

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—112th Cong., 1st Sess.**

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

To amend the Elementary and Secondary Education Act of 1965.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. HARKIN (for himself and Mr. ENZI)

Viz:

1 Strike all after the enacting clause and insert the following:  
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Elementary and Secondary 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.

TITLE I—ENSURING COLLEGE AND CAREER READINESS FOR ALL STUDENTS

## 2

- 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 the outlying areas and the Secretary of the Interior.
- Sec. 1123. Allocations to States.
- Sec. 1124. Education finance incentive grant program.
- Sec. 1125. 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. Program evaluation.
- Sec. 1408. Purpose of local agency programs.
- Sec. 1409. Programs operated by local educational agencies.
- Sec. 1410. Local educational agency applications.
- Sec. 1411. Uses of funds.

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- Sec. 1412. Program requirements for correctional facilities receiving funds under this section.
- Sec. 1413. Accountability.
- Sec. 1414. Program evaluations.
- Sec. 1415. 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.

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## PART C—MAGNET SCHOOLS ASSISTANCE

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

- Sec. 6101. Promoting flexibility.
- Sec. 6102. Rural education.
- Sec. 6103. General provisions.

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 EDUCATION

Sec. 7301. Alaska Native Education.

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.

Sec. 8009. Eligibility for impact aid payment.

TITLE IX—GENERAL PROVISIONS

Sec. 9101. Definitions.

Sec. 9102. Unsafe school choice option.

Sec. 9103. Evaluation authority.

Sec. 9104. Conforming amendments.

TITLE X—HOMELESS EDUCATION

Sec. 10011. Short title.

Sec. 10012. Education for homeless children and youth.

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

1 **SEC. 4. TRANSITION.**

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

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

18 (c) **ORDERLY TRANSITION.**—The Secretary shall take  
19 such steps as are necessary to provide for the orderly tran-  
20 sition to, and implementation of, programs authorized by  
21 this Act, and by the amendments made by this Act, from  
22 programs authorized by the Elementary and Secondary  
23 Education Act of 1965, as that Act was in effect prior  
24 to the date of enactment of this Act.

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

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

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

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

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

19 **SEC. 6. TABLE OF CONTENTS OF THE ELEMENTARY AND**  
20 **SECONDARY EDUCATION ACT OF 1965.**

21 Section 2 is amended to read as follows:

22 **“SEC. 2. TABLE OF CONTENTS.**

23 **“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.
- “Sec. 1225. Supplement, not supplant.
- “Sec. 1226. Definitions.

“PART C—EDUCATION OF MIGRATORY CHILDREN

- “Sec. 1301. Program purpose.

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- “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. Program evaluation.

“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.
- “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.

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

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## “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.
- “Sec. 4205. Authorized activities.
- “Sec. 4206. Performance metrics; report.
- “Sec. 4207. Evaluation.
- “Sec. 4208. Supplement not supplant.

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“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.

“Sec. 4604. Applications.

“Sec. 4605. Uses of funds.

“Sec. 4606. Administrative provisions.

“PART G—READY-TO-LEARN

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“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.
- “Sec. 5418. Federal formula allocation during first year and for successive enrollment expansions.
- “Sec. 5419. Records transfer.
- “Sec. 5420. National activities.

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“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.

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

“PART A—INDIAN EDUCATION

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“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

“Sec. 7301. Short title.

“Sec. 7302. Findings.

“Sec. 7303. Purposes.

“Sec. 7304. Program authorized.

## 16

“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

“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.

## 17

- “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:

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

2 “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—

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

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

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

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

20 “(3) EDUCATION FINANCE INCENTIVE GRANT  
21 PROGRAM.—There are authorized to be appropriated  
22 to carry out section 1125A such sums as may be  
23 necessary for fiscal year 2012 and each of the 4 suc-  
24 ceeding fiscal years.

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

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

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

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

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

24          “(e) EDUCATION OF MIGRATORY CHILDREN.—For  
25          the purposes of carrying out part C of title I, Education

1 of Migratory Children, there are authorized to be appro-  
2 priated such sums as may be necessary for fiscal year  
3 2012 and each of the 4 succeeding fiscal years.

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

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

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

21 “(i) TEACHER INCENTIVE FUND.—For the purposes  
22 of carrying out part C of title II, Teacher Incentive Fund,  
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           “(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 (at a minimum, basic, on-track,  
15                   and advanced levels) that determine  
16                   how well students are mastering the  
17                   material in the State academic con-  
18                   tent standards.

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

23                   “**(vi)** **NO REQUIREMENT TO SUBMIT**  
24                   **STANDARDS TO THE SECRETARY.**—A State  
25                   shall not be required to submit the State’s

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

6 “(B) SCIENCE STANDARDS.—A State—

7 “(i) shall demonstrate that the State  
8 has adopted, by not later than December  
9 31, 2013, statewide academic content  
10 standards and student academic achieve-  
11 ment standards in science that are aligned  
12 with the knowledge and skills needed to be  
13 college and career ready, as described in  
14 subparagraph (A)(ii);

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

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

22 “(C) STANDARDS FOR OTHER SUB-  
23 JECTS.—If a State adopts high-quality aca-  
24 demic content standards and student academic  
25 achievement standards in subjects other than

1 reading or language arts, mathematics, and  
2 science, such State may choose to use such  
3 standards as part of the State's accountability  
4 system, consistent with section 1116.

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

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

19 “(ii) such alternate academic achieve-  
20 ment standards—

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

24 “(II) provide access to the gen-  
25 eral curriculum and the student aca-

1                   demic achievement standards required  
2                   under this paragraph for such subject;  
3                   and

4                   “(III) reflect professional judgment  
5                   as to the highest possible standards  
6                   achievable by such student.

7                   “(E) ENGLISH LANGUAGE PROFICIENCY  
8                   STANDARDS.—A State shall, not later than December  
9                   31, 2014, adopt high-quality English  
10                  language proficiency standards that—

11                  “(i) are aligned with the State’s academic  
12                  content standards in reading or language  
13                  arts under subparagraph (A) so that  
14                  achieving English language proficiency, as  
15                  measured by the State’s English language  
16                  proficiency standards, indicates a sufficient  
17                  knowledge of English to allow the State to  
18                  validly and reliably measure the student’s  
19                  achievement on the State’s reading or language  
20                  arts student academic achievement  
21                  standards;

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

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

3                   “(iv) are updated, not later than 1  
4                   year after the State adopts any new aca-  
5                   demic content standards in reading or lan-  
6                   guage arts under this paragraph, in order  
7                   to align the English language proficiency  
8                   standards with the new content standards.

9                   “(F) NO FEDERAL CONTROL.—Nothing in  
10                  this section shall be construed to authorize an  
11                  officer or employee of the Federal Government  
12                  to mandate, direct, or control a State’s aca-  
13                  demic content standards or student academic  
14                  achievement standards developed in accordance  
15                  with this section.

16                  “(G) EXISTING STANDARDS.—Nothing in  
17                  this part shall prohibit a State from revising,  
18                  consistent with this section, any standard  
19                  adopted under this part before, on, or after the  
20                  date of enactment of the Elementary and Sec-  
21                  ondary Education Reauthorization Act of 2011.

22                  “(2) ACADEMIC ASSESSMENTS.—

23                  “(A) STATE ASSESSMENTS.—The State  
24                  plan shall demonstrate that the State edu-  
25                  cational agency, in consultation with local edu-

1           cational agencies, shall, beginning not later  
2           than the beginning of the 2015–2016 school  
3           year, adopt and implement statewide assess-  
4           ments that—

5                   “(i) include statewide assessments in  
6                   reading or language arts, and mathe-  
7                   matics, annually for grades 3 through 8  
8                   and not less frequently than once during  
9                   grades 10 through 12, that—

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

13                           “(II) are administered to all pub-  
14                           lic elementary and secondary school  
15                           students in the State;

16                           “(III) measure individual aca-  
17                           demic achievement;

18                           “(IV) in the case of a State de-  
19                           scribed in subsection (b)(1)(B), meas-  
20                           ure individual student growth, includ-  
21                           ing measuring whether students are  
22                           attaining growth in accordance with  
23                           clauses (i) and (ii) of such subsection;  
24                           and

1                   “(V) may, at the State’s choos-  
2                   ing—

3                   “(aa)     be     administered  
4                   through a single summative as-  
5                   sessment each year; or

6                   “(bb)     be     administered  
7                   through multiple statewide as-  
8                   sessments during the course of  
9                   the year if the State can dem-  
10                  onstrate to the Secretary’s satis-  
11                  faction that the results of these  
12                  multiple assessments, taken in  
13                  their totality, provide a  
14                  summative score that provides  
15                  valid and reliable information on  
16                  whether students are on track to  
17                  college and career readiness in  
18                  reading or language arts, and  
19                  mathematics;

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

1                   “(I) student achievement relative  
2                   to the State’s science student aca-  
3                   demic achievement standards under  
4                   paragraph (1)(B);

5                   “(II) individual academic achieve-  
6                   ment; and

7                   “(III) in the case of a State de-  
8                   scribed in subsection (b)(1)(B), indi-  
9                   vidual student growth, including  
10                  measuring whether students are at-  
11                  taining growth in accordance with  
12                  clauses (i) and (ii) of such subsection;

13                  “(iii) include the English language  
14                  proficiency assessments and any alternate  
15                  assessments described in subparagraphs  
16                  (D) and (E), respectively; and

17                  “(iv) at the discretion of the State,  
18                  measure the proficiency of students in the  
19                  other academic subjects for which the  
20                  State has adopted academic content stand-  
21                  ards and student academic achievement  
22                  standards under paragraph (1)(C).

23                  “(B) REQUIREMENTS FOR ASSESS-  
24                  MENTS.—The assessments administered under  
25                  this paragraph shall—



1 to measure the academic achievement  
2 of such children in a subject, relative  
3 to the State academic content stand-  
4 ards and State student academic  
5 achievement standards under para-  
6 graph (1) for such subject; and

7 “(III) the valid and reliable ac-  
8 commodations for children with dis-  
9 abilities necessary to measure the aca-  
10 demic achievement of such children in  
11 a subject, relative to the State aca-  
12 demic content standards and State  
13 student academic achievement stand-  
14 ards under paragraph (1) for such  
15 subject; and

16 “(IV) the inclusion of English  
17 learners, who shall be assessed in a  
18 valid and reliable manner and pro-  
19 vided reasonable accommodations on  
20 assessments administered to such stu-  
21 dents under this paragraph, including,  
22 to the extent practicable, assessments  
23 in the language and form most likely  
24 to yield accurate data on what such  
25 students know and can do in academic

1 content areas, until such students  
2 have achieved English language pro-  
3 ficiency as determined under subpara-  
4 graph (D), except that the State may  
5 exempt any English learner at the  
6 lowest levels of English language pro-  
7 ficiency from the reading or language  
8 arts assessment for not more than 2  
9 years following the date of the stu-  
10 dent's first enrollment in a school in  
11 the United States;

12 “(vi) notwithstanding clause (v)(IV),  
13 include the academic assessment (using  
14 tests written in English) of reading or lan-  
15 guage arts of any student who has at-  
16 tended school in the United States (not in-  
17 cluding Puerto Rico) for 3 or more con-  
18 secutive school years, except that, if the  
19 local educational agency determines, on a  
20 case-by-case individual basis, that aca-  
21 demic assessments in another language or  
22 form would likely yield more accurate and  
23 reliable information on what such student  
24 knows and can do, the local educational  
25 agency may make a determination to as-

1            sess such student in the appropriate lan-  
2            guage other than English for a period that  
3            does not exceed 2 additional consecutive  
4            years, if such student has not yet reached  
5            a level of English language proficiency suf-  
6            ficient to yield valid and reliable informa-  
7            tion on what such student knows and can  
8            do on tests (written in English) of reading  
9            or language arts;

10           “(vii) include students who have at-  
11           tended schools in a local educational agen-  
12           cy for a full academic year but have not at-  
13           tended a single school for a full academic  
14           year;

15           “(viii) produce individual student in-  
16           terpretive, descriptive, and diagnostic re-  
17           ports that allow parents, teachers, and  
18           principals to understand and address the  
19           specific academic needs of students and in-  
20           clude information regarding achievement  
21           on the academic assessments aligned with  
22           State academic achievement standards,  
23           and that are provided to parents, teachers,  
24           and principals—

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

3                   “(II) in an understandable and  
4                   uniform format; and

5                   “(III) to the extent practicable,  
6                   in a language that parents can under-  
7                   stand;

8                   “(ix) enable results to be  
9                   disaggregated within the State, local edu-  
10                  cational agency, and school by gender, by  
11                  each major racial and ethnic group, by  
12                  English language proficiency status, by mi-  
13                  grant status, by status as a student with  
14                  a disability, and by economically disadvan-  
15                  taged status, except that, in the case of a  
16                  local educational agency or a school, such  
17                  disaggregation shall not be required in a  
18                  case in which the results would reveal per-  
19                  sonally identifiable information about an  
20                  individual student;

21                  “(x) be consistent with widely accept-  
22                  ed professional testing standards and ob-  
23                  jectively measure academic achievement,  
24                  knowledge, and skills;

1           “(xi) not evaluate or assess personal  
2           or family beliefs and attitudes or publicly  
3           disclose personally identifiable information;

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

12          “(xiii) produce student achievement  
13          and other student data that can be used to  
14          inform determinations of individual prin-  
15          cipal and teacher effectiveness for purposes  
16          of evaluation and for determining the  
17          needs of principals and teachers for profes-  
18          sional development and support; and

19          “(xiv) consistent with subsection  
20          (a)(3)(D), be administered to not less than  
21          95 percent of all students, and not less  
22          than 95 percent of each subgroup of stu-  
23          dents described in clause (ix), who are en-  
24          rolled in the school.

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

18                  “(D) ASSESSMENTS OF ENGLISH LAN-  
19                  GUAGE PROFICIENCY.—

20                  “(i) IN GENERAL.—Each State plan  
21                  shall demonstrate that local educational  
22                  agencies in the State will, not later than  
23                  the beginning of the 2015–2016 school  
24                  year, provide for the annual assessment of  
25                  English language proficiency of all English

1 learners in the schools served by the State  
2 educational agency.

3 “(ii) REQUIREMENTS.—The English  
4 language proficiency assessment described  
5 in clause (i) shall—

6 “(I) be aligned with the State’s  
7 English language proficiency stand-  
8 ards under paragraph (1)(E);

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

13 “(III) reflect the academic lan-  
14 guage that is required for success on  
15 the State’s academic assessments,  
16 consistent with paragraph (1)(E)(iv).

17 “(E) ALTERNATE ASSESSMENTS FOR STU-  
18 DENTS WITH THE MOST SIGNIFICANT COG-  
19 NITIVE DISABILITIES.—A State may provide al-  
20 ternate assessments that are aligned with alter-  
21 nate academic achievement standards described  
22 in paragraph (1)(D) for students with the most  
23 significant cognitive disabilities, if the State—

24 “(i) establishes and monitors imple-  
25 mentation of clear and appropriate guide-

1 lines for individualized education program  
2 teams (as defined in section 614(d)(1)(B)  
3 of the Individuals with Disabilities Edu-  
4 cation Act) to apply in determining, on a  
5 subject-by-subject basis, when a child's sig-  
6 nificant cognitive disability justifies assess-  
7 ment based on alternate academic achieve-  
8 ment standards;

9 “(ii) ensures that parents of the stu-  
10 dents whom the State plans to assess using  
11 alternate assessments are involved in the  
12 decision that their child's academic  
13 achievement will be measured against al-  
14 ternate academic achievement standards,  
15 consistent with section  
16 614(d)(1)(A)(i)(VI)(bb) of the Individuals  
17 with Disabilities Education Act and are in-  
18 formed whether participation in such as-  
19 sessment may preclude the student from  
20 completing the requirements for a regular  
21 high school diploma, as determined by the  
22 State;

23 “(iii) provides evidence that students  
24 with the most significant cognitive disabil-  
25 ities are, to the maximum extent prac-

1            ticable, included in the general curriculum  
2            and in assessments aligned with such cur-  
3            rriculum, as described in section  
4            601(c)(5)(A) of the Individuals with Dis-  
5            abilities Education Act;

6                  “(iv) certifies that, consistent with  
7            section 612(a)(16)(A) of the Individuals  
8            with Disabilities Education Act, the State’s  
9            regular academic assessments described in  
10           subparagraphs (A), (C), and (D) are uni-  
11           versally designed to be accessible to stu-  
12           dents, including students with sensory,  
13           physical, and intellectual disabilities,  
14           through the provision of reasonable adap-  
15           tations and valid and reliable accommoda-  
16           tions that produce valid results;

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

1 of appropriate accommodations to increase  
2 the number of students with the most sig-  
3 nificant cognitive disabilities who are test-  
4 ed against grade-level academic achieve-  
5 ment standards;

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

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

19 “(F) REDUCING DUPLICATIVE ASSESS-  
20 MENT.—The State shall include, in the State  
21 plan under subsection (b), a description of how  
22 the State will regularly analyze assessment and  
23 accommodations practice and use, and reduce  
24 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, attaining growth in accordance with  
17          clauses (i) and (ii) of subsection (b)(1)(B), for  
18          a subject for any purpose under this section,  
19          section 1116, or section 1117, a State edu-  
20          cational agency may include, for all schools in  
21          the State, the performance of the State’s stu-  
22          dents with the most significant cognitive dis-  
23          abilities on alternate assessments as described  
24          in subsection (a)(2)(E) in the subjects included  
25          in the State’s accountability system, if the total

1           number of those students in all grades assessed  
2           and for each subject in the accountability sys-  
3           tem who are on track to college and career  
4           readiness, according to those alternate assess-  
5           ments, does not exceed 1 percent of all students  
6           in the State in the grades assessed in each sub-  
7           ject.

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

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

22          “(b) STATE PLANS.—

23                 “(1) IN GENERAL.—For any State desiring to  
24                 receive a grant under this part, the State edu-  
25                 cational agency shall submit to the Secretary a plan,

1 developed by the State educational agency in con-  
2 sultation with local educational agencies, teachers,  
3 principals, specialized instructional support per-  
4 sonnel, administrators, other staff, and parents,  
5 that—

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

8 “(B) if the State chooses to use student  
9 growth as a measure of academic progress and  
10 to determine if students are on track to college  
11 and career readiness, describes how the State  
12 will measure student growth to ensure that—

13 “(i) a student performing below the  
14 on-track level of performance for the stu-  
15 dent’s grade level under subsection  
16 (a)(1)(A)(iv) on the academic assessment  
17 for the subject under subsection (a)(2) is  
18 attaining a rate of academic growth in the  
19 subject that indicates that the student will  
20 be on track to college and career readiness  
21 in not more than a specified number of  
22 years; or

23 “(ii) a student who is performing at  
24 or above the on-track level of performance  
25 for the student’s grade level on the aca-

1           demic assessment for the subject is con-  
2           tinuing to make academic growth;

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

12          “(D) provides an assurance that the State  
13          will continue to administer the academic assess-  
14          ments required under paragraph (3)(B) and (7)  
15          of subsection (b), as such paragraphs were in  
16          effect on the day before the date of enactment  
17          of the Elementary and Secondary Education  
18          Reauthorization Act of 2011, and to include the  
19          results of such assessments in the State’s ac-  
20          countability system, until the State has imple-  
21          mented the assessments required under sub-  
22          section (a)(2);

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

1           “(F) describes the process the State will  
2           utilize to review local educational agency plans  
3           submitted pursuant to section 1112, including  
4           the parent and family engagement plan de-  
5           scribed in section 1118 and other provisions re-  
6           lated to parent and family engagement;

7           “(G) describes the support the State will  
8           provide to local educational agencies for the  
9           education of homeless children and youths, and  
10          how such support is consistent with the require-  
11          ments of subtitle B of title VII of the McKin-  
12          ney-Vento Homeless Assistance Act;

13          “(H) describes how the State educational  
14          agency has involved the committee of practi-  
15          tioners established under section 1503(b) in de-  
16          veloping the plan and monitoring its implemen-  
17          tation;

18          “(I) describes how the State educational  
19          agency will coordinate with the State Advisory  
20          Council on Early Childhood Education and  
21          Care, as appropriate;

22          “(J) describes how, beginning not later  
23          than 1 year after the date of enactment of the  
24          Elementary and Secondary Education Reau-

1           thorization Act of 2011, and for each subse-  
2           quent year—

3                   “(i) the State educational agency will  
4                   provide for the equitable distribution of  
5                   teachers in the State within local edu-  
6                   cational agencies and the State using data  
7                   on the percentage and distribution of more  
8                   than 1, or an index that incorporates more  
9                   than 1, of the categories of teachers de-  
10                  scribed in subparagraph (K); and

11                   “(ii) the State will report to the Sec-  
12                   retary the percentage and distribution of  
13                   teachers in the State, based on the meas-  
14                   ures used in the State, for each quartile of  
15                   schools based on school poverty level, for  
16                   high-minority schools, and for low-minority  
17                   schools; and

18                   “(K) describes how the State will annually  
19                   submit to the Secretary, for each quartile of  
20                   schools in the State based on school poverty  
21                   level and for high-minority schools and low-mi-  
22                   nority schools in the State, data regarding the  
23                   percentage and distribution of the following cat-  
24                   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                   “(v) Where applicable, teachers who  
10 are in the highest or lowest rating cat-  
11 egories of a teacher evaluation system that  
12 is consistent with section 2301(b)(4).

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

16                   “(3) DURATION OF THE PLAN.—

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

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

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

1 “(B) ADDITIONAL INFORMATION.—

2 “(i) REVISED PLANS.—If a State  
3 makes significant changes to its plan, such  
4 as adopting new State academic content  
5 standards, new State student achievement  
6 standards, or new academic assessments  
7 under subsection (a), the State shall sub-  
8 mit a revised plan to the Secretary.

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

16 “(4) PEER REVIEW AND SECRETARIAL AP-  
17 PROVAL.—

18 “(A) SECRETARIAL DUTIES.—The Sec-  
19 retary shall—

20 “(i) establish a peer-review process  
21 that maximizes collaboration with each  
22 State to assist in the review of State plans;

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





1 from, such plan one or more specific ele-  
2 ments of the State’s academic content  
3 standards or to use specific academic as-  
4 sessment instruments or items.

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

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

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

22 “(A) increase student academic achieve-  
23 ment and college and career readiness (as  
24 measured by the State academic content and  
25 student academic achievement standards);

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

4           “(C) improve child development;

5           “(D) strengthen relationships and partner-  
6 ships among school personnel (including edu-  
7 cators and administrators) and parents and  
8 family members, to support student achieve-  
9 ment and college and career readiness;

10           “(E) improve the ability of local edu-  
11 cational agencies and schools to increase the  
12 participation of parents and family members in  
13 school improvement strategies; and

14           “(F) focus the activities described in sub-  
15 paragraphs (A) through (E) in high-need local  
16 educational agencies and high-need schools.

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

20           “(A) ensure maximum coordination and  
21 minimum duplication of efforts (which may in-  
22 clude the designation of a parent and family en-  
23 gagement coordinator) among, at a minimum—

24           “(i) Federal, State and local pro-  
25 grams;

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

3                   “(iii) the parent and family informa-  
4                   tion and resource centers established under  
5                   part F of title IV; and

6                   “(iv) appropriate non-Federal entities  
7                   (such as community-based and philan-  
8                   thropic organizations); and

9                   “(B) collect and disseminate best practices  
10                  and research on parent and family engagement  
11                  strategies to—

12                  “(i) local educational agencies, includ-  
13                  ing high-need local educational agencies,  
14                  and high-need schools in the State, such as  
15                  through parent and family engagement  
16                  academies and other leadership develop-  
17                  ment strategies; and

18                  “(ii) institutions of higher education  
19                  and other organizations with a dem-  
20                  onstrated record of success in increasing  
21                  the engagement of parents and family  
22                  members in education.

23                  “(3) TECHNICAL ASSISTANCE, TRAINING, AND  
24                  CAPACITY-BUILDING.—The State parent and family  
25                  engagement plan shall describe the evidence-based

1 technical assistance, professional development, or  
2 other capacity-building strategies that the State will  
3 provide to, at a minimum, high-need local edu-  
4 cational agencies and high-need schools, which—

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

9 “(B) shall include partnering with the ap-  
10 propriate parent and family information and re-  
11 source centers; and

12 “(C) may include assistance in developing,  
13 revising, or implementing the local educational  
14 agency plans submitted pursuant to section  
15 1112, as such plans relate to supporting parent  
16 and family engagement.

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

24 “(d) ANNUAL STATE REPORT CARDS.—

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

7           “(2) REQUIREMENTS FOR ALL REPORT  
8           CARDS.—The State shall ensure that the school,  
9           local educational agency, and State report cards re-  
10          quired under this subsection shall—

11                   “(A) be uniform across the State;

12                   “(B) be concise;

13                   “(C) be presented in a format that is eas-  
14           ily understandable and, to the extent prac-  
15           ticable, provided in a language that parents can  
16           understand; and

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

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

23                           “(ii) placing, on the website of each  
24                           local educational agency and, where appli-  
25                           cable, each school, a link that provides ac-

1                   cess to the report card for the school or  
2                   local educational agency, respectively; and  
3                   “(iii) providing a copy of a school’s re-  
4                   port card to the parents of each student  
5                   enrolled in the school each year.

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

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

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

23                   “(i) Student achievement at each per-  
24                   formance level on the State academic as-  
25                   sessments that are included in the State’s

1                   accountability system under subsection  
2                   (a)(3).

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

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

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

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

15                         “(I) the number and percentage  
16                         of students who are attaining growth,  
17                         in accordance with clauses (i) and (ii)  
18                         of such subsection, for each subject  
19                         area and grade level; and

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

24                  “(vi) The number and percentages of  
25                  students with the most significant cog-

1           nitive disabilities that take an alternate as-  
2           sessment under subsection (a)(2)(E), by  
3           grade and subject.

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

12          “(viii) For each high school—

13               “(I) student graduation rates, in-  
14               cluding—

15                   “(aa) the 4-year adjusted  
16                   cohort graduation rate, as de-  
17                   fined in section 9101(30)(A); and

18                   “(bb) the cumulative grad-  
19                   uation rate, as defined in section  
20                   9101(30)(B); and

21               “(II) not later than the beginning  
22               of the 2012–2013 school year, the  
23               rate at which students who graduated  
24               from the high school in the preceding  
25               year enrolled in institutions of higher

1 education by the beginning of the next  
2 school year; and

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

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

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

1 Progress Authorization Act (20 U.S.C.  
2 9622(b)(2)(G)).

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

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

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

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

20 “(D) indicators of school climate;

21 “(E) student attendance; and

22 “(F) school readiness of students in kin-  
23 dergarten.

24 “(5) LOCAL EDUCATIONAL AGENCY AND STATE  
25 REPORT CARDS.—Each local educational agency re-

1 port card and State report card required under  
2 paragraph (1)—

3 “(A) shall include the data described in  
4 clauses (i) through (viii) of paragraph (3)(B)  
5 for the local educational agency or State, re-  
6 spectively, as a whole and disaggregated by the  
7 subgroups described in subsection (a)(2)(B)(ix);  
8 and

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

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

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

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

8           “(e) REPORTING.—

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

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

16                 “(B) information on the achievement of  
17                 students, in terms of being on track to college  
18                 and career readiness and, for States described  
19                 in subsection (b)(1)(B), in terms of attaining  
20                 growth in accordance with clauses (i) and (ii) of  
21                 such subsection, on such academic assessments,  
22                 including results disaggregated by the sub-  
23                 groups described in subsection (a)(2)(B)(ix);

24                 “(C) in any year before the State begins to  
25                 provide the information described in subpara-

1 graph (B), information on the results of stu-  
2 dent academic assessments (including results  
3 disaggregated by the subgroups described in  
4 subsection (a)(2)(B)(ix)) required under this  
5 section;

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

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

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

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

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

23 “(i) analyze existing data from State  
24 reports required under this Act, the Indi-  
25 viduals with Disabilities Education Act,

1 and the Carl D. Perkins Career and Tech-  
2 nical Education Act of 2006, and summa-  
3 rize major findings from such reports;

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

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

18 “(iv) compare the performance of stu-  
19 dents, including the subgroups described in  
20 clause (iii), across States and local edu-  
21 cational agencies across the United States;

22 “(v) identify and report on promising  
23 practices, areas of greatest improvement in  
24 student achievement and educational at-

1                   tainment, and other examples worthy of  
2                   national attention;

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

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

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

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

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

6                   “(f) PENALTIES.—If a State that receives a grant  
7                   under this part fails to meet any requirement of this part,  
8                   the Secretary may withhold funds for State administration  
9                   under this part until the Secretary determines that the  
10                  State has fulfilled those requirements.

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

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

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

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

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

9           “(D) Whether the student is provided serv-  
10          ices by paraprofessionals and, if so, their quali-  
11          fications.

12          “(2) ADDITIONAL INFORMATION.—In addition  
13          to the information that parents of students may re-  
14          quest under paragraph (1), a school that receives  
15          funds under this part shall provide to each indi-  
16          vidual parent, with respect to the student—

17                 “(A) information on the level of achieve-  
18                 ment of the student in each of the State aca-  
19                 demic assessments as required under this part;  
20                 and

21                 “(B) timely notice that the student has  
22                 been assigned, or has been taught for 4 or more  
23                 consecutive weeks by, a teacher who is not high-  
24                 ly qualified.

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

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

9           “(i) **TECHNICAL ASSISTANCE.**—The Secretary shall  
10          provide a State educational agency, at the State edu-  
11          cational agency’s request, technical assistance in meeting  
12          the requirements of this section, including the provision  
13          of advice by experts in the development of high-quality  
14          academic assessments, the setting of State standards, the  
15          development of State accountability systems, the minimum  
16          number of students in a subgroup needed to protect con-  
17          fidentiality, and other relevant areas.

18          “(j) **CONSTRUCTION.**—Nothing in this part shall be  
19          construed to prescribe the use of the academic assess-  
20          ments described in this part for student promotion or  
21          graduation purposes.

22          “(k) **SPECIAL RULE WITH RESPECT TO BUREAU-**  
23          **FUNDED SCHOOLS.**—In determining the assessments to be  
24          used by each school operated or funded by the Bureau

1 of Indian Education of the Department of Interior that  
2 receives funds under this part, the following shall apply:

3           “(1) STATE ACCREDITED SCHOOLS.—Each such  
4 school that is accredited by the State in which it is  
5 operating shall use the assessments the State has  
6 developed and implemented to meet the require-  
7 ments of this section, or such other appropriate as-  
8 sessment as approved by the Secretary of the Inte-  
9 rior.

10           “(2) REGIONALLY ACCREDITED SCHOOLS.—  
11 Each such school that is accredited by a regional ac-  
12 crediting organization shall adopt appropriate as-  
13 sements, in consultation with and with the ap-  
14 proval of, the Secretary of the Interior and con-  
15 sistent with assessments adopted by other schools in  
16 the same State or region, that meets the require-  
17 ments of this section.

18           “(3) TRIBALLY ACCREDITED SCHOOLS.—Each  
19 such school that is accredited by a tribal accrediting  
20 agency or tribal division of education shall use as-  
21 sements developed by such agency or division, ex-  
22 cept that the Secretary of the Interior shall ensure  
23 that such assessments meet the requirements of this  
24 section.”.

