vides free public education.

17          “(10) CHILD WITH A DISABILITY.—The term  
18          ‘child with a disability’ has the same meaning given  
19          that term in section 602 of the Individuals with Dis-  
20          abilities Education Act.

21          “(11) CONDITIONS FOR LEARNING.—The term  
22          ‘conditions for learning’ means conditions that ad-  
23          vance student achievement and positive child and  
24          youth development by supporting schools that—

1           “(A) promote physical, mental, and emo-  
2           tional health;

3           “(B) ensure the safety of students and  
4           staff;

5           “(C) promote social, emotional, and char-  
6           acter development; and

7           “(D) have the following attributes:

8           “(i) Provide opportunities for physical  
9           activity and good nutrition.

10          “(ii) Are free of violence, harassment,  
11          and weapons.

12          “(iii) Prevent use and abuse of drugs  
13          and controlled substances.

14          “(iv) Help staff and students to model  
15          positive social and emotional skills.

16          “(v) Employ adults who have high ex-  
17          pectations for student conduct, character,  
18          and academic achievement.

19          “(vi) Engage parents and family  
20          members in meaningful and sustained  
21          ways to promote positive student academic  
22          achievement and developmental outcomes.

23          “(12) CONSOLIDATED LOCAL APPLICATION.—

24          The term ‘consolidated local application’ means an

1 application submitted by a local educational agency  
2 pursuant to section 9305.

3 “(13) CONSOLIDATED LOCAL PLAN.—The term  
4 ‘consolidated local plan’ means a plan submitted by  
5 a local educational agency pursuant to section 9305.

6 “(14) CONSOLIDATED STATE APPLICATION.—  
7 The term ‘consolidated State application’ means an  
8 application submitted by a State educational agency  
9 pursuant to section 9302.

10 “(15) CONSOLIDATED STATE PLAN.—The term  
11 ‘consolidated State plan’ means a plan submitted by  
12 a State educational agency pursuant to section  
13 9302.

14 “(16) CORE ACADEMIC SUBJECTS.—The term  
15 ‘core academic subjects’ means English, reading or  
16 language arts, mathematics, science, foreign lan-  
17 guages, civics and government, economics, arts, his-  
18 tory, and geography.

19 “(17) COVERED PROGRAM.—The term ‘covered  
20 program’ means each of the programs authorized  
21 by—

22 “(A) part A of title I;

23 “(B) part C of title I;

24 “(C) part D of title I;

25 “(D) part A of title II;

1 “(E) part A of title III;

2 “(F) part B of title IV; and

3 “(G) subpart 2 of part B of title VI.

4 “(18) CURRENT EXPENDITURES.—The term  
5 ‘current expenditures’ means expenditures for free  
6 public education—

7 “(A) including expenditures for adminis-  
8 tration, instruction, attendance and health serv-  
9 ices, pupil transportation services, operation  
10 and maintenance of plant, fixed charges, and  
11 net expenditures to cover deficits for food serv-  
12 ices and student body activities; but

13 “(B) not including expenditures for com-  
14 munity services, capital outlay, and debt serv-  
15 ice, or any expenditures made from funds re-  
16 ceived under title I.

17 “(19) DEPARTMENT.—The term ‘Department’  
18 means the Department of Education.

19 “(20) DEVELOPMENTAL DELAY.—The term ‘de-  
20 velopmental delay’ has the meaning given the term  
21 in section 632 of the Individuals with Disabilities  
22 Education Act (20 U.S.C. 1432).

23 “(21) DISTANCE LEARNING.—The term ‘dis-  
24 tance learning’ means the transmission of edu-  
25 cational or instructional programming to geographi-

1 cally dispersed individuals and groups via tele-  
2 communications.

3 “(22) EDUCATIONAL SERVICE AGENCY.—The  
4 term ‘educational service agency’ means a regional  
5 public multiservice agency authorized by State stat-  
6 ute to develop, manage, and provide services or pro-  
7 grams to local educational agencies.

8 “(23) ELEMENTARY SCHOOL.—The term ‘ele-  
9 mentary school’ means a nonprofit institutional day  
10 or residential school, including a public elementary  
11 charter school, that provides elementary education,  
12 as determined under State law.

13 “(24) ELIGIBLE SUBGRANTEE.—The term ‘eli-  
14 gible subgrantee’ means—

15 “(A) a high-need local educational agency;

16 “(B) an educational service agency serving  
17 more than 1 high-need local educational agen-  
18 cies; or

19 “(C) a consortium of high-need local edu-  
20 cational agencies.

21 “(25) ENGLISH LEARNER.—The term ‘English  
22 learner’ means an individual—

23 “(A) who is aged 3 through 21;

24 “(B) who is enrolled or preparing to enroll  
25 in an elementary school or secondary school;

1           “(C)(i) who was not born in the United  
2 States or whose native language is a language  
3 other than English;

4           “(ii)(I) who is a Native American or Alas-  
5 ka Native, or a native resident of the outlying  
6 areas; and

7           “(II) who comes from an environment  
8 where a language other than English has had  
9 a significant impact on the individual’s level of  
10 English language proficiency; or

11          “(iii) who is migratory, whose native lan-  
12 guage is a language other than English, and  
13 who comes from an environment where a lan-  
14 guage other than English is dominant; and

15          “(D) whose difficulties in speaking, read-  
16 ing, writing, or understanding the English lan-  
17 guage may be sufficient to deny the indi-  
18 vidual—

19               “(i) the ability to meet the State’s on-  
20 track level of performance on State assess-  
21 ments described in section 1111(a)(2);

22               “(ii) the ability to successfully achieve  
23 in classrooms where the language of in-  
24 struction is English; or



1                   “(iii) the opportunity to participate  
2                   fully in society.

3                   “(26) EVIDENCE-BASED.—The term ‘evidence-  
4                   based’, when used with respect to a program, prac-  
5                   tice, or policy, means—

6                   “(A) based on a comprehensive, unbiased  
7                   review and weighing of one or more evaluation  
8                   studies that—

9                   “(i) have been carried out consistent  
10                  with the principles of scientifically based  
11                  research;

12                  “(ii) have strong internal and external  
13                  validity; and

14                  “(iii) support the direct attribution of  
15                  one or more outcomes to the program,  
16                  practice, or policy; or

17                  “(B) in the absence of any study described  
18                  in subparagraph (A), based on a comprehensive,  
19                  unbiased review and weighing of data analysis,  
20                  research, or one or more evaluation studies of  
21                  relevant programs, practices, or policies, that—

22                  “(i) were carried out consistent with  
23                  the principles of scientifically based re-  
24                  search; and

1                   “(ii) are accompanied by strategies to  
2                   generate more robust evidence over time  
3                   through research, evaluation, and data  
4                   analysis, including—

5                   “(I) the measurement of per-  
6                   formance with reliable process and  
7                   outcome indicators; and

8                   “(II) the implementation of eval-  
9                   uations with strong internal and ex-  
10                  ternal validity where feasible and ap-  
11                  propriate.

12                 “(27) EXPANDED LEARNING TIME.—The term  
13                 ‘expanded learning time’ means using a longer  
14                 school day, week, or year schedule to significantly  
15                 increase the total number of school hours, in order  
16                 to include additional time for—

17                 “(A) instruction in core academic subjects;

18                 “(B) instruction in other subjects and en-  
19                 richment and other activities that contribute to  
20                 a well-rounded education, including music and  
21                 the arts, physical education, and experiential  
22                 and work-based learning; and

23                 “(C) instructional and support staff to col-  
24                 laborate, plan, and engage in professional devel-  
25                 opment, including on family and community en-

1           gagement, within and across grades and sub-  
2           jects.

3           “(28) FAMILY LITERACY ACTIVITIES.—The  
4           term ‘family literacy activities’ means activities  
5           that—

6                   “(A) are of sufficient intensity in terms of  
7                   hours, and of sufficient duration, to make sus-  
8                   tainable improvements in the literacy rates of a  
9                   family;

10                   “(B) better enable parents to support their  
11                   children’s learning needs; and

12                   “(C) integrate all of the following activi-  
13                   ties:

14                           “(i) Parent adult education and lit-  
15                           eracy activities that lead to readiness for  
16                           postsecondary education or training, career  
17                           advancement, and economic self-suffi-  
18                           ciency.

19                           “(ii) Interactive literacy activities be-  
20                           tween parents and their children.

21                           “(iii) Training for parents regarding  
22                           how to be the primary teacher for their  
23                           children and full partners in the education  
24                           of their children.

1                   “(iv) Age-appropriate education to  
2                   prepare children for success in school and  
3                   life experiences.

4                   “(29) FAMILY MEMBER.—The term ‘family  
5                   member’ means a parent, relative, or other adult  
6                   who is responsible for the care and well-being of a  
7                   child.

8                   “(30) FREE PUBLIC EDUCATION.—The term  
9                   ‘free public education’ means education that is pro-  
10                  vided—

11                  “(A) at public expense, under public super-  
12                  vision and direction, and without tuition charge;  
13                  and

14                  “(B) as elementary or secondary edu-  
15                  cation, as determined under State law, except  
16                  that, notwithstanding State law, such term—

17                          “(i) includes preschool education; and

18                          “(ii) does not include any education  
19                          provided beyond grade 12.

20                  “(31) GIFTED AND TALENTED.—The term  
21                  ‘gifted and talented’, when used with respect to stu-  
22                  dents, children, or youth, means students, children,  
23                  or youth who give evidence of high achievement ca-  
24                  pability in areas such as intellectual, creative, artis-  
25                  tic, or leadership capacity, or in specific academic

1 fields, and who need services or activities not ordi-  
2 narily provided by the school in order to fully de-  
3 velop those capabilities.

4 “(32) GRADUATION RATES.—The term ‘gradua-  
5 tion rates’ shall, at a minimum, include both of the  
6 following:

7 “(A) A 4-year adjusted cohort graduation  
8 rate for a school year, defined as the percent  
9 obtained by calculating the product of—

10 “(i) the result of—

11 “(I) the number of students  
12 who—

13 “(aa) formed the adjusted  
14 cohort 4 years earlier; and

15 “(bb) graduate in 4 years or  
16 less with a regular secondary  
17 school diploma; divided by

18 “(II) the number of students who  
19 formed the adjusted cohort for that  
20 year’s graduating class 4 years ear-  
21 lier; multiplied by

22 “(ii) 100.

23 “(B) A cumulative graduation rate for a  
24 school year, defined as the percent obtained by  
25 calculating the product of—

## 766

1 “(i) the result of—  
2 “(I) the sum of—  
3 “(aa) the number of stu-  
4 dents who—  
5 “(AA) form the ad-  
6 justed cohort for that year’s  
7 graduating class; and  
8 “(BB) graduate in 4  
9 years or less with a regular  
10 secondary school diploma;  
11 plus  
12 “(bb) the number of addi-  
13 tional students from previous co-  
14 horts who graduate with a reg-  
15 ular secondary school diploma by  
16 the end of the school year in—  
17 “(AA) more than 4  
18 years but not more than 6  
19 years; or  
20 “(BB) before exceeding  
21 the age for eligibility for a  
22 free appropriate public edu-  
23 cation (as defined in section  
24 602 of the Individuals with

1 Disabilities Education Act)

2 under State law; divided by

3 “(II) the sum of—

4 “(aa) the number of stu-  
5 dents who form the adjusted co-

6 hort for that year’s graduating

7 class; plus

8 “(bb) the number of addi-  
9 tional student graduates de-

10 scribed in subclause (I)(bb); mul-

11 tiplied by

12 “(ii) 100.

13 “(33) HIGH SCHOOL.—The term ‘high school’  
14 means a secondary school that—

15 “(A) grants a diploma, as defined by the  
16 State; and

17 “(B) includes, at least, grade 12.