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

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

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

5 “(a) PLANS REQUIRED.—

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

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

19 “(b) PLAN DEVELOPMENT AND DURATION.—

20 “(1) CONSULTATION.—Each local educational  
21 agency plan shall be developed in consultation  
22 with—

23 “(A) teachers, principals, administrators,  
24 and other appropriate school personnel;

25 “(B) representatives of early childhood  
26 education and care programs in the geographic

1 area served by the local educational agency, as  
2 appropriate; and

3 “(C) parents and family members of chil-  
4 dren in schools served under this part.

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

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

16 “(c) STATE APPROVAL.—

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

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

24 “(A) enables schools served under this part  
25 to substantially help children served under this

1 part meet the academic standards expected of  
2 all children described in section 1111(a)(1); and

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

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

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

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

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

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

23 “(D) identify significant gaps in student  
24 achievement among subgroups of students iden-  
25 tified under section 1111(a)(2)(B)(ix) and de-

1           velop strategies to reduce such gaps in achieve-  
2           ment; and

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

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

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

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

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

11 “(5) How activities under this part will be co-  
12 ordinated and integrated with Federal, State, and  
13 local services and programs, including programs sup-  
14 ported under this Act, the Carl D. Perkins Career  
15 and Technical Education Act of 2006, the Individ-  
16 uals with Disabilities Education Act, the Rehabilita-  
17 tion Act of 1973, the Head Start Act, the Child  
18 Care and Development Block Grant Act of 1990, the  
19 Workforce Investment Act of 1998, violence preven-  
20 tion programs, nutrition programs, and housing pro-  
21 grams.

22 “(6) How the local educational agency will co-  
23 ordinate and integrate services provided under this  
24 part with local workforce development programs that  
25 serve disadvantaged or out-of-school youth, such as

1 those providing workforce investment activities  
2 under chapter 4 of subtitle B of title I of the Work-  
3 force Investment Act of 1998, including a descrip-  
4 tion of how the local educational agency will use  
5 funds under this part to support such activities.

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

8 “(8) How teachers, in consultation with parents  
9 and family members, administrators, and specialized  
10 instruction support services personnel, in targeted  
11 assistance schools under section 1115, will identify  
12 the eligible children most in need of services under  
13 this part.

14 “(9) How the local educational agency will iden-  
15 tify and address any disparities in the equitable dis-  
16 tribution of teachers, consistent with the require-  
17 ments of section 1111(b)(1)(I).

18 “(10) Data on the percentage and distribution  
19 of more than 1, or an index that incorporates more  
20 than 1, of the categories of teachers described in  
21 subparagraphs (A) through (E) of subsection (e)(9).

22 “(11) A description of—

23 “(A) how the local educational agency will  
24 provide opportunities for the enrollment, at-

1           tendance, and success of homeless children and  
2           youths; and

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

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

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

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

1           “(2) provide to parents and teachers the results  
2           from the academic assessments required under sec-  
3           tion 1111(a)(2) as soon as is practicably possible  
4           after the test is taken in an understandable and uni-  
5           form format and, to the extent possible, provided in  
6           a language that the parents and, to the greatest ex-  
7           tent practicable, family members, can understand;

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

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

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

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

1           “(7) inform eligible schools of the local edu-  
2           cational agency’s authority to obtain waivers on the  
3           school’s behalf under applicable Federal flexibility  
4           provisions;

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

12          “(9) annually submit to the State educational  
13          agency, for each quartile of schools in the local edu-  
14          cational agency based on school poverty level and for  
15          high-minority schools and low-minority schools in  
16          the local educational agency, data regarding the per-  
17          centage and distribution of the following categories  
18          of teachers:

19                  “(A) Teachers who are not classified as  
20                  highly qualified teachers.

21                  “(B) Teachers who are inexperienced.

22                  “(C) Teachers who have not completed a  
23                  teacher preparation program.

1           “(D) Teachers who are not teaching in the  
2           subject or field for which the teacher is certified  
3           or licensed.

4           “(E) Where applicable, teachers who are in  
5           the highest or lowest categories of a teacher  
6           evaluation system that is consistent with section  
7           2301(b)(4).

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

10           “(1) IN GENERAL.—

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

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

23           “(ii) the child’s level of English pro-  
24           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 not  
15          ordinarily provided to other students under this  
16          part, including—

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-

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)”;

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

13 and  
14 (B) in paragraph (2)—

15 (i) in subparagraph (A)—

16 (I) in the matter preceding clause  
17 (i), by striking “No Child Left Behind  
18 Act of 2001), in consultation with the  
19 local educational agency and its school  
20 support team or other technical assist-  
21 ance provider under section 1117,”  
22 and inserting “Elementary and Sec-  
23 ondary Education Reauthorization Act  
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 are not identified as persistently  
19 low-achieving under subsection (c)(2), and that  
20 have the largest achievement gap among any of  
21 the subgroups of students described in subpara-  
22 graph (B) or have the lowest performance by  
23 students in such subgroups in the State, with  
24 respect to—

1                   “(i) being on track to career and col-  
2                   lege readiness in the subjects included in  
3                   the State accountability system under sec-  
4                   tion 1111(a)(3); and

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

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

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

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

19                         “(ii) average data for the most recent  
20                         2- to 3-year period for which data are  
21                         available.

22                  “(D) PARENTAL NOTIFICATION.—Each  
23                  year, a State shall provide timely notification to  
24                  all parents of students enrolled in each school  
25                  identified under subparagraph (A) that the

1 school is one of the State's achievement gap  
2 schools for such year.

3 “(2) STATE AND LOCAL STRATEGIES.—

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

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

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

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

1           “(A) IN GENERAL.—Each State receiving  
2 a grant under this part shall, beginning in the  
3 2013–2014 school year and every year there-  
4 after, determine the lowest-achieving schools in  
5 the State, which shall include—

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

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

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

23           “(III) if the State so chooses—

24           “(aa) schoolwide gains; and

1                   “(bb) absolute student per-  
2                   formance and, in the case of a  
3                   State described in section  
4                   1111(b)(1)(B), student growth,  
5                   on other statewide assessments;  
6                   and

7                   “(ii) the public high schools in the  
8                   State that have less than a 60 percent  
9                   graduation rate.

10                  “(B) DATA RULE.—In identifying the low-  
11                  est-achieving schools under this paragraph, a  
12                  State shall—

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

15                         “(ii) average data for the most recent  
16                         2- to 3-year period for which data are  
17                         available.

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

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

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

3 “(I) receive assistance under this  
4 part;

5 “(II) are public high schools for  
6 which not less than 50 percent of each  
7 school’s students are from low-income  
8 families, as determined by the local  
9 educational agency under section  
10 1113; or

11 “(III) are public high schools  
12 that have less than a 60 percent grad-  
13 uation rate;

14 “(ii) submit the list described in  
15 clause (i) to the Secretary;

16 “(iii) distribute the list described in  
17 clause (i) to the local educational agencies,  
18 elementary schools, and secondary schools  
19 in the State; and

20 “(iv) make such list publicly available,  
21 including through the Internet.

22 “(2) IDENTIFICATION AS PERSISTENTLY LOW-  
23 ACHIEVING.—

24 “(A) IDENTIFICATION.—For the 2013–  
25 2014 school year, each State receiving a grant

1 under this part shall identify each school in-  
2 cluded on the list under paragraph (1)(D)(i) for  
3 the preceding school year as a persistently low-  
4 achieving school. For the 2014–2015 school  
5 year, and each subsequent school year, each  
6 such State shall identify each school that has  
7 been included on the list under such paragraph  
8 for the 2 preceding consecutive school years as  
9 a persistently low-achieving school.

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

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

23 “(4) NEEDS ANALYSIS.—Each local educational  
24 agency receiving assistance under this part shall  
25 conduct a data-driven needs analysis, which may in-

1        involve an external partner with expertise in con-  
2        ducting such needs analysis, of each school identified  
3        under paragraph (2) by the State to determine the  
4        most appropriate school improvement strategies to  
5        improve student performance. Such needs analysis  
6        shall include—

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

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

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

21              “(5) STATE AND LOCAL RESPONSIBILITIES.—

22              “(A) STATE RESPONSIBILITIES.—Each  
23              State receiving a grant under this part shall en-  
24              sure that a local educational agency receiving  
25              assistance carries out the requirements of sub-

1 paragraph (B) for each persistently low-achiev-  
2 ing school in the State.

3 “(B) LOCAL EDUCATIONAL AGENCY RE-  
4 SPONSIBILITIES.—Each local educational agen-  
5 cy receiving assistance under this part shall,  
6 consistent with the State’s accountability sys-  
7 tem under section 1111(a)(3), for each school  
8 identified under paragraph (2) that it serves—

9 “(i) establish a process for selecting  
10 an appropriate school improvement strat-  
11 egy for the school that uses information  
12 from the needs analysis under paragraph  
13 (4);

14 “(ii) select the school improvement  
15 strategy to be used in each identified  
16 school and the timeline for implementing  
17 the selected school improvement strategy  
18 in such school;

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

1                   “(iv) implement a school improvement  
2 strategy at the school in accordance with  
3 the requirements of paragraph (6);

4                   “(v) use appropriate measures to  
5 monitor the effectiveness of the implemen-  
6 tation;

7                   “(vi) review and select turnaround  
8 partners to assist in implementing school  
9 improvement strategies;

10                  “(vii) align other Federal, State, and  
11 local resources with the school improve-  
12 ment strategy;

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

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

24                  “(x) provide an assurance that the im-  
25 plementation of the selected school im-

1           provement strategy addresses the needs of  
2           all the subgroups of students described in  
3           subsection (b)(1)(B) in the school;

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

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

12                           “(I) data collection and analysis;

13                           “(II) recruiting and retaining  
14                           staff;

15                           “(III) teacher and principal eval-  
16                           uation;

17                           “(IV) professional development;

18                           “(V) parent and family engage-  
19                           ment;

20                           “(VI) coordination of services  
21                           with early childhood education and  
22                           care providers;

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

1                   “(VIII) monitoring the imple-  
2                   mentation of the school improvement  
3                   strategy selected under paragraph (6).

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

9                   “(6) SCHOOL IMPROVEMENT STRATEGIES.—

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

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

18                   “(ii) conduct regular evaluations for  
19                   the teachers and principals at the school  
20                   that provide specific feedback on areas of  
21                   strength and in need of improvement;

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

1                   “(iv) provide instructional staff at the  
2 school with timely access to student data  
3 to inform instruction and meet the aca-  
4 demic needs of individual students, which  
5 may include, in elementary school, school  
6 readiness data;

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

11                   “(vi) use data to identify and imple-  
12 ment a research-based instructional pro-  
13 gram that—

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

19                   “(II) provides differentiated in-  
20 struction and related instructional  
21 supports;

22                   “(vii) in the case of an elementary  
23 school with kindergarten entry, consider  
24 the issue of school readiness in such school  
25 by—

1                   “(I) examining factors that con-  
2                   tribute to school readiness as part of  
3                   the needs analysis conducted under  
4                   paragraph (4); and

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

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

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

24                  “(viii) provide ongoing mechanisms  
25                  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; and

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.

21                   “(ii) STRATEGIC STAFFING STRAT-  
22                   EGY.—A local educational agency imple-  
23                   menting a strategic staffing initiative as a  
24                   strategy for a school shall—

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

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

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

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

22                   “(III) provide incentives to the  
23                   principal and teachers to participate  
24                   in the initiative.

1                   “(iii) TURNAROUND STRATEGY.—A  
2                   local educational agency implementing a  
3                   turnaround model as a strategy for a  
4                   school shall—

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

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

11                  “(iv) WHOLE SCHOOL REFORM STRAT-  
12                  EGY.—A local educational agency imple-  
13                  menting a whole school reform strategy for  
14                  a school shall implement an evidence-based  
15                  strategy that ensures whole school reform.  
16                  The strategy shall be undertaken in part-  
17                  nership with a strategy developer offering  
18                  a school reform program that is based on  
19                  at least a moderate level of evidence that  
20                  the program will have a statistically signifi-  
21                  cant effect on student outcomes, including  
22                  more than 1 well-designed or well-imple-  
23                  mented experimental or quasi-experimental  
24                  study.

1                   “(v) RESTART STRATEGY.—A local  
2 educational agency implementing a restart  
3 strategy in a school shall carry out the fol-  
4 lowing:

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

16                   “(bb) convert the school to a  
17 magnet school or create a new, inno-  
18 vative school, as defined by the State.

19                   “(II) Ensure that the new  
20 school—

21                   “(aa) serves the grade levels  
22 as the original school for which  
23 the strategy is being imple-  
24 mented; and

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

10                   “(vi) SCHOOL CLOSURE STRATEGY.—  
11                   A local educational agency implementing a  
12                   school closure strategy for a school—

13                   “(I) shall close the school and en-  
14                   roll the students who attended the  
15                   school in other schools, including  
16                   charter schools, served by the local  
17                   educational agency that are within  
18                   reasonable proximity to the closed  
19                   school, as determined by the local  
20                   education agency, and that are high-  
21                   er-performing than the school that is  
22                   being closed;

23                   “(II) shall provide transpor-  
24                   tation, or shall pay for the provision  
25                   of transportation, for each such stu-

1                   dent to the student’s new school, con-  
2                   sistent with State law and local edu-  
3                   cational agency policy;

4                   “(III) shall provide information  
5                   about high-quality educational op-  
6                   tions, as well as transition and sup-  
7                   port services to students, who at-  
8                   tended the closed school and the stu-  
9                   dents’ parents; and

10                  “(IV) may use school improve-  
11                  ment funds provided under subsection  
12                  (d) to pay for the expenses of—

13                         “(aa) transitioning students  
14                         from the school that is being  
15                         closed to the new school;

16                         “(bb) supporting the new  
17                         school; and

18                         “(cc) expanding and offering  
19                         student supports and services  
20                         within the new school, which may  
21                         include high-quality prekind-  
22                         ergarten programs and services.

23                   “(C) FLEXIBILITY.—Notwithstanding any  
24                   other provision of this paragraph—

1           “(i) a local educational agency that is  
2           eligible for services under subpart 1 or 2 of  
3           title VI, as determined by the Secretary,  
4           may modify not more than 1 of the ele-  
5           ments or activities required under subpara-  
6           graph (A) of a school improvement strat-  
7           egy selected for a school described in para-  
8           graph (5)(A), in order to better meet the  
9           needs of students in such school; and

10           “(ii) a State educational agency may  
11           apply to the Secretary for a waiver of  
12           clauses (i)(I), (ii)(II), and (iii)(I) of sub-  
13           paragraph (B).

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

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



1                   “(ii) a consortium of such local edu-  
2                   cational agencies; or

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

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

10                  “(2) ALLOTMENTS TO STATES.—

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

22                   “(B) ALLOTMENTS TO STATES.—From the  
23                   funds made available to carry out this sub-  
24                   section under section 3(a)(2) for a fiscal year,  
25                   the Secretary shall allot to each State with an

1 approved application an amount that bears the  
2 same relation to such funds as the amount that  
3 the State received under subpart 2 for the pre-  
4 ceeding fiscal year bears to the amount that all  
5 States receive under such subpart for such fis-  
6 cal year.

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

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

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

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

24 “(D) how the State will set priorities in  
25 awarding subgrants to eligible entities approved

1 to serve schools identified under subsection (b),  
2 if funds are available to do so;

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

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

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

1 subsection (c)(2)), either directly or through edu-  
2 cational service agencies or other public or private  
3 organizations.

4 “(5) SCHOOL IMPROVEMENT ACTIVITIES.—

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

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

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

1           “(B) PRIORITY.—In distributing grant  
2 funds under this paragraph, a State shall assist  
3 the schools identified under paragraph (1) or  
4 (2) of subsection (c), including such schools  
5 that have improved as provided for in sub-  
6 section (c)(7), in the State before assisting eli-  
7 gible schools that are identified under sub-  
8 section (b).

9           “(C) SUBGRANTS.—

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

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

1           “(I) adopted human resource  
2 policies that prioritize the recruit-  
3 ment, retention, and placement of ef-  
4 fective staff in eligible schools;

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

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

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

24           “(V) facilitated alignment and  
25 coordination between early childhood

1 education and care programs and  
2 services serving students who will at-  
3 tend eligible schools that are elemen-  
4 tary schools, and teachers and prin-  
5 cipals of such eligible schools.

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

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

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

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

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

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

15           “(iii) carry out activities at the local  
16 educational agency level that directly sup-  
17 port such implementation, such as—

18                   “(I) assistance in data collection  
19 and analysis;

20                   “(II) recruiting and retaining  
21 staff;

22                   “(III) teacher and principal eval-  
23 uation;

24                   “(IV) professional development;

1                   “(V) coordination of services to  
2                   address students’ social, emotional,  
3                   and health needs; and

4                   “(VI) progress monitoring.

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

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

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

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

10           “(i) identifying and disseminating ef-  
11           fective school improvement strategies, in-  
12           cluding in rural areas;

13           “(ii) making available targeted tech-  
14           nical assistance, including planning and  
15           implementation tools; and

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

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

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

1                   “(i) identify schools that are imple-  
2                   menting school improvement strategies ef-  
3                   fectively;

4                   “(ii) identify effective school improve-  
5                   ment strategies; and

6                   “(iii) collect and disseminate that in-  
7                   formation to States and local educational  
8                   agencies in a manner that facilitates rep-  
9                   lication of effective practices.

10                  “(D) Other activities designed to support  
11                  State and local efforts to improve eligible  
12                  schools.

13                  “(7) EVALUATION.—The Director of the Insti-  
14                  tute of Education Sciences shall conduct an evalua-  
15                  tion of the programs carried out under this sub-  
16                  section.

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

24                  “(f) CONSTRUCTION.—Nothing in this section shall  
25                  be construed to alter or otherwise affect the rights, rem-

1 edies, and procedures afforded school or school district  
2 employees under Federal, State, or local laws (including  
3 applicable regulations or court orders) or under the terms  
4 of collective bargaining agreements, memoranda of under-  
5 standing, or other agreements between such employees  
6 and their employers.”.

7 **SEC. 1117. BLUE RIBBON SCHOOLS.**

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

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

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

14 “(b) BLUE RIBBON SCHOOLS.—

15 “(1) IDENTIFICATION OF BLUE RIBBON  
16 SCHOOLS.—Each State receiving a grant under this  
17 part may—

18 “(A) define the category of blue ribbon  
19 schools, consistent with paragraph (2), for the  
20 State as part of its State plan in section  
21 1111(b); and

22 “(B) identify, for each school year, the  
23 schools in the State that are blue ribbon schools  
24 for such year.

25 “(2) BLUE RIBBON SCHOOL CRITERIA.—

1           “(A) IN GENERAL.—If a State elects to  
2 carry out this subsection, the State’s blue rib-  
3 bon schools shall consist of the top 5 percent of  
4 the State’s public elementary schools and sec-  
5 ondary schools, as designated by the State  
6 based on—

7           “(i) the percentage of students who  
8 are on track to college and career readi-  
9 ness for English or language arts, and  
10 mathematics;

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

13           “(iii) the performance of each cat-  
14 egory of students described in subsection  
15 (b)(1)(B);

16           “(iv) if the State chooses to measure  
17 student growth in accordance with section  
18 1111(b)(1)(B), the percentage of students  
19 attaining growth in accordance with  
20 clauses (i) and (ii) of such subsection; and

21           “(v) school gains.

22           “(B) NONELIGIBILITY FOR BLUE RIBBON  
23 STATUS.—A school identified under subsection  
24 (b) or (c)(2) of section 1116 for a year shall

1 not be eligible for blue ribbon school status for  
2 the same year.

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

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

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

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

21 “(C) reserve not more than .5 percent of  
22 the funds allotted to the State under subpart 2  
23 and use such reserved amounts to distribute re-  
24 wards, on a competitive basis, to local edu-  
25 cational agencies that serve 1 or more blue rib-

1           bon schools identified under subsection (b) that  
2           receive funds under subpart 2 to enable the  
3           local educational agencies to provide awards to  
4           such blue ribbon schools that receive funds  
5           under such subpart.

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

10                   “(A) improve student achievement; and

11                   “(B) provide technical assistance to the  
12           lowest-achieving schools in the State that have  
13           characteristics similar to the blue ribbon school,  
14           in accordance with the State plan under section  
15           1111(b)(1)(E).”.

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

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

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

20           “(a) LOCAL EDUCATIONAL AGENCY PARENT AND  
21 FAMILY ENGAGEMENT PLAN.—

22                   “(1) IN GENERAL.—A local educational agency  
23           may receive funds under this part only if such agen-  
24           cy develops and implements a strategic, evidence-  
25           based plan to support meaningful engagement of

1 parents and family members in education (referred  
2 to in this section as the ‘parent and family engage-  
3 ment plan’). Such plan shall be aligned through in-  
4 corporation into the local educational agency’s plan  
5 developed under section 1112 and shall include  
6 strategies (especially in high-need schools) that are  
7 planned and implemented in meaningful consultation  
8 with—

9 “(A) parents and family members of par-  
10 ticipating children, including districtwide parent  
11 advisory committees, where applicable;

12 “(B) to the greatest extent practicable, in-  
13 dividuals with expertise in effectively engaging  
14 parents and family members in education; and

15 “(C) organizations that have a dem-  
16 onstrated record of effectiveness in assisting  
17 students in becoming college and career ready.

18 “(2) CONSULTATION AND DISSEMINATION.—  
19 Each local educational agency that receives funds  
20 under this part shall—

21 “(A) develop and implement the parent  
22 and family engagement plan jointly with par-  
23 ents and family members of participating chil-  
24 dren and, where applicable, with a districtwide  
25 parent advisory committee; and

1           “(B) develop a template for schools to use  
2           in communicating—

3                   “(i) parent and family engagement  
4                   strategies; and

5                   “(ii) the content of the compact de-  
6                   scribed in subsection (e).

7           “(3) CONTENTS OF THE LOCAL EDUCATIONAL  
8           AGENCY PARENT AND FAMILY ENGAGEMENT  
9           PLAN.—

10                   “(A) REQUIRED ELEMENTS.—The parent  
11                   and family engagement plan shall—

12                           “(i) establish the local educational  
13                           agency’s expectations for, and commitment  
14                           to support, meaningful engagement strate-  
15                           gies;

16                           “(ii) describe the process through  
17                           which the local educational agency will  
18                           equip parents and family members, with  
19                           particular attention to economically dis-  
20                           advantaged parents and family members,  
21                           to—

22                                   “(I) act in partnership with  
23                                   school personnel to improve the aca-  
24                                   demic achievement and development  
25                                   of their children;



1 data collected through the evaluation de-  
2 scribed in subsection (b), a conditions for  
3 learning measurement system as described  
4 in section 4304(g), and surveys of parent  
5 and family engagement) to continuously  
6 improve and increase engagement strate-  
7 gies; and

8 “(v) describe how the local edu-  
9 cational agency will involve parents in the  
10 development of the plan described in sec-  
11 tion 1112.

12 “(B) OPTIONAL ELEMENTS.—The parent  
13 and family engagement plan may include, in ad-  
14 dition to the requirements described in subpara-  
15 graph (A), a description of how the local edu-  
16 cational agency plans to involve employers,  
17 business leaders, philanthropic and nonprofit  
18 organizations, and other community members  
19 committed to improving student achievement  
20 and development in order to increase and  
21 strengthen parent and family engagement, as  
22 well as how the local educational agency will co-  
23 ordinate with parent and family information  
24 and resource centers established under part F  
25 of title IV.

1       “(b) EVALUATION.—The local educational agency  
2 shall conduct, with the involvement of parents and family  
3 members, an annual evaluation of the effectiveness of the  
4 parent and family engagement plan in—

5           “(1) improving student academic achievement  
6 and development;

7           “(2) improving the college and career readiness  
8 of children; and

9           “(3) reducing barriers to greater participation  
10 in the activities described in this section by parents  
11 and family members, with particular attention to  
12 parents and family members who are economically  
13 disadvantaged.

14       “(c) RESERVATION AND USE OF FUNDS.—

15           “(1) IN GENERAL.—Each local educational  
16 agency shall reserve not less than 1 percent of such  
17 agency’s allocation under subpart 2 to carry out the  
18 activities described in this section.

19           “(2) EXCEPTION.—The reservation requirement  
20 under paragraph (1) shall not apply if 1 percent of  
21 the local educational agency’s allocation under sub-  
22 part 2 for the fiscal year for which the determina-  
23 tion is made is equal to or less than \$5,000.

24           “(3) USE OF FUNDS.—Funds reserved under  
25 paragraph (1) may be used to carry out systemic,

1 evidence-based parent and family engagement strate-  
2 gies, consistent with the local educational agency  
3 parent and family engagement plan described in sub-  
4 section (a), such as the following:

5 “(A) Designating or establishing a dedi-  
6 cated office or dedicated personnel for parent  
7 and family engagement.

8 “(B) Providing subgrants to schools work-  
9 ing in partnership with an organization with a  
10 demonstrated record of success in improving  
11 and increasing parent and family engagement.

12 “(C) Professional development for school  
13 personnel regarding parent and family engage-  
14 ment strategies, which may be provided jointly  
15 to teachers, school leaders, and parents and  
16 family members.

17 “(D) Districtwide or school-based leader-  
18 ship training for parents and family members  
19 and other evidence-based leadership develop-  
20 ment strategies.

21 “(E) Adult education and literacy activi-  
22 ties, as defined in section 203 of the Adult  
23 Education and Family Literacy Act.

24 “(F) Home visitation programs.

25 “(G) Volunteerism programs.

1           “(H) Other evidence-based or promising  
2 strategies for improving and increasing parent  
3 and family engagement, which may include  
4 family and student supports, as defined in sec-  
5 tion 4503.

6           “(I) Conducting the evaluation described in  
7 subsection (b).

8           “(J) Disseminating information on best  
9 practices (such as implementation, replication,  
10 impact studies, and evaluations) focused on  
11 parent and family engagement, especially best  
12 practices for increasing the engagement of eco-  
13 nomically disadvantaged parents and family  
14 members.

15           “(K) Coordinating parent and family en-  
16 gagement strategies conducted by the local edu-  
17 cational agency and schools within the local  
18 educational agency with local early learning  
19 programs, career and technical education pro-  
20 grams, and postsecondary education programs.

21           “(4) DISTRIBUTION OF FUNDS.—

22           “(A) IN GENERAL.—Not less than 95 per-  
23 cent of the funds reserved under this subsection  
24 shall be distributed to schools served under this  
25 part.

1           “(B) PRIORITY.—In allocating the funds  
2 described in subparagraph (A), each local edu-  
3 cational agency shall give priority to high-need  
4 schools.

5           “(C) DISTRICTWIDE ACTIVITIES.—Funds  
6 used to implement leadership training for par-  
7 ents and family members or other districtwide  
8 parent and family engagement initiatives with a  
9 demonstrated record of effectiveness that may  
10 be cost effective and that directly benefit par-  
11 ents and family members, may be considered  
12 funds distributed to schools.

13       “(d) FAMILY MEMBER ENGAGEMENT.—Each school  
14 served under this part shall—

15           “(1) regularly convene, at not less than 1 time  
16 during each academic year, a meeting at a conven-  
17 ient time, to which parents and family members of  
18 participating children shall be invited and encour-  
19 aged to attend, in order to—

20           “(A) review the parent and family engage-  
21 ment compact described in subsection (e);

22           “(B) inform parents and family members  
23 of opportunities for engagement in their child’s  
24 education; and

1           “(C) explain to parents and family mem-  
2           bers the right of the parents and family mem-  
3           bers to be involved, and the benefits of mean-  
4           ingful engagement;

5           “(2) use multiple methods to involve and col-  
6           laborate with parents and family members (in an or-  
7           ganized, ongoing, and timely way, including through  
8           electronic means) in the planning, development, re-  
9           view, implementation, and improvement of school  
10          improvement plans and strategies, including in de-  
11          veloping the schoolwide program plan under section  
12          1114(b)(2) or a similar school improvement plan;

13          “(3) at a minimum, provide parents and family  
14          members with—

15                 “(A) opportunities to develop the knowl-  
16                 edge and skills to engage as full partners in  
17                 supporting academic achievement, child develop-  
18                 ment, and school improvement;

19                 “(B) a description and explanation of the  
20                 forms of academic assessment used to measure  
21                 student progress, the proficiency levels students  
22                 are expected to meet, and opportunities to pro-  
23                 mote learning and college and career readiness  
24                 during out-of-school time;

1           “(C) opportunities to develop leadership  
2           skills and to engage school and local edu-  
3           cational agency staff in decisions relative to the  
4           education of their children; and

5           “(D) opportunities to increase their ability  
6           to engage effectively with educators and admin-  
7           istrators in formal and structured settings, such  
8           as parent-teacher conferences, individualized  
9           education program team meetings, local edu-  
10          cational agency meetings, disciplinary hearings,  
11          and the school budgeting process;

12          “(4) make the school safe and welcoming to  
13          parents and family members;

14          “(5) provide professional development and other  
15          evidence-based support to school staff regarding ef-  
16          fective parent and family engagement;

17          “(6) collaborate with community-based organi-  
18          zations, employers, or other entities to accomplish  
19          the purposes of this section;

20          “(7) to the extent feasible and appropriate, co-  
21          ordinate and integrate parent and family engage-  
22          ment programs and strategies with other Federal,  
23          State, and local programs; and

24          “(8) provide such other support for parent and  
25          family engagement strategies under this section as

1 parents and family members may request, to the ex-  
2 tent practicable.

3 “(e) SHARED RESPONSIBILITIES FOR COLLEGE AND  
4 CAREER READINESS.—Each school served under this part  
5 shall jointly develop with parents and family members, for  
6 all children served under this part, a parent and family  
7 engagement compact. Such compact shall—

8 “(1) describe the activities the school will take  
9 in accordance with subsection (d);

10 “(2) describe the school’s responsibility to—

11 “(A) provide a rigorous curriculum and ef-  
12 fective instruction in a supportive, safe, and  
13 healthy learning environment;

14 “(B) inform parents and family members  
15 (with attention to economically disadvantaged  
16 parents and family members) of opportunities  
17 to participate in school improvement or govern-  
18 ance councils, engage in the development of dis-  
19 cipline and suspension and other school policies,  
20 and access the parent and family information  
21 and resource centers established under part F  
22 of title IV; and

23 “(C) to the greatest extent practicable—

24 “(i) communicate with parents and  
25 family members when children are chron-

1           ically absent from school, when children  
2           are suspended or expelled, or when chil-  
3           dren drop out of school, which may include  
4           through home visits;

5           “(ii) refer parents and family mem-  
6           bers to adult education and literacy activi-  
7           ties, social services, or other programs and  
8           services designed to support parent and  
9           family engagement; and

10           “(iii) offer evidence-based mentoring  
11           programs to students;

12           “(3) describe the responsibilities of parents and  
13           family members to be full partners in the education  
14           of their child, which may include—

15           “(A) communicating high expectations for  
16           their child’s academic achievement and college  
17           and career readiness;

18           “(B) reading to their child, promoting the  
19           use of libraries, facilitating access to cultural  
20           events, parks, and recreational services, encour-  
21           aging community service and leadership, and  
22           planning for entry and success in institutions of  
23           higher education and careers;

24           “(C) monitoring their child’s school attend-  
25           ance, homework, course completion, academic

1 achievement, and progress toward college and  
2 career readiness; and

3 “(D) participating, as appropriate, in deci-  
4 sions relating to school improvement, decisions  
5 regarding the education of their children, and  
6 positive use of out-of-school time; and

7 “(4) address the importance of communication  
8 between teachers, parents, and family members on  
9 an ongoing basis through, at a minimum—

10 “(A) regular parent-teacher conferences;

11 “(B) frequent reports to family members  
12 on—

13 “(i) their children’s progress; and

14 “(ii) opportunities to be involved at  
15 school, including opportunities to support  
16 school improvement; and

17 “(C) providing parents and family mem-  
18 bers with—

19 “(i) reasonable access to staff;

20 “(ii) opportunities to volunteer and  
21 participate at school; and

22 “(iii) as appropriate, observation of  
23 classroom activities and school-based ac-  
24 tivities; and

1           “(D) to the extent practicable, providing  
2           information required under this section, and  
3           conducting any consultations required under  
4           this section, in a language that parents can un-  
5           derstand; and

6           “(5) describe the process through which school  
7           personnel communicate effectively with parents and  
8           family members and ensure that other community  
9           stakeholders are engaged, as appropriate, in sup-  
10          porting school improvement.