18 “(34) HIGHLY QUALIFIED TEACHER.—

19 “(A) IN GENERAL.—The term ‘highly  
20 qualified teacher’ means—

21 “(i) with respect to any public elemen-  
22 tary school, middle school, or high school

23 teacher teaching in a State, a teacher

24 who—

## 768

1                   “(I)(aa) has obtained State cer-  
2                   tification as a teacher (including cer-  
3                   tification obtained through alternative  
4                   routes to certification) or passed the  
5                   State teacher licensing examination,  
6                   and holds a license to teach in the  
7                   State, except that when used with re-  
8                   spect to any teacher teaching in a  
9                   charter school, the term means that  
10                  the teacher meets the requirements  
11                  set forth in the State’s charter school  
12                  law; or

13                  “(bb) has passed a rigorous State  
14                  test for subject matter knowledge and  
15                  is making satisfactory progress to-  
16                  wards obtaining full certification or li-  
17                  censure within 3 years through par-  
18                  ticipation in a high-quality, State-ap-  
19                  proved alternative certification pro-  
20                  gram; and

21                  “(II) has not had certification or  
22                  licensure requirements waived on an  
23                  emergency, temporary, or provisional  
24                  basis;

25                  “(ii) with respect to—





## 770

1 a bachelor's degree and has dem-  
2 onstrated a high level of competency  
3 in each of the academic subjects in  
4 which the teacher teaches by—

5 “(aa) receiving a passing  
6 score on a rigorous State aca-  
7 demic subject test in each of the  
8 academic subjects in which the  
9 teacher teaches (which may con-  
10 sist of a passing level of perform-  
11 ance on a State-required certifi-  
12 cation or licensing test or tests in  
13 each of the academic subjects the  
14 teacher teaches); or

15 “(bb) successful completion,  
16 in each of the academic subjects  
17 in which the teacher teaches, of  
18 an academic major, a graduate  
19 degree, coursework equivalent to  
20 an undergraduate academic  
21 major, or advanced certification  
22 or credentialing; and

23 “(iii) when used with respect to an el-  
24 ementary school, middle school, or high  
25 school teacher who is not new to the pro-

1                   fession, that the teacher holds at least a  
2                   bachelor's degree and—

3                   “(I) has met the applicable  
4                   standard in subclause (I) or (II) of  
5                   clause (ii), which includes an option  
6                   for a test; or

7                   “(II) demonstrates competence in  
8                   all the academic subjects in which the  
9                   teacher teaches based on a high objec-  
10                  tive uniform State standard of evalua-  
11                  tion, which may include multiple sub-  
12                  jects, that—

13                  “(aa) is set by the State for  
14                  both grade-appropriate academic  
15                  subject-matter knowledge and  
16                  teaching skills;

17                  “(bb) is aligned with State  
18                  academic content and student  
19                  academic achievement standards  
20                  under section 1111(a)(1) and de-  
21                  veloped in consultation with core  
22                  content specialists, teachers,  
23                  principals, and school administra-  
24                  tors;

1                   “(cc) provides objective, co-  
2                   herent information about the  
3                   teacher’s attainment of core con-  
4                   tent knowledge in the academic  
5                   subjects in which a teacher  
6                   teaches;

7                   “(dd) is applied uniformly to  
8                   all teachers in the same academic  
9                   subject and the same grade level  
10                  throughout the State;

11                  “(ee) takes into consider-  
12                  ation, but is not based primarily  
13                  on, the time the teacher has been  
14                  teaching in the academic subject;

15                  “(ff) is made available to the  
16                  public on request; and

17                  “(gg) may involve multiple,  
18                  objective measures of teacher  
19                  competency.

20                  “(B) SPECIAL RULE.—Notwithstanding  
21                  the requirements of subparagraph (A), a State  
22                  may deem a teacher to be a highly qualified  
23                  teacher for purposes of this Act, if the teacher  
24                  is—

1           “(i) a teacher with a bachelor’s degree  
2           who has received and maintained a rating  
3           in the highest categories in the State in  
4           which the teacher teaches, as described in  
5           **【section \_\_\_\_\_】**;

6           “(ii) a teacher in a rural local edu-  
7           cational agency, as described in section  
8           6211(b), who teaches multiple subjects, if  
9           the teacher is a highly qualified teacher in  
10          1 of the core academic subjects that the  
11          teacher teaches and becomes highly quali-  
12          fied in the additional subjects not later  
13          than 3 years by meeting the requirements  
14          in clause (ii) or (iii) of subparagraph (A);

15          “(iii) a special education teacher con-  
16          sistent with section 602(10) of the Individ-  
17          uals with Disabilities Education Act;

18          “(iv) a science teacher who holds a  
19          broad field science or individual science  
20          certification or licensure and who the State  
21          determines is highly qualified for purposes  
22          of this paragraph; or

23          “(v) a teacher who has been deter-  
24          mined to be highly qualified by the State  
25          as of the day before the date of enactment

1 of the Elementary and Secondary Edu-  
2 cation Reauthorization Act of 2011.

3 “(35) HIGH-NEED LOCAL EDUCATIONAL AGEN-  
4 CY.—The term ‘high-need local educational agency’  
5 means a local educational agency—

6 “(A) that serves not fewer than 10,000  
7 children from families with incomes below the  
8 poverty line; or

9 “(B) for which not less than 20 percent of  
10 the children served by the agency are from fam-  
11 ilies with incomes below the poverty line.

12 “(36) HIGH-NEED SCHOOL.—

13 “(A) IN GENERAL.—The term ‘high-need  
14 school’ means—

15 “(i) an elementary school or middle  
16 school in which not less than 50 percent of  
17 the enrolled students are children from  
18 low-income families;

19 “(ii) a high school in which not less  
20 than 40 percent of the enrolled students  
21 are children from low-income families,  
22 which may be calculated using comparable  
23 data from feeder schools; or

1                   “(iii) a school that is served by a local  
2                   educational agency that is eligible under  
3                   **【section 3711(b)】**.

4                   “(B) LOW-INCOME FAMILY.—For purposes  
5                   of subparagraph (A), the term ‘low-income fam-  
6                   ily’ means a family—

7                   “(i) in which the children are eligible  
8                   for a free or reduced price lunch under the  
9                   Richard B. Russell National School Lunch  
10                  Act (42 U.S.C. 1751 et seq.);

11                  “(ii) receiving assistance under a  
12                  State program funded under part A of title  
13                  IV of the Social Security Act (42 U.S.C.  
14                  601 et seq.); or

15                  “(iii) in which the children are eligible  
16                  to receive medical assistance under the  
17                  Medicaid program.

18                  “(37) INSTITUTION OF HIGHER EDUCATION.—  
19                  The term ‘institution of higher education’ has the  
20                  meaning given that term in section 101(a) of the  
21                  Higher Education Act of 1965.

22                  “(38) LEADING INDICATORS.—The term ‘lead-  
23                  ing indicators’ means **【indicators relating to】** areas  
24                  in which a persistently low-achieving school is ex-  
25                  pected to demonstrate improvement, such as—

- 1                   “(A) average student attendance rates;
- 2                   “(B) teacher attendance rates;
- 3                   “(C) on-time grade promotion;
- 4                   “(D) credit accumulation rates;
- 5                   “(E) expulsion, suspension, violence and
- 6 harassment rates;
- 7                   “(F) teacher retention and turnover rates;
- 8                   “(G) percentage of students failing a core,
- 9 credit-bearing course;
- 10                  “(H) entrance and placement examina-
- 11 tions, and preparation courses, for postsec-
- 12 ondary education.

13                  “(39) LOCAL CONTRIBUTION PERCENTAGE.—

14                   “(A) IN GENERAL.—The term ‘local con-

15 tribution percentage’ means the percentage of

16 current expenditures in the State derived from

17 local and intermediate sources, as reported to,

18 and verified by the National Center for Edu-

19 cation Statistics.

20                   “(B) HAWAII AND DISTRICT OF COLUM-

21 BIA.—Notwithstanding subparagraph (A), the

22 local contribution percentage for Hawaii and for

23 the District of Columbia shall be the average

24 local contribution percentage for the 50 States

25 and the District of Columbia.



1           “(40) LOCAL EDUCATIONAL AGENCY.—

2                   “(A) IN GENERAL.—The term ‘local edu-  
3           cational agency’ means a public board of edu-  
4           cation or other public authority legally con-  
5           stituted within a State for either administrative  
6           control or direction of, or to perform a service  
7           function for, public elementary schools or sec-  
8           ondary schools in a city, county, township,  
9           school district, or other political subdivision of  
10          a State, or of or for a combination of school  
11          districts or counties that is recognized in a  
12          State as an administrative agency for its public  
13          elementary schools or secondary schools.

14                   “(B) ADMINISTRATIVE CONTROL AND DI-  
15          RECTION.—The term includes any other public  
16          institution or agency having administrative con-  
17          trol and direction of a public elementary school  
18          or secondary school.

19                   “(C) BIA SCHOOLS.—The term includes an  
20          elementary school or secondary school funded  
21          by the Bureau of Indian Affairs but only to the  
22          extent that including the school makes the  
23          school eligible for programs for which specific  
24          eligibility is not provided to the school in an-  
25          other provision of law and the school does not

1           have a student population that is smaller than  
2           the student population of the local educational  
3           agency receiving assistance under this Act with  
4           the smallest student population, except that the  
5           school shall not be subject to the jurisdiction of  
6           any State educational agency other than the  
7           Bureau of Indian Affairs.

8           “(D) EDUCATIONAL SERVICE AGENCIES.—  
9           The term includes educational service agencies  
10          and consortia of those agencies.

11          “(E) STATE EDUCATIONAL AGENCY.—The  
12          term includes the State educational agency in a  
13          State in which the State educational agency is  
14          the sole educational agency for all public  
15          schools.

16          “(41) MAGNET SCHOOL.—The term ‘magnet  
17          school’ means a public elementary school, public sec-  
18          ondary school, public elementary education center,  
19          or public secondary education center, that offers a  
20          special curriculum capable of attracting substantial  
21          numbers of students of different racial backgrounds.

22          “(42) MUTUAL CONSENT.—The term ‘mutual  
23          consent’ means a process through which—

24                  “(A) the principal or hiring team and the  
25                  teacher agree to the placement at a school;

1           “(B) the principal or hiring team selects  
2 teachers for the school from an unrestricted  
3 pool of internal and external candidates based  
4 on an assessment of the qualifications and fit-  
5 ness for the position of the individual can-  
6 didates; and

7           “(C) the local educational agency ensures  
8 that other schools served by the local edu-  
9 cational agency are not be forced to accept  
10 teachers displaced from persistently low-achiev-  
11 ing schools.

12           “(43) NATIVE AMERICAN AND NATIVE AMER-  
13 ICAN LANGUAGE.—The terms ‘Native American’ and  
14 ‘Native American language’ have the same meaning  
15 given those terms in section 103 of the Native  
16 American Languages Act of 1990 (25 U.S.C. 2902).

17           “(44) ON TRACK TO COLLEGE AND CAREER  
18 READINESS.—The term ‘on track to college and ca-  
19 reer readiness’, when used with respect to a student,  
20 means that—

21           “(A) the student is performing at or above  
22 the student’s grade level in a subject so that the  
23 student will be college and career ready in such  
24 subject by the time of high school graduation,  
25 as demonstrated by student performance that

1           meets or exceeds the on-track level of student  
2           academic achievement for such subject under  
3           section 1111(a)(1)(A)(iv) for the student's  
4           grade, as measured by the State's assessment  
5           system under section 1111(a)(2); or

6           “(B) in the case of a student in a State  
7           that has chosen in accordance with section  
8           1111(b)(1)(B) to measure student growth in  
9           addition to student achievement for purposes of  
10          determining readiness, the student meets the  
11          requirements of subparagraph (A) for a subject  
12          or the student is making adequate student  
13          growth, as described in paragraph (1)(A), in  
14          the subject.

15          “(45) OUTLYING AREA.—The term ‘outlying  
16          area’—

17                 “(A) means the United States Virgin Is-  
18                 lands, Guam, American Samoa, and the Com-  
19                 monwealth of the Northern Mariana Islands;  
20                 and

21                 “(B) for the purpose of section 1121(b)  
22                 and any other discretionary grant program  
23                 under this Act, includes the freely associated  
24                 states of the Republic of the Marshall Islands,  
25                 the Federated States of Micronesia, and the

1 Republic of Palau until an agreement for the  
2 extension of United States education assistance  
3 under the Compact of Free Association for each  
4 of the freely associated states becomes effective  
5 after the date of enactment of the **【No Child**  
6 **Left Behind Act of 2001】** **【Note: Needs to be**  
7 **updated.】**.

8 “(46) PARENT.—The term ‘parent’ includes a  
9 legal guardian or other person standing in loco  
10 parentis (such as a grandparent or stepparent with  
11 whom the child lives, or a person who is legally re-  
12 sponsible for the child’s welfare).

13 “(47) POVERTY LINE.—The term ‘poverty line’  
14 means the poverty line (as defined by the Office of  
15 Management and Budget and revised annually in ac-  
16 cordance with section 673(2) of the Community  
17 Services Block Grant Act (42 U.S.C. 9902(2)) appli-  
18 cable to a family of the size involved.