11          “(f) ACCESSIBILITY.—In carrying out the parent and  
12          family engagement requirements of this part, local edu-  
13          cational agencies and schools, to the greatest extent prac-  
14          ticable, shall provide opportunities for the full and in-  
15          formed participation of parents and family members (in-  
16          cluding parents and family members with disabilities), in-  
17          cluding providing information and school reports in a for-  
18          mat and, to the greatest extent practicable, in a language  
19          such parents can understand.”.

20       **SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARA-**  
21                               **PROFESSIONALS.**

22          Section 1119 (20 U.S.C. 6319) is amended—

23               (1) by striking subsection (a) and inserting the  
24          following:

25          “(a) IN GENERAL.—

1           “(1) IN GENERAL.—Except as provided in para-  
2           graph (2), each local educational agency receiving  
3           assistance under this part shall ensure that all  
4           teachers teaching in a program supported with funds  
5           under this part are highly qualified.

6           “(2) EXCEPTION.—Each local educational  
7           agency located in a State in which the State has  
8           fully implemented a teacher and principal evaluation  
9           system that is consistent with section 2301(b)(4)  
10          shall only be required to comply with the require-  
11          ments under paragraph (1) as they relate to new  
12          teachers.”;

13           (2) by striking subsections (b), (d), and (l);

14           (3) by redesignating subsections (c), (e), (f),  
15           (g), (h), (i), (j), and (k), as subsections (b), (c), (d),  
16           (e), (f), (g), (h), and (i), respectively;

17           (4) in subsection (b)(1), as redesignated by  
18           paragraph (3), by striking “hired after the date of  
19           enactment of the No Child Left Behind Act of 2001  
20           and”;

21           (5) in subsection (c), as redesignated by para-  
22           graph (3), by striking “Subsections (c) and (d)” and  
23           inserting “Subsection (b)”;

24           (6) by striking subsection (i), as redesignated  
25           by paragraph (3), and inserting the following:

1       “(i) SPECIAL RULE.—A State educational agency  
2 may not require a school or a local educational agency to  
3 expend a specific amount of funds for professional devel-  
4 opment activities under this part.”.

5 **SEC. 1120. COMPARABILITY OF SERVICES.**

6       Section 1120A (20 U.S.C. 6321) is amended—

7           (1) in subsection (a), by striking “involved”;

8       and

9           (2) by striking subsection (c) and inserting the  
10 following:

11       “(c) COMPARABILITY.—

12           “(1) IN GENERAL.—

13               “(A) COMPARABILITY.—Beginning for the  
14 2015-2016 school year, a local educational  
15 agency may receive funds under this part only  
16 if the local educational agency demonstrates to  
17 the State educational agency that the combined  
18 State and local per-pupil expenditures (includ-  
19 ing actual personnel and actual non-personnel  
20 expenditures) in each school served under this  
21 part, in the most recent year for which such  
22 data were available, are not less than the aver-  
23 age combined State and local per-pupil expendi-  
24 tures for those schools that are not served  
25 under this part.



1 “(III) capital expenditures; and

2 “(IV) such other expenditures as  
3 the Secretary determines appropriate.

4 “(ii) CHANGES AFTER THE BEGIN-  
5 NING OF THE SCHOOL YEAR.—A local edu-  
6 cational agency need not include unpredict-  
7 able changes in student enrollment or per-  
8 sonnel assignments that occur after the be-  
9 ginning of a school year in determining  
10 compliance under this subsection

11 “(2) DOCUMENTATION.—A local educational  
12 agency shall demonstrate that it is meeting the re-  
13 quirements of paragraph (1) by submitting to the  
14 State educational agency the per-pupil expenditures,  
15 personnel expenditures, non-personnel expenditures,  
16 and total expenditures for each school served by the  
17 local educational agency.

18 “(3) INAPPLICABILITY.—This subsection shall  
19 not apply to a local educational agency that does not  
20 have more than one building for each grade span.

21 “(4) PROCESS AND PROCEDURES.—

22 “(A) LOCAL EDUCATIONAL AGENCY RE-  
23 SPONSIBILITIES.—Each local educational agen-  
24 cy assisted under this part shall, by October 31,  
25 2016, report to the State educational agency on

1 its compliance with the requirements of this  
2 subsection for the preceding school year, includ-  
3 ing a listing, by school, of actual combined per-  
4 pupil State and local personnel and non-per-  
5 sonnel expenditures.

6 “(B) STATE EDUCATIONAL AGENCY RE-  
7 SPONSIBILITIES.—Each State educational agen-  
8 cy assisted under this part shall ensure that  
9 such information is made publicly available by  
10 the State or the local educational agency, in-  
11 cluding the school by school listing described in  
12 subparagraph (A).

13 “(C) PLAN.—A local educational agency  
14 that does not meet the requirements of this  
15 subsection in any year shall develop and imple-  
16 ment a plan to ensure compliance for the subse-  
17 quent school year and may be required by the  
18 State educational agency to report on its  
19 progress in implementing such plan.

20 “(5) TRANSITION PROVISIONS.—

21 “(A) SCHOOL YEARS PRECEDING THE 2015-  
22 2016 SCHOOL YEAR.—For school years pre-  
23 ceding the 2015-2016 school year, a local edu-  
24 cational agency may receive funds under this  
25 part only if the local educational agency dem-

1           onstrates to the State educational agency that  
2           the local educational agency meets the require-  
3           ments of this subsection, as in effect on the day  
4           before the date of enactment of the Elementary  
5           and Secondary Education Reauthorization Act  
6           of 2011.

7                   “(B) TRANSITION BETWEEN REQUIRE-  
8           MENTS.—The Secretary shall take such steps as  
9           are necessary to provide for the orderly transi-  
10          tion between the requirements under this sec-  
11          tion, as in effect on the day before the date of  
12          enactment of the Elementary and Secondary  
13          Education Reauthorization Act of 2011, and  
14          the new requirements under this section, as  
15          amended by such Act.”.

16 **SEC. 1121. COORDINATION REQUIREMENTS.**

17          Section 1120B (20 U.S.C. 6322) is amended to read  
18 as follows:

19 **“SEC. 1120B. COORDINATION REQUIREMENTS.**

20          “(a) IN GENERAL.—Each local educational agency  
21 receiving assistance under this part shall carry out the ac-  
22 tivities described in subsection (b) with Head Start agen-  
23 cies, consistent with section 642(e)(5) of the Improving  
24 Head Start for school Readiness Act of 2007 (42 U.S.C.  
25 9801 Public Law 110–134) providers of services under

1 part C of the Individuals with Disabilities Education Act,  
2 programs carried out under section 619 of the Individuals  
3 with Disabilities Education Act, and, if feasible, other en-  
4 tities carrying out early childhood education and care pro-  
5 grams and services.

6 “(b) ACTIVITIES.—The activities and services re-  
7 ferred to in subsection (a) include—

8 “(1) developing and implementing a systematic  
9 procedure for transferring, with parental consent,  
10 early childhood education and care program records  
11 for each participating child to the school in which  
12 such child will enroll;

13 “(2) establishing ongoing communication be-  
14 tween early childhood education and care program  
15 staff and their counterparts in the schools (including  
16 teachers, principals, social workers, local educational  
17 agency liaisons designated under section  
18 722(g)(1)(J)(ii) of the McKinney-Vento Homeless  
19 Assistance Act, and health staff) to facilitate the co-  
20 ordination and alignment of programs;

21 “(3) establishing ongoing communications be-  
22 tween the early childhood education and care pro-  
23 gram and the local educational agency for developing  
24 continuity of developmentally appropriate instruc-  
25 tional programs and shared expectations for chil-

1       dren’s learning and development as children transi-  
2       tion to school;

3               “(4) organizing and participating in joint train-  
4       ing, including transition-related training for school  
5       staff and early childhood education and care pro-  
6       grams;

7               “(5) establishing comprehensive transition poli-  
8       cies and procedures that support the school readi-  
9       ness of children transitioning to school;

10              “(6) conducting outreach to parents, families,  
11       and elementary school teachers to discuss the edu-  
12       cational, developmental, and other needs of children  
13       entering school;

14              “(7) helping parents of children who are  
15       English learners understand—

16                   “(A) the instructional and other services  
17       provided by the school in which such child will  
18       enroll after participation in a Head Start pro-  
19       gram or other Federal early childhood care and  
20       education program; and

21                   “(B) as appropriate, the information pro-  
22       vided to parents of English learners under sec-  
23       tion 3302;

24              “(8) helping parents understand the instruc-  
25       tional and other services provided by the school in

1       which their child will enroll after participation in a  
2       Head Start program or other Federal early child-  
3       hood care and education program; and

4               “(9) developing and implementing a system to  
5       increase program participation of underserved popu-  
6       lations of eligible children, especially children eligible  
7       for a free or reduced price lunch under the Richard  
8       B. Russell National School Lunch Act (42 U.S.C.  
9       1751 et seq.), parents of children who are English  
10      learners, and parents of children with disabilities.”.

11 **SEC. 1122. GRANTS FOR THE OUTLYING AREAS AND THE**  
12                               **SECRETARY OF THE INTERIOR.**

13       Section 1121(a) (20 U.S.C. 6331(a)) is amended by  
14 striking “section 1002(a)” and inserting “section  
15 3(a)(1)”.

16 **SEC. 1123. ALLOCATIONS TO STATES.**

17       Section 1122(a) (20 U.S.C. 6332(a)) is amended by  
18 striking “section 1002(a) to carry out this part for each  
19 of fiscal years 2002–2007” and inserting “section 3(a)(1)  
20 to carry out this part for each of fiscal years 2012–2017”.

21 **SEC. 1124. EDUCATION FINANCE INCENTIVE GRANT PRO-**  
22                               **GRAM.**

23       Section 1125A (20 U.S.C. 6337) is amended—

24               (1) in subsection (a), by striking “subsection  
25       (f)” and inserting “section 3(a)(3),”;

1           (2) in subsection (b)(1)(A), by striking “sub-  
2           section (f)” and inserting “section 3(a)(3)”;

3           (3) by striking subsection (f); and

4           (4) by redesignating subsection (g) as sub-  
5           section (f).

6   **SEC. 1125. GRANTS FOR STATE ASSESSMENTS AND RE-**  
7           **LATED ACTIVITIES.**

8           Part A of title I (20 U.S.C. 6301 et seq.) is amended  
9           by adding at the end the following:

10          **“Subpart 3—Grants for State Assessments and**  
11                           **Related Activities**

12   **“SEC. 1131. GRANTS FOR STATE ASSESSMENTS AND RE-**  
13           **LATED ACTIVITIES.**

14          “(a) GRANTS FOR STATE ASSESSMENTS.—From  
15           amounts made available to carry out this section, the Sec-  
16           retary shall make grants to States—

17                   “(1) to enable States to pay the costs of devel-  
18           oping, improving, or administering State assess-  
19           ments and standards consistent with section  
20           1111(a), which may include the cost of working in  
21           voluntary partnerships with other States, at the sole  
22           discretion of each such State; and

23                   “(2) in the case of States that have developed  
24           the assessments and standards consistent with the

1 requirements of section 1111(a), to enable each such  
2 State—

3 “(A) to administer such assessments; or

4 “(B) to carry out other activities described  
5 in this section, which may include—

6 “(i) developing challenging State aca-  
7 demic content and student academic  
8 achievement standards and aligned assess-  
9 ments in academic subjects for which  
10 standards and assessments are not re-  
11 quired under section 1111(a);

12 “(ii) developing or improving assess-  
13 ments of English language proficiency nec-  
14 essary to comply with section  
15 1111(a)(2)(D);

16 “(iii) developing multiple measures of  
17 student academic achievement, including  
18 measures that assess higher-order thinking  
19 skills and understanding, to increase the  
20 reliability and validity of State assessment  
21 systems;

22 “(iv) developing, enhancing, or admin-  
23 istering, in publicly funded early childhood  
24 care and education programs and elemen-  
25 tary schools, early learning assessments

1 (including accommodations to provide ac-  
2 cess for young children with disabilities) to  
3 improve instruction for young children;

4 “(v) strengthening the capacity of  
5 local educational agencies and schools to  
6 provide all students with the opportunity  
7 to increase educational achievement, in-  
8 cluding carrying out professional develop-  
9 ment activities aligned with State student  
10 academic achievement standards and as-  
11 sessments;

12 “(vi) expanding the range, and im-  
13 proving the quality, of accommodations  
14 available to English learners and students  
15 with disabilities to improve the use of such  
16 accommodations, including professional de-  
17 velopment activities;

18 “(vii) improving the dissemination of  
19 information about student achievement and  
20 school performance to parents and fami-  
21 lies, including the development of informa-  
22 tion and reporting systems designed to—

23 “(I) identify best educational  
24 practices based on scientifically valid  
25 research; or



1           “(3) AUTHORIZED ACTIVITIES.—Each State  
2 educational agency that receives a grant under this  
3 section shall use the grant funds to—

4           “(A) enable States, or a consortia of  
5 States, to collaborate with institutions of higher  
6 education or other organizations or agencies to  
7 improve the quality, validity, and reliability of  
8 State academic assessments beyond the require-  
9 ments for such assessments described in section  
10 1111(a)(2);

11           “(B) measure student academic achieve-  
12 ment using multiple measures of student aca-  
13 demic achievement from multiple sources, in-  
14 cluding measures that assess higher-order  
15 thinking skills and understanding;

16           “(C) chart student progress over time; or

17           “(D) evaluate student academic achieve-  
18 ment through the development of comprehensive  
19 academic assessment instruments.

20           “(c) ALLOTMENT OF APPROPRIATED FUNDS.—

21           “(1) IN GENERAL.—From amounts made avail-  
22 able for each fiscal year under this section that are  
23 equal to or less than the amount described in section  
24 1111(b)(3)(D) (hereinafter in this subsection re-

1       ferred to as the ‘trigger amount’), the Secretary  
2       shall—

3               “(A) reserve one-half of 1 percent for the  
4       Bureau of Indian Affairs;

5               “(B) reserve one-half of 1 percent for the  
6       outlying areas; and

7               “(C) from the remainder, allocate to each  
8       State an amount equal to—

9                       “(i) \$3,000,000; and

10                      “(ii) with respect to any amounts re-  
11       maining after the allocation is made under  
12       clause (i), an amount that bears the same  
13       relationship to such total remaining  
14       amounts as the number of students ages 5  
15       through 17 in the State (as determined by  
16       the Secretary on the basis of the most re-  
17       cent satisfactory data) bears to the total  
18       number of such students in all States.

19       “(2) REMAINDER.—

20               “(A) FUNDS FOR GRANTS.—Any amounts  
21       remaining for a fiscal year after the Secretary  
22       carries out paragraph (1) shall be made avail-  
23       able to award funds under this section to States  
24       according to the quality, needs, and scope of  
25       the State application under this section. In de-

1           termining the grant amount, the Secretary shall  
2           ensure that a State's grant shall include an  
3           amount that bears the same relationship to the  
4           total funds available under this paragraph for  
5           the fiscal year as the number of students ages  
6           5 through 17 in the State (as determined by  
7           the Secretary on the basis of the most recent  
8           satisfactory data) bears to the total number of  
9           such students in all States.

10           “(B) REMAINING FUNDS.—Any amounts  
11           remaining after the Secretary awards funds  
12           under subparagraph (A) shall be allocated to  
13           each State that did not receive a grant under  
14           such subparagraph, in an amount that bears  
15           the same relationship to the total funds avail-  
16           able under this subparagraph as the number of  
17           students ages 5 through 17 in the State (as de-  
18           termined by the Secretary on the basis of the  
19           most recent satisfactory data) bears to the total  
20           number of such students in all States.

21           “(3) DEFINITION OF STATE.—In this section,  
22           the term ‘State’ means each of the 50 States, the  
23           District of Columbia, and the Commonwealth of  
24           Puerto Rico.”.

1                   **PART B—PATHWAYS TO COLLEGE**

2   **SEC. 1201. IMPROVING SECONDARY SCHOOLS.**

3           Part B of title I (20 U.S.C. 6361 et seq.) is amend-  
4 ed—

5                   (1) by striking the part heading and inserting  
6 the following:

7                   **“PART B—PATHWAYS TO COLLEGE”;**

8           and

9                   (2) by striking subpart 1 and inserting the fol-  
10 lowing:

11                   **“Subpart 1—Improving Secondary Schools**

12 **“SEC. 1201. SECONDARY SCHOOL REFORM.**

13           “(a) PURPOSES.—The purposes of this section are to  
14 ensure students graduate from secondary school on track  
15 to college and career readiness and to increase graduation  
16 rates by providing grants to eligible entities to provide  
17 schools with the necessary resources to implement innova-  
18 tive and effective secondary school reform strategies.

19           “(b) DEFINITIONS.—In this section:

20                   “(1) COMPETENCY-BASED LEARNING MODEL.—

21           The term ‘competency-based learning model’ means  
22 an education model in which educators use explicit  
23 measurable learning objectives to assist students to  
24 advance upon mastery of the objectives as deter-  
25 mined through relevant assessments.

1           “(2) EFFECTIVE SECONDARY SCHOOL REFORM  
2 STRATEGIES.—The term ‘effective secondary school  
3 reform strategies’ means a set of programs, inter-  
4 ventions, and activities with demonstrated effective-  
5 ness in improving the academic achievement of  
6 struggling students or dropouts.

7           “(3) ELIGIBLE ENTITY.—The term ‘eligible en-  
8 tity’ means a high-need local educational agency in  
9 partnership with 1 or more external partners.

10           “(4) ELIGIBLE SECONDARY SCHOOL.—The  
11 term ‘eligible secondary school’ means a high school  
12 that—

13                   “(A) is eligible for funds under part A;

14                   “(B) has a graduation rate below 75 per-  
15 cent;

16                   “(C) does not receive grant funds under  
17 section 1116(d); and

18                   “(D) is identified as low performing based  
19 on the State’s accountability system.

20           “(5) EXTERNAL PARTNER.—The term ‘external  
21 partner’ means a public or private nonprofit organi-  
22 zation, public or private nonprofit institution of  
23 higher education, or nonprofit charter management  
24 organization, with a demonstrated record of success-  
25 ful secondary school reform.

1           “(6) FEEDER MIDDLE SCHOOL.—The term  
2           ‘feeder middle school’ means an elementary school or  
3           secondary school from which a majority of students  
4           go on to attend an eligible secondary school.

5           “(7) SECRETARY.—The term ‘Secretary’ means  
6           the Secretary of Education.

7           “(8) STRUGGLING STUDENT.—The term ‘strug-  
8           gling student’ means a student who is at an in-  
9           creased risk for low academic achievement and is  
10          unlikely to graduate secondary school on track to  
11          college and career readiness.

12          “(c) GRANTS AUTHORIZED.—

13           “(1) IN GENERAL.—

14           “(A) RESERVATION.—From the total  
15           amount of funds appropriated to carry out this  
16           section for a fiscal year, the Secretary may re-  
17           serve not more than 2.5 percent for national ac-  
18           tivities, which the Secretary shall use for tech-  
19           nical assistance, data collection and dissemina-  
20           tion, and reporting activities.

21           “(B) GRANTS.—From the total amount of  
22           funds appropriated to carry out this section for  
23           a fiscal year and not reserved under subpara-  
24           graph (A), the Secretary shall award grants, on  
25           a competitive basis, to eligible entities, based on

1 the quality of the applications submitted, of  
2 which—

3 “(i) not more than 25 percent of  
4 grant funds shall be used for activities de-  
5 scribed in subsection (e)(1); and

6 “(ii) not less than 75 percent of grant  
7 funds shall be used for activities described  
8 in paragraphs (2) and (3) of subsection (e)  
9 and subsection (f).

10 “(2) GRANT DURATION.—Grants awarded  
11 under this section shall be for a period of 5 years,  
12 conditional after 3 years on satisfactory progress on  
13 the performance indicators described in subsection  
14 (d)(2)(E), as determined by the Secretary.

15 “(3) ANNUAL REPORT.—Each eligible entity  
16 that receives a grant under this section shall submit  
17 to the Secretary an annual report including data on  
18 the entity’s progress on the performance indicators  
19 described in subsection (d)(2)(E).

20 “(d) APPLICATION.—

21 “(1) IN GENERAL.—An eligible entity that de-  
22 sires a grant under this section shall submit an ap-  
23 plication to the Secretary at such time, in such man-  
24 ner, and containing such information as the Sec-  
25 retary may reasonably require.

1           “(2) CONTENTS.—Each application submitted  
2           under paragraph (1) shall include, at a minimum, a  
3           description of the following:

4                   “(A) How the eligible entity will use funds  
5                   awarded under this section to carry out the ac-  
6                   tivities described in subsection (e)(1).

7                   “(B) The external partner’s capacity and  
8                   record of success in secondary school reform  
9                   and how the eligible entity will sustain the ac-  
10                  tivities proposed, including the availability of  
11                  funds from non-Federal sources and coordina-  
12                  tion with other Federal, State, and local funds.

13                  “(C) How the eligible entity conducted a  
14                  comprehensive needs analysis and capacity as-  
15                  sessment of the eligible secondary schools  
16                  served by the eligible entity to identify sec-  
17                  ondary schools proposed to be served by the  
18                  grant. The needs analysis and capacity assess-  
19                  ment shall include the following:

20                          “(i) Examine each secondary school’s  
21                          data in the aggregate and disaggregated by  
22                          each of the subgroups of students de-  
23                          scribed in section 1111(a)(2)(B)(ix) on the  
24                          following:

1                   “(I) Graduation rate and charac-  
2                   teristics of those students who are not  
3                   graduating, including such students’  
4                   attendance, behavior, expulsion rates,  
5                   suspension rates, course performance,  
6                   and credit accumulation rates.

7                   “(II) Rates of dropout recovery  
8                   (re-entry).

9                   “(III) Rates of college enrollment  
10                  and remediation, in accordance with  
11                  section 1111(d)(3)(B)(viii).

12                  “(ii) Examine each eligible secondary  
13                  school and feeder middle school’s data in  
14                  the aggregate, and disaggregated by each  
15                  of the subgroups of students described in  
16                  section 1111(a)(2)(B)(ix), as applicable, on  
17                  the following:

18                  “(I) Student academic achieve-  
19                  ment, including the percentage of stu-  
20                  dents who have on-time credit accu-  
21                  mulation at the end of each grade and  
22                  the percent of students failing a core,  
23                  credit-bearing, reading or language  
24                  arts, science, or mathematics course,  
25                  or failing 2 or more of any courses.

1                   “(II) Percent of students who  
2                   have an attendance rate lower than 90  
3                   percent.

4                   “(III) Annual rates of expulsions,  
5                   suspensions, school violence, harass-  
6                   ment, and bullying, as defined under  
7                   State or local laws or policies.

8                   “(IV) Annual, average credit ac-  
9                   cumulation.

10                  “(V) Annual, average attendance  
11                  rates.

12                  “(VI) Annual rates of students  
13                  who move in and out of the school  
14                  within a school year

15                  “(VII) Curriculum alignment  
16                  with college and career ready stand-  
17                  ards across all grade levels.

18                  “(VIII) Support services to ad-  
19                  dress the non-academic barriers that  
20                  impact student achievement.

21                  “(iii) Examine and include a descrip-  
22                  tion of each eligible secondary school’s ca-  
23                  pacity to implement the school reform ac-  
24                  tivities under subsection (e)(3), includ-  
25                  ing—

1                   “(I) the capacity and experience  
2                   levels of administrative, instructional,  
3                   and non-instructional staff; and

4                   “(II) the budget, including how  
5                   Federal, State, and local funds are  
6                   being spent, as of the time of the as-  
7                   sessment and can be better spent; and

8                   “(III) the technical assistance,  
9                   additional resources, and staff nec-  
10                  essary to implement the activities  
11                  identified in subsection (e).

12                  “(iv) Include an assessment of the ex-  
13                  ternal partner capacity to provide technical  
14                  assistance and resources to implement the  
15                  activities described in subsection (e).

16                  “(D) The strategies chosen to be imple-  
17                  mented at the eligible secondary schools, includ-  
18                  ing a rationale for reform strategies, as de-  
19                  scribed in subsection (e)(3)(F), selected for  
20                  each of the eligible secondary schools, including  
21                  how the chosen strategy will most effectively ad-  
22                  dress the needs identified through the needs  
23                  analysis.

24                  “(E) The performance indicators and tar-  
25                  gets the eligible entity will use to assess the ef-

1           fectiveness of the activities implemented under  
2           this section including—

3                   “(i) graduation rates;

4                   “(ii) dropout recovery (re-entry) rates;

5                   “(iii) percentage of students with less  
6           than a 90 percent attendance rate;

7                   “(iv) percentage of students who have  
8           on-time credit accumulation at the end of  
9           each grade and the percentage of students  
10          failing a core subject course;

11                  “(v) rates of expulsions, suspensions,  
12          school violence, harassment, and bullying,  
13          as defined under State or local laws or  
14          policies;

15                  “(vi) annual, average attendance  
16          rates;

17                  “(vii) annual rates of student mobil-  
18          ity;

19                  “(viii) college remediation, enrollment,  
20          persistence, and completion rates; and

21                  “(ix) percentage of students success-  
22          fully—

23                          “(I) completing Advanced Place-  
24                          ment or International Baccalaureate  
25                          courses;



1           “(ii) analyzing the distribution of  
2 struggling students in secondary schools  
3 across all grades;

4           “(iii) analyzing student progress and  
5 performance on the indicators identified  
6 under clause (i);

7           “(iv) analyzing academic indicators to  
8 determine whether students will graduate  
9 on track to college and career readiness;

10          “(v) analyzing student data to assist  
11 students in grade and school transitions;  
12 and

13          “(vi) developing a mechanism for reg-  
14 ularly collecting, reporting, and making ac-  
15 cessible to each school served by the eligi-  
16 ble entity for each such school’s students—

17           “(I) student-level data on the in-  
18 dicators identified under clause (i);

19           “(II) student-level progress and  
20 performance, as described in clause  
21 (iii);

22           “(III) student-level data on the  
23 indicators described in clause (iv); and

1                   “(IV) information about the im-  
2                   pact of interventions on student out-  
3                   comes and progress;

4                   “(B) provide support and credit recovery  
5                   opportunities for struggling students, including  
6                   those who are over-aged and under-credited, at  
7                   secondary schools served by the eligible entity  
8                   by offering activities, such as—

9                   “(i) a flexible school schedule;

10                  “(ii) competency-based learning mod-  
11                  els and performance-based assessments;  
12                  and

13                  “(iii) the provision of support services;

14                  “(C) provide dropout recovery or re-entry  
15                  programs to secondary schools that are de-  
16                  signed to encourage and support dropouts re-  
17                  turning to an educational system, program, or  
18                  institution following an extended absence in  
19                  order to graduate on track to college and career  
20                  readiness;

21                  “(D) provide evidence-based grade and  
22                  school transition programs and supports, in-  
23                  cluding through curricula alignment; and

24                  “(E) provide school leaders, instructional  
25                  staff, non-instructional staff, students, and

1 families with high-quality, easily accessible in-  
2 formation about—

3 “(i) secondary school graduation re-  
4 quirements;

5 “(ii) postsecondary education applica-  
6 tion processes;

7 “(iii) postsecondary admissions proc-  
8 esses and requirements, including public fi-  
9 nancial aid and other available private  
10 scholarship and grant aid opportunities;  
11 and

12 “(iv) other programs and services for  
13 increasing rates of college access and suc-  
14 cess for students from low-income families.

15 “(2) REQUIRED USE OF FUNDS IN FEEDER  
16 MIDDLE SCHOOLS.—An eligible entity that receives a  
17 grant under this section shall use the grant funds in  
18 feeder middle schools to improve the academic  
19 achievement of their students and prepare them to  
20 graduate on track to college and career readiness  
21 by—

22 “(A) using early warning indicator and  
23 intervention systems described in paragraph  
24 (1)(A);

1           “(B) creating a personalized learning envi-  
2           ronment;

3           “(C) providing high-quality professional  
4           development opportunities to school leaders,  
5           teachers, and other school staff to prepare staff  
6           to—

7                   “(i) address the academic challenges  
8                   of students in middle grades;

9                   “(ii) understand the developmental  
10                  needs of students in the middle grades and  
11                  how to address them in an educational set-  
12                  ting;

13                  “(iii) implement data-driven interven-  
14                  tions; and

15                  “(iv) provide academic guidance to  
16                  students so that students can graduate on  
17                  track to college and career readiness; and

18           “(D) implementing organizational practices  
19           and school schedules that allow for collaborative  
20           staff participation, team teaching, and common  
21           instructional planning time.

22           “(3) REQUIRED USE OF FUNDS IN ELIGIBLE  
23           SECONDARY SCHOOLS.—An eligible entity that re-  
24           ceives a grant under this section shall use the grant

1 funds in eligible secondary schools to implement a  
2 comprehensive approach that will—

3 “(A) personalize the school experience by  
4 taking steps such as—

5 “(i) creating opportunities for strug-  
6 gling students to receive personalized in-  
7 struction and opportunities for credit re-  
8 covery;

9 “(ii) implementing competency-based  
10 models; and

11 “(iii) providing ongoing evaluation of  
12 student academic achievement and the nec-  
13 essary supports so that students graduate  
14 on track to college and career readiness;

15 “(B) increase student engagement by pro-  
16 viding service-learning, experiential, and work-  
17 based and other learning opportunities, such  
18 as—

19 “(i) contextual learning opportunities;

20 “(ii) internship opportunities;

21 “(iii) community service, learning ap-  
22 prenticeships, and job shadowing;

23 “(iv) college campus visits, and post-  
24 secondary and career counseling; and

1                   “(v) developing an individual gradua-  
2                   tion plan for each student that defines  
3                   each student’s career and postsecondary  
4                   education goals, and provides the individ-  
5                   ualized evidence-based interventions nec-  
6                   essary to meet the goals;

7                   “(C) provide school leaders with autonomy  
8                   through a flexible budget and staffing author-  
9                   ity;

10                  “(D) implement high-quality professional  
11                  development for teachers and school leaders,  
12                  provide increased opportunities for teachers to  
13                  work collaboratively, and improve instruction;

14                  “(E) improve curriculum and instruction,  
15                  by—

16                         “(i) adopting effective, evidence-based  
17                         curricula and instructional materials  
18                         aligned to high academic standards for all  
19                         students; and

20                         “(ii) increasing rigor through the use  
21                         of Advanced Placement courses, Inter-  
22                         national Baccalaureate courses, or another  
23                         highly rigorous, evidence-based, postsec-  
24                         ondary preparatory programs; and

1           “(F) implement at least 1 of the following  
2 effective secondary school reform strategies to  
3 prepare students for college and a career, and  
4 to improve graduation rates:

5           “(i) Graduation Promise Academies,  
6 which include—

7           “(I) 9th grade academies taught  
8 by teams of teachers who work with  
9 small groups of students;

10          “(II) Career Academies for upper  
11 grades;

12          “(III) extended learning periods,  
13 such as block scheduling, to reduce  
14 the number of students for whom  
15 teachers are responsible and the num-  
16 ber of courses students are taking at  
17 any one time;

18          “(IV) an after-hours credit recov-  
19 ery program;

20          “(V) curriculum coaches who  
21 provide high-quality professional de-  
22 velopment and support;

23          “(VI) partnerships among par-  
24 ents, teachers, administrators, com-  
25 munity-based organizations, and com-

1 munity members focused on improving  
2 student achievement; and

3 “(VII) a college-going culture, in-  
4 cluding student supports and guid-  
5 ance.

6 “(ii) Career Academies, which—

7 “(I) establish career pathways by  
8 implementing a college and career  
9 ready curriculum that integrates rig-  
10 orous academics, career and technical  
11 education, and experiential learning  
12 for high school students in high-skill,  
13 high-demand industries in collabora-  
14 tion with local and regional employers;

15 “(II) provide counseling to ad-  
16 vance students’ college and career  
17 goals;

18 “(III) collaborate with local em-  
19 ployers to develop and provide work-  
20 based experiences for high schools stu-  
21 dents;

22 “(IV) modernize career-related  
23 equipment utilized by students; and

24 “(V) provide dual enrollment op-  
25 portunities with college credit-bearing

1 courses, including accelerated certifi-  
2 cate programs with community col-  
3 leges or other recognized postsec-  
4 ondary credentials.

5 “(iii) Early College Schools, which—

6 “(I) partner with 1 or more pub-  
7 lic or nonprofit institutions of higher  
8 education;

9 “(II) conduct outreach programs  
10 to ensure that middle school and high  
11 school students and their families are  
12 aware of the Early College Schools;

13 “(III) design curricula and se-  
14 quences of courses in collaboration  
15 with teachers from the eligible sec-  
16 ondary school and faculty from the  
17 partner institution of higher education  
18 so that students may simultaneously  
19 earn credits towards a high school di-  
20 ploma and either an associate degree  
21 or transferable postsecondary edu-  
22 cation credits toward a postsecondary  
23 degree;

24 “(IV) coordinate secondary and  
25 postsecondary support services, and

1 academic calendars to allow students  
2 to visit and take courses at the insti-  
3 tutions of higher education; and

4 “(V) provide academic and sup-  
5 port services, including financial aid  
6 counseling for postsecondary edu-  
7 cation.

8 “(f) ALLOWABLE USES OF FUNDS.—An eligible enti-  
9 ty that receives a grant under this section may use grant  
10 funds to—

11 “(1) improve parent and family engagement in  
12 the educational attainment and achievement of  
13 struggling students and dropouts to be on track to  
14 college and career readiness by—

15 “(A) leveraging community-based services  
16 and opportunities; and

17 “(B) providing parents and families with  
18 the necessary information, including data on  
19 their child’s academic achievement and how to  
20 navigate the public school system;

21 “(2) provide extended learning opportunities, by  
22 the school day, week, or year to increase the total  
23 number of school hours to include additional time  
24 for instruction in academic subjects and enrichment

1 activities that contribute to a well-rounded edu-  
2 cation;

3 “(3) increase student supports through activi-  
4 ties such as student advisories, school counseling op-  
5 portunities, and one-to-one mentoring; and

6 “(4) create smaller learning communities.

7 “(g) MATCHING FUNDS.—

8 “(1) IN GENERAL.—An eligible entity that re-  
9 ceives a grant under this section shall provide  
10 matching funds, from non-Federal sources, in an  
11 amount equal to not less than 20 percent of the  
12 amount of grant funds awarded in the first 3 years  
13 of the grant, not less than 50 percent of the amount  
14 awarded in the fourth year of the grant, and not less  
15 than 75 percent of the amount awarded in the fifth  
16 year of the grant, as applicable.

17 “(2) WAIVER.—The Secretary may waive all or  
18 part of the matching requirement described in para-  
19 graph (1) for a fiscal year for an eligible entity, on  
20 a case-by-case basis, if the Secretary determines that  
21 applying the matching requirement to such eligible  
22 entity would result in serious hardship or an inabil-  
23 ity to carry out the authorized activities described in  
24 subsection (e).

1       “(h) SUPPLEMENT NOT SUPPLANT.—An eligible en-  
2 tity shall use Federal funds received under this section  
3 only to supplement the funds that would, in the absence  
4 of such Federal funds, be made available from other Fed-  
5 eral and non-Federal sources for the activities described  
6 in this section, and not to supplant such funds.”.

7 **SEC. 1202. ACCELERATED LEARNING.**

8       Subpart 2 of part B of title I (20 U.S.C. 6371 et  
9 seq.) is amended to read as follows:

10                   **“Subpart 2—Accelerated Learning**

11 **“SEC. 1221. PURPOSES.**

12       “The purposes of this subpart are—

13               “(1) to raise student academic achievement  
14       by—

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

19                   “(B) increasing the number of students at-  
20       tending high-need schools who—

21                   “(i) enroll and succeed in Advanced  
22       Placement or International Baccalaureate  
23       courses; and

24                   “(ii) take Advanced Placement or  
25       International Baccalaureate examinations;

1           “(2) to increase, and to support statewide and,  
2           as applicable, districtwide, efforts to increase, the  
3           availability of, and enrollment in, Advanced Place-  
4           ment or International Baccalaureate courses, and  
5           pre-Advanced Placement or pre-International Bacca-  
6           laureate courses, in high-need schools; and

7           “(3) to provide high-quality professional devel-  
8           opment for teachers of Advanced Placement or  
9           International Baccalaureate courses, and pre-Ad-  
10          vanced Placement or pre-International Bacca-  
11          laureate courses, in high-need schools.

12 **“SEC. 1222. FUNDING DISTRIBUTION RULE.**

13          “From amounts appropriated to carry out this sub-  
14          part for a fiscal year, the Secretary shall give priority to  
15          funding activities under section 1223 and shall distribute  
16          any remaining funds under section 1224.

17 **“SEC. 1223. ADVANCED PLACEMENT AND INTERNATIONAL**  
18                           **BACCALAUREATE EXAMINATION FEE PRO-**  
19                           **GRAM.**

20          “(a) GRANTS AUTHORIZED.—From amounts made  
21          available to carry out this subpart for a fiscal year, the  
22          Secretary shall award grants to State educational agencies  
23          having applications approved under this section to enable  
24          the State educational agencies to pay, on behalf of low-  
25          income students, part or all of the costs of Advanced

1 Placement or International Baccalaureate examination  
2 fees, if the low-income students—

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

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

7           “(b) AWARD BASIS.—In determining the amount of  
8 the grant awarded to a State educational agency under  
9 this section for a fiscal year, the Secretary shall consider  
10 the number of children eligible to be counted under section  
11 1124(c) in the State in relation to the number of such  
12 children so counted in all States.

13           “(c) INFORMATION DISSEMINATION.—A State edu-  
14 cational agency that is awarded a grant under this section  
15 shall make publicly available information regarding the  
16 availability of Advanced Placement or International Bac-  
17 calaureate examination fee payments under this section,  
18 and shall disseminate such information to eligible sec-  
19 ondary school students and parents, including through  
20 secondary school teachers and counselors.

21           “(d) APPLICATIONS.—Each State educational agency  
22 desiring to receive a grant under this section shall submit  
23 an application to the Secretary at such time, in such man-  
24 ner, and accompanied by such information as the Sec-

1 retary may require. At a minimum, each State educational  
2 agency application shall—

3           “(1) describe the Advanced Placement or Inter-  
4           national Baccalaureate examination fees the State  
5           educational agency will pay on behalf of low-income  
6           students in the State from grant funds awarded  
7           under this section;

8           “(2) provide an assurance that any grant funds  
9           awarded under this section shall be used only to pay  
10          for Advanced Placement or International Bacca-  
11          laureate examination fees; and

12          “(3) contain such information as the Secretary  
13          may require to demonstrate that the State edu-  
14          cational agency will ensure that a student is eligible  
15          for payments authorized under this section, includ-  
16          ing ensuring that the student is a low-income stu-  
17          dent.

18          “(e) REGULATIONS.—The Secretary shall prescribe  
19          such regulations as are necessary to carry out this section.

20          “(f) REPORT.—

21                 “(1) IN GENERAL.—Each State educational  
22                 agency awarded a grant under this section shall,  
23                 with respect to each Advanced Placement or Inter-  
24                 national Baccalaureate course subject, annually re-

1 port to the Secretary the following data for the pre-  
2 ceding year:

3 “(A) The number of students in the State  
4 who are taking an Advanced Placement or  
5 International Baccalaureate course in such sub-  
6 ject.

7 “(B) The number of Advanced Placement  
8 or International Baccalaureate examinations  
9 taken by students in the State who have taken  
10 an Advanced Placement or International Bacca-  
11 laureate course in such subject.

12 “(C) The number of students in the State  
13 scoring at each different level on Advanced  
14 Placement or International Baccalaureate ex-  
15 aminations in such subject.

16 “(D) Demographic information regarding  
17 students in the State taking Advanced Place-  
18 ment or International Baccalaureate courses  
19 and Advanced Placement or International Bac-  
20 calaureate examinations in that subject,  
21 disaggregated by race, ethnicity, sex, English  
22 proficiency status, and socioeconomic status.

23 “(2) REPORT TO CONGRESS.—The Secretary  
24 shall annually compile the information received from  
25 each State educational agency under paragraph (1)

1 and report to the authorizing committees regarding  
2 the information.

3 “(g) BIA AS SEA.—For purposes of this section, the  
4 Bureau of Indian Affairs shall be treated as a State edu-  
5 cational agency.

6 **“SEC. 1224. ADVANCED PLACEMENT AND INTERNATIONAL**  
7 **BACCALAUREATE INCENTIVE PROGRAM**  
8 **GRANTS.**

9 “(a) GRANTS AUTHORIZED.—

10 “(1) IN GENERAL.—From amounts made avail-  
11 able to carry out this subpart for a fiscal year, the  
12 Secretary shall award grants, on a competitive basis,  
13 to eligible entities to enable such entities to carry  
14 out the authorized activities described in subsection  
15 (e).

16 “(2) DURATION, RENEWAL, AND PAYMENTS.—

17 “(A) DURATION.—The Secretary shall  
18 award a grant under this section for a period  
19 of not more than 3 years.

20 “(B) RENEWAL.—The Secretary may  
21 renew a grant awarded under this section for  
22 an additional period of not more than 2 years,  
23 if an eligible entity—

24 “(i) is achieving the objectives of the  
25 grant; and

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

5                   “(C) PAYMENTS.—The Secretary shall  
6                   make grant payments under this section on an  
7                   annual basis.

8                   “(b) DEFINITION OF ELIGIBLE ENTITY.—The term  
9                   ‘eligible entity’ means—

10                   “(1) a State educational agency;

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

12                   “(3) a partnership consisting of—

13                   “(A) a national, regional, or statewide pub-  
14                   lic or nonprofit organization, with expertise and  
15                   experience in providing Advanced Placement or  
16                   International Baccalaureate course services;  
17                   and

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

20                   “(c) APPLICATION.—

21                   “(1) IN GENERAL.—Each eligible entity desir-  
22                   ing a grant under this section shall submit an appli-  
23                   cation to the Secretary at such time, in such man-  
24                   ner, and accompanied by such information as the  
25                   Secretary may require.

1           “(2) CONTENTS.—The application shall, at a  
2           minimum, include a description of—

3                   “(A) the goals and objectives for the  
4                   project supported by the grant under this sec-  
5                   tion, including—

6                           “(i) increasing the number of teachers  
7                           serving high-need schools who are qualified  
8                           to teach Advanced Placement or Inter-  
9                           national Baccalaureate courses;

10                           “(ii) increasing the number of Ad-  
11                           vanced Placement or International Bacca-  
12                           laureate courses that are offered at high-  
13                           need schools; and

14                           “(iii) increasing the number of stu-  
15                           dents attending a high-need school, par-  
16                           ticularly low-income students, who succeed  
17                           in—

18                                   “(I) Advanced Placement or  
19                                   International Baccalaureate courses;  
20                                   and

21                                   “(II) if offered by the school,  
22                                   pre-Advanced Placement or pre-Inter-  
23                                   national Baccalaureate courses;

24                           “(B) how the eligible entity will ensure  
25                           that students have access to courses, including

1 pre-Advanced Placement or pre-International  
2 Baccalaureate courses, that will prepare stu-  
3 dents to succeed in Advanced Placement or  
4 International Baccalaureate courses;

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

9 “(D) how the eligible entity will ensure  
10 that teachers serving high-need schools are  
11 qualified to teach Advanced Placement or Inter-  
12 national Baccalaureate courses;

13 “(E) how the eligible entity will provide for  
14 the involvement of business and community or-  
15 ganizations and other entities, including institu-  
16 tions of higher education, in carrying out the  
17 activities described in subsection (e);

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

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

22 “(d) PRIORITY.—In awarding grants under this sec-  
23 tion, the Secretary shall give priority to applications from  
24 eligible entities that—

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

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

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

13           “(e) AUTHORIZED ACTIVITIES.—

14           “(1) IN GENERAL.—Each eligible entity that re-  
15 ceives a grant under this section shall use the grant  
16 funds to carry out activities designed to increase—

17           “(A) the number of teachers serving high-  
18 need schools who are qualified to teach Ad-  
19 vanced Placement or International Baccalaureate  
20 courses; and

21           “(B) the number of students attending  
22 high-need schools who succeed in the examina-  
23 tions for such courses, including through reim-  
24 bursing low-income students attending high-  
25 need schools for part or all of the cost of Ad-

1           vanded Placement or International Bacca-  
2           laureate examination fees.

3           “(2) ALLOWABLE ACTIVITIES.—In addition to  
4           the activities described in paragraph (1), an eligible  
5           entity that receives a grant under this section may  
6           use grant funds for—

7                   “(A) high-quality teacher professional de-  
8                   velopment, in order to expand the pool of teach-  
9                   ers in the participating State, high-need local  
10                  educational agency, or high-need school who are  
11                  qualified to teach Advanced Placement or Inter-  
12                  national Baccalaureate courses, including  
13                  through innovative models, such as online acad-  
14                  emies and training institutes;

15                  “(B) pre-Advanced Placement or pre-Inter-  
16                  national Baccalaureate teacher and counselor  
17                  high-quality professional development in sec-  
18                  ondary school to prepare students for success in  
19                  Advanced Placement or International Bacca-  
20                  laureate courses and in institutions of higher  
21                  education;

22                  “(C) coordination and articulation between  
23                  grade levels to prepare students to succeed in  
24                  Advanced Placement or International Bacca-  
25                  laureate courses;

1           “(D) purchase of instructional materials  
2           for Advanced Placement or International Bac-  
3           calaureate courses;

4           “(E) activities to increase the availability  
5           of, and participation in, online Advanced Place-  
6           ment or International Baccalaureate courses;

7           “(F) carrying out the requirements of sub-  
8           section (g); and

9           “(G) in the case of an eligible entity de-  
10          scribed in subsection (b)(1), awarding sub-  
11          grants to high-need local educational agencies  
12          to enable the high-need local educational agen-  
13          cies to carry out authorized activities described  
14          in subparagraphs (A) through (F).

15          “(f) CONTRACTS.—An eligible entity that is awarded  
16 a grant to provide online Advanced Placement or Inter-  
17 national Baccalaureate courses under this subpart may  
18 enter into a contract with an organization to provide the  
19 online Advanced Placement or International Bacca-  
20 laureate courses, including contracting for necessary sup-  
21 port services.

22          “(g) COLLECTING AND REPORTING REQUIRE-  
23 MENTS.—

24           “(1) REPORT.—Each eligible entity receiving a  
25          grant under this section shall collect and report to

1 the Secretary annually such data regarding the re-  
2 sults of the grant as the Secretary may reasonably  
3 require, including—

4 “(A) the number of students served by the  
5 eligible entity enrolling in Advanced Placement  
6 or International Baccalaureate courses, and  
7 pre-Advanced Placement or pre-International  
8 Baccalaureate courses, disaggregated by grade  
9 level of the student, and the grades received by  
10 such students in the courses;

11 “(B) the number of students taking an Ad-  
12 vanced Placement or International Bacca-  
13 laureate examination and the distribution of  
14 scores on those examinations, disaggregated by  
15 the grade level of the student at the time of ex-  
16 amination;

17 “(C) the number of teachers who are cur-  
18 rently, as of the date of the report, receiving  
19 training to teach Advanced Placement or Inter-  
20 national Baccalaureate courses and will teach  
21 such courses in the next school year;

22 “(D) the number of teachers becoming  
23 qualified to teach Advanced Placement or Inter-  
24 national Baccalaureate courses; and

1           “(E) the number of qualified teachers who  
2           are teaching Advanced Placement or Inter-  
3           national Baccalaureate courses in high-need  
4           schools served by the eligible entity.

5           “(2) REPORTING OF DATA.—Each eligible enti-  
6           ty receiving a grant under this section shall report  
7           the data required under paragraph (1)—

8           “(A) disaggregated by subject area;

9           “(B) in the case of student data,  
10           disaggregated in the same manner as informa-  
11           tion is disaggregated under section  
12           1111(a)(2)(B)(ix); and

13           “(C) in a manner that allows for an as-  
14           sessment of the effectiveness of the grant pro-  
15           gram.

16           “(h) EVALUATION.—From the amount appropriated  
17           for this subpart and reserved for evaluation activities in  
18           accordance with section 9601(a), the Secretary, acting  
19           through the Director of the Institute of Education  
20           Sciences, shall, in consultation with the relevant program  
21           office at the Department, evaluate the implementation and  
22           impact of the activities supported under this section, con-  
23           sistent with section 9601, including progress as measured  
24           by the performance measures established under subpara-  
25           graphs (A) through (E) of subsection (g)(1).

1 “(i) MATCHING REQUIREMENT.—

2 “(1) IN GENERAL.—Notwithstanding paragraph  
3 (3), each eligible entity that receives a grant under  
4 this section shall provide toward the cost of the ac-  
5 tivities assisted under the grant, from non-Federal  
6 sources, an amount equal to 100 percent of the  
7 amount of the grant, except that an eligible entity  
8 that is a high-need local educational agency shall  
9 provide an amount equal to not more than 50 per-  
10 cent of the amount of the grant.

11 “(2) MATCHING FUNDS.—The eligible entity  
12 may provide the matching funds described in para-  
13 graph (1) in cash or in kind, fairly evaluated, but  
14 may not provide more than 50 percent of the match-  
15 ing funds in kind. The eligible entity may provide  
16 the matching funds from State, local, or private  
17 sources.

18 “(3) WAIVER.—The Secretary may waive all or  
19 part of the matching requirement described in para-  
20 graph (1) for any fiscal year for an eligible entity  
21 described in paragraph (1) or (2) of subsection (b),  
22 if the Secretary determines that applying the match-  
23 ing requirement to such eligible entity would result  
24 in serious hardship or an inability to carry out the  
25 authorized activities described in subsection (e).

1 **“SEC. 1225. SUPPLEMENT, NOT SUPPLANT.**

2 “Grant funds provided under this subpart shall sup-  
3 plement, and not supplant, other non-Federal funds that  
4 are available to assist low-income students to pay for the  
5 cost of Advanced Placement or International Bacca-  
6 laureate examination fees or to expand access to Advanced  
7 Placement or International Baccalaureate courses, and  
8 pre-Advanced Placement or pre-International Bacca-  
9 laureate courses.

10 **“SEC. 1226. DEFINITIONS.**

11 “In this subpart:

12 “(1) HIGH-NEED SCHOOL.—The term ‘high-  
13 need school’ means a secondary school—

14 “(A) with a demonstrated need for Ad-  
15 vanced Placement or International Bacca-  
16 laureate courses; and

17 “(B) that—

18 “(i) has a high concentration of low-  
19 income students; or

20 “(ii) is designated with a school locale  
21 code of 33, 41, 42, or 43, as determined  
22 by the Secretary.

23 “(2) LOW-INCOME STUDENT.—The term ‘low-  
24 income student’ means a student who is eligible for  
25 free or reduced-price lunch under the Richard B.

1 Russell National School Lunch Act (42 U.S.C. 1751  
2 et seq.).”.

3 **SEC. 1203. REORGANIZATION.**

4 Part B of title I, as amended by this part, is further  
5 amended by striking subparts 3 and 4.

6 **PART C—EDUCATION OF MIGRATORY CHILDREN**

7 **SEC. 1301. PROGRAM PURPOSE.**

8 Section 1301 (20 U.S.C. 6391) is amended to read  
9 as follows:

10 **“SEC. 1301. PROGRAM PURPOSE.**

11 “It is the purpose of this part to assist States in pro-  
12 viding high-quality and comprehensive educational pro-  
13 grams (including, as appropriate, instructional and educa-  
14 tionally related support services), during the regular  
15 school year and summer or intersession periods, that ad-  
16 dress the unique educational needs of migratory children  
17 arising from their migratory lifestyle, in order to help such  
18 children—

19 “(1) succeed in school;

20 “(2) meet the same State college and career  
21 ready academic content and student academic  
22 achievement standards under section 1111(a)(1)  
23 that all children are expected to meet;

24 “(3) graduate high school ready for higher edu-  
25 cation and careers; and

1           “(4) overcome educational disruption, cultural  
2           and language barriers, social isolation, various  
3           health-related problems, and other factors that in-  
4           hibit the ability of such children to succeed in  
5           school.”.

6 **SEC. 1302. PROGRAM AUTHORIZED.**

7           Section 1302 (20 U.S.C. 6392) is amended—

8           (1) by striking “In order to carry out the pur-  
9           pose of this part” and inserting “From the amounts  
10          made available under section 3(e) for a fiscal year  
11          to carry out this part”;

12          (2) by striking “combinations” and inserting  
13          “consortia”; and

14          (3) by striking “to establish” and inserting “to  
15          enable such agencies or consortia to establish”.

16 **SEC. 1303. STATE ALLOCATIONS.**

17          Section 1303 (20 U.S.C. 6393) is amended—

18          (1) by striking subsection (a) and inserting the  
19          following:

20          “(a) STATE ALLOCATIONS.—Except as provided in  
21          subsection (b), the amount awarded to each State (other  
22          than the Commonwealth of Puerto Rico) under this part  
23          for each fiscal year shall be an amount equal to the prod-  
24          uct of—

25                  “(1) the sum of—

1           “(A) the average number of identified eligi-  
2           ble migratory children aged 3 through 21, re-  
3           siding in the State, based on data for the pre-  
4           ceding 3 years; and

5           “(B) the number of identified eligible mi-  
6           gratory children, age 3 through 21, who re-  
7           ceived services under this part in summer or  
8           intersession programs provided by the State  
9           during the previous year; multiplied by

10          “(2) 40 percent of the average per-pupil ex-  
11          penditure in the State, except that the amount cal-  
12          culated under this paragraph shall not be less than  
13          32 percent, or more than 48 percent, of the average  
14          per-pupil expenditure in the United States.”;

15          (2) by redesignating subsections (b) through (e)  
16          as subsections (c) through (f), respectively;

17          (3) by inserting after subsection (a) the fol-  
18          lowing:

19          “(b) **HOLD HARMLESS.**—Notwithstanding subsection  
20          (a), for each of fiscal years 2011 through 2013, no State  
21          receiving an allocation under this section shall receive less  
22          than 90 percent of the State’s allocation under this section  
23          for the previous year.”;

24          (4) in subsection (c) (as redesignated by para-  
25          graph (2))—

1 (A) by striking paragraphs (2) and (3);

2 (B) by striking “PUERTO RICO.—” and all  
3 that follows through “For each” and inserting  
4 the following: “PUERTO RICO.—For each”;

5 (C) by redesignating subparagraphs (A)  
6 and (B) as paragraphs (1) and (2), respectively,  
7 and by aligning such paragraphs with the mar-  
8 gins of paragraph (1) of subsection (e) (as re-  
9 designated by paragraph (2));

10 (D) in the matter preceding paragraph (1)  
11 (as redesignated by subparagraph (C))—

12 (i) by striking “which” and inserting  
13 “that”; and

14 (ii) by striking subsection “(a)(1)(A)”  
15 and inserting “subsection (g)”;

16 (E) in paragraph (1) (as redesignated by  
17 subparagraph (C))—

18 (i) by striking “which” and inserting  
19 “that”; and

20 (ii) by inserting “, except that the  
21 percentage calculated under this subpara-  
22 graph shall not be less than 85 percent”  
23 before the semicolon at the end; and

24 (5) in subsection (d) (as redesignated by para-  
25 graph (2))—

1 (A) in paragraph (1)—

2 (i) by striking “IN GENERAL.—(A)  
3 If,” and all that follows through “this  
4 part” and inserting the following: “IN  
5 GENERAL.—

6 “(A) RATABLE REDUCTIONS.—If the  
7 amount available for allocations to States under  
8 this part”; and

9 (ii) in subparagraph (B), by striking  
10 “If additional” and inserting “REALLOCA-  
11 TION.—If additional”;

12 (B) in paragraph (2)—

13 (i) by striking “SPECIAL RULE.—(A)  
14 The” and inserting the following: “SPE-  
15 CIAL RULE.—

16 “(A) FURTHER REDUCTIONS.—The”;

17 (ii) in subparagraph (A), by striking  
18 “required under section 1304” and insert-  
19 ing “needed to carry out the approved ac-  
20 tivities in the application under section  
21 1304”;

22 (iii) in subparagraph (B), by striking  
23 “The Secretary shall” and inserting “RE-  
24 ALLOCATION.—The Secretary shall”; and

1 (iv) by adding at the end the fol-  
2 lowing:

3 “(C) ADDITIONAL REQUIREMENTS.—The  
4 Secretary—

5 “(i) shall—

6 “(I) develop and implement a  
7 procedure for monitoring the accuracy  
8 of the information described in sub-  
9 paragraph (A); and

10 “(II) issue, through regulations  
11 or guidance, criteria for a system of  
12 State quality control for the accuracy  
13 of State counts of eligible migratory  
14 children; and

15 “(ii) may not reduce the amount of a  
16 State allocation under this paragraph on  
17 the basis of unintentional errors in such  
18 counts for States implementing a system of  
19 State quality control that meets the cri-  
20 teria described in clause (i)(II), if the dis-  
21 crepancy between the initial State count  
22 and any subsequent revisions is minimal.”;

23 (6) in subsection (f) (as redesignated by para-  
24 graph (2))—

1 (A) in the matter preceding paragraph (1),  
2 by inserting “best serve migratory children  
3 under this part and” after “In order to”;

4 (B) in paragraph (1), by striking “such in-  
5 formation as the Secretary finds” and inserting  
6 “the most recent information that”;

7 (C) by redesignating paragraphs (2)  
8 through (4) as paragraphs (3) through (5), re-  
9 spectively;

10 (D) by inserting after paragraph (1) the  
11 following:

12 “(2) develop and implement a procedure for  
13 monitoring the accuracy of such information, if such  
14 a procedure does not create barriers to the families  
15 of migratory children who are eligible for services  
16 under this part;”;

17 (E) in paragraph (3) (as redesignated by  
18 subparagraph (C)), by striking “develop and  
19 implement a procedure for more accurately re-  
20 flecting the” and inserting “update such proce-  
21 dure, and implement the updated procedure, to  
22 more accurately reflect the”;

23 (F) in paragraph (4)(A) (as redesignated  
24 by subparagraph (C)), by inserting “of high-

1           quality, sustained, and intensive education serv-  
2           ices” after “special programs”;

3           (G) in paragraph (5) (as redesignated by  
4           subparagraph (C)), by striking “the child whose  
5           education has been interrupted” and inserting  
6           “migratory children”; and

7           (7) by adding at the end the following:

8           “(g) NONPARTICIPATING STATES.—In the case of a  
9           State desiring to receive an allocation under this part for  
10          a fiscal year that did not receive an allocation for the pre-  
11          vious fiscal year or that has been participating for less  
12          than 3 consecutive years, the Secretary shall calculate the  
13          State’s number of identified migratory children aged 3  
14          through 21 for purposes of subsection (a)(1)(A) by using  
15          the most recent data available that identifies the migra-  
16          tory children residing in the State until data is available  
17          to calculate the 3-year average number of such children  
18          in accordance with such subsection.”.