19 “(48) PROFESSIONAL DEVELOPMENT.—The  
20 term ‘professional development’ means activities  
21 based on scientifically valid research that are coordi-  
22 nated and aligned to increase the effectiveness of  
23 educators (including teachers, principals, other  
24 school leaders, specialized instructional support per-  
25 sonnel, paraprofessionals, and, as applicable, early

1 childhood educators) and are regularly assessed to  
2 determine the activities' effectiveness, and that—

3 “(A) are designed and implemented to im-  
4 prove student achievement and classroom prac-  
5 tice;

6 “(B) are aligned with—

7 “(i) State academic content standards  
8 and student academic achievement stand-  
9 ards developed under section 1111(a)(1);

10 “(ii) related academic and school im-  
11 provement goals of the school, local edu-  
12 cational agency, and, as appropriate, state-  
13 wide and local curricula; and

14 “(iii) rigorous teaching standards;

15 “(C) increase educators'—

16 “(i) knowledge and understanding  
17 about how students learn;

18 “(ii) academic content knowledge;

19 “(iii) ability to analyze student work  
20 and achievement data from multiple  
21 sources, including how to adjust instruc-  
22 tional strategies, assessments, and mate-  
23 rials based on such analysis; and

24 “(iv) ability to instruct students with  
25 disabilities and English learners so that

1           they are able to meet the State academic  
2           content standards and student academic  
3           achievement standards;

4           “(D) address areas for improvement based  
5           on such educators’ evaluations;

6           “(E) are job-embedded, ongoing, collabo-  
7           rative, data-driven, and classroom-focused; and

8           “(F) are, as appropriate—

9           “(i) designed to provide educators  
10          with the knowledge and skills to work more  
11          effectively with parents and families; and

12          “(ii) provided jointly for school staff  
13          and other early childhood education and  
14          care providers, where applicable, to address  
15          the transition to elementary school, includ-  
16          ing issues related to school readiness  
17          across all major domains of early learning.

18          “(49) REGULAR SECONDARY SCHOOL DI-  
19          PLOMA.—

20          “(A) IN GENERAL.—The term ‘regular sec-  
21          ondary school diploma’ means the standard sec-  
22          ondary school diploma awarded to the prepon-  
23          derance of students in the State that is fully  
24          aligned with State standards, or a higher di-  
25          ploma. Such term shall not include a GED or

1 other recognized equivalent of a diploma, a cer-  
2 tificate of attendance, or any lesser diploma  
3 award.

4 “(B) EXCEPTION FOR STUDENTS WITH  
5 SIGNIFICANT COGNITIVE DISABILITIES.—For a  
6 student who has a significant cognitive dis-  
7 ability and is assessed using an alternate as-  
8 sessment aligned to alternate academic achieve-  
9 ment standards under section 1111(a)(1)(D),  
10 receipt of a regular secondary school diploma or  
11 a State-defined alternate diploma aligned with  
12 completion of the student’s right to a free and  
13 appropriate public education under the Individ-  
14 uals with Disabilities Education Act shall be  
15 counted as graduating with a regular secondary  
16 school diploma for the purposes of this **[Act]**,  
17 except that not more than 1 percent of students  
18 served by a State or a local educational agency,  
19 as appropriate, shall be counted as graduates  
20 with a regular secondary school diploma under  
21 this subparagraph.

22 “(50) REVENUE DERIVED FROM LOCAL  
23 SOURCES.—The term ‘revenue derived from local  
24 sources’ means—



1           “(A) revenue produced within the bound-  
2           aries of a local educational agency and available  
3           to such agency for such agency’s use; or

4           “(B) funds collected by another govern-  
5           mental unit, but distributed back to a local edu-  
6           cational agency in the same proportion as such  
7           funds were collected as a local revenue source.

8           “(51) SCIENTIFICALLY BASED RESEARCH.—  
9           The term ‘scientifically based research’—

10           “(A) means research that involves the ap-  
11           plication of rigorous, systematic, and objective  
12           procedures to obtain reliable and valid knowl-  
13           edge relevant to education activities and pro-  
14           grams; and

15           “(B) includes research that—

16           “(i) employs systematic, empirical  
17           methods that draw on observation or ex-  
18           periment;

19           “(ii) involves rigorous data analyses  
20           that are adequate to test the stated  
21           hypotheses and justify the general conclu-  
22           sions drawn;

23           “(iii) relies on measurements or obser-  
24           vational methods that provide reliable and  
25           valid data across evaluators and observers,

1 across multiple measurements and observa-  
2 tions, and across studies by the same or  
3 different investigators;

4 “(iv) is evaluated using experimental  
5 or quasi-experimental designs in which in-  
6 dividuals, entities, programs, or activities  
7 are assigned to different conditions and  
8 with appropriate controls to evaluate the  
9 effects of the condition of interest, with a  
10 preference for random-assignment experi-  
11 ments, or other designs to the extent that  
12 those designs contain within-condition or  
13 across-condition controls;

14 “(v) ensures that experimental studies  
15 are presented in sufficient detail and clar-  
16 ity to allow for replication or, at a min-  
17 imum, offer the opportunity to build sys-  
18 tematically on their findings; and

19 “(vi) has been accepted by a peer-re-  
20 viewed journal or approved by a panel of  
21 independent experts through a comparably  
22 rigorous, objective, and scientific review.

23 “(52) SCIENTIFICALLY VALID RESEARCH.—The  
24 term ‘scientifically valid research’ includes applied  
25 research, basic research, and field-initiated research

1 in which the rationale, design, and interpretation are  
2 soundly developed in accordance with principles of  
3 scientific research.

4 “(53) SECONDARY SCHOOL.—The term ‘sec-  
5 ondary school’ means a nonprofit institutional day or  
6 residential school, including a public secondary char-  
7 ter school, that provides secondary education, as de-  
8 termined under State law, except that the term does  
9 not include any education beyond grade 12.

10 “(54) SECRETARY.—The term ‘Secretary’  
11 means the Secretary of Education.

12 “(55) SPECIALIZED INSTRUCTIONAL SUPPORT  
13 PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT  
14 SERVICES.—

15 “(A) SPECIALIZED INSTRUCTIONAL SUP-  
16 PORT PERSONNEL.—The term ‘specialized in-  
17 structional support personnel’ means school  
18 counselors, school social workers, school psy-  
19 chologists, and other qualified professional per-  
20 sonnel involved in providing assessment, diag-  
21 nosis, counseling, educational, therapeutic, and  
22 other necessary services (including related serv-  
23 ices as that term is defined in section 602 of  
24 the Individuals with Disabilities Education Act)

1 as part of a comprehensive program to meet  
2 student needs.

3 “(B) SPECIALIZED INSTRUCTIONAL SUP-  
4 PORT SERVICES.—The term ‘specialized instruc-  
5 tional support services’ means the services pro-  
6 vided by specialized instructional support per-  
7 sonnel.

8 “(56) STATE.—The term ‘State’ means each of  
9 the 50 States, the District of Columbia, the Com-  
10 monwealth of Puerto Rico, and each of the outlying  
11 areas.

12 “(57) STATE ADVISORY COUNCIL ON EARLY  
13 CHILDHOOD EDUCATION AND CARE.—The term  
14 ‘State Advisory Council on Early Childhood Edu-  
15 cation and Care’ means the State Advisory Council  
16 on Early Childhood Education and Care established  
17 under section 642B(b) of the Head Start Act (42  
18 U.S.C. 9837b(b)).

19 “(58) STATE EDUCATIONAL AGENCY.—The  
20 term ‘State educational agency’ means the agency  
21 primarily responsible for the State supervision of  
22 public elementary schools and secondary schools.

23 “(59) STUDENT GROWTH.—The term ‘student  
24 growth’ means the change in a student’s achieve-  
25 ment between 2 or more points in time, as measured

1 through an approach that is statistically rigorous  
2 and appropriate for the knowledge and skills being  
3 measured.

4 “(60) TEACHER MENTORING.—The term  
5 ‘teacher mentoring’ means supporting teachers or  
6 principals to increase the effectiveness and retention  
7 of such teachers or principals through a program  
8 that—

9 “(A) includes clear criteria for the selec-  
10 tion of mentors that takes into account the  
11 mentor’s—

12 “(i) effectiveness; and

13 “(ii) ability to facilitate adult learn-  
14 ing;

15 “(B) provides high-quality training for  
16 mentors in how to support teachers or prin-  
17 cipals effectively;

18 “(C) provides regularly scheduled time for  
19 collaboration, examination of student work and  
20 achievement data, and ongoing opportunities for  
21 mentors and mentees to observe each other’s  
22 teaching or leading, and identify and address  
23 areas for improvement; and

24 “(D) matches mentees with mentors in the  
25 same field, grade, grade span, or subject area.

1           “(61) TURNAROUND PARTNER.—The term  
2           ‘turnaround partner’ means a public or private non-  
3           profit organization, institution of higher education,  
4           or charter management organization, with a dem-  
5           onstrated record of successful school improvement.

6           “(62) UNIVERSAL DESIGN FOR LEARNING.—  
7           The term ‘universal design for learning’ has the  
8           meaning given the term in section 103 of the Higher  
9           Education Act of 1965.”

10          (b) CONFORMING AMENDMENTS.—The Act (20  
11 U.S.C. 6301 et seq.) is amended—

12           (1) in section 1504(b) (20 U.S.C. 6574(b)), as  
13           redesignated by section 1501(3), by striking “the  
14           Committee on Education and the Workforce of the  
15           House of Representatives and the Committee on  
16           Health, Education, Labor and Pensions of the Sen-  
17           ate” and inserting “the authorizing committees”;

18           (2) in section **【3123(b)】** (20 U.S.C. 6843(b)),  
19           by striking “the Committee on Education and the  
20           Workforce of the House of Representatives and the  
21           Committee on Health, Education, Labor, and Pen-  
22           sions of the Senate” and inserting “the authorizing  
23           committees”;

24           (3) in section **【3253(d)】** (20 U.S.C. 6983(d)),  
25           by striking “, the Committee on Education and the

1 Workforce of the House of Representatives, and the  
2 Committee on Health, Education, Labor, and Pen-  
3 sions of the Senate” and inserting “and the author-  
4 izing committees”;

5 (4) in section **【6156(a)】** (20 U.S.C. 7321e(a)),  
6 by striking “the Committee on Education and the  
7 Workforce of the House of Representatives and the  
8 Committee on Health, Education, Labor, and Pen-  
9 sions of the Senate” and inserting “the authorizing  
10 committees”;

11 (5) in section **【6164】** (20 U.S.C. 7325c), by  
12 striking “the Committee on Education and the  
13 Workforce of the House of Representatives and the  
14 Committee on Health, Education, Labor, and Pen-  
15 sions of the Senate” and inserting “the authorizing  
16 committees”;

17 (6) in section **【6224(c)】** (20 U.S.C. 7351c(c)),  
18 by striking “the Committee on Education and the  
19 Workforce of the House of Representatives and the  
20 Committee on Health, Education, Labor, and Pen-  
21 sions of the Senate” and inserting “the authorizing  
22 committees”; and

23 (7) in section 9401(e)(4) (20 U.S.C.  
24 7861(e)(4)), by striking “the Committee on Edu-  
25 cation and the Workforce of the House of Rep-

1        representatives and the Committee on Health, Edu-  
2        cation, Labor, and Pensions of the Senate” and in-  
3        serting “the authorizing committees”.

4        **SEC. 9102. UNSAFE SCHOOL CHOICE OPTION.**

5        Section 9532(a) (20 U.S.C. 7912(a)) is amended by  
6        striking “attending” and all that follows through “victim  
7        of” and inserting “who is threatened with, or becomes a  
8        victim of,”.

9        **SEC. 9103. EVALUATION AUTHORITY.**

10       Section 9601 (20 U.S.C. 7941) is amended to read  
11       as follows:

12       **“SEC. 9601. EVALUATION AUTHORITY.**

13             “(a) RESERVATION OF FUNDS.—Except as provided  
14       in subsection (b), the Secretary may reserve not more than  
15       3 percent of the amount appropriated to carry out each  
16       categorical program and demonstration project authorized  
17       under this Act. The reserved amounts shall be used by  
18       the Secretary, acting through the Director of the Institute  
19       of Education Sciences, to—

20               “(1) conduct—

21                       “(A) comprehensive, high-quality evalua-  
22                       tions of the program or project that—

23                               “(i) provide information to inform pol-  
24                               icy-making and to support continuous pro-  
25                               gram improvement; and



1                   “(ii) use methods appropriate for the  
2                   questions being asked; and

3                   “(B) impact evaluations that employ exper-  
4                   imental or quasi-experimental designs, where  
5                   practicable and appropriate, and other rigorous  
6                   methodologies that permit the strongest pos-  
7                   sible causal inferences;

8                   “(2) provide technical assistance to grant re-  
9                   cipients on—

10                   “(A) the conduct of the evaluation activi-  
11                   ties that the grantees carry out under this Act;  
12                   and

13                   “(B) the collection and reporting of per-  
14                   formance data relating to the program or  
15                   project;

16                   “(3) evaluate the aggregate short- and long-  
17                   term effects and cost efficiencies across Federal pro-  
18                   grams assisted or authorized under this Act and re-  
19                   lated Federal preschool, elementary, and secondary  
20                   programs under any other Federal law;

21                   “(4) increase the usefulness of evaluations of  
22                   grant recipients in order to ensure the continuous  
23                   progress of the program or project by improving the  
24                   quality, timeliness, efficiency, dissemination, and use

1 of information relating to performance under the  
2 program or project; and

3 “(5) identify and disseminate research and best  
4 practices related to the programs and projects au-  
5 thORIZED under this Act.

6 “(b) TITLE I.—The Secretary may not reserve under  
7 subsection (a) more than 1 percent of the funds appro-  
8 priated to carry out title I.

9 “(c) EVALUATION PLAN.—Beginning not later than  
10 1 year after the date of enactment of the Elementary and  
11 Secondary Education Reauthorization Act of 2011, the  
12 Secretary shall annually develop and submit to Congress  
13 a plan that—

14 “(1) describes the timeline for evaluation of the  
15 programs and projects authorized under this Act;

16 “(2) describes the specific evaluation activities  
17 that the Secretary intends to carry out for such pro-  
18 grams and projects during the next year; and

19 “(d) EVALUATION ACTIVITIES AUTHORIZED ELSE-  
20 WHERE.—If, under any other provision of this Act (other  
21 than title I), funds are authorized to be reserved or used  
22 for evaluation activities with respect to a program or  
23 project, the Secretary may not reserve additional funds  
24 under this section for the evaluation of that program or  
25 project.

1       “(e) SPECIAL RULE REGARDING ALLOCATION FOR  
2 IMPACT EVALUATIONS.—The Secretary shall use not less  
3 than 30 percent of the funds reserved under this section  
4 for each of the fiscal years 2012 through 2017, in the ag-  
5 gregate **【for the 6-year period? or in the aggregate for**  
6 **each year?】**, for impact evaluations that meet the require-  
7 ments of section **【9602(1).】**”.

8 **SEC. 9104. CONFORMING AMENDMENTS.**

9       (a) REORGANIZATION.—Title IX (20 U.S.C. 7801 et  
10 seq.) is amended by adding at the end the following:

11       **“PART G—MISCELLANEOUS PROVISIONS”.**

12       (b) CONFORMING AMENDMENTS.—Title IX (20  
13 U.S.C. 7801 et seq.) is amended—

14           (1) in section 9401(b)(1)(C) (20 U.S.C.  
15 7861(b)(1)(C)), by striking “, in accordance with  
16 section 1111(b),”;

17           (2) by striking paragraph (1) of section  
18 9501(b) (20 U.S.C. 7881(b)) and inserting the fol-  
19 lowing:

20           “(1) IN GENERAL.—This section applies to pro-  
21 grams under—

22                   “(A) part C of title I;

23                   “(B) part A of title II, to the extent pro-  
24 vided in paragraph (3);

25                   “(C) part A of title III;

1 “(D) part A of title IV;

2 “(E) part B of title IV;

3 “(F) part C of title IV; and

4 “(G) part D of title IV.”; and

5 (3) in section 9534(b) (20 U.S.C. 7914(b)), by

6 striking “part B of title V” each place the term ap-

7 pears and inserting “part D of title V”.

8 **TITLE X—HOMELESS**  
9 **EDUCATION**

10 **SEC. 10011. SHORT TITLE.**

11 This title may be cited as the **["McKinney-Vento**  
12 **Homeless Education Reauthorization Act of 2011"]**.

13 **SEC. 10012. EDUCATION FOR HOMELESS CHILDREN AND**  
14 **YOUTH.**

15 Subtitle B of title VII of the McKinney-Vento Home-  
16 less Assistance Act (42 U.S.C. 11431 et seq.) is amended  
17 to read as follows:

18 **“Subtitle B—Education for**  
19 **Homeless Children and Youth**

20 **“SEC. 721. STATEMENT OF POLICY.**

21 “The following is the policy of Congress:

22 “(1) Each State shall ensure that each home-  
23 less child and youth has access to the same free ap-  
24 propriate public education, including a public pre-

1 school education, as is provided to other children  
2 and youth.

3 “(2) In any State where compulsory residency  
4 requirements or other requirements of laws, regula-  
5 tions, practices, or policies may act as a barrier to  
6 the identification, enrollment, attendance, or success  
7 in school of homeless children and youth, the State  
8 shall review and revise such laws, regulations, prac-  
9 tices, or policies to ensure that homeless children  
10 and youth are afforded the same free appropriate  
11 public education as is provided to other children and  
12 youth.

13 “(3) Homelessness is not a sufficient reason to  
14 separate students from the mainstream school envi-  
15 ronment.

16 “(4) Homeless children and youth shall have  
17 access to the education and other services that such  
18 children and youth need to ensure that such children  
19 and youth have an opportunity to meet the same col-  
20 lege and career ready State student academic  
21 achievement standards to which all students are  
22 held.

1 **“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**  
2 **THE EDUCATION OF HOMELESS CHILDREN**  
3 **AND YOUTH.**

4 “(a) GENERAL AUTHORITY.—The Secretary is au-  
5 thorized to make grants to States from allotments made  
6 under subsection (c) and in accordance with this section  
7 to enable such States to carry out the activities described  
8 in subsections (d) through (h).

9 “(b) APPLICATION.—In order for a State to be eligi-  
10 ble to receive a grant under this section, the State edu-  
11 cational agency, in consultation with other relevant State  
12 agencies, shall submit an application to the Secretary at  
13 such time, in such manner, and containing or accompanied  
14 by such information as the Secretary may reasonably re-  
15 quire.

16 “(c) ALLOCATION AND RESERVATIONS.—

17 “(1) ALLOCATION.—

18 “(A) IN GENERAL.—Subject to subpara-  
19 graph (C), the Secretary is authorized to allot  
20 to each State an amount that bears the same  
21 ratio to the amount appropriated for such year  
22 under section 726 that remains after the Sec-  
23 retary reserves funds under paragraph (2) and  
24 uses funds to carry out section 724 (d) and (h),  
25 as the amount allocated under section 1122 of  
26 the Elementary and Secondary Education Act

1 of 1965 (20 U.S.C. 6332) to the State for that  
2 year bears to the total amount allocated under  
3 section 1122 of such Act to all States for that  
4 year, except as provided in subparagraph (B).

5 “(B) MINIMUM ALLOTMENTS.—No State  
6 shall receive for a fiscal year less under this  
7 paragraph than the greater of—

8 “(i) \$150,000; or

9 “(ii) an amount that bears the same  
10 ratio to the amount appropriated for such  
11 year under section 726 that remains after  
12 the Secretary reserves funds under para-  
13 graph (2) and uses funds to carry out sec-  
14 tion 724 (d) and (h), as the amount the  
15 State received under this paragraph for the  
16 preceding fiscal year bears to the total  
17 amount received by all States under this  
18 paragraph for the preceding fiscal year.

19 “(C) REDUCTION FOR INSUFFICIENT  
20 FUNDS.—If there are insufficient funds in a fis-  
21 cal year to allot to each State the minimum  
22 amount under subparagraph (B), the Secretary  
23 shall ratably reduce the allotments to all States  
24 based on the proportionate share that each

1 State received under this subsection for the pre-  
2 ceding fiscal year.

3 “(2) RESERVATIONS.—

4 “(A) STUDENTS IN TERRITORIES.—The  
5 Secretary is authorized to reserve 0.1 percent of  
6 the amount appropriated for each fiscal year  
7 under section 726 to be allocated by the Sec-  
8 retary among the United States Virgin Islands,  
9 Guam, American Samoa, and the Common-  
10 wealth of the Northern Mariana Islands, ac-  
11 cording to their respective need for assistance  
12 under this subtitle, as determined by the Sec-  
13 retary. Funds allocated under this subpara-  
14 graph shall be used for programs that are con-  
15 sistent with the purposes of the programs de-  
16 scribed in this subtitle.

17 “(B) INDIAN STUDENTS.—

18 “(i) TRANSFER.—The Secretary shall  
19 transfer 1 percent of the amount appro-  
20 priated for each fiscal year under section  
21 726 to the Department of the Interior for  
22 programs that are for Indian students  
23 served by schools funded by the Secretary  
24 of the Interior, as determined under the  
25 Indian Self-Determination and Education



1 Assistance Act (25 U.S.C. 450 et seq.),  
2 and that are consistent with the purposes  
3 of the programs described in this subtitle.

4 “(ii) AGREEMENT.—The Secretary of  
5 Education and the Secretary of the Inte-  
6 rior shall enter into an agreement, con-  
7 sistent with the requirements of this sub-  
8 title, for the distribution and use of the  
9 funds described in clause (i) under terms  
10 that the Secretary of Education determines  
11 best meet the purposes of the programs de-  
12 scribed in this subtitle. Such agreement  
13 shall set forth the plans of the Secretary of  
14 the Interior for the use of the funds trans-  
15 ferred, including appropriate goals, objec-  
16 tives, and milestones for that use.

17 “(d) STATE ACTIVITIES.—Grant funds from a grant  
18 made to a State under this section shall be used for the  
19 following:

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

24 “(2) To establish or designate an Office of the  
25 Coordinator for Education of Homeless Children and

1 Youth in the State educational agency in accordance  
2 with subsection (f) that has sufficient knowledge,  
3 authority, and time to carry out the duties described  
4 in this subtitle.

5 “(3) To prepare and carry out the duties de-  
6 scribed in subsection (f) in the State plan described  
7 in subsection (g).

8 “(4) To develop and implement professional de-  
9 velopment activities for liaisons designated under  
10 subsection (g)(1)(J)(ii), other local educational agen-  
11 cy and school personnel, and community agencies—

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

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

17 “(e) STATE AND LOCAL SUBGRANTS.—

18 “(1) MINIMUM DISBURSEMENTS BY STATES.—  
19 From the grant funds made available each year to  
20 a State under subsection (a) to carry out this sub-  
21 title, the State educational agency—

22 “(A) may use not more than 20 percent of  
23 the State’s allocation under subsection (c)(1) or  
24 \$85,000, whichever amount is greater, for  
25 State-level activities; and

1           “(B) shall use the remainder of the State’s  
2           allocation after using amounts for State-level  
3           activities under subparagraph (A) to award sub-  
4           grants to local educational agencies for the pur-  
5           poses of carrying out section 723.

6           “(2) USE BY STATE EDUCATIONAL AGENCY.—  
7           A State educational agency may use funds for State-  
8           level activities made available under paragraph  
9           (1)(A) to conduct activities under subsection (f) di-  
10          rectly or through grants or contracts.

11          “(3) PROHIBITION ON SEGREGATING HOMELESS  
12          STUDENTS.—

13                 “(A) IN GENERAL.—Except as provided in  
14                 subparagraph (B), in providing a free public  
15                 education to a homeless child or youth, no State  
16                 receiving funds under this subtitle shall seg-  
17                 regate such child or youth in a separate school,  
18                 or in a separate program within a school, based  
19                 on such child’s or youth’s status as homeless.

20                 “(B) EXCEPTION.—Notwithstanding sub-  
21                 paragraph (A), paragraphs (1)(J)(i) and (3) of  
22                 subsection (g), section 723(a)(2), and any other  
23                 provision of this subtitle relating to the place-  
24                 ment of homeless children or youths in schools,  
25                 a State that has a separate school for homeless

1 children or youths that was operated in fiscal  
2 year 2000 in a covered county shall be eligible  
3 to receive funds under this subtitle for pro-  
4 grams carried out in such school if—

5 “(i) the school meets the requirements  
6 of subparagraph (C);

7 “(ii) any local educational agency  
8 serving a school that the homeless children  
9 and youths enrolled in the separate school  
10 are eligible to attend meets the require-  
11 ments of subparagraph (E); and

12 “(iii) the State is otherwise eligible to  
13 receive funds under this subtitle.