19       **SEC. 1304. STATE APPLICATIONS; SERVICES.**

20           Section 1304 (20 U.S.C. 6394) is amended—

21           (1) in subsection (b)—

22           (A) in paragraph (1)—

23           (i) in the matter preceding subpara-  
24          graph (A)—

1 (I) by striking “special” and in-  
2 serring “unique”;

3 (II) by inserting “and out of  
4 school migratory children” after “pre-  
5 school migratory children”; and

6 (ii) in subparagraph (B), by striking  
7 “migrant” and inserting “migratory”; and  
8 (B) in paragraph (2)—

9 (i) by striking “migratory students”  
10 and inserting “migratory children”;

11 (ii) by striking “same challenging”  
12 and all that follows through “standards  
13 that” and inserting “same State college  
14 and career ready academic content and  
15 student academic achievement standards  
16 adopted under section 1111(a)(1) that”;

17 (C) by striking paragraph (6);

18 (D) by redesignating paragraphs (3)  
19 through (5) as paragraphs (4) through (6), re-  
20 spectively;

21 (E) by inserting after paragraph (2) the  
22 following:

23 “(3) a description of how the State will meet  
24 the requirements of section 1308 for the timely elec-  
25 tronic transfer of student records and how the State

1 will use such records transfer to meet the unique  
2 educational needs of migratory students and remove  
3 barriers to the proper enrollment and retention of  
4 migratory children in schools;”;

5 (F) in paragraph (4) (as redesignated by  
6 subparagraph (D))—

7 (i) by striking “require, the State”  
8 and inserting “require and using the link-  
9 age system described in section 1308(b),  
10 the State and each of its local operating  
11 agencies”;

12 (ii) by striking “another” and insert-  
13 ing “another or from one school district to  
14 another”; and

15 (iii) by striking “such move” and in-  
16 serting “such a move”;

17 (G) in paragraph (7) —

18 (i) by striking “program or project  
19 serves” and inserting “programs and  
20 projects serve”;

21 (ii) by striking “who have parents  
22 who” and inserting “whose parents”; and

23 (iii) by striking the period at the end  
24 and inserting “; and”; and

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

1           “(8) such budgetary and other information as  
2           the Secretary may require.”;

3           (2) in subsection (c)—

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

6           “(3) in the planning and operation of programs  
7           and projects at both the State and local agency op-  
8           erating levels, there is consultation with parent advi-  
9           sory councils for programs of not less than one  
10          school year in duration, and that all such programs  
11          and projects are—

12           “(A) conducted in a manner that provides  
13           for the same parental involvement as is re-  
14           quired for programs and projects under section  
15           1118, including, to the extent practicable, de-  
16           scriptions required for parental involvement  
17           under section 1118(a)(3)(A), unless extraor-  
18           dinary circumstances make such provision im-  
19           practical; and

20           “(B) are developed in a format and lan-  
21           guage understandable to the parents;”;

22           (B) in paragraph (4), by inserting “and  
23           migratory children who are not attending  
24           school” before the semicolon at the end;

1 (C) in paragraph (6), by striking subpara-  
2 graph (C) and inserting the following:

3 “(C) family literacy programs that are de-  
4 termined to be high quality;” and

5 (D) by striking paragraph (7) and insert-  
6 ing the following:

7 “(7) the State has procedures in place to verify  
8 the accuracy and completeness of any data regarding  
9 the counting of migratory children that is submitted  
10 to the Secretary under this part.”; and

11 (3) in subsection (d)—

12 (A) by striking “who are failing” and all  
13 that follows through the period and inserting  
14 the following: “who have made a move within  
15 the previous 1-year period and who—

16 “(1) are failing, or most at risk of failing, to  
17 meet the State college and career ready academic  
18 content standards and student academic achieve-  
19 ment standards adopted under section 1111(a)(1);  
20 or

21 “(2) have dropped out of school.”; and

22 (B) in subsection (e)—

23 (i) by striking “1” and inserting  
24 “one”; and

1 (ii) by striking “secondary school stu-  
2 dents” and inserting “students”.

3 **SEC. 1305. SECRETARIAL APPROVAL; PEER REVIEW.**

4 Section 1305(b) (20 U.S.C. 6395(b)) is amended by  
5 striking “may” and inserting “shall, to the extent prac-  
6 ticable,”.

7 **SEC. 1306. COMPREHENSIVE NEEDS ASSESSMENT AND**  
8 **SERVICE-DELIVERY PLAN; AUTHORIZED AC-**  
9 **TIVITIES.**

10 Section 1306 (20 U.S.C. 6396) is amended—

11 (1) in subsection (a)(1)—

12 (A) in the matter preceding subparagraph

13 (A)—

14 (i) by striking “special” and inserting  
15 “unique”; and

16 (ii) by inserting “, consistent with the  
17 purposes of this part,” after “migratory  
18 children”;

19 (B) by striking subparagraph (B);

20 (C) by redesignating subparagraphs (C)  
21 through (G) as subparagraphs (E) through (I),  
22 respectively;

23 (D) by inserting after subparagraph (A)  
24 the following:

1           “(B) addresses the unique educational  
2 needs of migratory children;

3           “(C) is developed in collaboration with par-  
4 ents of migratory children;

5           “(D) is not used to supplant State efforts  
6 regarding, or administrative funding for, this  
7 part;”;

8           (E) in subparagraph (E) (as redesignated  
9 by subparagraph (C)), by striking “same chal-  
10 lenging” and all that follows through “stand-  
11 ards that” and inserting “same State college  
12 and career ready academic content and student  
13 academic achievement standards adopted under  
14 section 1111(a)(1) that”; and

15           (F) in subparagraph (H) (as redesignated  
16 by subparagraph (C)), by striking “early child-  
17 hood programs,” and inserting “early care and  
18 education programs,”; and

19 (2) in subsection (b)—

20           (A) in paragraph (1), by striking “local  
21 educational” and inserting “local operating”;

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

24           “(2) UNMET NEEDS.—Funds provided under  
25 this part shall be used to meet the needs of migra-

1 tory children that are not met by services available  
2 from other Federal or non-Federal programs, except  
3 that migratory children who are eligible to receive  
4 services under part A may receive those services  
5 through funds provided under that part or through  
6 funds under this part that remain after the agency  
7 meets the needs described in paragraph (1).”; and

8 (C) in paragraph (4), by striking “special  
9 educational” and inserting “unique edu-  
10 cational”.

11 **SEC. 1307. BYPASS.**

12 Section 1307 (20 U.S.C. 6397) is amended, in the  
13 matter preceding paragraph (1), by striking “make ar-  
14 rangements” and inserting “award grants to, or enter into  
15 contracts with”.

16 **SEC. 1308. NATIONAL ACTIVITIES.**

17 Section 1308 (20 U.S.C. 6398) is amended—

18 (1) by striking the section heading and insert-  
19 ing “**NATIONAL ACTIVITIES.**”;

20 (2) in subsection (a)—

21 (A) in paragraph (1)—

22 (i) by striking “nonprofit entities to  
23 improve” and inserting the following: “en-  
24 tities to—

25 “(A) improve”;

1 (ii) by inserting “through” before  
2 “the establishment”;

3 (iii) by striking the period at the end  
4 and inserting “; and”; and

5 (iv) by adding at the end the fol-  
6 lowing:

7 “(B) improve the coordination between  
8 State educational agencies, local operating  
9 agencies, and their counterparts in other na-  
10 tions in educating migratory children who move  
11 between the United States and such nations.”;  
12 and

13 (B) in paragraph (2), by inserting “or con-  
14 tracts” after “Grants”;

15 (3) in subsection (b)—

16 (A) by striking paragraph (1) and insert-  
17 ing the following:

18 “(1) ASSISTANCE.—In order to determine the  
19 number of migratory children in each State, the Sec-  
20 retary shall assist each State in maintaining an ef-  
21 fective system for the electronic transfer of student  
22 records.”;

23 (B) in paragraph (2)—

24 (i) in subparagraph (A)—

1 (I) in the matter preceding clause  
2 (i), by striking “The Secretary, in  
3 consultation” and all that follows  
4 through “may include—” and insert-  
5 ing the following: “The Secretary, in  
6 consultation with the States, shall  
7 continue to ensure the linkage of mi-  
8 gratory child record systems for the  
9 purpose of electronically exchanging,  
10 within and among the States, health  
11 and educational information regarding  
12 all migratory children eligible under  
13 this part. The Secretary shall ensure  
14 such linkage occurs in a cost-effective  
15 manner, utilizing systems used by the  
16 State prior to, or developed after, the  
17 date of enactment of the Elementary  
18 and Secondary Education Reauthor-  
19 ization Act of 2011. The Secretary  
20 shall determine the minimum data ele-  
21 ments that each State receiving funds  
22 under this part shall collect, maintain,  
23 and exchange, and the requirements  
24 of the linkage system that States shall  
25 meet for the timely submission of ac-

1                   cess to such information. Such min-  
2                   imum data elements may include—”;

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

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

8                   “(B)   CONSULTATION.—The   Secretary  
9                   shall maintain on-going consultation with the  
10                  States, local educational agencies, and other mi-  
11                  gratory student service providers on—

12                  “(i) the effectiveness of the system of  
13                  electronic records transfer described in  
14                  subparagraph (A); and

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

17                  (C) in paragraph (4)—

18                  (i) in subparagraph (A)—

19                  (I) by striking “2003” and in-  
20                  serting “2012, and every 2 years  
21                  thereafter,”; and

22                  (II) by striking “the Committee  
23                  on Health, Education, Labor, and  
24                  Pensions of the Senate and the Com-  
25                  mittee on Education and the Work-

1 force of the House of Representa-  
2 tives” and inserting “the authorizing  
3 committees”; and

4 (ii) in subparagraph (B)—

5 (I) in clause (ii), by striking “the  
6 development and linkage of” and in-  
7 serting “maintaining”; and

8 (II) in clause (iii), by striking  
9 “measures that may be taken to en-  
10 sure” and inserting “improving”;

11 (4) by redesignating subsection (c) as sub-  
12 section (f), and transferring such subsection so as to  
13 follow subsection (e);

14 (5) by inserting after subsection (b) the fol-  
15 lowing:

16 “(c) TECHNICAL ASSISTANCE.—The Secretary may  
17 provide technical assistance designed to support State ef-  
18 forts to meet the needs of migratory children, which may  
19 include supporting the attendance of State and local oper-  
20 ating agency staff, and other appropriate individuals, at  
21 special meetings convened by the Secretary in order to  
22 carry out activities consistent with this section.”;

23 (6) in subsection (d)—

24 (A) by striking “, pursuant to criteria that  
25 the Secretary shall establish,”; and

1 (B) by striking “whose education is inter-  
2 rupted” and inserting “described in section  
3 1304(d)”; and

4 (7) by striking subsection (e) and inserting the  
5 following:

6 “(e) IMPROVEMENTS AND COORDINATION.—From  
7 any funds remaining under subsection (f) after carrying  
8 out the requirements under subsections (b) and (d), the  
9 Secretary, in consultation with the States, may make  
10 grants to, or enter into contracts with, State educational  
11 agencies, local educational agencies, institutions of higher  
12 education, and other public and private nonprofit entities  
13 to improve the interstate and intrastate coordination  
14 among such agencies’ and entities’ programs available to  
15 migratory students consistent with this section, including  
16 the establishment or improvement of programs for aca-  
17 demic credit accrual and exchange.”.

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 36-month 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. PROGRAM EVALUATION.**

8 Section 1419 is amended to read as follows:

9 **“SEC. 1419. PROGRAM EVALUATION.**

10 “From the amount reserved for evaluation activities  
11 in accordance with section 9601(a), the Secretary, acting  
12 through the Director of the Institute for Education  
13 Sciences, shall, in consultation with the relevant program  
14 office of the Department, evaluate the implementation and  
15 impact of the activities supported under this part, con-  
16 sistent with section 9601.”.

17 **SEC. 1408. PURPOSE OF LOCAL AGENCY PROGRAMS.**

18 Section 1421(1) (20 U.S.C. 6451(1)) is amended by  
19 striking “, training, employment, or further education”  
20 and inserting “and college and career readiness (as deter-  
21 mined based on the State college and career ready aca-  
22 demic content and student academic achievement stand-  
23 ards under section 1111(a)(1))”.

1 **SEC. 1409. PROGRAMS OPERATED BY LOCAL EDUCATIONAL**  
2 **AGENCIES.**

3 Section 1422(d) (20 U.S.C. 6452(d)) is amended—

4 (1) by striking “meet the transitional” and in-  
5 sserting “meet the transitional needs (including the  
6 social and emotional needs)”; and

7 (2) by striking “meeting the transitional” and  
8 inserting “meeting such transitional”.

9 **SEC. 1410. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

10 Section 1423 (20 U.S.C. 6453) is amended—

11 (1) in paragraph (6), by striking “, at-risk chil-  
12 dren or youth, and other participating children or  
13 youth,” and inserting “and at-risk children or  
14 youth,”;

15 (2) in paragraph (8), by inserting “and family  
16 members” after “parents”; and

17 (3) in paragraph (9), by striking “vocational”  
18 and inserting “career”.

19 **SEC. 1411. USES OF FUNDS.**

20 Section 1424 (20 U.S.C. 6454) is amended—

21 (1) in paragraph (2), by striking “, including”  
22 and all that follows through “gang members”; and

23 (2) in paragraph (4), by striking “vocational  
24 and technical education” and inserting “career and  
25 technical education, costs associated with testing for

1 a recognized equivalent of a secondary school di-  
2 ploma”.

3 **SEC. 1412. PROGRAM REQUIREMENTS FOR CORRECTIONAL**  
4 **FACILITIES RECEIVING FUNDS UNDER THIS**  
5 **SECTION.**

6 Section 1425 (20 U.S.C. 6455) is amended—

7 (1) in paragraph (9), by striking “vocational”  
8 and inserting “career”;

9 (2) in paragraph (10), by striking “and” after  
10 the semicolon;

11 (3) in paragraph (11), by striking the period at  
12 the end and inserting a semicolon; and

13 (4) by adding at the end the following:

14 “(12) develop an initial educational services and  
15 transition plan for each child or youth served under  
16 this subpart upon entry into the correctional facility,  
17 in partnership with the child or youth’s family mem-  
18 bers and the local educational agency that most re-  
19 cently provided services to the child or youth (if ap-  
20 plicable), consistent with section 1414(a)(1); and

21 “(13) consult with the local educational agency  
22 for a period jointly determined necessary by the cor-  
23 rectional facility and local educational agency upon  
24 discharge from that facility, to coordinate edu-

1           cational services so as to minimize disruption to the  
2           child's or youth's achievement.”.

3 **SEC. 1413. ACCOUNTABILITY.**

4           Section 1426 (20 U.S.C. 6456) is amended to read  
5 as follows:

6 **“SEC. 1426. ACCOUNTABILITY.**

7           “The State educational agency—

8                   “(1) shall require correctional facilities or insti-  
9           tutions for delinquent children and youth to annually  
10          report on the number of children and youth released  
11          from the correctional facility or institution who re-  
12          turned or did not return to school, the number of  
13          children and youth obtaining a secondary school di-  
14          ploma or its recognized equivalent, and the number  
15          of children and youth obtaining employment; and

16                   “(2) may require correctional facilities or insti-  
17          tutions for delinquent children and youth to dem-  
18          onstrate, after receiving assistance under this sub-  
19          part for 3 years, that there has been an increase in  
20          the number of children and youth returning to  
21          school, obtaining a secondary school diploma or its  
22          recognized equivalent, or obtaining employment after  
23          such children and youth are released.”.

1 **SEC. 1414. PROGRAM EVALUATIONS.**

2 Section 1431(a)(1) (20 U.S.C. 6471(a)(1) is amend-  
3 ed by inserting “, including the ability to become college  
4 and career ready, as determined under the State academic  
5 content and student academic achievement standards  
6 under section 1111(a), and to graduate high school in the  
7 standard number of years” before the semicolon at the  
8 end.

9 **SEC. 1415. DEFINITIONS.**

10 Section 1432(2) (20 U.S.C. 6472(2)) is amended to  
11 read as follows:

12 “(2) AT-RISK.—The term ‘at-risk’, when used  
13 with respect to a child, youth, or student, means a  
14 school-aged individual who—

15 “(A) is at risk of academic failure; and

16 “(B) has a drug or alcohol problem, is  
17 pregnant or is a parent, has come into contact  
18 with the juvenile justice system or has been de-  
19 termined to be neglected in the past, is a gang  
20 member, or has dropped out of school in the  
21 past.”.

22 **PART E—GENERAL PROVISIONS**

23 **SEC. 1501. REORGANIZATION.**

24 (a) IN GENERAL.—Title I (20 U.S.C. 6301 et seq.)  
25 is further amended—

26 (1) by striking parts E through H;

1 (2) by redesignating part I as part E; and

2 (3) by redesignating sections 1901 through  
3 1908 as sections 1501 through 1508, respectively.

4 (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
5 Part E of title I (as redesignated by subsection (a)(2))  
6 is further amended—

7 (1) in section 1501(b)(4)(A), as redesignated by  
8 section 1501(3), by striking “No Child Left Behind  
9 Act of 2001” and inserting “Elementary and Sec-  
10 ondary Education Reauthorization Act of 2011”;

11 (2) in section 1502(a), as redesignated by sec-  
12 tion 1501(3), by striking “1901” and inserting  
13 “1501”; and

14 (3) in section 1508 (20 U.S.C. 6578), by strik-  
15 ing “No Child Left Behind Act of 2001” and insert-  
16 ing “Elementary and Secondary Education Reau-  
17 thorization Act of 2011”.

18 **TITLE II—SUPPORTING EXCEL-**  
19 **LENT TEACHERS AND PRIN-**  
20 **CIPALS**

21 **SEC. 2101. SUPPORTING EXCELLENT TEACHERS AND PRIN-**  
22 **CIPALS.**

23 (a) TECHNICAL AMENDMENTS.—Title II (20 U.S.C.  
24 6601 et seq.) is amended—

1 (1) by striking the title heading and inserting  
2 **“SUPPORTING EXCELLENT TEACHERS**  
3 **AND PRINCIPALS”**;

4 (2) by redesignating subpart 3 of part D as  
5 part G of title IV, and transferring such part G so  
6 as to follow part F of title IV, as added by section  
7 4107 of this Act;

8 (3) in part G of title IV, as redesignated by  
9 paragraph (2), by striking the part heading and in-  
10 serting the following: **“READY-TO-LEARN”**;

11 (4) by redesignating section 2431 as section  
12 4701;

13 (5) in section 4701, as redesignated by para-  
14 graph (4)—

15 (A) by striking the section heading and in-  
16 serting the following: **“READY-TO-LEARN”**;  
17 and

18 (B) in subsection (e)(1), by striking  
19 “2002” and inserting “2012”;

20 (6) by redesignating subpart 5 of part C as  
21 subpart 3 of part E of title IX, and transferring  
22 such subpart 3 so as to follow subpart 2 of part E  
23 of title IX; and

24 (7) by redesignating sections 2361, 2362, 2363,  
25 2364, 2365, 2366, 2367, and 2368, as sections

1 9541, 9542, 9543, 9544, 9545, 9546, 9547, and  
2 9548, respectively.

3 (b) TROOPS-TO-TEACHERS.—

4 (1) TRANSFER OF FUNCTIONS.—

5 (A) TRANSFER.—The responsibility and  
6 authority for operation and administration of  
7 the Troops-to-Teachers Program in chapter A  
8 of subpart 1 of part C of title II (20 U.S.C.  
9 6671 et seq.), as in effect on the day before the  
10 date of enactment of this Act, is transferred  
11 from the Secretary of Education to the Sec-  
12 retary of Defense.

13 (B) EFFECTIVE DATE.—The transfer  
14 under subparagraph (A) shall take effect on the  
15 first day of the first month beginning more  
16 than 180 days after the date of enactment of  
17 this Act, or on such earlier date as the Sec-  
18 retary of Education and the Secretary of De-  
19 fense may jointly provide.

20 (2) ENACTMENT AND MODIFICATION OF PRO-  
21 GRAM AUTHORITY IN TITLE 10, UNITED STATES  
22 CODE.—

23 (A) IN GENERAL.—Chapter 58 of title 10,  
24 United States Code, is amended by adding at  
25 the end the following new section:

1 **“§ 1154. Assistance to eligible members to obtain em-**  
2 **ployment as teachers: Troops-to-Teachers**  
3 **Program**

4 “(a) DEFINITIONS.—In this section:

5 “(1) PROGRAM.—The term ‘Program’ means  
6 the Troops-to-Teachers Program authorized by this  
7 section.

8 “(2) CHARTER SCHOOL.—The term ‘charter  
9 school’ has the meaning given that term in section  
10 5210 of the Elementary and Secondary Education  
11 Act of 1965 (20 U.S.C. 7221i).

12 “(3) ADDITIONAL TERMS.—The terms ‘elemen-  
13 tary school’, ‘highly qualified teacher’, ‘local edu-  
14 cational agency’, ‘secondary school’, and ‘State’ have  
15 the meanings given those terms in section 9101 of  
16 the Elementary and Secondary Education Act of  
17 1965 (20 U.S.C. 7801).

18 “(b) PROGRAM AUTHORIZATION.—The Secretary of  
19 Defense may carry out a program (to be known as the  
20 ‘Troops-to-Teachers Program’)—

21 “(1) to assist eligible members of the armed  
22 forces described in subsection (c) to obtain certifi-  
23 cation or licensing as elementary school teachers,  
24 secondary school teachers, or vocational or technical  
25 teachers, and to become highly qualified teachers;  
26 and

1           “(2) to facilitate the employment of such mem-  
2           bers—

3           “(A) by local educational agencies or pub-  
4           lic charter schools that the Secretary of Edu-  
5           cation identifies as—

6                   “(i) receiving grants under part A of  
7                   title I of the Elementary and Secondary  
8                   Education Act of 1965 (20 U.S.C. 6311 et  
9                   seq.) as a result of having within their ju-  
10                  risdictions concentrations of children from  
11                  low-income families; or

12                   “(ii) experiencing a shortage of highly  
13                   qualified teachers, in particular a shortage  
14                   of science, mathematics, special education,  
15                   or vocational or technical teachers; and

16           “(B) in elementary schools or secondary  
17           schools, or as vocational or technical teachers.

18           “(c) ELIGIBILITY AND APPLICATION PROCESS.—

19           “(1) ELIGIBLE MEMBERS.—The following mem-  
20           bers of the armed forces are eligible for selection to  
21           participate in the Program:

22           “(A) Any member who—

23                   “(i) on or after the date of the enact-  
24                   ment of the Elementary and Secondary  
25                   Education Reauthorization Act of 2011,

1 becomes entitled to retired or retainer pay  
2 under this title or title 14;

3 “(ii) has an approved date of retire-  
4 ment that is within one year after the date  
5 on which the member submits an applica-  
6 tion to participate in the Program; or

7 “(iii) transfers to the Retired Reserve.

8 “(B) Any member who, on or after the  
9 date of the enactment of the Elementary and  
10 Secondary Education Reauthorization Act of  
11 2011—

12 “(i)(I) is separated or released from  
13 active duty after 4 or more years of contin-  
14 uous active duty immediately before the  
15 separation or release; or

16 “(II) has completed a total of at least  
17 ten years of active duty service, 10 years  
18 of service computed under section 12732 of  
19 this title, or 10 years of any combination  
20 of such service; and

21 “(ii) executes a reserve commitment  
22 agreement for a period of not less than 3  
23 years under paragraph (5)(B).

24 “(C) Any member who, on or after the  
25 date of the enactment of the Elementary and

1           Secondary Education Reauthorization Act of  
2           2011, is retired or separated for physical dis-  
3           ability under chapter 61 of this title.

4           “(2) SUBMITTAL OF APPLICATIONS.—(A) Selec-  
5           tion of eligible members of the armed forces to par-  
6           ticipate in the Program shall be made on the basis  
7           of applications submitted to the Secretary. An appli-  
8           cation shall be in such form and contain such infor-  
9           mation as the Secretary may require.

10           “(B) An application may be considered to be  
11           submitted on a timely basis under subparagraph  
12           (A)(i), (B), or (C) of paragraph (1) if the applica-  
13           tion is submitted not later than 2 years after the  
14           date on which the member is retired or separated or  
15           released from active duty, whichever applies to the  
16           member.

17           “(3) SELECTION CRITERIA; EDUCATIONAL  
18           BACKGROUND REQUIREMENTS AND HONORABLE  
19           SERVICE REQUIREMENT.—(A) Subject to subpara-  
20           graphs (B) and (C), the Secretary shall prescribe  
21           the criteria to be used to select eligible members of  
22           the armed forces to participate in the Program.

23           “(B)(i) If a member of the armed forces is ap-  
24           plying for assistance for placement as an elementary  
25           school or secondary school teacher, the Secretary

1 shall require the member to have received a bacca-  
2 laurate or advanced degree from an accredited in-  
3 stitution of higher education.

4 “(ii) If a member of the armed forces is apply-  
5 ing for assistance for placement as a vocational or  
6 technical teacher, the Secretary shall require the  
7 member—

8 “(I) to have received the equivalent of one  
9 year of college from an accredited institution of  
10 higher education and have 3 or more years of  
11 military experience in a vocational or technical  
12 field; or

13 “(II) to otherwise meet the certification or  
14 licensing requirements for a vocational or tech-  
15 nical teacher in the State in which the member  
16 seeks assistance for placement under the Pro-  
17 gram.

18 “(C) A member of the armed forces is eligible  
19 to participate in the Program only if the member’s  
20 last period of service in the armed forces was honor-  
21 able, as characterized by the Secretary concerned. A  
22 member selected to participate in the Program be-  
23 fore the retirement of the member or the separation  
24 or release of the member from active duty may con-  
25 tinue to participate in the Program after the retire-

1       ment, separation, or release only if the member's  
2       last period of service is characterized as honorable  
3       by the Secretary concerned.

4               “(4) SELECTION PRIORITIES.—In selecting eli-  
5       gible members of the armed forces to receive assist-  
6       ance under the Program, the Secretary shall give  
7       priority to members who—

8               “(A) have educational or military experi-  
9       ence in science, mathematics, special education,  
10       or vocational or technical subjects; and

11               “(B) agree to seek employment as science,  
12       mathematics, or special education teachers in  
13       elementary schools or secondary schools or in  
14       other schools under the jurisdiction of a local  
15       educational agency.

16               “(5) OTHER CONDITIONS ON SELECTION.—(A)  
17       The Secretary may not select an eligible member of  
18       the armed forces to participate in the Program and  
19       receive financial assistance unless the Secretary has  
20       sufficient appropriations for the Program available  
21       at the time of the selection to satisfy the obligations  
22       to be incurred by the United States under subsection  
23       (d) with respect to the member.

24               “(B) The Secretary may not select an eligible  
25       member of the armed forces described in paragraph

1 (1)(B)(i) to participate in the Program under this  
2 section and receive financial assistance under sub-  
3 section (d) unless the member executes a written  
4 agreement to serve as a member of the Selected Re-  
5 serve of a reserve component of the armed forces for  
6 a period of not less than 3 years (in addition to any  
7 other reserve commitment the member may have).

8 “(d) PARTICIPATION AGREEMENT AND FINANCIAL  
9 ASSISTANCE.—

10 “(1) PARTICIPATION AGREEMENT.—(A) An eli-  
11 gible member of the armed forces selected to partici-  
12 pate in the Program under subsection (c) and re-  
13 ceive financial assistance under this subsection shall  
14 be required to enter into an agreement with the Sec-  
15 retary in which the member agrees—

16 “(i) within such time as the Secretary may  
17 require, to obtain certification or licensing as an  
18 elementary school teacher, secondary school  
19 teacher, or vocational or technical teacher, and  
20 to become a highly qualified teacher; and

21 “(ii) to accept an offer of full-time employ-  
22 ment as an elementary school teacher, sec-  
23 ondary school teacher, or vocational or technical  
24 teacher for not less than 3 school years with a  
25 local educational agency or public charter school

1 receiving grants under part A of title I of the  
2 Elementary and Secondary Education Act of  
3 1965 (20 U.S.C.6311 et seq.).

4 “(B) The Secretary may waive the 3-year com-  
5 mitment described in subparagraph (A)(ii) for a par-  
6 ticipant if the Secretary determines the waiver to be  
7 appropriate. If the Secretary provides the waiver,  
8 the participant shall not be considered to be in viola-  
9 tion of the agreement and shall not be required to  
10 provide reimbursement under subsection (e), for fail-  
11 ure to meet the 3-year commitment.

12 “(2) VIOLATION OF PARTICIPATION AGREE-  
13 MENT; EXCEPTIONS.—A participant in the Program  
14 shall not be considered to be in violation of the par-  
15 ticipation agreement entered into under paragraph  
16 (1) during any period in which the participant—

17 “(A) is pursuing a full-time course of  
18 study related to the field of teaching at an in-  
19 stitution of higher education;

20 “(B) is serving on active duty as a member  
21 of the armed forces;

22 “(C) is temporarily totally disabled for a  
23 period of time not to exceed 3 years as estab-  
24 lished by sworn affidavit of a qualified physi-  
25 cian;

1           “(D) is unable to secure employment for a  
2           period not to exceed 12 months by reason of the  
3           care required by a spouse who is disabled;

4           “(E) is a highly qualified teacher who is  
5           seeking and unable to find full-time employ-  
6           ment as a teacher in an elementary school or  
7           secondary school or as a vocational or technical  
8           teacher for a single period not to exceed 27  
9           months; or

10           “(F) satisfies such other criteria as may be  
11           prescribed by the Secretary.

12           “(3) STIPEND FOR PARTICIPANTS.—(A) Subject  
13           to subparagraph (B), the Secretary may pay to a  
14           participant in the Program selected under this sec-  
15           tion a stipend in an amount of not more than  
16           \$5,000.

17           “(B) The total number of stipends that may be  
18           paid under subparagraph (A) in any fiscal year may  
19           not exceed 5,000.

20           “(4) BONUS FOR PARTICIPANTS.—(A) Subject  
21           to subparagraph (B), the Secretary may, in lieu of  
22           paying a stipend under paragraph (3), pay a bonus  
23           of \$10,000 to a participant in the Program selected  
24           under this section who agrees in the participation  
25           agreement under paragraph (1) to become a highly

1 qualified teacher and to accept full-time employment  
2 as an elementary school teacher, secondary school  
3 teacher, or vocational or technical teacher for not  
4 less than 3 school years in a high-need school.

5 “(B) The total number of bonuses that may be  
6 paid under subparagraph (A) in any fiscal year may  
7 not exceed 3,000.

8 “(C) For purposes of subparagraph (A), the  
9 term ‘high-need school’ means a public elementary  
10 school, public secondary school, or public charter  
11 school that meets one or more of the following cri-  
12 teria:

13 “(i) At least 50 percent of the students en-  
14 rolled in the school were from low-income fami-  
15 lies (as described in subsection (b)(2)(A)(i)).

16 “(ii) The school has a large percentage of  
17 students who qualify for assistance under part  
18 B of the Individuals with Disabilities Education  
19 Act (20 U.S.C. 1411 et. seq.).

20 “(5) TREATMENT OF STIPEND AND BONUS.—A  
21 stipend or bonus paid under this subsection to a  
22 participant in the Program shall be taken into ac-  
23 count in determining the eligibility of the participant  
24 for Federal student financial assistance provided

1 under title IV of the Higher Education Act of 1965  
2 (20 U.S.C. 1070 et. seq.).

3 “(e) REIMBURSEMENT UNDER CERTAIN CIR-  
4 CUMSTANCES.—

5 “(1) REIMBURSEMENT REQUIRED.—A partici-  
6 pant in the Program who is paid a stipend or bonus  
7 under subsection (d) shall be required to repay the  
8 stipend or bonus under the following circumstances:

9 “(A) The participant fails to obtain teach-  
10 er certification or licensing, to become a highly  
11 qualified teacher, or to obtain employment as  
12 an elementary school teacher, secondary school  
13 teacher, or vocational or technical teacher as re-  
14 quired by the participation agreement under  
15 subsection (d)(1).

16 “(B) The participant voluntarily leaves, or  
17 is terminated for cause from, employment as an  
18 elementary school teacher, secondary school  
19 teacher, or vocational or technical teacher dur-  
20 ing the 3 years of required service in violation  
21 of the participation agreement.

22 “(C) The participant executed a written  
23 agreement with the Secretary concerned under  
24 subsection (c)(5)(B) to serve as a member of a  
25 reserve component of the armed forces for a pe-

1           riod of 3 years and fails to complete the re-  
2           quired term of service.

3           “(2) AMOUNT OF REIMBURSEMENT.—A partici-  
4           pant required to reimburse the Secretary for a sti-  
5           pend or bonus paid to the participant under sub-  
6           section (d) shall pay an amount that bears the same  
7           ratio to the amount of the stipend or bonus as the  
8           unserved portion of required service bears to the  
9           three years of required service. Any amount owed by  
10          the participant shall bear interest at the rate equal  
11          to the highest rate being paid by the United States  
12          on the day on which the reimbursement is deter-  
13          mined to be due for securities having maturities of  
14          90 days or less and shall accrue from the day on  
15          which the participant is first notified of the amount  
16          due.

17          “(3) TREATMENT OF OBLIGATION.—The obliga-  
18          tion to reimburse the Secretary under this sub-  
19          section is, for all purposes, a debt owing the United  
20          States. A discharge in bankruptcy under title 11  
21          shall not release a participant from the obligation to  
22          reimburse the Secretary under this subsection.

23          “(4) EXCEPTIONS TO REIMBURSEMENT RE-  
24          QUIREMENT.—A participant shall be excused from  
25          reimbursement under this subsection if the partici-

1        participant becomes permanently totally disabled as estab-  
2        lished by sworn affidavit of a qualified physician.  
3        The Secretary may also waive the reimbursement in  
4        cases of extreme hardship to the participant, as de-  
5        termined by the Secretary.

6        “(f) RELATIONSHIP TO EDUCATIONAL ASSISTANCE  
7        UNDER MONTGOMERY GI BILL.—The receipt by a partic-  
8        ipant in the Program of a stipend or bonus under this  
9        subsection (d) shall not reduce or otherwise affect the enti-  
10       tlement of the participant to any benefits under chapter  
11       30 or 33 of title 38 or chapter 1606 of this title.

12       “(g) PARTICIPATION BY STATES.—

13                “(1) DISCHARGE OF STATE ACTIVITIES  
14        THROUGH CONSORTIA OF STATES.—The Secretary  
15        may permit States participating in the Program to  
16        carry out activities authorized for such States under  
17        the Program through one or more consortia of such  
18        States.

19                “(2) ASSISTANCE TO STATES.—(A) Subject to  
20        subparagraph (B), the Secretary may make grants  
21        to States participating in the Program, or to con-  
22        sortia of such States, in order to permit such States  
23        or consortia of States to operate offices for purposes  
24        of recruiting eligible members of the armed forces  
25        for participation in the Program and facilitating the

1 employment of participants in the Program as ele-  
2 mentary school teachers, secondary school teachers,  
3 and vocational or technical teachers.

4 “(B) The total amount of grants made under  
5 subparagraph (A) in any fiscal year may not exceed  
6 \$5,000,000.”.

7 (B) CLERICAL AMENDMENT.—The table of  
8 sections at the beginning of chapter 58 of such  
9 title is amended by adding at the end the fol-  
10 lowing new item:

“1154. Assistance to eligible members to obtain employment as teachers:  
Troops-to-Teachers Program.”.

11 (3) CONFORMING AMENDMENT.—Section  
12 1142(b)(4)(C) of such title is amended by striking  
13 “under sections 1152 and 1153 of this title and the  
14 Troops-to-Teachers Program under section 2302 of  
15 the Elementary and Secondary Education Act of  
16 1965 (20 U.S.C. 6672)” and inserting “under sec-  
17 tions 1152, 1153, and 1154 of this title”.

18 (4) EFFECTIVE DATE.—The amendments made  
19 by this section shall take effect on the effective date  
20 of the transfer under paragraph (1).

21 (c) SUPPORTING EXCELLENT TEACHERS AND PRIN-  
22 CIPALS.—Title II (20 U.S.C. 6601 et seq.), as amended  
23 by subsection (a), is further amended by striking parts  
24 A, B, C, and D, and inserting the following:

1       **“PART A—CONTINUOUS IMPROVEMENT AND**  
2       **SUPPORT FOR TEACHERS AND PRINCIPALS**

3       **“SEC. 2101. PURPOSE.**

4           “The purpose of this part is to provide grants to  
5 State educational agencies and subgrants to local edu-  
6 cational agencies to enable such agencies to improve aca-  
7 demic achievement for all students, including students  
8 with disabilities and English learners, by—

9           “(1) providing professional development that is  
10       designed to improve instruction and student achieve-  
11       ment; and

12           “(2) increasing the number and improving the  
13       equitable distribution of high-quality teachers and  
14       principals.

15       **“SEC. 2102. DEFINITIONS.**

16       “In this part:

17           “(1) INDUCTION PROGRAM.—The term ‘induc-  
18       tion program’ means a program based on scientif-  
19       ically valid research for new teachers that is de-  
20       signed to improve instruction and increase teacher  
21       retention, and that includes—

22           “(A) high-quality teacher mentoring;

23           “(B) the development of skills needed by  
24       new teachers, including content knowledge, ped-  
25       agogical knowledge, classroom management  
26       (which may include positive behavioral interven-

1 tions and supports), and the analysis and use of  
2 student assessments (including formative as-  
3 sements), and other student data;

4 “(C) periodic, structured time for collabo-  
5 ration and professional development with teach-  
6 ers in the same subject or field, and opportuni-  
7 ties to draw directly on the expertise of other  
8 school and local educational agency staff and  
9 other organizations that provide high-quality  
10 supports, which may include team teaching or  
11 a reduced teaching load; and

12 “(D) regular and structured observation  
13 with timely feedback.

14 “(2) MENTORING.—The term ‘mentoring’  
15 means supporting teachers or principals to increase  
16 the effectiveness and retention of such teachers or  
17 principals through a program that—

18 “(A) includes clear criteria for the selec-  
19 tion of mentors that takes into account the  
20 mentor’s—

21 “(i) record of increasing student  
22 achievement; and

23 “(ii) ability to facilitate adult learn-  
24 ing;

1           “(B) provides high-quality training for  
2           mentors in how to support teachers or prin-  
3           cipals;

4           “(C) provides regularly scheduled time for  
5           collaboration, examination of student work and  
6           achievement data, and ongoing opportunities for  
7           mentors and mentees to observe each other’s  
8           teaching or leading, and identify and address  
9           areas identified for improvement; and

10           “(D) matches mentees with mentors in the  
11           same field, grade, grade span, or subject area.

12           “(3) STATE.—The term ‘State’ means each of  
13           the several States of the United States, the Com-  
14           monwealth of Puerto Rico, and the District of Co-  
15           lumbia.

16                           **“Subpart 1—Grants to States**

17           **“SEC. 2111. ALLOTMENTS TO STATES.**

18           “(a) IN GENERAL.—The Secretary shall make grants  
19           to States with applications approved under section 2112  
20           to enable the States to carry out the activities specified  
21           in section 2113. Each grant shall consist of the allotment  
22           determined for a State under subsection (b).

23           “(b) DETERMINATION OF ALLOTMENTS.—

1           “(1) RESERVATION OF FUNDS.—From the total  
2 amount appropriated to carry out this subpart for a  
3 fiscal year, the Secretary shall reserve—

4           “(A) one-half of 1 percent for allotments  
5 for the United States Virgin Islands, Guam,  
6 American Samoa, and the Commonwealth of  
7 the Northern Mariana Islands, to be distributed  
8 among those outlying areas on the basis of their  
9 relative need, as determined by the Secretary,  
10 in accordance with the purpose of this part; and

11           “(B) one-half of 1 percent for the Sec-  
12 retary of the Interior for programs under this  
13 part in schools operated or funded by the Bu-  
14 reau of Indian Education.

15           “(2) STATE ALLOTMENTS.—

16           “(A) HOLD HARMLESS.—

17           “(i) IN GENERAL.—Subject to sub-  
18 paragraph (B), from the funds appro-  
19 priated to carry out this subpart for any  
20 fiscal year and not reserved under para-  
21 graph (1), the Secretary shall allot to each  
22 of the 50 States, the District of Columbia,  
23 and the Commonwealth of Puerto Rico an  
24 amount equal to the total amount that  
25 such State received for fiscal year 2001

1 under section 2111(b)(2)(A)(i) of this Act  
2 (as in effect on the day before the date of  
3 enactment of the Elementary and Sec-  
4 ondary Education Reauthorization Act of  
5 2011).

6 “(ii) RATABLE REDUCTION.—If the  
7 funds described in clause (i) are insuffi-  
8 cient to pay the full amounts that all  
9 States are eligible to receive under clause  
10 (i) for any fiscal year, the Secretary shall  
11 ratably reduce those amounts for the fiscal  
12 year.

13 “(B) ALLOTMENT OF ADDITIONAL  
14 FUNDS.—

15 “(i) IN GENERAL.—Subject to clause  
16 (ii), for any fiscal year for which the funds  
17 appropriated to carry out this subpart and  
18 not reserved under paragraph (1) exceed  
19 the total amount required to make allot-  
20 ments under subparagraph (A), the Sec-  
21 retary shall allot to each of the States de-  
22 scribed in subparagraph (A) the sum of—

23 “(I) an amount that bears the  
24 same relationship to 35 percent of the  
25 excess amount as the number of indi-

1                   viduals age 5 through 17 in the State,  
2                   as determined by the Secretary on the  
3                   basis of the most recent satisfactory  
4                   data, bears to the number of those in-  
5                   dividuals in all such States, as so de-  
6                   termined; and

7                   “(II) an amount that bears the  
8                   same relationship to 65 percent of the  
9                   excess amount as the number of indi-  
10                  viduals age 5 through 17 from fami-  
11                  lies with incomes below the poverty  
12                  line, in the State, as determined by  
13                  the Secretary on the basis of the most  
14                  recent satisfactory data, bears to the  
15                  number of those individuals in all  
16                  such States, as so determined.

17                  “(ii) EXCEPTION.—No State receiving  
18                  an allotment under clause (i) may receive  
19                  less than one-half of 1 percent of the total  
20                  excess amount allotted under such clause  
21                  for a fiscal year.

22                  “(3) REALLOTMENT.—If any State does not re-  
23                  ceive an allotment under this subsection for any fis-  
24                  cal year, the Secretary shall reallocate the amount of

1 the allotment to the remaining States in accordance  
2 with this subsection.

3 **“SEC. 2112. STATE APPLICATIONS.**

4 “(a) IN GENERAL.—For a State to be eligible to re-  
5 ceive a grant under this part, the State educational agency  
6 shall submit an application to the Secretary at such time,  
7 in such manner, and containing such information as the  
8 Secretary may reasonably require.

9 “(b) CONTENTS.—Each application submitted under  
10 this section shall be subject to peer review and include—

11 “(1) a description of how the State educational  
12 agency will ensure that each local educational agency  
13 receiving a subgrant under subpart 2 will comply  
14 with the requirements of such subgrant;

15 “(2) a description of how the State will use  
16 funds reserved under section 2113(a);

17 “(3) a description of how the activities to be  
18 carried out by the State educational agency under  
19 this subpart will be based on a review of scientif-  
20 ically valid research and an explanation of why the  
21 activities are expected to improve student achieve-  
22 ment;

23 “(4) a description of how activities under this  
24 subpart are aligned with State academic content and  
25 student academic achievement standards and State

1 assessments, which include, as appropriate, State  
2 early learning standards for children younger than  
3 kindergarten;

4 “(5) a description of how the State educational  
5 agency will provide data on each teacher’s student  
6 achievement and, if applicable, student growth, for  
7 the State assessments required under section  
8 1111(a)(2) to teachers and local educational agen-  
9 cies, in a timely and useful manner;

10 “(6) if the State intends to use grant funds to  
11 develop or improve a teacher and principal evalua-  
12 tion system—

13 “(A) a description of such system; and

14 “(B) an assurance that such system will be  
15 consistent with section 2301(b)(4);

16 “(7) a description of how the State educational  
17 agency will hold local educational agencies account-  
18 able for meeting the requirements of section 1119;

19 “(8) an assurance that the State educational  
20 agency will comply with section 9501 (regarding par-  
21 ticipation by private school children and teachers);  
22 and

23 “(9) a description of the activities funded under  
24 this subpart, including how such activities will be co-  
25 ordinated with the State agency responsible for early

1 childhood education and care programs and the  
2 State Advisory Council on Early Childhood Edu-  
3 cation and Care established under section 642B of  
4 the Head Start Act, that are designed to improve  
5 and strengthen the knowledge and skills of teachers  
6 and principals responsible for educating children in  
7 preschool, where applicable, through third grade.

8 “(c) DEEMED APPROVAL.—An application submitted  
9 by a State educational agency pursuant to subsection (a)  
10 that has been peer reviewed shall be deemed to be ap-  
11 proved by the Secretary unless the Secretary makes a  
12 written determination, prior to the expiration of the 120-  
13 day period beginning on the date on which the Secretary  
14 received the application, that the application is not in com-  
15 pliance with this subpart.

16 “(d) DISAPPROVAL.—The Secretary shall not finally  
17 disapprove the application, except after giving the State  
18 educational agency notice and an opportunity for a hear-  
19 ing.

20 “(e) NOTIFICATION.—If the Secretary finds that the  
21 application is not in compliance, in whole or in part, with  
22 this subpart, the Secretary shall—

23 “(1) give the State educational agency notice  
24 and an opportunity for a hearing; and

1           “(2) notify the State educational agency of the  
2           finding of noncompliance and, in such notification,  
3           shall—

4                   “(A) cite the specific provisions in the ap-  
5                   plication that are not in compliance; and

6                   “(B) request additional information, only  
7                   as to the noncompliant provisions, needed to  
8                   make the application compliant.

9           “(f) RESPONSE.—If the State educational agency re-  
10           sponds to the Secretary’s notification described in sub-  
11           section (e)(2) during the 45-day period beginning on the  
12           date on which the agency received the notification, and  
13           resubmits the application with the requested information  
14           described in subsection (e)(2)(B), the Secretary shall ap-  
15           prove or disapprove such application prior to the later of—

16                   “(1) the expiration of the 45-day period begin-  
17                   ning on the date on which the application is resub-  
18                   mitted; or

19                   “(2) the expiration of the 120-day period de-  
20                   scribed in subsection (c).

21           “(g) FAILURE TO RESPOND.—If the State edu-  
22           cational agency does not respond to the Secretary’s notifi-  
23           cation described in subsection (e)(2) during the 45-day pe-  
24           riod beginning on the date on which the agency received

1 the notification, such application shall be deemed to be  
2 disapproved.

3 **“SEC. 2113. STATE USE OF FUNDS.**

4 “(a) IN GENERAL.—A State that receives a grant  
5 under section 2111—

6 “(1) shall reserve 95 percent of the funds made  
7 available through the grant to make subgrants to  
8 local educational agencies as described in subpart 2;

9 “(2) shall use not less than 2 percent but not  
10 more than 5 percent of funds made available  
11 through the grant to improve the performance and  
12 distribution of high quality principals and, at the  
13 State’s discretion, other school leaders, including  
14 through—

15 “(A) developing, periodically reviewing,  
16 and revising State policies and standards re-  
17 lated to principals;

18 “(B) developing, with appropriate stake-  
19 holders, and carrying out a State plan to pro-  
20 vide for well-prepared principals, based on an  
21 analysis of relevant data;

22 “(C) activities designed to recruit, prepare,  
23 place, assist, support, and retain high quality  
24 principals for high-need schools and low-per-  
25 forming schools;

1           “(D) providing training and support to  
2 principals and school leadership teams in high-  
3 need schools and low-performing schools on im-  
4 proving instruction and closing achievement  
5 gaps; and

6           “(E) providing compensation or incentives  
7 to attract, retain, and reward high quality prin-  
8 cipals and other school leaders for high-need  
9 schools and low-performing schools;

10          “(3) shall use funds remaining after making the  
11 reservations under paragraphs (1) and (2) to—

12           “(A) plan and administer State activities  
13 under this part, including awarding, moni-  
14 toring, and enforcing the requirements of sub-  
15 grants awarded under subpart 2;

16           “(B) assist local educational agencies in  
17 recruiting, preparing, placing, developing, and  
18 retaining high-quality teachers for high-need  
19 schools and low-performing schools;

20           “(C) provide technical assistance, as nec-  
21 essary, to local educational agencies that receive  
22 subgrants under subpart 2, to improve perform-  
23 ance on the measures described in section  
24 2141(b);

1           “(D) develop and disseminate the State  
2           Report Card described in subpart 4, and use  
3           the information in the Report Card to guide ef-  
4           forts under this part; and

5           “(E) provide technical assistance and sup-  
6           port to local educational agencies in the devel-  
7           opment and implementation of programs and  
8           policies that support children’s transition from  
9           early childhood education and care programs  
10          into elementary schools, improve school readi-  
11          ness, and improve the academic achievement of  
12          young children; and

13          “(4) may use any funds remaining after making  
14          the reservations under paragraphs (1) and (2) and  
15          carrying out paragraph (3) to provide technical as-  
16          sistance to local educational agencies to support the  
17          design and implementation of a system to evaluate  
18          teachers and principals consistent with section  
19          2301(b)(4), including—

20                 “(A) developing and disseminating re-  
21                 search-based models and designing high-quality  
22                 evaluation tools, such as classroom observation  
23                 rubrics;

24                 “(B) developing and providing training for  
25                 principals and other evaluators on how to evalu-

1           ate teachers in order to differentiate teacher  
2           performance accurately, provide useful feed-  
3           back, and use evaluation results to inform deci-  
4           sionmaking about professional development, im-  
5           provement strategies, and personnel decisions;

6           “(C) developing methods, including train-  
7           ing and auditing, for ensuring inter-rater reli-  
8           ability of evaluation results;

9           “(D) the appropriate collection, reporting,  
10          analysis, and use of evaluation data; and

11          “(E) creating opportunities for teachers  
12          and principals to provide feedback on the qual-  
13          ity and usefulness of the local educational agen-  
14          cy’s evaluation system.

15          “(b) SUPPLEMENT, NOT SUPPLANT.—Funds re-  
16          ceived under this subpart shall be used to supplement, and  
17          not supplant, non-Federal funds that would otherwise be  
18          used for activities authorized under this subpart.

19           **“Subpart 2—Subgrants to Local Educational**  
20           **Agencies**

21          **“SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGEN-**  
22          **CIES.**

23          “(a) IN GENERAL.—The Secretary may make a grant  
24          to a State under subpart 1 only if the State educational  
25          agency agrees to distribute the funds described in this sec-

1 tion as subgrants to local educational agencies under this  
2 subpart.

3 “(b) ALLOCATIONS.—

4 “(1) IN GENERAL.—From the total amount re-  
5 served by a State under section 2113(a)(1) for a fis-  
6 cal year, the State educational agency shall allocate  
7 to each of the eligible local educational agencies in  
8 the State for such fiscal year the sum of—

9 “(A) an amount that bears the same rela-  
10 tionship to 20 percent of the total amount re-  
11 served as the number of individuals age 5  
12 through 17 in the geographic area served by the  
13 agency, as determined by the Secretary on the  
14 basis of the most recent satisfactory data, bears  
15 to the number of those individuals in the geo-  
16 graphic areas served by all the local educational  
17 agencies in the State, as so determined; and

18 “(B) an amount that bears the same rela-  
19 tionship to 80 percent of the total amount re-  
20 served as the number of individuals age 5  
21 through 17 from families with incomes below  
22 the poverty line in the geographic area served  
23 by the agency, as determined by the Secretary  
24 on the basis of the most recent satisfactory  
25 data, bears to the number of those individuals

1 in the geographic areas served by all the local  
2 educational agencies in the State, as so deter-  
3 mined.

4 “(2) HOLD HARMLESS.—

5 “(A) IN GENERAL.—Notwithstanding para-  
6 graph (1), the State educational agency shall  
7 allocate to each of the eligible local educational  
8 agencies in the State an amount that is not less  
9 than 90 percent of the allocation the eligible  
10 local educational agency received for the pre-  
11 vious fiscal year under this part.

12 “(B) RATABLE REDUCTION.—If insuffi-  
13 cient funds are appropriated to allocate the  
14 amounts that all eligible local educational agen-  
15 cies in the State are eligible to receive under  
16 subparagraph (A) for a fiscal year, the Sec-  
17 retary shall ratably reduce those amounts for  
18 the fiscal year.

19 **“SEC. 2122. LOCAL APPLICATIONS AND NEEDS ASSESS-**  
20 **MENT.**

21 “(a) IN GENERAL.—To be eligible to receive a  
22 subgrant under this subpart, a local educational agency  
23 shall—

24 “(1) submit an application to the State edu-  
25 cational agency at such time, in such manner, and

1 containing such information as the State educational  
2 agency may reasonably require; and

3 “(2) conduct, with the involvement of school  
4 staff and other stakeholders, as applicable, an as-  
5 sessment of the needs of the local educational agency  
6 in the areas set forth under section 2141(b).

7 “(b) CONTENTS.—Each application submitted under  
8 this section shall include the following:

9 “(1) A description of the results of the needs  
10 assessment conducted under subsection (a)(2).

11 “(2) A description of the performance measures  
12 and activities the local educational agency will use to  
13 address the needs identified in such assessment.

14 “(3) If applicable, a description of how the local  
15 educational agency will improve or implement a rig-  
16 orous, transparent, and fair evaluation system for  
17 teachers and principals consistent with section  
18 2301(b)(4).

19 “(4) The local educational agency’s plan for  
20 using subgrant funds, and other Federal, State and  
21 local funds, to provide for the equitable distribution  
22 of teachers within the local educational agency con-  
23 sistent with section 1111(b)(1)(J).

1 **“SEC. 2123. LOCAL USE OF FUNDS.**

2 “(a) IN GENERAL.—A local educational agency that  
3 receives a subgrant under section 2121 shall use subgrant  
4 funds to increase student achievement for all students, in-  
5 cluding English learners and students with disabilities, by  
6 carrying out 1 or more of the following activities:

7 “(1) Developing and carrying out professional  
8 development, which may include joint professional  
9 development for teachers, principals, and other rel-  
10 evant school staff with early childhood education and  
11 care program staff.

12 “(2) Reducing class size for prekindergarten  
13 through 3rd grade, by an amount and to a level con-  
14 sistent with what scientifically valid research has  
15 found to improve student achievement.

16 “(3) Developing and implementing an induction  
17 program or a mentoring program.

18 “(4) Developing and implementing, or improv-  
19 ing, a teacher and principal evaluation system that  
20 is consistent with section 2301(b)(4).

21 “(5) Increasing teacher capacity to evaluate  
22 student work and use student achievement data,  
23 which may include supporting the involvement of  
24 teachers in assessment scoring.

1           “(6) Recruiting, preparing, placing, supporting,  
2           developing, rewarding, and retaining high-quality  
3           teachers and principals, especially—

4                   “(A) teachers and principals in high-need  
5                   schools and low-performing schools taking into  
6                   consideration members of groups underrep-  
7                   resented in the teaching profession and the  
8                   principalship; and

9                   “(B) teachers in high-need subjects or  
10                  fields.

11           “(7) Improving within-district equity in the dis-  
12           tribution of teachers consistent with the require-  
13           ments of section 1111(b)(1)(J).

14           “(8) Enabling teachers to become certified as  
15           teachers in a high-need subject or field.

16           “(9) Creating career ladders, which may include  
17           modifying the local educational agency’s policies and  
18           practices, to provide opportunities for high-quality  
19           teachers or paraprofessionals to advance or take on  
20           additional roles and responsibilities.

21           “(10) Reforming the local educational agency’s  
22           system of compensating teachers and principals in  
23           order to—

24                   “(A) provide incentives to recruit and re-  
25                   tain high quality principals and teachers in a

1 high-need subject or field, or who teach in or  
2 lead a high-need school or low-performing  
3 school; and

4 “(B) reward high quality teachers and  
5 principals for increasing student achievement or  
6 taking on additional roles and responsibilities.

7 “(b) SUPPLEMENT, NOT SUPPLANT.—Funds re-  
8 ceived under this subpart shall be used to supplement, and  
9 not supplant, non-Federal funds that would otherwise be  
10 used for activities authorized under this subpart.

11 **“Subpart 3—National Leadership Activities**

12 **“SEC. 2131. NATIONAL LEADERSHIP ACTIVITIES.**

13 “From the funds made available to carry out this  
14 part for a fiscal year, the Secretary is authorized to set  
15 aside not more than 1 percent to carry out the following  
16 activities related to the purpose of this part:

17 “(1) Research and development.

18 “(2) Technical assistance.

19 “(3) Outreach and dissemination activities di-  
20 rectly or through grants, contracts, or cooperative  
21 agreements.

22 **“Subpart 4—Accountability**

23 **“SEC. 2141. ACCOUNTABILITY.**

24 “(a) IN GENERAL.—

1           “(1) STATE REPORT.—Each State that receives  
2           a grant under subpart 1 shall annually submit to the  
3           Secretary, in a manner prescribed by the Secretary,  
4           and make public, a State Report on program per-  
5           formance and results under such grant. Such State  
6           Report shall provide the information required under  
7           subsection (b).

8           “(2) LOCAL EDUCATIONAL AGENCY REPORT.—  
9           Each local educational agency that receives a  
10          subgrant under subpart 2 shall annually submit to  
11          the State, in a manner prescribed by the State, and  
12          make public, a Local Educational Agency Report on  
13          program performance and results under such  
14          subgrant. Such Local Educational Agency Report  
15          shall provide the information required under sub-  
16          section (b).

17          “(3) FERPA COMPLIANCE.—Each State and  
18          local educational agency that submits a report in  
19          compliance with this subsection shall collect, report,  
20          and disseminate information contained in such re-  
21          port in compliance with section 444 of the General  
22          Education Provisions Act (20 U.S.C. 1232g, com-  
23          monly known as the ‘Family Educational Rights and  
24          Privacy Act of 1974’).



1 “(b) DEFINITIONS.—In this section:

2 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
3 tity’ means—

4 “(A) a partnership of—

5 “(i) 1 or more institutions of higher  
6 education or nonprofit organizations; and

7 “(ii) a high-need local educational  
8 agency and 1 or more other local edu-  
9 cational agencies or State educational  
10 agencies; or

11 “(B) an institution of higher education or  
12 a nonprofit organization that can demonstrate a  
13 record of—

14 “(i) preparing teachers who are suc-  
15 cessful in improving student achievement;  
16 and

17 “(ii) placing a significant percentage  
18 of those teachers in high-need schools.

19 “(2) TEACHER IN A HIGH-NEED SUBJECT OR  
20 FIELD.—The term ‘teacher in a high-need subject or  
21 field’ means a teacher of—

22 “(A) students with disabilities;

23 “(B) English learners;

24 “(C) mathematics; or

25 “(D) science.

1           “(c) AUTHORIZATION OF GRANT AWARDS.—The Sec-  
2 retary shall award grants to eligible entities to pay for the  
3 Federal share of the cost of carrying out the activities de-  
4 scribed in this section.

5           “(d) APPLICATIONS.—An eligible entity that desires  
6 to receive a grant under this section shall submit an appli-  
7 cation to the Secretary at such time, in such manner, and  
8 accompanied by such information as the Secretary may  
9 require.

10          “(e) CONSIDERATIONS.—In awarding grants under  
11 this section, the Secretary shall consider the geographic  
12 diversity of the eligible entities, including the distribution  
13 of grants among urban, suburban, and rural areas.

14          “(f) PRIORITY.—In awarding grants under this sec-  
15 tion, the Secretary shall give priority to applicants that  
16 demonstrate a record of—

17               “(1) recruiting college undergraduates, recent  
18 college graduates, graduate students, and profes-  
19 sionals with a demonstrated history of significant  
20 academic achievement to become teachers;

21               “(2) recruiting and selecting candidates who  
22 are members of groups underrepresented in the  
23 teaching profession; and

1           “(3) preparing teachers who consistently im-  
2           prove student academic achievement at high-need  
3           schools.

4           “(g) REQUIRED USE OF FUNDS.—An eligible entity  
5           that receives a grant under this section shall use the grant  
6           funds for the following:

7           “(1) To recruit, select, prepare, place, retain,  
8           and support teachers for high-need schools and  
9           teachers in high-need subjects or fields.

10          “(2) To prepare all teachers to teach students  
11          with disabilities and English language learners.

12          “(3) To prepare teachers in classroom manage-  
13          ment, instructional planning and delivery, learning  
14          theory and cognitive development, literacy develop-  
15          ment, and student assessment.

16          “(4) To provide school-based, clinical experience  
17          at a high-need school that includes observation of  
18          and feedback on teacher candidates’ teaching.

19          “(5) To provide ongoing mentoring and sup-  
20          port, which may include coursework, for participants  
21          for at least 1 school year.

22          “(h) PERMISSIBLE USE OF GRANT FUNDS.—An eli-  
23          gible entity that receives a grant under this section may  
24          use the grant funds to provide financial stipends for teach-  
25          er candidates who are not the teacher of record.

1 “(i) PERFORMANCE AND GRANT RENEWAL.—

2 “(1) TRACKING PERFORMANCE.—An eligible  
3 entity that receives a grant under this section  
4 shall—

5 “(A) track the placement rate, retention  
6 rate, and performance in improving student  
7 academic achievement of teachers recruited and  
8 prepared by programs funded by the grant; and

9 “(B) submit data on such performance to  
10 the Secretary.

11 “(2) CONDITIONS FOR GRANT RENEWAL.—The  
12 Secretary shall evaluate the information submitted  
13 under paragraph (1) and renew a grant awarded  
14 under this section only if the data indicate the  
15 teachers are successful in improving student aca-  
16 demic achievement.

17 “(j) FISCAL AGENT.—The fiscal agent for an eligible  
18 entity that receives a grant under this section may be a  
19 local educational agency, State educational agency, insti-  
20 tution of higher education, or nonprofit organization that  
21 is a partner in the eligible entity.

22 “(k) MATCHING REQUIREMENTS.—

23 “(1) FEDERAL SHARE.—Except as provided in  
24 paragraph (2)(B), the Federal share for this section  
25 shall be a percentage of the cost of the activities as-

1       sisted under the grant as determined by the Sec-  
2       retary.

3               “(2) NON-FEDERAL SHARE.—

4                       “(A) IN GENERAL.—The non-Federal  
5       share provided by an eligible entity receiving a  
6       grant under this section shall be a percentage  
7       of the cost of the activities assisted under the  
8       grant as determined by the Secretary. The non-  
9       Federal share may include in-kind contribu-  
10      tions.

11                      “(B) SPECIAL RULE.—The Secretary may  
12      waive or reduce the amount of the non-Federal  
13      share described in subparagraph (A) for any  
14      fiscal year if the eligible entity demonstrates to  
15      the Secretary that the funds needed to carry  
16      out that subparagraph are unavailable due to  
17      economic hardship, as determined by the Sec-  
18      retary.

19               “(1) EVALUATION.—The Director of the Institute of  
20      Education Sciences shall—

21                      “(1) evaluate the implementation and impact of  
22      the program under this section;

23                      “(2) identify best practices for recruiting, se-  
24      lecting, preparing, placing, retaining, and supporting

1 teachers in high-need subjects or fields for high-need  
2 schools; and

3 “(3) disseminate research on best practices.

4 **“PART C—TEACHER INCENTIVE FUND PROGRAM**

5 **“SEC. 2301. PURPOSES; DEFINITIONS.**

6 “(a) Purposes.—The purposes of this part are to as-  
7 sist States, local educational agencies, and nonprofit orga-  
8 nizations to develop, implement, improve, or expand—

9 “(1) comprehensive performance-based com-  
10 pensation systems for teachers, principals, and  
11 schools that raise student academic achievement and  
12 close the achievement gap, especially for teachers  
13 and principals in high-need schools; and

14 “(2) rigorous, transparent, and fair teacher and  
15 principal evaluation systems.