14 “(C) SCHOOL REQUIREMENTS.—For the  
15 State to be eligible under subparagraph (B) to  
16 receive funds under this subtitle, the school de-  
17 scribed in such subparagraph shall—

18 “(i) provide written notice, at the time  
19 any child or youth seeks enrollment in such  
20 school, and at least twice annually while  
21 the child or youth is enrolled in such  
22 school, to the parent or guardian of the  
23 child or youth (or, in the case of an unac-  
24 companied youth, the youth) that—

805

1                   “(I) shall be signed by the parent  
2                   or guardian (or, in the case of an un-  
3                   accompanied youth, the youth);

4                   “(II) sets forth the general rights  
5                   provided under this subtitle;

6                   “(III) specifically states—

7                   “(aa) the choice of schools  
8                   homeless children and youths are  
9                   eligible to attend, as provided in  
10                  subsection (g)(4)(A);

11                  “(bb) that no homeless child  
12                  or youth is required to attend a  
13                  separate school for homeless chil-  
14                  dren or youths;

15                  “(cc) that homeless children  
16                  and youths shall be provided  
17                  comparable services described in  
18                  subsection (g)(5), including  
19                  transportation services, edu-  
20                  cational services, and meals  
21                  through school meals programs;  
22                  and

23                  “(dd) that homeless children  
24                  and youths should not be stig-  
25                  matized by school personnel; and

1                   “(IV) provides contact informa-  
2                   tion for the local liaison for homeless  
3                   children and youths and the State Co-  
4                   ordinator for Education of Homeless  
5                   Children and Youths;

6                   “(ii)(I) provide assistance to the par-  
7                   ent or guardian of each homeless child or  
8                   youth (or, in the case of an unaccompanied  
9                   youth, the youth) to exercise the right to  
10                  attend the parent’s or guardian’s (or  
11                  youth’s) choice of schools, as provided in  
12                  subsection (g)(4)(A); and

13                  “(II) coordinate with the local edu-  
14                  cational agency with jurisdiction for the  
15                  school selected by the parent or guardian  
16                  (or youth), to provide transportation and  
17                  other necessary services;

18                  “(iii) ensure that the parent or guard-  
19                  ian (or, in the case of an unaccompanied  
20                  youth, the youth) shall receive the informa-  
21                  tion required by this subparagraph in a  
22                  manner and form understandable to such  
23                  parent or guardian (or youth), including, if  
24                  necessary and to the extent feasible, in the

1 native language of such parent or guardian  
2 (or youth); and

3 “(iv) demonstrate in the school’s ap-  
4 plication for funds under this subtitle that  
5 such school—

6 “(I) is complying with clauses (i)  
7 and (ii); and

8 “(II) is meeting (as of the date  
9 of submission of the application) the  
10 same Federal and State standards,  
11 regulations, and mandates as other  
12 public schools in the State (such as  
13 complying with sections 1111 and  
14 1116 of the Elementary and Sec-  
15 ondary Education Act of 1965 and  
16 providing a full range of education  
17 and related services, including services  
18 applicable to students with disabil-  
19 ities).

20 “(D) SCHOOL INELIGIBILITY.—A separate  
21 school described in subparagraph (B) that fails  
22 to meet the standards, regulations, and man-  
23 dates described in subparagraph (C)(iv)(II)  
24 shall not be eligible to receive funds under this

1 subtitle for programs carried out in such school  
2 after the first date of such failure.

3 “(E) LOCAL EDUCATIONAL AGENCY RE-  
4 QUIREMENTS.—For the State to be eligible to  
5 receive the funds described in subparagraph  
6 (B), the local educational agency described in  
7 subparagraph (B)(ii) shall—

8 “(i) implement a coordinated system  
9 for ensuring that homeless children and  
10 youths—

11 “(I) are advised of the choice of  
12 schools provided in subsection  
13 (g)(4)(A);

14 “(II) are immediately enrolled, in  
15 accordance with subsection (g)(4)(C),  
16 in the school selected under subsection  
17 (g)(4)(A); and

18 “(III) are promptly provided nec-  
19 essary services described in subsection  
20 (g)(5), including transportation, to  
21 allow homeless children and youths to  
22 exercise their choices of schools under  
23 subsection (g)(4)(A);

24 “(ii) document that written notice has  
25 been provided—





1                    pied by the schools described in sub-  
2                    paragraph (B) in fiscal year 2000.

3                    “(F) REPORT.—

4                    “(i) PREPARATION.—The Secretary  
5                    shall prepare a report on the separate  
6                    schools and local educational agencies de-  
7                    scribed in subparagraph (B) that receive  
8                    funds under this subtitle in accordance  
9                    with this paragraph. The report shall con-  
10                   tain, at a minimum, information on—

11                               “(I) compliance with all require-  
12                               ments of this paragraph;

13                               “(II) barriers to school access in  
14                               the school districts served by the local  
15                               educational agencies; and

16                               “(III) the progress the separate  
17                               schools are making in integrating  
18                               homeless children and youths into the  
19                               mainstream school environment, in-  
20                               cluding the average length of student  
21                               enrollment in such schools.

22                               “(ii) COMPLIANCE WITH INFORMA-  
23                               TION REQUESTS.—For purposes of ena-  
24                               bling the Secretary to prepare the report,  
25                               the separate schools and local educational

1 agencies shall cooperate with the Secretary  
2 and the State Coordinator for Education  
3 of Homeless Children and Youths estab-  
4 lished in the State under subsection (d)(2),  
5 and shall comply with any requests for in-  
6 formation by the Secretary and State Co-  
7 ordinator for such State.

8 “(iii) SUBMISSION.—The Secretary  
9 shall submit the report described in clause  
10 (i) to—

11 “(I) the President;

12 “(II) the Committee on Edu-  
13 cation and the Workforce of the  
14 House of Representatives; and

15 “(III) the Committee on Health,  
16 Education, Labor, and Pensions of  
17 the Senate.

18 “(G) DEFINITION.—For purposes of this  
19 paragraph, the term ‘covered county’ means—

20 “(i) San Joaquin County, California;

21 “(ii) Orange County, California;

22 “(iii) San Diego County, California;

23 and

24 “(iv) Maricopa County, Arizona.

1           “(f) FUNCTIONS OF THE OFFICE OF THE COORDI-  
2   NATOR.—The Coordinator for Education of Homeless  
3   Children and Youth established in each State shall—

4           “(1) gather and make publicly available reliable,  
5   valid, and comprehensive information on—

6           “(A) the nature and extent of the problems  
7   homeless children and youth have in gaining ac-  
8   cess to public preschool programs, and to public  
9   elementary schools and secondary schools;

10          “(B) the difficulties in identifying the spe-  
11   cial needs and barriers to participation and  
12   achievement of such children and youth;

13          “(C) any progress made by the State edu-  
14   cational agency and local educational agencies  
15   in the State in addressing such problems and  
16   difficulties; and

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

22          “(2) develop and carry out the State plan de-  
23   scribed in subsection (g);

24          “(3) collect data for and transmit to the Sec-  
25   retary, at such time and in such manner as the Sec-

1       retary may require, reports containing such informa-  
2       tion as the Secretary determines is necessary to as-  
3       sess the educational needs of homeless children and  
4       youth within the State, including data requested  
5       pursuant to subsection (h) of section 724;

6           “(4) improve the provision of comprehensive  
7       education and related support services to homeless  
8       children and youth and their families, and to mini-  
9       mize educational disruption, through coordination of  
10      activities, and collaboration with—

11           “(A) educators, including teachers, admin-  
12      istrators, special education personnel, and child  
13      development and preschool program personnel;

14           “(B) providers of services to homeless chil-  
15      dren and youth and homeless families, public  
16      and private child welfare and social services  
17      agencies, law enforcement agencies, juvenile and  
18      family courts, agencies providing mental health  
19      services, domestic violence agencies, child care  
20      providers, runaway and homeless youth centers,  
21      and providers of services and programs funded  
22      under the Runaway and Homeless Youth Act  
23      (42 U.S.C. 5701 et seq.);

24           “(C) providers of emergency, transitional,  
25      and permanent housing to homeless children

1 and youth, and their families, including public  
2 housing agencies, shelter operators, operators of  
3 transitional housing facilities, and providers of  
4 transitional living programs for homeless youth;

5 “(D) local educational agency liaisons des-  
6 igned under subsection (g)(1)(J)(ii) for home-  
7 less children and youth; and

8 “(E) community organizations and groups  
9 representing homeless children and youth and  
10 their families;

11 “(5) provide professional development and tech-  
12 nical assistance to and conduct monitoring of local  
13 educational agencies, in coordination with local edu-  
14 cational agency liaisons designated under subsection  
15 (g)(1)(J)(ii), to ensure that local educational agen-  
16 cies comply with the requirements of paragraphs (3)  
17 through (7) of subsection (g), and subsection (h);  
18 and

19 “(6) make opportunities available for teachers  
20 and local educational agency liaisons designated  
21 under subsection (g)(1)(J)(ii) to participate in ongo-  
22 ing and relevant professional development programs  
23 and activities.

24 “(g) STATE PLAN.—

1           “(1) IN GENERAL.—Each State shall submit to  
2           the Secretary and implement a plan to provide for  
3           the education of all homeless children and youth  
4           within the State. Such plan shall include the fol-  
5           lowing:

6                   “(A) A description of how such children  
7                   and youth are (or will be) given the oppor-  
8                   tunity—

9                           “(i) to meet the same college and ca-  
10                           reer ready State student academic achieve-  
11                           ment standards as all students are ex-  
12                           pected to meet; and

13                           “(ii) to become college and career  
14                           ready.

15                   “(B) A description of the procedures the  
16                   State educational agency will use, in coordina-  
17                   tion with local educational agencies, to identify  
18                   such children and youth in the State and to as-  
19                   sess their needs.

20                   “(C) A description of procedures for the  
21                   prompt resolution of disputes arising under this  
22                   subtitle, which shall—

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

1           “(ii) be readily available and provided  
2           in a written format and, to the extent  
3           practicable, in a manner and form under-  
4           standable to the parents and guardians of  
5           homeless children and youth;

6           “(iii) take into account the edu-  
7           cational best interest of the homeless child  
8           or youth, or unaccompanied youth, in-  
9           volved; and

10           “(iv) ensure that parents and guard-  
11           ians of homeless children and youth, and  
12           unaccompanied youth, who have exhausted  
13           the procedures available under this para-  
14           graph are able to appeal to the State edu-  
15           cational agency, and are enrolled in school  
16           pursuant to paragraph (4)(C) and receive  
17           transportation pursuant to subparagraph  
18           (J)(iii) pending final resolution of the dis-  
19           pute.

20           “(D) A description of programs for school  
21           personnel (including the liaisons, principals, at-  
22           tendance officers, teachers, enrollment per-  
23           sonnel, and pupil services personnel) to increase  
24           the awareness of such personnel of the specific



1 needs of homeless adolescents, including run-  
2 away and homeless youth.

3 “(E) A description of procedures that en-  
4 sure that homeless children and youth are able  
5 to participate in Federal, State, or local nutri-  
6 tion programs.

7 “(F) A description of procedures that en-  
8 sure that—

9 “(i) homeless children have access to  
10 public preschool programs, administered by  
11 the State educational agency or local edu-  
12 cational agency, including through the poli-  
13 cies and practices required under para-  
14 graph (3);

15 “(ii) homeless youth, including youth  
16 separated from public schools, are identi-  
17 fied and accorded equal access to appro-  
18 priate and available secondary education  
19 and support services, including receiving  
20 appropriate credit for full or partial  
21 coursework satisfactorily completed while  
22 attending a prior school, and for work  
23 completed after their enrollment in a new  
24 school, consistent with State graduation re-

1                    requirements and accreditation standards;  
2                    and

3                    “(iii) homeless children and youth  
4                    who meet the relevant eligibility criteria  
5                    are able to participate in Federal, State, or  
6                    local before- and after-school care, magnet  
7                    schools, summer schools, career and tech-  
8                    nical education, advanced placement, on-  
9                    line learning opportunities, charter school  
10                    programs, and relevant workforce invest-  
11                    ment programs.

12                    “(G) Strategies to address problems identi-  
13                    fied in the reports provided to the Secretary  
14                    under subsection (f)(3).

15                    “(H) Strategies to address other problems  
16                    with respect to the education of homeless chil-  
17                    dren and youth, including enrollment problems  
18                    related to—

19                    “(i) immunization and other required  
20                    health records and screenings;

21                    “(ii) residency requirements;

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

24                    “(iv) guardianship issues; or



1 (7)(A), and who may also be a coordinator  
2 for other Federal programs.

3 “(iii) The State and local educational  
4 agencies in the State will adopt policies  
5 and practices to ensure that transportation  
6 is provided at the request of the parent or  
7 guardian involved (or in the case of an un-  
8 accompanied youth, the liaison), to and  
9 from the school of origin, for as long as  
10 the student has the right to attend the  
11 school of origin as determined in para-  
12 graph (4)(A), in accordance with the fol-  
13 lowing, as applicable:

14 “(I) If the child or youth con-  
15 tinues to live in the area served by the  
16 local educational agency for the school  
17 of origin, the child’s or youth’s trans-  
18 portation to and from the school of  
19 origin shall be provided or arranged  
20 by the local educational agency for the  
21 school of origin.

22 “(II) If the child’s or youth’s liv-  
23 ing arrangements in the area served  
24 by the local educational agency of ori-  
25 gin terminate and the child or youth,

1                   though continuing the child’s or  
2                   youth’s education in the school of ori-  
3                   gin, begins living in an area served by  
4                   another local educational agency, the  
5                   local educational agency of origin and  
6                   the local educational agency for the  
7                   area in which the child or youth is liv-  
8                   ing shall agree upon a method to ap-  
9                   portion the responsibility and cost for  
10                  providing transportation to and from  
11                  the school of origin. If the local edu-  
12                  cational agencies are unable to agree  
13                  upon such method, the responsibility  
14                  and costs for transportation shall be  
15                  shared equally between the agencies.

16                  “(iv) SCHOOL SUCCESS.—The State  
17                  educational agency and local educational  
18                  agencies will adopt policies and practices to  
19                  promote school success for homeless chil-  
20                  dren and youth, including access to full  
21                  participation in academic and extra-  
22                  curricular activities that are made available  
23                  to non-homeless students.

24                  “(2) COMPLIANCE.—

1           “(A) IN GENERAL.—Each plan adopted  
2           under this subsection shall also describe how  
3           the State will ensure that local educational  
4           agencies in the State will comply with the re-  
5           quirements of paragraphs (3) through (7).

6           “(B) COORDINATION.—Such plan shall in-  
7           dicate what technical assistance the State will  
8           furnish to local educational agencies and how  
9           compliance efforts will be coordinated with the  
10          local educational agency liaisons designated  
11          under paragraph (1)(J)(ii).

12          “(3) SCHOOL READINESS FOR HOMELESS CHIL-  
13          DREN.—Each State plan adopted under this sub-  
14          section shall ensure that entities carrying out pre-  
15          school programs funded, administered, or overseen  
16          by the agency involved—

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

21                 “(B) identify and prioritize homeless chil-  
22                 dren for enrollment and increase their enroll-  
23                 ment and attendance in early learning pro-  
24                 grams, including through policies such as—

1                   “(i) reserving spaces in preschool pro-  
2                   grams for homeless children;

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

5                   “(iii) waiving application deadlines;

6                   “(iv) providing ongoing professional  
7                   development for staff regarding the needs  
8                   of homeless children and their families and  
9                   strategies to serve the children and fami-  
10                  lies; and

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

13                  “(C) review the educational and related  
14                  needs of homeless children and their families in  
15                  such agency’s service area, in coordination with  
16                  the liaison designated under paragraph  
17                  (1)(J)(ii).

18                  “(4) LOCAL EDUCATIONAL AGENCY REQUIRE-  
19                  MENTS.—

20                  “(A) IN GENERAL.—The local educational  
21                  agency serving each child or youth to be as-  
22                  sisted under this subtitle shall, according to the  
23                  child’s or youth’s best interest—

1           “(i) continue the child’s or youth’s  
2 education in the school of origin for the  
3 duration of homelessness—

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

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

12           “(ii) enroll the child or youth in any  
13 public school that nonhomeless students  
14 who live in the attendance area in which  
15 the child or youth is actually living are eli-  
16 gible to attend.

17           “(B) BEST INTEREST IN SCHOOL STA-  
18 BILITY.—In determining the best interest of the  
19 child or youth under subparagraph (A), the  
20 local educational agency shall—

21           “(i) presume that keeping a homeless  
22 child or youth in the school of origin is in  
23 the child’s or youth’s best interest, except  
24 when doing so is contrary to the wishes of  
25 the child’s or youth’s parent or guardian;



1           “(ii) consider student-centered factors  
2           related to the child’s or youth’s best inter-  
3           est, including factors related to the impact  
4           of mobility on achievement, education,  
5           health, and safety of homeless children and  
6           youth, giving priority to the wishes of the  
7           homeless child’s or youth’s parent or  
8           guardian or the unaccompanied youth in-  
9           volved;

10           “(iii) if, after conducting the best in-  
11           terest determination described in clause  
12           (ii), the local educational agency deter-  
13           mines that it is not in the child’s or  
14           youth’s best interest to attend the school of  
15           origin or the school requested by the par-  
16           ent, guardian, or unaccompanied youth,  
17           provide, in coordination with the local edu-  
18           cation agency liaison, the homeless child’s  
19           or youth’s parent or guardian or the unac-  
20           companied youth, with a written expla-  
21           nation in a manner or form understandable  
22           to such parent, guardian, or youth, to the  
23           extent practicable, including a statement  
24           regarding the right to appeal under sub-  
25           paragraph (E);

1                   “(iv) in the case of an unaccompanied  
2 youth, ensure that the local educational  
3 agency liaison assists in placement or en-  
4 rollment decisions under this subpara-  
5 graph, gives priority to the views of such  
6 unaccompanied youth, and provides notice  
7 to such youth of the right to appeal under  
8 subparagraph (E); and

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

11                   “(C) ENROLLMENT.—

12                   “(i) ENROLLMENT.—The school se-  
13 lected in accordance with this paragraph  
14 shall immediately enroll the homeless child  
15 or youth, even if the child or youth—

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

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

1                   “(III) has missed application or  
2                   enrollment deadlines during any pe-  
3                   riod of homelessness.

4                   “(ii) CONTACTING SCHOOL LAST AT-  
5                   TENDED.—The enrolling school shall im-  
6                   mediately contact the school last attended  
7                   by the child or youth to obtain relevant  
8                   academic and other records.

9                   “(iii) RELEVANT HEALTH RECORDS.—  
10                  If the child or youth needs to obtain immu-  
11                  nizations or other required health records,  
12                  the enrolling school shall immediately refer  
13                  the parent or guardian of the child or  
14                  youth, or the unaccompanied youth, to the  
15                  local educational agency liaison designated  
16                  under paragraph (1)(J)(ii), who shall as-  
17                  sist in obtaining necessary immunizations  
18                  or screenings, or immunization or other re-  
19                  quired health records in accordance with  
20                  subparagraph (D).

21                  “(iv) NO LIABILITY.—Whenever the  
22                  school selected enrolls an unaccompanied  
23                  youth in accordance with this paragraph,  
24                  no liability shall be imposed upon the

1 school by reason of enrolling the youth  
2 without parent or guardian consent.

3 “(D) RECORDS.—Any record ordinarily  
4 kept by the school, including immunizations or  
5 medical records, academic records, birth certifi-  
6 cates, guardianship records, and evaluations for  
7 special services or programs, regarding each  
8 homeless child or youth shall be maintained—

9 “(i) so that the records involved are  
10 available when a homeless child or youth  
11 enters a new school or school district, even  
12 if the child or youth owes fees or fines or  
13 did not withdraw from the previous school  
14 in conformance with local withdrawal pro-  
15 cedures; and

16 “(ii) in a manner consistent with sec-  
17 tion 444 of the General Education Provi-  
18 sions Act (20 U.S.C. 1232g).

19 “(E) DISPUTES.—If a dispute arises over  
20 eligibility, enrollment, school selection, or serv-  
21 ice in a public school or public preschool, or any  
22 other issue relating to services under this sub-  
23 title—

24 “(i) in the case of a dispute relating  
25 to eligibility for enrollment or school selec-

1           tion, the child or youth shall be imme-  
2           diately enrolled in the school in which en-  
3           rollment is sought, pending final resolution  
4           of the dispute including all available ap-  
5           peals;

6           “(ii) the parent or guardian of the  
7           child or youth shall be provided with a  
8           written explanation of the school’s decision  
9           regarding eligibility for enrollment, school  
10          selection, or services, made by the school  
11          or the local educational agency, which shall  
12          include information about the right to ap-  
13          peal the decision;

14          “(iii) the child, youth, parent, or  
15          guardian shall be referred to the local edu-  
16          cational agency liaison designated under  
17          paragraph (1)(J)(ii), who shall carry out  
18          the dispute resolution process as described  
19          in paragraph (1)(C) as expeditiously as  
20          possible after receiving notice of such dis-  
21          pute; and

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

1           “(F) PLACEMENT CHOICE.—The choice re-  
2           garding placement shall be made regardless of  
3           whether the child or youth involved lives with  
4           the homeless parents or has been temporarily  
5           placed elsewhere.

6           “(G) SCHOOL OF ORIGIN DEFINED.—In  
7           this paragraph, the term ‘school of origin’  
8           means the school that the child or youth at-  
9           tended when permanently housed or the school  
10          in which the child or youth was last enrolled.

11          “(H) CONTACT INFORMATION.—Nothing  
12          in this subtitle shall prohibit a local educational  
13          agency from requiring a parent or guardian of  
14          a homeless child to submit contact information.

15          “(I) PRIVACY.—Information about a home-  
16          less child’s or youth’s living situation shall be  
17          treated as a student education record under  
18          section 444 of the General Education Provi-  
19          sions Act (20 U.S.C. 1232g) and shall not be  
20          released to housing providers, employers, law  
21          enforcement personnel, or other persons or  
22          agencies not authorized to have such informa-  
23          tion under section 99.31 of title 34, Code of  
24          Federal Regulations, paying particular atten-  
25          tion to preventing disruption of the living situa-

1           tion of the child or youth and to supporting the  
2           safety of such children and youth who are sur-  
3           vivors of domestic violence and unaccompanied  
4           youth.

5           “(J) ACADEMIC ACHIEVEMENT.—The  
6           school selected in accordance with this para-  
7           graph shall ensure that homeless children and  
8           youth have opportunities to meet the same col-  
9           lege and career ready State student academic  
10          achievement standards to which other students  
11          are held, including implementing the policies  
12          and practices required by paragraph (1)(J)(iv).

13          “(K) SCHOOL READINESS FOR HOMELESS  
14          CHILDREN.—Each local educational agency  
15          shall ensure school readiness for homeless chil-  
16          dren as described in paragraph (3).

17          “(5) COMPARABLE SERVICES.—In addition to  
18          receiving services provided for homeless children and  
19          youth under this subtitle or other Federal, State, or  
20          local laws, regulations, policies, or practices, each  
21          homeless child or youth to be assisted under this  
22          subtitle also shall be provided services comparable to  
23          services offered to other students in the school se-  
24          lected under paragraph (4), including the following:

25                 “(A) Transportation services.

1           “(B) Educational services for which the  
2 child or youth meets the eligibility criteria, in-  
3 cluding services provided under title I of the El-  
4 elementary and Secondary Education Act of 1965  
5 (20 U.S.C. 6301 et seq.), similar State or local  
6 programs, charter schools, magnet schools, edu-  
7 cational programs for children with disabilities,  
8 and educational programs for students with  
9 limited English proficiency.

10           “(C) Programs in career and technical  
11 education.

12           “(D) Programs for gifted and talented stu-  
13 dents.

14           “(E) School nutrition programs.

15           “(F) Health and counseling services, as  
16 appropriate.

17           “(6) COORDINATION.—

18           “(A) IN GENERAL.—Each local educational  
19 agency shall coordinate—

20           “(i) the provision of services under  
21 this subtitle with the services of local social  
22 services agencies and other agencies or en-  
23 tities providing services to homeless chil-  
24 dren and youth and their families, includ-  
25 ing services and programs funded under



1 the Runaway and Homeless Youth Act (42  
2 U.S.C. 5701 et seq.); and

3 “(ii) transportation, transfer of school  
4 records, and other interdistrict activities,  
5 with other local educational agencies.

6 “(B) HOUSING ASSISTANCE.—Each State  
7 educational agency and local educational agency  
8 that receives assistance under this subtitle shall  
9 coordinate, if applicable, with State and local  
10 housing agencies responsible for developing  
11 comprehensive housing affordability strategy  
12 described in section 105 of the Cranston-Gon-  
13 zalez National Affordable Housing Act (42  
14 U.S.C. 12705) to minimize education disruption  
15 for children and youth who become homeless.