16 “(b) DEFINITIONS.—Except as otherwise provided, in  
17 this part:

18 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
19 tity’ means—

20 “(A) a local educational agency or a con-  
21 sortium of local educational agencies, including  
22 a charter school that is a local educational  
23 agency;

1           “(B) a State educational agency, or other  
2           State agency designated by the chief executive  
3           of a State to participate under this subpart; or

4           “(C) a nonprofit or for-profit organization,  
5           which may include an institution of higher edu-  
6           cation, in partnership with an entity described  
7           in subparagraph (A) or (B).

8           “(2) STUDENT ACADEMIC ACHIEVEMENT.—In  
9           this subsection, the term ‘student academic achieve-  
10          ment’ means—

11           “(A) for grades and subjects for which  
12           there are assessments, as described in section  
13           1111(a)(2), a student’s results from the State’s  
14           assessments under such section or other state-  
15           wide assessments; and

16           “(B) other measures of a student’s learn-  
17           ing and performance, such as end-of-course  
18           tests, and other measures that are rigorous and  
19           comparable across schools in a school district  
20           and that are aligned with the State academic  
21           content standards and student academic  
22           achievement standards under section  
23           1111(a)(1).

24           “(3) PERFORMANCE-BASED COMPENSATION  
25          SYSTEM.—The term ‘performance-based compensa-

1       tion system’ means a system of compensation for  
2       teachers and principals that—

3               “(A) differentiates levels of compensation  
4               primarily on the basis of measurable increases  
5               in student academic achievement; and

6               “(B) may include—

7                       “(i) differentiated levels of compensa-  
8                       tion on the basis of effective teachers’ and  
9                       principals’ employment and success in  
10                      hard-to-staff schools or high-need subject  
11                      areas; and

12                     “(ii) recognition of the skills and  
13                     knowledge of teachers and principals, as  
14                     demonstrated through—

15                       “(I) successful fulfillment of ad-  
16                       ditional responsibilities or job func-  
17                       tions; and

18                       “(II) evidence of high achieve-  
19                       ment and mastery of content knowl-  
20                       edge and superior teaching skills.

21               “(4) **TEACHER AND PRINCIPAL EVALUATION**  
22       **SYSTEM.**—The term ‘teacher and principal evalua-  
23       tion system’ means a system for evaluating the per-  
24       formance of teachers and principals that—

1           “(A) provides meaningful feedback to  
2 teachers and principals on the results of their  
3 evaluation;

4           “(B) establishes multiple categories of  
5 teacher and principal performance;

6           “(C) evaluates teachers and principals reg-  
7 ularly consistent with research and best prac-  
8 tice, including multiple measures;

9           “(D) is used to inform decisions about pro-  
10 fessional development;

11           “(E) is developed and implemented with  
12 teacher and principal involvement;

13           “(F) is regularly reviewed to ensure that  
14 the evaluation provides meaningful differentia-  
15 tion and is aligned with student academic  
16 achievement results;

17           “(G) provides training for the evaluators  
18 who are responsible for conducting classroom  
19 observations;

20           “(H) for teachers—

21           “(i) shall be based in significant part  
22 on evidence of improved student academic  
23 achievement;

24           “(ii) shall include observations of  
25 classroom teaching; and

1                   “(iii) may include other measures of  
2                   student academic achievement and teacher  
3                   performance; and

4                   “(I) for principals—

5                   “(i) shall be based in significant part  
6                   on evidence of improved student academic  
7                   achievement and student outcomes;

8                   “(ii) shall be based on evidence of pro-  
9                   viding strong instructional leadership and  
10                  support to teachers and other staff; and

11                  “(iii) may include other measures of  
12                  principal performance such as parent and  
13                  family engagement.

14   **“SEC. 2302. TEACHER INCENTIVE FUND GRANTS.**

15                  “(a) IN GENERAL.—From the amounts appropriated  
16                  to carry out this part, the Secretary is authorized to award  
17                  grants, on a competitive basis, to eligible entities to enable  
18                  the eligible entities to develop, implement, improve, or ex-  
19                  pand performance-based compensation systems and teach-  
20                  er and principal evaluation systems in a school served by  
21                  a project under this part.

22                  “(b) PRIORITY.—In awarding a grant under this  
23                  part, the Secretary shall give priority to an eligible entity  
24                  that concentrates the proposed activities with respect to  
25                  teachers and principals serving in high-need schools.

1           “(c) APPLICATIONS.—To be eligible to receive a grant  
2 under this part, an eligible entity shall submit an applica-  
3 tion to the Secretary, at such time and in such manner  
4 as the Secretary may reasonably require. The application  
5 shall include, as applicable—

6           “(1) a description of the performance-based  
7 compensation system and teacher and principal eval-  
8 uation system that the eligible entity proposes to de-  
9 velop, implement, improve, or expand;

10           “(2) a description and evidence of the support  
11 and commitment, from teachers and principals in  
12 the school to be served by the project, the commu-  
13 nity, including community-based organizations, and  
14 the local educational agencies, for the performance-  
15 based compensation system and teacher and prin-  
16 cipal evaluation system, including a demonstration  
17 of consultation with teachers and principals in the  
18 design and development of the proposal;

19           “(3) a description of how the eligible entity will  
20 develop and implement a fair, rigorous, and objective  
21 process to evaluate teacher, principal, and student  
22 performance under the project, including the base-  
23 line performance against which evaluations of im-  
24 proved performance will be made;

1           “(4) a description of the local educational agen-  
2           cy or school to be served by the project, including  
3           such student academic achievement, demographic,  
4           and socioeconomic information as the Secretary may  
5           request;

6           “(5) a description of the quality of teachers and  
7           principals in the local educational agency and the  
8           schools to be served by the project and how the  
9           project will increase the quality of teachers and prin-  
10          cipals in a high-need school;

11          “(6) a description of how the eligible entity will  
12          use grant funds under this part in each year of the  
13          grant;

14          “(7) a description of how the eligible entity will  
15          continue funding and carrying out the performance-  
16          based compensation system and teacher and prin-  
17          cipal evaluation system after the grant period ends;

18          “(8) a description of the State, local, or other  
19          public or private funds that will be used to supple-  
20          ment the grant and sustain the activities assisted  
21          under the grant at the end of the grant period; and

22          “(9) a description of the rationale and evidence  
23          for the proposed activities and of any prior experi-  
24          ence of the eligible entity in developing and imple-  
25          menting such activities.

1 “(d) USE OF FUNDS.—

2 “(1) IN GENERAL.—An eligible entity that re-  
3 ceives a grant under this part shall use grant funds  
4 to carry out, in collaboration with teachers, prin-  
5 cipals, other school administrators, and members of  
6 the public, activities authorized under paragraph (2)  
7 that are designed to develop, implement, improve, or  
8 expand, consistent with this part—

9 “(A) a performance-based compensation  
10 system; and

11 “(B) a teacher and principal evaluation  
12 system.

13 “(2) AUTHORIZED ACTIVITIES.—An eligible en-  
14 tity receiving a grant under this part shall use grant  
15 funds for the following activities:

16 “(A) Developing or improving teacher and  
17 principal evaluation systems that reflect clear  
18 and fair measures of teacher and principal per-  
19 formance.

20 “(B) Paying, as part of a comprehensive  
21 performance-based compensation system, bo-  
22 nuses, and increased salaries, if the eligible en-  
23 tity uses an increasing share of non-Federal  
24 funds to pay the bonuses and increased salaries

1 each year of the grant, to teachers and prin-  
2 cipals who—

3 “(i) have demonstrated effectiveness  
4 in raising student academic achievement;

5 “(ii) work in high-need schools; or

6 “(iii) work in a high-need subject,  
7 field, or geographic area.

8 “(C) Conducting outreach within a local  
9 educational agency or a State to gain input on  
10 how to construct the teacher and principal eval-  
11 uation system and to develop support for such  
12 system.

13 “(e) DURATION OF GRANTS.—

14 “(1) IN GENERAL.—The Secretary may award  
15 a grant under this part for a period of not more  
16 than 5 years.

17 “(2) LIMITATION.—A local educational agency  
18 may receive (whether individually or as part of a  
19 consortium or partnership) a grant under this part  
20 only once.

21 “(f) EQUITABLE DISTRIBUTION.—To the extent  
22 practicable, the Secretary shall ensure an equitable geo-  
23 graphic distribution of grants under this part, including  
24 the distribution between rural and urban areas.

25 “(g) MATCHING REQUIREMENT.—

1           “(1) IN GENERAL.—Except as provided in para-  
2           graph (2), each eligible entity that receives a grant  
3           under this part shall provide, over the course of the  
4           grant period, an increasing share of matching funds  
5           (which may be provided in cash or in kind) to carry  
6           out activities supported by the grant.

7           “(2) WAIVER.—The Secretary may waive the  
8           matching requirement under paragraph (1) for an  
9           eligible entity—

10                   “(A) that consists of a high-need local edu-  
11                   cational agency; or

12                   “(B) that is located in a rural area.

13           “(h) SUPPLEMENT, NOT SUPPLEMENT.—Grant  
14           funds provided under this part shall be used to supple-  
15           ment, not supplant, other Federal, State, or local funds  
16           available to carry out the activities described in this  
17           part.”.

18 **TITLE III—LANGUAGE AND AKA-**  
19 **DEMIC CONTENT INSTRU-**  
20 **CTION FOR ENGLISH LEARN-**  
21 **ERS AND IMMIGRANT STU-**  
22 **DENTS**

23 **SEC. 3001. REORGANIZATION.**

24           Title III (20 U.S.C. 6801 et seq.) is amended—

1           (1) in the title heading, by striking “**LIM-**  
2           **ITED ENGLISH PROFICIENT**” and inserting  
3           “**ENGLISH LEARNERS**”;

4           (2) by striking sections 3001 and 3122;

5           (3) by redesignating sections 3123 through  
6           3129 as sections 3122 through 3128, respectively;

7           (4) by striking subpart 4 of part A;

8           (5) by striking part B;

9           (6) by redesignating sections 3301 through  
10          3304 as sections 3201 through 3204, respectively;

11          and

12          (7) by redesignating part C as part B.

13   **SEC. 3002. PURPOSES.**

14          Section 3102 (20 U.S.C. 6812) is amended to read  
15   as follows:

16   **“SEC. 3102. PURPOSES.**

17          “The purposes of this part are—

18               “(1) to support the provision of education to  
19               meet the needs of English learners and immigrant  
20               students and provide English learners and immi-  
21               grant students with high-quality, evidence-based  
22               services, which also supplement services and sup-  
23               ports provided under title I, to ensure that English  
24               learners, including those English learners who are  
25               also immigrants, acquire the English language pro-

1       iciency and academic content knowledge they need  
2       to meet the State’s college and career ready aca-  
3       demic content standards and for State academic as-  
4       sessments;

5               “(2) to support the efforts of State educational  
6       agencies and local educational agencies to enhance  
7       their capacity to provide high-quality educational  
8       programs that are effective for English learners and  
9       that reflect the diversity of the English learner pop-  
10      ulation;

11              “(3) to support the efforts of teachers, school  
12      leaders, State educational agencies, and local edu-  
13      cational agencies to develop and enhance the capaci-  
14      ty and flexibility needed to—

15                   “(A) provide evidence-based, linguistically  
16      and culturally appropriate services to assist  
17      English learners supported under this part in—

18                           “(i) attaining English language pro-  
19      ficiency; and

20                           “(ii) meeting State college and career  
21      ready academic content standards;

22                   “(B) implement such services effectively;

23                           “(C) evaluate the impact of such services  
24      on student English language proficiency and  
25      academic content knowledge; and

1           “(D) modify such services as appropriate  
2           to meet the needs of students;

3           “(4) to ensure that rigorous and consistent  
4           standards, assessments, and State accountability  
5           systems are in place for programs serving English  
6           learners; and

7           “(5) to promote parental and community par-  
8           ticipation in language instruction educational pro-  
9           grams in communities for parents of children who  
10          are English learners.”.

11 **SEC. 3003. FORMULA GRANTS TO STATES.**

12          Section 3111 (20 U.S.C. 6821) is amended—

13           (1) in subsection (b)—

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

16           “(2) STATE ACTIVITIES.—

17           “(A) IN GENERAL.—Subject to subpara-  
18           graph (B), each State educational agency re-  
19           ceiving a grant under subsection (a) may re-  
20           serve not more than 5 percent of the agency’s  
21           allotment under subsection (c) to provide tech-  
22           nical assistance and other forms of assistance  
23           to eligible entities that are receiving subgrants  
24           from a State educational agency under this sub-  
25           part, including in—

1           “(i) identifying and implementing ef-  
2           fective and high-quality language instruc-  
3           tion educational programs and curricula  
4           and academic content instruction programs  
5           that are based on scientifically valid re-  
6           search on teaching English learners;

7           “(ii) program evaluation to ensure  
8           that the language instruction educational  
9           programs and academic content instruction  
10          programs selected by subgrantees are ap-  
11          propriate for the needs of the English  
12          learners served;

13          “(iii) teacher and principal prepara-  
14          tion, professional development activities,  
15          and other evidence-based activities, which  
16          may include activities that—

17               “(I) support the implementation  
18               of professional teaching standards and  
19               teacher evaluation systems for teach-  
20               ers of English learners; and

21               “(II) assist such teachers in  
22               meeting State and local certification  
23               and licensing requirements for teach-  
24               ing English learners;

1           “(iv) strengthening and increasing  
2           parent, family, and community engage-  
3           ment;

4           “(v) developing, enhancing, aligning,  
5           and implementing English language pro-  
6           ficiency standards and assessments, par-  
7           ticularly helping to ensure uniform imple-  
8           mentation of English language proficiency  
9           standards within the State;

10           “(vi) providing recognition, which may  
11           include providing financial awards, to sub-  
12           grantees that significantly improve the rate  
13           at which English learners acquire English  
14           language proficiency and are able to dem-  
15           onstrate the English language proficiency  
16           needed for core content mastery; and

17           “(vii) planning, evaluation, adminis-  
18           tration, and interagency coordination.

19           “(B) LIMITATION.—A State may use not  
20           more than 40 percent of the amount reserved  
21           under subparagraph (A) or \$175,000, which-  
22           ever is greater, for the activities described in  
23           subparagraph (A)(vii).”; and

24           (B) by striking paragraph (3); and

25           (2) in subsection (c)—

1 (A) by striking paragraph (1) and insert-  
2 ing the following:

3 “(1) RESERVATIONS.—From the amount appro-  
4 priated under section 3001(a) for each fiscal year,  
5 the Secretary shall reserve—

6 “(A) 0.5 percent or \$5,000,000 of such  
7 amount, whichever is greater, for payments to  
8 eligible entities that are defined under section  
9 3112(a) for activities, approved by the Sec-  
10 retary, consistent with this subpart;

11 “(B) 0.5 percent of such amount for pay-  
12 ments to outlying areas, to be allotted in ac-  
13 cordance with their respective needs for assist-  
14 ance under this subpart (as determined by the  
15 Secretary) for activities that are approved by  
16 the Secretary and consistent with the purposes  
17 of this subpart; and

18 “(C) 6.5 percent of such amount for na-  
19 tional activities under sections 3131 and 3203,  
20 except that not more than 0.5 percent of such  
21 amount shall be reserved for evaluation activi-  
22 ties conducted by the Secretary and not more  
23 than \$2,000,000 of such amount may be re-  
24 served for the National Clearinghouse for  
25 English Language Acquisition and Language

1 Instruction Educational Programs described in  
2 section 3203.”;

3 (B) by striking paragraph (2);

4 (C) by redesignating paragraphs (3) and  
5 (4) as paragraphs (2) and (3), respectively;

6 (D) in paragraph (2), as redesignated by  
7 subparagraph (C)—

8 (i) in subparagraph (A)—

9 (I) in the matter preceding clause

10 (i)—

11 (aa) by striking “3001(a)”  
12 and inserting “3001”; and

13 (bb) by striking “section  
14 3113(c)” and inserting “section  
15 3113(d)”;

16 (II) in clause (i)—

17 (aa) by striking “limited  
18 English proficient children” and  
19 inserting “English learners”; and

20 (bb) by inserting “, as deter-  
21 mined by data available from the  
22 American Community Survey  
23 conducted by the Department of  
24 Commerce or State-reported

1 data” after “children in all  
2 States”; and

3 (III) in clause (ii), by inserting “,  
4 as determined based only on data  
5 available from the American Commu-  
6 nity Survey conducted by the Depart-  
7 ment of Commerce” after “children  
8 and youth in all States”; and

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

11 “(C) REALLOTMENT.—If any State edu-  
12 cational agency described in subparagraph (A)  
13 does not submit a plan to the Secretary for a  
14 fiscal year, or submits a plan (or any amend-  
15 ment to a plan) that the Secretary, after rea-  
16 sonable notice and opportunity for a hearing,  
17 determines does not satisfy the requirements of  
18 this subpart, the Secretary shall reallocate any  
19 portion of such allotment to the remaining  
20 State educational agencies in accordance with  
21 subparagraph (A).”; and

22 (E) by striking paragraph (3), as redesign-  
23 ated by subparagraph (C), and inserting the  
24 following:

1           “(3) USE OF DATA FOR DETERMINATIONS.—In  
2           making State allotments under paragraph (2), for  
3           each fiscal year, the Secretary shall determine the  
4           number of English learners in a State and in all  
5           States, for each fiscal year, using the most accurate,  
6           up-to-date data, which may be—

7                   “(A) data available from the American  
8                   Community Survey conducted by the Depart-  
9                   ment of Commerce, which may be multiyear es-  
10                  timates;

11                  “(B) the number of students assessed as  
12                  not having attained English language pro-  
13                  ficiency, based on the State’s English language  
14                  proficiency assessment under section  
15                  1111(a)(2)(D), which may be multiyear esti-  
16                  mates; or

17                  “(C) a combination of data available under  
18                  subparagraphs (A) and (B).”.

19 **SEC. 3004. NATIVE AMERICAN AND ALASKA NATIVE CHIL-**  
20 **DREN IN SCHOOL.**

21           Section 3112 (20 U.S.C. 6822) is amended—

22                   (1) in subsection (a)—

23                           (A) in paragraph (4), by striking “Indian  
24                           Affairs” and inserting “Indian Education of the  
25                           Department of the Interior”;

1 (B) in paragraph (5), by striking “Indian  
2 Affairs” and inserting “Indian Education of the  
3 Department of the Interior”; and

4 (C) in paragraph (6), by striking “Indian  
5 Affairs” and inserting “Indian Education of the  
6 Department of the Interior” both places such  
7 term appears;

8 (2) in subsection (b), by striking “an entity  
9 that is considered to be an eligible entity under sub-  
10 section (a), and that” and inserting “an eligible enti-  
11 ty that”; and

12 (3) by striking subsection (c) and inserting the  
13 following:

14 “(c) SPECIAL RULES.—

15 “(1) INELIGIBILITY FOR MULTIPLE AWARDS  
16 FOR SAME PERIOD.—An eligible entity that receives  
17 a grant under this section shall not be eligible to re-  
18 ceive a subgrant under section 3114 for the same  
19 period.

20 “(2) NATIVE AMERICAN LANGUAGE PRO-  
21 GRAMS.—An eligible entity that receives a grant  
22 under this section may, in addition to other activities  
23 supported under this subpart, use the grant funds to  
24 support Native American language immersion pro-  
25 grams and Native American language restoration

1 programs, which may be taught by traditional or  
2 tribal leaders.”.

3 **SEC. 3005. STATE EDUCATIONAL AGENCY PLANS.**

4 Section 3113 (20 U.S.C. 6823) is amended to read  
5 as follows:

6 **“SEC. 3113. STATE EDUCATIONAL AGENCY PLANS.**

7 “(a) PLAN REQUIRED.—Each State educational  
8 agency desiring a grant under this subpart shall submit  
9 a plan to the Secretary at such time, in such manner, and  
10 containing such information as the Secretary may require.

11 “(b) CONTENTS.—Each plan submitted under sub-  
12 section (a) shall—

13 “(1) describe the process that the agency will  
14 use in awarding subgrants to eligible entities under  
15 section 3114(d)(1);

16 “(2) describe the process by which, within a pe-  
17 riod established by the Secretary, the agency will es-  
18 tablish uniform statewide criteria for local edu-  
19 cational agencies to use in—

20 “(A) identifying English learners who need  
21 services under this part;

22 “(B) determining when such students no  
23 longer need those services; and

1           “(C) including the same standards of  
2           achievement for all English learners in all local  
3           educational agencies in the State;

4           “(3) describe the process through which the  
5           State educational agency will support local edu-  
6           cational agencies in assisting English learners in ac-  
7           quiring proficiency in each of the 4 language do-  
8           mains of reading, writing, speaking, and listening, as  
9           measured by the State’s English language pro-  
10          ficiency assessment;

11          “(4) provide an assurance that if the State  
12          adopts new academic content standards, the State  
13          educational agency will, not later than 1 year after  
14          the date of adoption of such standards—

15                 “(A) update the State English language  
16                 proficiency standards to ensure that such  
17                 standards align with the new academic content  
18                 standards; and

19                 “(B) provide the Secretary with evidence  
20                 of such alignment;

21          “(5) provide an assurance that the State  
22          English language proficiency assessment system is  
23          valid and reliable and meets the appropriate require-  
24          ments of paragraph (10);

1           “(6) include criteria for defining the perform-  
2           ance standard that students at lower levels of  
3           English language proficiency must meet to attain  
4           the level that the State defines as English language  
5           proficient;

6           “(7) describe how the agency will coordinate  
7           programs and activities carried out under this sub-  
8           part with the other programs and activities that  
9           such agency carries out under this Act;

10          “(8) describe how the agency will assist eligible  
11          entities in increasing the extent to which English  
12          learners acquire English language proficiency within  
13          a reasonable time frame, as informed by evidence  
14          and best practices;

15          “(9) provide an assurance that eligible entities  
16          in the State will be given the flexibility to teach  
17          English learners using a language instruction cur-  
18          riculum that has been demonstrated to be effective,  
19          consistent with section 3115(f);

20          “(10) describe how the agency will manage sub-  
21          grants awarded under this subpart, including—

22                 “(A) how the agency will ensure that  
23                 subgrant funds are expended to support the  
24                 provision of services to help English learners  
25                 acquire the English language proficiency and

1 the academic content knowledge they need to  
2 meet the State's college and career ready aca-  
3 demic content standards and to advance to  
4 postsecondary education and careers, which  
5 may include using a scientifically valid language  
6 instruction curriculum to improve language ac-  
7 quisition and content mastery for English learn-  
8 ers;

9 “(B) how the agency will ensure that eligi-  
10 ble entities receiving a subgrant under this sub-  
11 part comply with the requirement under section  
12 1111(a)(2)(B)(vi) to annually assess in English,  
13 children who have been in the United States for  
14 3 or more consecutive years;

15 “(C) how the agency will monitor eligible  
16 entities receiving a subgrant under this part to  
17 ensure compliance with applicable Federal fiscal  
18 requirements, including the requirements under  
19 subsections (f) and (g) of section 3115;

20 “(D) how the agency will, in awarding sub-  
21 grants under section 3114, address the needs of  
22 local educational agencies of all sizes and in all  
23 geographic areas, including local educational  
24 agencies that serve rural and urban schools;  
25 and

1           “(E) an assurance that the agency will re-  
2           quire an eligible entity receiving a subgrant  
3           under this subpart to use the subgrant in ways  
4           that will build such eligible entity’s capacity to  
5           continue to offer high-quality language instruc-  
6           tion educational programs and academic con-  
7           tent instruction programs that assist English  
8           learners in meeting State academic content and  
9           student academic achievement standards to be-  
10          come on track to college and career readiness;

11          “(11) provide an assurance that the State’s  
12          English language proficiency standards are aligned  
13          with the academic content and academic achieve-  
14          ment standards described in section 1111; and

15          “(12) provide an assurance that the plan has  
16          been developed in consultation with local educational  
17          agencies, teachers, administrators of programs de-  
18          scribed under this part, parents, family members,  
19          and other relevant stakeholders.

20          “(c) APPROVAL.—The Secretary, after using a peer  
21          review process, shall approve a plan submitted under sub-  
22          section (a) if the plan meets the requirements of this sec-  
23          tion.

24          “(d) DURATION OF PLAN.—

1           “(1) IN GENERAL.—Each plan submitted by a  
2 State educational agency and approved under sub-  
3 section (c) shall—

4           “(A) remain in effect for the duration of  
5 the State educational agency’s participation  
6 under this part; and

7           “(B) be periodically reviewed and revised  
8 by the agency to reflect changes to the agency’s  
9 strategies and programs carried out under this  
10 part.

11           “(2) ADDITIONAL INFORMATION.—

12           “(A) AMENDMENTS.—If a State edu-  
13 cational agency amends the plan approved  
14 under subsection (c), the agency shall submit  
15 the amendment to the Secretary.

16           “(B) APPROVAL.—The Secretary shall ap-  
17 prove an amendment to an approved plan, un-  
18 less the Secretary determines that the amend-  
19 ment will result in the agency not meeting the  
20 requirements, or fulfilling the purposes, of this  
21 part.

22           “(e) CONSOLIDATED PLAN.—A plan submitted under  
23 subsection (a) may be submitted as part of a consolidated  
24 plan under section 9302.

1           “(f) SECRETARY ASSISTANCE.—The Secretary shall  
2 provide technical assistance, if requested, in the develop-  
3 ment of English language proficiency standards, objec-  
4 tives, and assessments.”.

5 **SEC. 3006. WITHIN-STATE ALLOCATIONS.**

6           Section 3114 (20 U.S.C. 6824) is amended—

7           (1) in subsection (a)—

8                   (A) by striking “section 3111(c)(3)” and  
9                   inserting “section 3111(c)(2)”;

10                   (B) by inserting “, in a timely manner,”  
11                   after “by allocating”; and

12                   (C) by striking “limited English proficient  
13                   children” and inserting “English learners” both  
14                   places the term appears; and

15           (2) in subsection (d)—

16                   (A) in paragraph (1), by striking “section  
17                   3111(c)(3)” and inserting “section 3111(c)(2)”;  
18                   and

19                   (B) in paragraph (2)—

20                           (i) in subparagraph (A)—

21                                   (I) by striking “equally”; and

22                                   (II) by striking “and” at the end;

23                           (ii) by redesignating subparagraph

24                           (B) as subparagraph (C); and

1 (iii) by inserting after subparagraph

2 (A) the following:

3 “(B) shall consider eligible entities that ex-  
4 perience a significant increase in the percentage  
5 of immigrant children and youth served, and el-  
6 igible entities that experience a significant in-  
7 crease in the number of immigrant children and  
8 youth served; and”.

9 **SEC. 3007. SUBGRANTS TO ELIGIBLE ENTITIES.**

10 Section 3115 (20 U.S.C. 6825) is amended to read  
11 as follows:

12 **“SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.**

13 “(a) PURPOSES OF SUBGRANTS.—A State edu-  
14 cational agency may make a subgrant to an eligible entity  
15 from funds received by the agency under this subpart only  
16 if the entity agrees to expend the funds to supplement the  
17 education of English learners by helping them learn  
18 English and meet the State college and career ready aca-  
19 demic content and student academic achievement stand-  
20 ards. The eligible subgrantee shall carry out activities with  
21 such funds, using evidence-based approaches and meth-  
22 odologies that have been demonstrated to be effective for  
23 teaching English learners and immigrant children and  
24 youth, for the following purposes:

1           “(1) Developing and implementing new lan-  
2           guage instruction educational programs and aca-  
3           demic content instruction programs for such chil-  
4           dren and youth, including early childhood education  
5           and care programs, elementary school programs, and  
6           secondary school programs.

7           “(2) Carrying out highly focused, innovative, lo-  
8           cally designed, evidence-based activities to expand or  
9           enhance existing language instruction educational  
10          programs and academic content instruction pro-  
11          grams for such children and youth.

12          “(3) Implementing, within an individual school,  
13          whole school programs for restructuring, reforming,  
14          and upgrading all relevant programs, activities, and  
15          operations relating to language instruction edu-  
16          cational programs and academic content instruction  
17          for such children and youth.

18          “(4) Implementing, within the entire jurisdic-  
19          tion of a local educational agency, agency-wide pro-  
20          grams for restructuring, reforming, and upgrading  
21          all relevant programs, activities, and operations re-  
22          lating to language instruction educational programs  
23          and academic content instruction for such children  
24          and youth.

1           “(b) ADMINISTRATIVE EXPENSES.—Each eligible en-  
2 tity receiving funds under section 3114(a) for a fiscal year  
3 may use not more than 2 percent of such funds for the  
4 direct cost of administering this subpart.

5           “(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligi-  
6 ble entity receiving funds under section 3114(a) shall use  
7 the funds for 2 or more of the following activities:

8           “(1) Increasing the English language pro-  
9 ficiency of English learners by providing high-quality  
10 evidence-based language instruction educational pro-  
11 grams and academic content instruction programs  
12 that meet the needs of the specific English learners  
13 served, and by identifying, acquiring, and upgrading  
14 curricula, instructional materials, educational soft-  
15 ware, and assessment practices that are proven ef-  
16 fective in—

17           “(A) increasing English language pro-  
18 ficiency;

19           “(B) increasing student academic achieve-  
20 ment in the core academic subjects; and

21           “(C) supporting students so that the stu-  
22 dents are college and career ready.

23           “(2) Providing high-quality professional devel-  
24 opment to teachers (including teachers of language  
25 instruction educational programs and academic con-

1 tent instruction programs, teachers of other aca-  
2 demic subjects, and special education teachers),  
3 principals, administrators, and other school or com-  
4 munity-based organization personnel that is—

5 “(A) designed to improve the instruction  
6 and assessment of English learners;

7 “(B) designed to enhance the ability of  
8 teachers and school leaders to understand and  
9 effectively implement curricula, assessment  
10 practices and measures, and instructional strat-  
11 egies for English learners;

12 “(C) aligned with the instructional pro-  
13 gram used by teachers that is responsive to the  
14 needs of the English learners served;

15 “(D) based on scientifically valid research  
16 demonstrating the effectiveness of the profes-  
17 sional development in increasing children’s  
18 English language proficiency or substantially  
19 increasing the subject matter knowledge, teach-  
20 ing knowledge, and teaching skills of teachers;  
21 and

22 “(E) of sufficient intensity and duration  
23 (which shall not include activities such as 1-day  
24 or short-term workshops and conferences) to  
25 have a positive and lasting impact on the per-

1           formance of teachers in the classroom, except  
2           that this subparagraph shall not apply to an ac-  
3           tivity that is 1 component of a long-term, com-  
4           prehensive professional development plan estab-  
5           lished by a teacher and the teacher’s supervisor  
6           based on an assessment of the needs of the  
7           teacher, the supervisor, the students of the  
8           teacher, and any local educational agency em-  
9           ploying the teacher, as appropriate.

10           “(3) Carrying out other highly focused, evi-  
11           dence-based, proven effective activities and strategies  
12           that expand, enhance, or supplement existing lan-  
13           guage instruction educational programs and aca-  
14           demic content instruction programs for English  
15           learners, including activities that enhance and in-  
16           crease parent, family, and community participation,  
17           maximize coordination and alignment among related  
18           programs, and build partnerships between schools  
19           and community-based early learning programs serv-  
20           ing English learners.