16 “(C) COORDINATION PURPOSE.—The co-  
17 ordination required under subparagraphs (A)  
18 and (B) shall be designed to—

19 “(i) ensure that all homeless children  
20 and youth are identified within a reason-  
21 able time frame;

22 “(ii) ensure that homeless children  
23 and youth have access to and are in rea-  
24 sonable proximity to available education  
25 and related support services; and



1 through outreach and coordination activi-  
2 ties with other entities and agencies;

3 “(ii) homeless children and youth are  
4 enrolled in, and have a full and equal op-  
5 portunity to succeed in, schools of that  
6 local educational agency;

7 “(iii) homeless families, and homeless  
8 children and youth, have access to edu-  
9 cational services for which such families,  
10 children, and youth are eligible, including  
11 services through Head Start, Early Head  
12 Start, early intervention, and Even Start  
13 programs, and preschool programs de-  
14 scribed in paragraph (3);

15 “(iv) homeless families, and homeless  
16 children and youth receive referrals to  
17 health care services, dental services, mental  
18 health and substance abuse services, hous-  
19 ing services, and other appropriate serv-  
20 ices;

21 “(v) the parents or guardians of  
22 homeless children and youth are informed  
23 of the educational and related opportuni-  
24 ties available to their children, including  
25 early learning opportunities, and are pro-

1           vided with meaningful opportunities to par-  
2           ticipate in the education of their children;  
3           “(vi) public notice of the educational  
4           rights of homeless children and youth is in-  
5           corporated into documents related to resi-  
6           dency requirements or enrollment, provided  
7           upon school enrollment and withdrawal,  
8           posted on the local educational agency’s  
9           website, and disseminated in locations fre-  
10          quented by parents or guardians of such  
11          children and youth, and unaccompanied  
12          youth, including schools, shelters, public li-  
13          braries, and soup kitchens, in a manner  
14          and form understandable to parents and  
15          guardians of homeless children and youth  
16          and unaccompanied youth;  
17          “(vii) disputes are resolved in accord-  
18          ance with paragraph (4)(E);  
19          “(viii) the parent or guardian of a  
20          homeless child or youth, and any unaccom-  
21          panied youth, is fully informed of all trans-  
22          portation services, including transportation  
23          to the school of origin, as described in  
24          paragraph (1)(J)(iii), and is assisted in ac-

1           cessing transportation to the school that is  
2           selected under paragraph (4)(A);

3           “(ix) school personnel are adequately  
4           prepared to implement this subtitle and re-  
5           ceive professional development, resource  
6           materials, technical assistance, and other  
7           support; and

8           “(x) unaccompanied youth—

9           “(I) are enrolled in school;

10           “(II) have opportunities to meet  
11           the same college and career ready  
12           State student academic achievement  
13           standards to which other students are  
14           held, including through implementa-  
15           tion of the policies and practices re-  
16           quired by subparagraphs (F)(ii) and  
17           (J)(iv) of paragraph (1); and

18           “(III) are informed of their sta-  
19           tus as independent students under  
20           section 480 of the Higher Education  
21           Act of 1965 (20 U.S.C. 1087vv), in-  
22           cluding through school counselors that  
23           have received professional develop-  
24           ment about unaccompanied youth,  
25           and receive verification of such status

1 for purposes of the Free Application  
2 for Federal Student Aid described in  
3 section 483 of such Act (20 U.S.C.  
4 1090).

5 “(B) NOTICE.—State Coordinators ap-  
6 pointed under subsection (d)(3) and local edu-  
7 cational agencies shall inform school personnel,  
8 service providers, and advocates working with  
9 homeless families and homeless children and  
10 youth of the contact information and duties of  
11 the local educational agency liaisons, including  
12 publishing an annually updated list of the liai-  
13 sons on the State educational agency’s website.

14 “(C) LOCAL AND STATE COORDINATION.—  
15 The local educational agency liaisons shall, as a  
16 part of their duties, coordinate and collaborate  
17 with the State Coordinators and community  
18 and school personnel responsible for the provi-  
19 sion of education and related support services  
20 to homeless children and youth. Such coordina-  
21 tion shall include collecting and providing to the  
22 State Coordinator the reliable, valid, and com-  
23 prehensive data needed to meet the require-  
24 ments of paragraphs (1) and (3) of subsection  
25 (f).

1           “(D) PROFESSIONAL DEVELOPMENT.—The  
2           local educational agency liaisons shall partici-  
3           pate, as appropriate, in the professional devel-  
4           opment and other technical assistance activities  
5           provided by the State Coordinator pursuant to  
6           subsection (f)(5).

7           “(h) SPECIAL RULE FOR EMERGENCY ASSIST-  
8           ANCE.—

9           “(1) EMERGENCY ASSISTANCE.—

10           “(A) RESERVATION OF AMOUNTS.—Sub-  
11           ject to paragraph (4) and notwithstanding any  
12           other provision of this title, the Secretary shall  
13           use funds appropriated under section 726 for  
14           fiscal year 2012, for the purposes of providing  
15           emergency assistance through grants.

16           “(B) GENERAL AUTHORITY.—The Sec-  
17           retary may use the funds to make grants to  
18           State educational agencies under paragraph (2),  
19           to enable the agencies to make subgrants to  
20           local educational agencies under paragraph (3),  
21           to provide activities described in section 723(d)  
22           for individuals referred to in subparagraph (C).

23           “(C) ELIGIBLE INDIVIDUALS.—Funds  
24           made available under this subsection shall be  
25           used to provide such activities for eligible indi-

1           viduals, consisting of homeless children and  
2           youths, and their families, who—

3                   “(i) have become homeless due to  
4                   home foreclosure, including children and  
5                   youths, and their families, who became  
6                   homeless when lenders foreclosed on prop-  
7                   erties rented by the families; or

8                   “(ii) have become homeless due to a  
9                   major disaster, including natural disasters  
10                  such as hurricanes, tornadoes, and floods,  
11                  or man-made disasters such as acts of ter-  
12                  rorism.

13           “(2) GRANTS TO STATE EDUCATIONAL AGEN-  
14           CIES.—

15                   “(A) DISBURSEMENT.—The Secretary  
16                   shall make grants with funds provided under  
17                   paragraph (1)(A) to State educational agencies  
18                   based on need, consistent with the number of  
19                   eligible individuals described in paragraph  
20                   (1)(C) in the States involved, as determined by  
21                   the Secretary.

22                   “(B) ASSURANCE.—To be eligible to re-  
23                   ceive a grant under this paragraph, a State  
24                   educational agency shall provide an assurance  
25                   to the Secretary that the State educational



1           agency, and each local educational agency re-  
2           ceiving a subgrant from the State educational  
3           agency under this subsection shall ensure that  
4           the activities carried out under this subsection  
5           are consistent with the activities described in  
6           section 723(d).

7           “(3) SUBGRANTS TO LOCAL EDUCATIONAL  
8           AGENCIES.—A State educational agency that re-  
9           ceives a grant under paragraph (2) shall use the  
10          funds made available through the grant to make  
11          subgrants to local educational agencies. The State  
12          educational agency shall make the subgrants to local  
13          educational agencies based on need, consistent with  
14          the number of eligible individuals described in para-  
15          graph (1)(C) in the areas served by the local edu-  
16          cational agencies, as determined by the State edu-  
17          cational agency.

18          “(4) RESTRICTION.—The Secretary—

19                  “(A) shall determine the amount (if any)  
20                  by which the funds appropriated under section  
21                  726 for fiscal year 2009 exceed \$70,000,000;  
22                  and

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

1       “(i) SCHOOL READINESS FOR HOMELESS CHIL-  
2 DREN.—Each State educational agency and local edu-  
3 cational agency receiving assistance under this subtitle  
4 shall ensure that programs serving public preschool chil-  
5 dren comply with the requirements of this subtitle.

6       **“SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**  
7                   **THE EDUCATION OF HOMELESS CHILDREN**  
8                   **AND YOUTH.**

9       “(a) GENERAL AUTHORITY.—

10           “(1) IN GENERAL.—The State educational  
11 agency shall, in accordance with section 722(e), and  
12 from amounts made available to such agency under  
13 section 726, make subgrants to local educational  
14 agencies for the purpose of facilitating the identifica-  
15 tion, enrollment, attendance, and success in school  
16 of homeless children and youth.

17           “(2) SERVICES.—

18                   “(A) IN GENERAL.—Services under para-  
19 graph (1)—

20                           “(i) may be provided through pro-  
21 grams on school grounds or at other facili-  
22 ties; and

23                           “(ii) shall, to the maximum extent  
24 practicable, be provided through existing  
25 programs and mechanisms that integrate

1           homeless children and youth with non-  
2           homeless children and youth.

3           “(B) SERVICES ON SCHOOL GROUNDS.—If  
4           services under paragraph (1) are provided to  
5           homeless children and youth on school grounds,  
6           the school involved may use funds under this  
7           subtitle to provide the same services to other  
8           children and youth who are determined by the  
9           local educational agency serving the school to be  
10          at risk of failing in, or dropping out of, school.

11          “(3) REQUIREMENT.—Services provided under  
12          this section shall not replace the regular academic  
13          program and shall be designed to expand upon or  
14          improve services provided as part of the school’s reg-  
15          ular academic program.

16          “(4) DURATION OF GRANTS.—Subgrants  
17          awarded under this section shall be for terms of not  
18          to exceed 3 years.

19          “(b) APPLICATION.—A local educational agency that  
20          desires to receive a subgrant under this section shall sub-  
21          mit an application to the State educational agency at such  
22          time, in such manner, and containing or accompanied by  
23          such information as the State educational agency may rea-  
24          sonably require. Such application shall include the fol-  
25          lowing:

1           “(1) An assessment of the educational and re-  
2           lated needs of homeless children and youth in the  
3           area served by the local educational agency (which  
4           may be undertaken as part of a needs assessment  
5           for another disadvantaged group).

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

9           “(3) An assurance that the local educational  
10          agency’s combined fiscal effort per student, or the  
11          aggregate expenditures of that agency and the State  
12          with respect to the provision of free public education  
13          by such agency for the fiscal year preceding the fis-  
14          cal year for which the subgrant determination is  
15          made, was not less than 90 percent of such com-  
16          bined fiscal effort or aggregate expenditures for the  
17          second fiscal year preceding the fiscal year for which  
18          the determination is made.

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

22          “(5) A description of policies and procedures  
23          that the agency will implement to ensure that activi-  
24          ties carried out by the agency will not isolate or stig-  
25          matize homeless children and youth.

1           “(6) An assurance that the local educational  
2 agency will collect and promptly provide data re-  
3 quired by the State Coordinator pursuant to para-  
4 graphs (1) and (3) of section 722(f).

5           “(7) An assurance that the local educational  
6 agency has removed the policies and practices that  
7 have created barriers to the identification, enroll-  
8 ment, attendance, retention, and success in school of  
9 all homeless children and youth.

10          “(c) AWARDS.—

11           “(1) IN GENERAL.—The State educational  
12 agency shall, in accordance with the requirements of  
13 this subtitle and from amounts made available to it  
14 under section 722(a), make subgrants on a competi-  
15 tive basis to local educational agencies that submit  
16 applications under subsection (b). Such subgrants  
17 shall be awarded on the basis of the need of such  
18 agencies for assistance under this subtitle and the  
19 quality of the applications submitted.

20          “(2) NEED.—

21           “(A) IN GENERAL.—In determining need  
22 under paragraph (1), the State educational  
23 agency may consider the number of homeless  
24 children and youth enrolled in preschool, ele-  
25 mentary schools, and secondary schools within

1           the area served by the local educational agency,  
2           and shall consider the needs of such children  
3           and youth and the ability of the local edu-  
4           cational agency to meet such needs.

5           “(B) OTHER CONSIDERATIONS.—The  
6           State educational agency may also consider the  
7           following:

8                   “(i) The extent to which the proposed  
9                   use of funds will facilitate the identifica-  
10                  tion, enrollment, attendance, retention, and  
11                  educational success of homeless children  
12                  and youth.

13                   “(ii) The extent to which the applica-  
14                   tion reflects coordination with other local  
15                   and State agencies that serve homeless  
16                   children and youth.

17                   “(iii) The extent to which the appli-  
18                   cant exhibits in the application and in cur-  
19                   rent practice (as of the date of submission  
20                   of the application) a commitment to edu-  
21                   cation for all homeless children and youth.

22                   “(iv) Such other criteria as the State  
23                   agency determines to be appropriate.

1           “(3) QUALITY.—In determining the quality of  
2 applications under paragraph (1), the State edu-  
3 cational agency shall consider each of the following:

4           “(A) The applicant’s needs assessment  
5 under subsection (b)(2) and the likelihood that  
6 the program presented in the application will  
7 meet such needs.

8           “(B) The types, intensity, and coordination  
9 of the services to be provided under the pro-  
10 gram.

11           “(C) The extent to which the applicant will  
12 promote meaningful involvement of parents or  
13 guardians of homeless children or youth in the  
14 education of their children.

15           “(D) The extent to which homeless chil-  
16 dren and youth will be integrated into the reg-  
17 ular education program involved.

18           “(E) The quality of the applicant’s evalua-  
19 tion plan for the program.

20           “(F) The extent to which services provided  
21 under this subtitle will be coordinated with  
22 other services available to homeless children  
23 and youth and their families, including housing  
24 and social services and services provided under  
25 the Individuals with Disabilities Education Act

1 (20 U.S.C. 1400 et seq.), title I of the Elemen-  
2 tary and Secondary Education Act of 1965 (20  
3 U.S.C. 6301 et seq.), and similar State and  
4 local programs.

5 “(G) The extent to which the local edu-  
6 cational agency will use the subgrant to lever-  
7 age resources, including by maximizing  
8 nonsubgrant funding for the position of the liai-  
9 son described in section 722(g)(1)(J)(ii) and  
10 the provision of transportation.

11 “(H) The local educational agency’s use of  
12 funds to serve homeless children and youth  
13 under section 1113(c)(3) of the Elementary and  
14 Secondary Education Act of 1965 (20 U.S.C.  
15 6313(c)(3)).

16 “(I) The extent to which the applicant’s  
17 program meets such other measures as the  
18 State educational agency considers to be indic-  
19 ative of a high-quality program, including the  
20 extent to which the local educational agency will  
21 provide services to unaccompanied youth and  
22 preschool-aged children.

23 “(J) The extent to which the application  
24 describes how the applicant will meet the re-  
25 quirements of section 722(g)(4).



1           “(d) AUTHORIZED ACTIVITIES.—A local educational  
2 agency may use funds awarded under this section for ac-  
3 tivities that carry out the purpose of this subtitle, includ-  
4 ing the following:

5           “(1) The provision of tutoring, supplemental in-  
6 struction, and enriched educational services that are  
7 linked to the achievement of the same college and  
8 career ready State academic content standards and  
9 college and career ready State student academic  
10 achievement standards as the State establishes for  
11 other children and youth.

12           “(2) The provision of expedited evaluations of  
13 the strengths, needs, and eligibility of homeless chil-  
14 dren and youth, including needs and eligibility for  
15 programs and services (including educational pro-  
16 grams for gifted and talented students, children with  
17 disabilities, and students with limited English pro-  
18 ficiency, charter school programs, magnet school  
19 programs, and programs in career and technical  
20 education, and school nutrition programs).

21           “(3) Professional development and other activi-  
22 ties for educators and pupil services personnel that  
23 are designed to heighten the understanding and sen-  
24 sitivity of such educators and personnel to the needs  
25 of homeless children and youth, the rights of such

1 children and youth under this subtitle, and the spe-  
2 cific educational needs of runaway and homeless  
3 youth.

4 “(4) The provision of referral services to home-  
5 less children and youth for medical, dental, mental,  
6 and other health services.

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

11 “(6) The provision of developmentally appro-  
12 priate early childhood and care programs, not other-  
13 wise provided through Federal, State, or local fund-  
14 ing.

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

21 “(8) The provision for homeless children and  
22 youth of before- and after-school, mentoring, and  
23 summer programs in which a teacher or other quali-  
24 fied individual provides tutoring, homework assist-  
25 ance, and supervision of educational activities.

1           “(9) If necessary, the payment of fees and  
2 other costs associated with tracking, obtaining, and  
3 transferring records necessary to facilitate the ap-  
4 propriate placement of homeless children and youth  
5 in school, including birth certificates, immunization  
6 or other required health records, academic records,  
7 guardianship records, and evaluations for special  
8 programs or services.

9           “(10) The provision of education and training  
10 to the parents of homeless children and youth about  
11 the rights of, and resources available to, such chil-  
12 dren and youth, and other activities designed to in-  
13 crease the meaningful involvement of families of  
14 homeless children or youth in the education of their  
15 children.

16           “(11) The development of coordination of ac-  
17 tivities between schools and agencies providing serv-  
18 ices to homeless children and youth, as described in  
19 section 722(g)(6).

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

22           “(13) Activities to address the particular needs  
23 of homeless children and youth that may arise from  
24 domestic violence and parental mental health or sub-  
25 stance abuse problems.

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

5           “(15) The provision of school supplies, includ-  
6           ing supplies to be distributed at shelters or tem-  
7           porary housing facilities, or other appropriate loca-  
8           tions.

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

13          “(17) The provision of other extraordinary or  
14          emergency assistance needed to enable homeless chil-  
15          dren and youth to enroll, attend, and succeed in  
16          school, including in early learning programs.

17 **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

18          “(a) REVIEW OF STATE PLANS.—In reviewing the  
19          State plan submitted by a State educational agency under  
20          section 722(g), the Secretary shall use a peer review proc-  
21          ess and shall evaluate whether State laws, policies, and  
22          practices described in such plan adequately address the  
23          problems of all homeless children and youth relating to  
24          access to education and placement as described in such  
25          plan.

1 “(b) TECHNICAL ASSISTANCE.—The Secretary—

2 “(1) shall provide support and technical assist-  
3 ance to State educational agencies to assist such  
4 agencies in carrying out their responsibilities under  
5 this subtitle; and

6 “(2) may designate an individual who shall co-  
7 ordinate services and activities for the education of  
8 homeless children and youth.

9 “(c) NOTICE.—

10 “(1) IN GENERAL.—The Secretary shall, before  
11 the next school year that begins after the date of en-  
12 actment of the **【McKinney-Vento Homeless Edu-**  
13 **cation Reauthorization Act of 2011】**, develop and  
14 disseminate a public notice of the educational rights  
15 of homeless children and youth. The notice shall in-  
16 clude information regarding the definition of home-  
17 less children and youth in section 725.

18 “(2) DISSEMINATION.—The Secretary shall dis-  
19 seminate the notice nationally. The Secretary also  
20 shall disseminate such notice to heads of other De-  
21 partment of Education offices, including those re-  
22 sponsible for special education programs, higher  
23 education, and programs under parts A, B, C, D, G,  
24 and H of title I, title III, title IV, and part B of title  
25 V of the Elementary and Secondary Education Act

1 of 1965 (20 U.S.C. 6311 et seq., 6361 et seq., 6391  
2 et seq., 6421 et seq., 6531 et seq., 6551 et seq.,  
3 6801 et seq., 7102 et seq., and 7221 et seq.). The  
4 Secretary shall also disseminate such notice to heads  
5 of other Federal agencies, and grant recipients and  
6 other entities carrying out federally funded pro-  
7 grams, including Head Start programs, grant recipi-  
8 ents under the Health Care for the Homeless pro-  
9 gram of the Health Resources and Services Adminis-  
10 tration of the Department of Health and Human  
11 Services, grant recipients under the Emergency  
12 Food and Shelter National Board Program of the  
13 Federal Emergency Management Agency, grant re-  
14 cipients under the Runaway and Homeless Youth  
15 Act (42 U.S.C. 5701 et seq.), grant recipients under  
16 the John H. Chafee Foster Care Independence pro-  
17 gram, grant recipients under homeless assistance  
18 programs administered by the Department of Hous-  
19 ing and Urban Development, and recipients of Fed-  
20 eral funding for programs carried out by the Admin-  
21 istration on Children, Youth and Families of the De-  
22 partment of Health and Human Services.

23 “(d) EVALUATION AND DISSEMINATION.—The Sec-  
24 retary shall conduct evaluation, dissemination, and tech-  
25 nical assistance activities for programs that are designed

1 to meet the educational needs of homeless preschool, ele-  
2 mentary school, and secondary school students, and may  
3 use funds appropriated under section 726 to conduct such  
4 activities.

5 “(e) SUBMISSION AND DISTRIBUTION.—The Sec-  
6 retary shall require applications for grants under section  
7 722 to be submitted to the Secretary not later than the  
8 expiration of the 120-day period beginning on the date  
9 that funds are available for purposes of making such  
10 grants and shall make such grants not later than the expi-  
11 ration of the 180-day period beginning on such date.

12 “(f) DETERMINATION BY SECRETARY.—The Sec-  
13 retary, based on the information received from the States  
14 and information gathered by the Secretary under sub-  
15 section (h), shall determine the extent to which State edu-  
16 cational agencies are ensuring that each homeless child or  
17 youth has access to a free appropriate public education,  
18 as described in section 721(1). The Secretary shall provide  
19 support and technical assistance to State educational  
20 agencies in areas in which barriers to a free appropriate  
21 public education persist.

22 “(g) PUBLICATION.—The Secretary shall develop,  
23 issue, and publish in the Federal Register, not later than  
24 90 days after the date of enactment of the **【McKinney-**  
25 **Vento Homeless Education Reauthorization Act of 2011】**,

1 a summary of the changes enacted by that Act and related  
2 strategies, which summary shall include—

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

6 “(2) strategies by which a State can review and  
7 revise State policies and procedures that may  
8 present barriers to the identification, enrollment, at-  
9 tendance, and success of homeless children and  
10 youth in school; and

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

14 “(h) INFORMATION.—

15 “(1) IN GENERAL.—From funds appropriated  
16 under section 726, the Secretary shall, directly or  
17 through grants, contracts, or cooperative agree-  
18 ments, periodically but no less frequently than every  
19 2 years, collect and disseminate publicly data and in-  
20 formation regarding—

21 “(A) the number of homeless children and  
22 youth;

23 “(B) the education and related support  
24 services such children and youth receive;



1           “(C) the extent to which the needs of  
2           homeless children and youth are being met;

3           “(D) the academic progress being made by  
4           homeless children and youth, including the per-  
5           cent or number of homeless children and youth  
6           participating in State assessments; and

7           “(E) such other data and information as  
8           the Secretary determines to be necessary and  
9           relevant to carry out this subtitle.

10          “(2) COORDINATION.—The Secretary shall co-  
11          ordinate such collection and dissemination with  
12          other agencies and entities that receive assistance  
13          and administer programs under this subtitle.

14          “(i) REPORT.—Not later than 4 years after the date  
15          of enactment of the **【McKinney-Vento Homeless Edu-  
16          cation Reauthorization Act of 2011】**, the Secretary shall  
17          prepare and submit to the President and the Committee  
18          on Education and the Workforce of the House of Rep-  
19          resentatives and the Committee on Health, Education,  
20          Labor, and Pensions of the Senate a report on the status  
21          of the provision of education and related support services  
22          to homeless children and youth, which shall include infor-  
23          mation on—

24                 “(1) the education of homeless children and  
25                 youth; and

1           “(2) the actions of the Secretary and the effec-  
2           tiveness of the programs supported under this sub-  
3           title.

4   **“SEC. 725. DEFINITIONS.**

5           “In this subtitle:

6           “(1) ENROLL; ENROLLMENT.—The terms ‘en-  
7           roll’ and ‘enrollment’ include attending classes and  
8           participating fully in school activities.

9           “(2) HOMELESS CHILDREN AND YOUTH.—The  
10          term ‘homeless children and youth’—

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

14           “(B) includes—

15           “(i) children and youth who—

16           “(I) are sharing the housing of  
17           other persons due to loss of housing,  
18           economic hardship, or a similar rea-  
19           son;

20           “(II) are living in motels, hotels,  
21           trailer parks, or camping grounds due  
22           to the lack of alternative adequate ac-  
23           commodations;

24           “(III) are living in emergency or  
25           transitional shelters;

1 “(IV) are abandoned in hospitals;

2 or

3 “(V) are awaiting foster care  
4 placement;

5 “(ii) children and youth who have a  
6 primary nighttime residence that is a pub-  
7 lic or private place not designed for or or-  
8 dinarily used as a regular sleeping accom-  
9 modation for human beings (within the  
10 meaning of section 103(a)(2)(C));

11 “(iii) children and youth who are liv-  
12 ing in cars, parks, public spaces, aban-  
13 doned buildings, substandard housing, bus  
14 or train stations, or similar settings; and

15 “(iv) migratory children (as such term  
16 is defined in section 1309 of the Elemen-  
17 tary and Secondary Education Act of 1965  
18 (20 U.S.C. 6399)) who qualify as homeless  
19 for the purposes of this subtitle because  
20 the children are living in circumstances de-  
21 scribed in clauses (i) through (iii).

22 “(3) LOCAL EDUCATIONAL AGENCY; STATE  
23 EDUCATIONAL AGENCY.—The terms ‘local edu-  
24 cational agency’ and ‘State educational agency’ have  
25 the meanings given such terms in section 9101 of

1 the Elementary and Secondary Education Act of  
2 1965 (20 U.S.C. 7801).

3 “(4) SECRETARY.—The term ‘Secretary’ means  
4 the Secretary of Education.

5 “(5) STATE.—The term ‘State’ means each of  
6 the 50 States, the District of Columbia, and the  
7 Commonwealth of Puerto Rico.

8 “(6) UNACCOMPANIED YOUTH.—The term ‘un-  
9 accompanied youth’ means a homeless child or youth  
10 not in the physical custody of a parent or legal  
11 guardian.

12 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

13 “For the purpose of carrying out this subtitle, there  
14 are authorized to be appropriated such sums as may be  
15 necessary for fiscal year 2012 and each of the 6 suc-  
16 ceeding fiscal years.”.