21           “(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Sub-  
22           ject to subsection (c), an eligible entity receiving funds  
23           under section 3114(a) may use the funds to achieve 1 of  
24           the purposes described in subsection (a) by undertaking  
25           1 or more of the following activities:

1           “(1) Upgrading program objectives and effec-  
2           tive instruction strategies.

3           “(2) Providing to English learners—

4                 “(A) tutorials and academic or career and  
5                 technical education; and

6                 “(B) intensified instruction.

7           “(3) Developing and implementing preschool,  
8           elementary school, or secondary school language in-  
9           struction educational programs and academic con-  
10          tent instruction programs that are coordinated with  
11          other relevant programs and services.

12          “(4) Improving the English language pro-  
13          ficiency and academic achievement of children who  
14          are English learners.

15          “(5) Improving the instruction of English learn-  
16          ers, including English learners who are children with  
17          disabilities, by providing for—

18                 “(A) the acquisition or development of  
19                 educational technology or instructional mate-  
20                 rials;

21                 “(B) access to, and participation in, elec-  
22                 tronic networks for materials, training, and  
23                 communication; and

24                 “(C) incorporation of the resources de-  
25                 scribed in subparagraphs (A) and (B) into cur-

1           ricula and programs, such as curricula and pro-  
2           grams funded under this subpart.

3           “(6) Providing community participation pro-  
4           grams, family literacy services, and parent and fam-  
5           ily outreach and training activities to children who  
6           are English learners and their families—

7                   “(A) to improve the English language  
8                   skills of children who are English learners; and

9                   “(B) to assist parents in—

10                           “(i) helping their children to improve  
11                           their academic achievement; and

12                           “(ii) becoming active participants in  
13                           the education of their children.

14           “(7) Carrying out other activities that are con-  
15           sistent with the purposes of this subpart.

16           “(e) ACTIVITIES BY AGENCIES EXPERIENCING SUB-  
17           STANTIAL INCREASES IN IMMIGRANT CHILDREN AND  
18           YOUTH.—

19                   “(1) IN GENERAL.—An eligible entity receiving  
20                   funds under section 3114(d)(1) shall use the funds  
21                   to pay for activities that provide enhanced instruc-  
22                   tional opportunities for immigrant children and  
23                   youth, which may include—

24                           “(A) family literacy, parent and family  
25                           outreach, and leadership development activities

1 designed to assist parents and family members  
2 in becoming engaged participants in the edu-  
3 cation and development of their children;

4 “(B) support for personnel, including para-  
5 professionals who have been specifically trained,  
6 or are being trained, to provide services to im-  
7 migrant children and youth;

8 “(C) the provision of tutorials, mentoring,  
9 and academic or career counseling for immi-  
10 grant children and youth;

11 “(D) identification, development, and ac-  
12 quisition of curricular materials, educational  
13 software, and technologies to be used in the  
14 program carried out with funds awarded under  
15 section 3114(a);

16 “(E) basic instructional services that are  
17 directly attributable to the presence in the local  
18 educational agency involved of immigrant chil-  
19 dren and youth, including the payment of costs  
20 of providing additional classroom supplies and  
21 costs of transportation;

22 “(F) such other costs that are directly at-  
23 tributable to such additional basic instructional  
24 services or that are designed to assist immi-  
25 grant children and youth to achieve in elemen-

1           tary schools and secondary schools in the  
2           United States, such as programs of introduction  
3           to the educational system and civics education;  
4           and

5           “(G) activities, coordinated with commu-  
6           nity-based organizations (including community-  
7           based organizations providing early childhood  
8           education and care programs), institutions of  
9           higher education, private sector entities, or  
10          other entities with expertise in working with im-  
11          migrants, to assist parents of immigrant chil-  
12          dren and youth by offering comprehensive com-  
13          munity services.

14          “(2) DURATION OF SUBGRANTS.—The duration  
15          of a subgrant made by a State educational agency  
16          under section 3114(d)(1) shall be determined by the  
17          agency in its discretion.

18          “(f) SELECTION OF METHOD OF INSTRUCTION.—

19          “(1) IN GENERAL.—An eligible entity receiving  
20          a subgrant from a State educational agency under  
21          this subpart shall select 1 or more methods or forms  
22          of instruction to be used in the programs and activi-  
23          ties undertaken by the entity in assisting English  
24          learners in attaining English language proficiency  
25          and meeting State academic content and student

1       academic achievement standards, to be on track to  
2       college and career readiness.

3           “(2) CONSISTENCY.—The selection of methods  
4       or forms of instruction, as described under para-  
5       graph (1), shall be consistent with sections 3123  
6       through 3126.

7           “(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds  
8       made available under this subpart shall be used so as to  
9       supplement the level of Federal, State, and local public  
10      funds that, in the absence of such availability, would have  
11      been expended for programs for English learners and im-  
12      migrant children and youth and in no case to supplant  
13      such Federal, State, and local public funds.

14          “(h) PROHIBITION ON USE OF FUNDS.—A sub-  
15      grantee shall not use subgrant funds received under this  
16      subpart for services that are required to be provided to  
17      English learners as a result of—

18           “(1) a letter of findings, issued by the Assistant  
19      Secretary for Civil Rights, indicating that the sub-  
20      grantee’s program and services do not meet the legal  
21      requirements under title VI of the Civil Rights Act  
22      of 1964 (42 U.S.C. 2000d et seq.), unless the sub-  
23      grantee has appealed the findings or entered into  
24      settlement discussions designed to lead to a resolu-  
25      tion agreement with the Assistant Secretary for Civil

1 Rights pursuant to section 100.7(d) of title 34, Code  
2 of Federal Regulations; or

3 “(2) a Federal court order resulting from litiga-  
4 tion in the Federal courts, except where the litiga-  
5 tion commences with a complaint filed with an ac-  
6 companying consent decree, to enforce title VI of the  
7 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.)  
8 or section 204(f) of the Equal Educational Opportu-  
9 nities Act of 1974 (20 U.S.C. 1703(f)).”.

10 **SEC. 3008. LOCAL PLANS.**

11 Section 3116 (20 U.S.C. 6826) is amended to read  
12 as follows:

13 **“SEC. 3116. LOCAL PLANS.**

14 “(a) **PLAN REQUIRED.**—Each eligible entity desiring  
15 a subgrant from a State educational agency under section  
16 3114 shall submit a plan to the State educational agency  
17 at such time, in such manner, and containing such infor-  
18 mation as the State educational agency may require.

19 “(b) **CONTENTS.**—Each plan submitted under sub-  
20 section (a) shall—

21 “(1) describe the scientifically valid programs  
22 and activities proposed to be developed, imple-  
23 mented, and administered under the subgrant, in-  
24 cluding how such programs and activities will sup-  
25 plement programs intended to enable children to

1 speak, read, write, and comprehend the English lan-  
2 guage, meet State academic content and student  
3 academic achievement standards, and graduate high  
4 school ready for college and careers;

5 “(2) describe how the eligible entity will hold el-  
6 ementary schools and secondary schools receiving  
7 funds under this subpart accountable for—

8 “(A) assessing annually, in accordance  
9 with section 1111, the English language pro-  
10 ficiency of all English learners participating in  
11 programs funded under this subpart; and

12 “(B) meeting timelines, progress criteria,  
13 and performance targets for English learners in  
14 order to ensure that such children served by the  
15 programs carried out under this part—

16 “(i) develop proficiency in English;  
17 and

18 “(ii) master the academic content  
19 knowledge they need to meet the State’s  
20 college and career ready academic content  
21 standards under section 1111(a)(1);

22 “(3) describe how the eligible entity will pro-  
23 mote family and community member engagement;

24 “(4) describe how the eligible entity will consult  
25 with teachers, researchers, school administrators,

1 parents, family and community members, and, if ap-  
2 propriate, with education-related community groups  
3 and nonprofit organizations, and institutions of  
4 higher education, in developing and implementing  
5 such plan;

6 “(5) describe how language instruction edu-  
7 cational programs and academic content instruction  
8 programs carried out under the subgrant will ensure  
9 that English learners being served by the programs  
10 develop English language proficiency and dem-  
11 onstrate such proficiency through academic content  
12 mastery;

13 “(6) ensure that activities supported by funds  
14 allocated to individual schools are described in any  
15 general local school level-plan required by the eligible  
16 entity, and in the absence of a required school-level  
17 plan, such activities are described in a separate  
18 school-level title III activity plan; and

19 “(7) contain an assurance that—

20 “(A) the eligible entity is not in violation  
21 of State law, including State constitutional law,  
22 regarding the education of English learners,  
23 consistent with sections 3124, 3125, 3126, and  
24 3127;

1           “(B) each local educational agency that is  
2           included in the eligible entity complies with sec-  
3           tion 3202 prior to, and throughout, each school  
4           year; and

5           “(C) systemic improvements for meeting  
6           the needs of English learners and targeting  
7           funds to particular concentrations of English  
8           learners were considered in developing such  
9           plan.

10          “(c) **TEACHER ENGLISH FLUENCY.**—Each eligible  
11          entity receiving a subgrant under this subpart shall in-  
12          clude in its plan a certification that all teachers in any  
13          language instruction educational program for English  
14          learners that is, or will be, funded under this part are flu-  
15          ent in the language used for instruction, including having  
16          written and oral communications skills.”.

17          **SEC. 3009. EVALUATIONS.**

18          Section 3121 (20 U.S.C. 6841) is amended to read  
19          as follows:

20          **“SEC. 3121. EVALUATIONS.**

21          “(a) **IN GENERAL.**—Each eligible entity that receives  
22          a subgrant from a State educational agency under subpart  
23          1 shall provide such agency, at the conclusion of every sec-  
24          ond fiscal year during which the subgrant is received, with  
25          an evaluation of programs and services supported under

1 this title, in a form prescribed by the agency, that in-  
2 cludes—

3           “(1) a description of the programs and activi-  
4 ties conducted by the entity with funds received  
5 under subpart 1 during the 2 immediately preceding  
6 fiscal years, including how such programs and activi-  
7 ties supplemented programs funded primarily with  
8 State or local funds;

9           “(2) a description of the progress made by  
10 English learners in improving their English language  
11 proficiency, in meeting the State’s academic content  
12 and student academic achievement standards, and in  
13 graduating from high school ready for college and  
14 careers;

15           “(3) the number and percentage of English  
16 learners participating in the programs and activities  
17 supported by funds provided under this part, who by  
18 the end of each school year, attain English language  
19 proficiency in each of the 4 domains of reading,  
20 writing, speaking, and listening, as determined by  
21 the State’s English language proficiency assessment  
22 and the number who exit the language instruction  
23 educational programs based on their attainment of  
24 English language proficiency on such assessment;

1           “(4) a description of the progress made by  
2 former English learners in meeting the State’s aca-  
3 demic content and student academic achievement  
4 standards and in graduating from high school and  
5 being college and career ready, for each of the 3  
6 years after such individuals are no longer receiving  
7 services under this part; and

8           “(5) the number and percentage of English  
9 learners who have not attained English language  
10 proficiency within 5 years of first enrollment in the  
11 local educational agency and initial classification as  
12 English learners.

13       “(b) USE OF EVALUATION.—An evaluation provided  
14 by an eligible entity under subsection (a) shall be used  
15 by the entity and the State educational agency—

16           “(1) to assess the progress of children in at-  
17 taining English language proficiency, including—

18               “(A) a child’s level of speaking, listening,  
19 reading, and writing skills in English; and

20               “(B) a child’s progress in attaining the  
21 State student academic achievement and college  
22 and career readiness standards;

23           “(2) to improve programs and activities, includ-  
24 ing by determining the effectiveness of programs  
25 and activities in increasing the English language

1 proficiency of English learners and making deter-  
2 minations about whether or not to continue funding  
3 for specific programs or activities.”.

4 **SEC. 3010. REPORTING REQUIREMENTS.**

5 Section 3122 (as redesignated by section 3001(3))  
6 (20 U.S.C. 6843) is amended—

7 (1) by striking “children who are limited  
8 English proficient” each place the term appears and  
9 inserting “English learners”;

10 (2) by striking “limited English proficient chil-  
11 dren” each place the term appears and inserting  
12 “English learners”; and

13 (3) in subsection (b)(9), by striking “the eval-  
14 uations from specially qualified agencies and”.

15 **SEC. 3011. COORDINATION WITH RELATED PROGRAMS.**

16 Section 3123 (as redesignated by section 3001(3))  
17 (20 U.S.C. 6844) is amended—

18 (1) by striking “children of limited English pro-  
19 ficiency” and inserting “English learners”; and

20 (2) by striking “limited English proficient chil-  
21 dren” and inserting “English learners”.

22 **SEC. 3012. RULES OF CONSTRUCTION.**

23 Section 3124 (as redesignated by section 3001(3))  
24 (20 U.S.C. 6845) is amended—

1           (1) by striking “limited English proficient chil-  
2           dren” and inserting “English learners” each place  
3           the term appears;

4           (2) in paragraph (2), by striking “or”;

5           (3) in paragraph (3), by striking the period at  
6           the end and inserting “; or”; and

7           (4) by adding at the end the following:

8           “(4) to require an eligible entity to cease pro-  
9           viding services under this title to any student who  
10          may have been assessed at or above the proficiency  
11          level on the annual assessment of English language  
12          proficiency under section 1111(a)(2)(D), but has not  
13          attained, or is not on track to attain, the proficiency  
14          level on the regular State academic content assess-  
15          ment under section 1111(a)(2)(A), including such  
16          assessment in English or language arts.”.

17 **SEC. 3013. PROHIBITION.**

18          Section 3128 (as redesignated by section 3001(3))  
19          (20 U.S.C. 6849) is amended by striking “limited English  
20          proficient children” and inserting “English learners”.

21 **SEC. 3014. NATIONAL ACTIVITIES.**

22          Subpart 3 of part A of title III (20 U.S.C. 6861)  
23          is amended—

24               (1) by striking section 3131 and inserting the  
25               following:

1 **“SEC. 3131. PROFESSIONAL DEVELOPMENT GRANTS.**

2 “The Secretary shall use funds made available under  
3 section 3111(e)(1)(C) to award grants on a competitive  
4 basis, for a period of not more than 5 years, to institutions  
5 of higher education or nonprofit institutions with relevant  
6 experience or expertise and capacity (in consortia with  
7 State educational agencies or local educational agencies)  
8 to provide for professional development activities that will  
9 improve classroom instruction for English learners and as-  
10 sist educational personnel working with such children to  
11 meet high professional standards, including standards for  
12 certification and licensure as teachers who work in lan-  
13 guage instruction educational programs and academic con-  
14 tent instruction programs or serve English learners.  
15 Grants awarded under this section may be used to—

16 “(1) support partnerships between State or  
17 local educational agencies and institutions of higher  
18 education to support the work of individuals who are  
19 completing baccalaureate and masters programs  
20 (such as programs in the areas of teacher training,  
21 program administration, policy, research, evaluation,  
22 assessment, and curriculum development) and to im-  
23 prove educational services and programs for English  
24 learners, provided that recipients of fellowships or  
25 assistance are required, on completion of their stud-  
26 ies, to—

1           “(A) assist in the education of English  
2           learners through work in a school, local edu-  
3           cational agency, or other educational agency or  
4           organization for a period of time equivalent to  
5           the period of time during which an individual  
6           receives assistance under this section; or

7           “(B) repay all or a prorated part of their  
8           assistance under this section;

9           “(2) support research on promising instruc-  
10          tional strategies or programs that have practical ap-  
11          plications for teachers, counselors, parents and fam-  
12          ily members, school leaders, and others responsible  
13          for educating or improving the education of English  
14          learners and their families;

15          “(3) support strategies that promote school  
16          readiness for English learners and their transition  
17          from early childhood programs, such as Head Start  
18          or State-run preschool programs, to elementary  
19          school programs;

20          “(4) support strategies that promote high  
21          school graduation for English learners;

22          “(5) support strategies that strengthen and in-  
23          crease family and community member engagement  
24          in education;

1           “(6) support the development of curricula that  
2           are appropriate to the needs of the participating  
3           consortium; and

4           “(7) support the dissemination of information  
5           gathered in accordance with paragraphs (1) through  
6           (5), particularly evidence-based best practices and  
7           the provision of technical assistance.”; and

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

9   **“SEC. 3132. COMMISSION ON ASSESSMENT OF ENGLISH**  
10                           **LEARNERS.**

11           “(a) COMMISSION ON ASSESSMENT OF ENGLISH  
12   LEARNERS.—

13           “(1) IN GENERAL.—The Secretary shall estab-  
14           lish an independent commission on the assessment  
15           and advancement of English learners (referred to in  
16           this section as the ‘commission’) to carry out the ac-  
17           tivities described in subsection (c).

18           “(2) DATE OF APPOINTMENT.—The members  
19           of the commission shall be appointed not later than  
20           6 months after the date of enactment of the Elemen-  
21           tary and Secondary Education Reauthorization Act  
22           of 2011.

23           “(b) COMPOSITION.—

24           “(1) IN GENERAL.—The commission shall be  
25           comprised of individuals with experience and exper-

1       tise in the educational advancement and develop-  
2       ment of English learners, including individuals with  
3       expertise in—

4               “(A) the art of teaching English to speak-  
5       ers of other languages;

6               “(B) measurement and educational assess-  
7       ment systems; and

8               “(C) educational assessment and account-  
9       ability practices.

10       “(2) EXPERTISE OF MEMBERS.—The Secretary  
11       shall ensure that the individuals selected in accord-  
12       ance with paragraph (1) are experts who are com-  
13       petent, by virtue of their training, expertise, or expe-  
14       rience, to evaluate instruction, assessments, and  
15       models for English learners.

16       “(c) DUTIES OF THE COMMISSION.—The commission  
17       shall provide the Secretary with advice and recommenda-  
18       tions about the following issues:

19               “(1) The development and approval of stand-  
20       ards pertaining to English learners, in order to as-  
21       sist the Secretary in the review and approval of  
22       statewide accountability systems that are required  
23       under section 1111(a)(3).

24               “(2) The provision of regulations and guidance  
25       pertaining to the inclusion of English learners in as-

1        assessment and accountability systems, including rec-  
2        ommendations about appropriate accommodations  
3        and appropriate weights for assessments involving  
4        English learners.

5            “(3) Ensuring that State English language pro-  
6        ficiency standards under section 1111(a)(1)(E) are  
7        properly aligned with college and career ready aca-  
8        demic content standards under section 1111(a)(1).

9            “(4) The formation of peer review panels, under  
10       section 1111(b)(4), with regard to—

11            “(A) the inclusion on the panels of experts  
12       about English learners; and

13            “(B) processes to ensure that the work of  
14       the peer review panel is consistent with the  
15       standards and guidance developed by the com-  
16       mission.

17            “(5) Identifying ways to support local capacity-  
18       building efforts to assist local educational agencies  
19       and schools in properly supporting English learners.

20            “(6) Ensuring that the research, development,  
21       and dissemination activities of the Department ad-  
22       dress identified gaps in knowledge for effectively in-  
23       cluding English learners in assessment and account-  
24       ability practices.

1           “(7) Ways to address the needs of English  
2           learners in all program planning at the Department,  
3           including inter- and intra-agency coordination.

4           “(d) ANNUAL REPORT.—The commission shall, be-  
5           ginning not later than 1 year after the date on which all  
6           members of the commission have been appointed, submit  
7           an annual report to the Secretary and the authorizing  
8           committees of Congress containing the findings and rec-  
9           ommendations described in subsection (c).”.

10 **SEC. 3015. DEFINITIONS.**

11           Section 3201 (as redesignated by section 3001(6))  
12 (20 U.S.C. 7011) is amended—

13           (1) by striking paragraph (13);

14           (2) redesignating paragraphs (5) through (12)  
15           as paragraphs (6) through (13), respectively;

16           (3) by inserting after paragraph (4) the fol-  
17           lowing:

18           “(5) ELIGIBLE ENTITY.—The term ‘eligible en-  
19           tity’ means—

20           “(A) 1 or more local educational agencies;

21           or

22           “(B) 1 or more local educational agencies,  
23           in collaboration with an institution of higher  
24           education, community-based organization, or  
25           State educational agency.”.

1 (4) in paragraph (6), as redesignated by para-  
2 graph (2)—

3 (A) in subparagraph (A)—

4 (i) in clause (i), by striking “limited  
5 English proficient adults” and inserting  
6 “English learner adults”; and

7 (ii) in clause (ii), by striking the semi-  
8 colon and inserting “; and”;

9 (B) by striking subparagraph (B); and

10 (C) by redesignating subparagraph (C) as  
11 subparagraph (B);

12 (5) in paragraph (9)(A), as redesignated by  
13 paragraph (2), by striking “a limited English pro-  
14 ficient child” and inserting “an English learner”;  
15 and

16 (6) in paragraph (12), as redesignated by para-  
17 graph (2), by striking “an individual of limited  
18 English proficiency,” and inserting “an English  
19 learner,”.

20 **SEC. 3016. PARENTAL NOTIFICATION.**

21 Section 3202 (as redesignated by section 3001(6))  
22 (20 U.S.C. 7012) is amended to read as follows:

23 **“SEC. 3202. PARENTAL NOTIFICATION.**

24 “(a) IN GENERAL.—Each eligible entity receiving  
25 funds under this title to provide a language instruction

1 educational program and academic content instruction  
2 program shall, not later than 30 days after the beginning  
3 of the school year, inform a parent or the parents of an  
4 English learner identified for participation in, or partici-  
5 pating in, such program of—

6           “(1) the reasons for the identification of their  
7 child as an English learner and in need of placement  
8 in a language instruction educational program and  
9 academic content instruction program;

10           “(2) the child’s level of English language pro-  
11 ficiency, how that level was assessed, and the status  
12 of the child’s academic achievement;

13           “(3) the method of instruction used in the pro-  
14 gram in which their child is, or will be, participating,  
15 and the methods of instruction used in other avail-  
16 able programs, including how such programs differ  
17 in content, instructional goals, and use of English  
18 and a native language in instruction;

19           “(4) how the program in which their child is,  
20 or will be participating, will appropriately respond to  
21 the educational strengths and needs of the child;

22           “(5) how the program will specifically help their  
23 child learn English and reflect age appropriate aca-  
24 demic achievement standards for grade promotion  
25 and graduation;

1           “(6) the specific exit requirements for the pro-  
2           gram, the expected rate of transition from the pro-  
3           gram into classrooms that are not tailored for  
4           English learners, and the expected rate of gradua-  
5           tion from secondary school for English learners in  
6           the program if the child is in secondary school;

7           “(7) in the case of a child with a disability, how  
8           the program meets the objectives of the child’s indi-  
9           vidualized education program; and

10           “(8) information pertaining to parental rights  
11           that includes written guidance—

12           “(A) detailing—

13           “(i) the parent’s right to have the  
14           parent’s child immediately removed from  
15           the program upon the parent’s request;  
16           and

17           “(ii) the options that parents have to  
18           decline to enroll their child in such pro-  
19           gram or to choose another program or  
20           method of instruction, if available; and

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

1           “(b) RECEIPT OF INFORMATION.—The information  
2 described in subsection (a) shall be provided in an under-  
3 standable and uniform format and, to the extent prac-  
4 ticable, in a language that the parent can understand.

5           “(c) SPECIAL RULE APPLICABLE DURING SCHOOL  
6 YEAR.—For a child who has not been identified for par-  
7 ticipation in a language instruction educational program  
8 and academic content instruction program prior to the be-  
9 ginning of the school year, the eligible entity shall carry  
10 out subsections (a) and (b) with respect to the parents  
11 of the child within 2 weeks of the child being placed in  
12 such program.

13           “(d) PARENT AND FAMILY ENGAGEMENT.—

14                 “(1) IN GENERAL.—Each eligible entity using  
15 funds provided under this title to provide a language  
16 instruction educational program and academic con-  
17 tent instruction program shall implement an effec-  
18 tive means of outreach to parents and family mem-  
19 bers of English learners to inform such parents and  
20 family members of how they can—

21                         “(A) be involved in the education of their  
22 children; and

23                         “(B) be active participants in assisting  
24 their children—

25                                 “(i) to learn English;

1                   “(ii) to achieve at high levels in core  
2                   academic subjects;

3                   “(iii) to meet the same State aca-  
4                   demic content and student academic  
5                   achievement standards as all children are  
6                   expected to meet to become on track to col-  
7                   lege and career readiness; and

8                   “(iv) to understand expectations for  
9                   college readiness and career success.

10                  “(2) RECEIPT OF RECOMMENDATIONS.—The  
11                  outreach described in paragraph (1) shall include  
12                  holding, and sending notice of opportunities for, reg-  
13                  ular meetings for the purpose of formulating and re-  
14                  sponding to recommendations from parents de-  
15                  scribed in such paragraph.

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

20       **SEC. 3017. REGULATIONS.**

21                  Section 3204 (as redesignated by section 3001(6))  
22       (20 U.S.C. 7014) is amended—

23                       (1) by striking “limited English proficient indi-  
24                       viduals” and inserting “English learners”; and

1           (2) by striking “limited English proficient chil-  
2           dren” and inserting “English learners”.

3   **TITLE IV—SUPPORTING SUC-**  
4   **CESSFUL, WELL-ROUNDED**  
5   **STUDENTS**

6   **SEC. 4101. REDESIGNATIONS.**

7           Title IV (20 U.S.C. 7101 et seq.) is amended—

8           (1) by striking the title heading and inserting  
9           the following: “**SUPPORTING SUCCESSFUL,**  
10          **WELL-ROUNDED STUDENTS**”;

11          (2) by redesignating subpart 3 of part A as  
12          subpart 1 of part G of title IX, as added by section  
13          9104(a) of this Act, and transferring such subpart  
14          1 so as to follow part F of title IX;

15          (3) by redesignating section 4141 as section  
16          9701;

17          (4) by redesignating part C as subpart 2 of  
18          part G of title IX, as added by section 9104(a) of  
19          this Act, and transferring such subpart 2 so as to  
20          follow subpart 1 of part G of title IX, as redesign-  
21          ated by paragraph (2); and

22          (5) by redesignating sections 4301, 4302, 4303,  
23          and 4304, as sections 9721, 9722, 9723, and 9724,  
24          respectively.

1 **SEC. 4102. IMPROVING LITERACY INSTRUCTION AND STU-**  
2 **DENT ACHIEVEMENT.**

3 Part A of title IV (20 U.S.C. 7101 et seq.) is amend-  
4 ed to read as follows:

5 **“PART A—IMPROVING LITERACY INSTRUCTION**  
6 **AND STUDENT ACHIEVEMENT**

7 **“SEC. 4101. SHORT TITLE.**

8 “This part may be cited as the ‘Improving Literacy  
9 Instruction and Student Achievement Act’.

10 **“SEC. 4102. PURPOSES.**

11 “The purposes of this part are—

12 “(1) to improve student academic achievement  
13 in reading and writing by providing Federal support  
14 to State educational agencies to develop, coordinate,  
15 and implement comprehensive literacy plans that en-  
16 sure high-quality instruction and effective strategies  
17 in reading and writing from early education through  
18 grade 12; and

19 “(2) to assist State educational agencies in  
20 achieving the purpose described in paragraph (1)  
21 by—

22 “(A) supporting the development and im-  
23 plementation of comprehensive early learning  
24 through grade 12 literacy programs in every  
25 State that are based on scientifically valid re-

1 search, to ensure that every child can read and  
2 write at grade level or above;

3 “(B) providing children with learning op-  
4 portunities in high-quality, language rich, lit-  
5 erature rich, informational text rich, culturally  
6 relevant, and developmentally appropriate envi-  
7 ronments so that the children develop the fun-  
8 damental knowledge and skills necessary for lit-  
9 eracy engagement, development, and achieve-  
10 ment in kindergarten through grade 12;

11 “(C) educating parents in the ways the  
12 parents can support their child’s communication  
13 and literacy development;

14 “(D) supporting efforts to link and align  
15 standards and research-based instruction and  
16 teaching practices in early learning programs;

17 “(E) supporting high-quality and effective  
18 strategies for children to develop oral language,  
19 reading, and writing abilities through high-qual-  
20 ity research-based instruction and teaching  
21 practices;

22 “(F) improving academic achievement by  
23 establishing adolescent literacy initiatives that  
24 provide explicit and systematic instruction in

1 oral language, reading, and writing development  
2 across the curriculum;

3 “(G) identifying and supporting children  
4 reading and writing significantly below grade  
5 level by providing research-based, intensive  
6 interventions, including interventions conducted  
7 during extended learning time, to help the chil-  
8 dren acquire the language and literacy skills the  
9 children need to stay on track for graduation;

10 “(H) providing assistance to local edu-  
11 cational agencies in order to provide educators  
12 with ongoing, job embedded professional devel-  
13 opment, and other support, that focuses on—

14 “(i) effective literacy instruction; and

15 “(ii) the special knowledge and skills  
16 necessary to teach and support literacy de-  
17 velopment effectively across the develop-  
18 mental and age span;

19 “(I) supporting State educational agencies  
20 and local educational agencies in improving  
21 reading, writing, and literacy-based academic  
22 achievement for children, especially children  
23 who are low-income individuals, are English  
24 learners, are migratory, are children with dis-  
25 abilities, are Indian or Alaskan Native, are ne-

1           glected or delinquent, are homeless, are in the  
2           custody of the child welfare system, or have  
3           dropped out of school;

4           “(J) supporting State educational agencies  
5           and local educational agencies in using age ap-  
6           propriate and developmentally and linguistically  
7           appropriate instructional materials and strate-  
8           gies that assist teachers as the teachers work  
9           with children to develop reading and writing  
10          competencies appropriate to the children’s  
11          grade and skill levels;

12          “(K) strengthening coordination among  
13          schools, early literacy programs, family literacy  
14          programs, juvenile justice programs, public li-  
15          braries, and outside-of-school programs that  
16          provide children with strategies, curricula,  
17          interventions, and assessments designed to ad-  
18          vance early and continuing language and lit-  
19          eracy development in ways appropriate for each  
20          context;

21          “(L) supporting professional development  
22          for educators based on scientific approaches to  
23          adult learning; and

24          “(M) evaluating whether the professional  
25          development activities and approaches are effec-

1           tive in building knowledge and skills of edu-  
2           cators and their use of appropriate and effective  
3           practices.

4 **“SEC. 4103. DEFINITIONS.**

5        “In this part:

6           “(1) CHILD.—The term ‘child’ means an indi-  
7           vidual from the age of birth through the final year  
8           for which the State provides free public education.

9           “(2) CLASSROOM-BASED INSTRUCTIONAL AS-  
10          SESSMENT.—The term ‘classroom-based instruc-  
11          tional assessment’ means an assessment for children  
12          from birth through grade 3 that—

13               “(A) is valid and reliable for the age and  
14               population of children served in the program;

15               “(B) is used to evaluate children’s develop-  
16               mental progress and learning and includes sys-  
17               tematic observations by teachers of children  
18               performing tasks, including academic and lit-  
19               eracy tasks, that are part of the children’s daily  
20               classroom experience; and

21               “(C) is used to improve classroom instruc-  
22               tion.

23           “(3) COMPREHENSIVE LITERACY INSTRUCC-  
24          TION.—The term ‘comprehensive literacy instruc-  
25          tion’ means instruction that—

1                   “(A) incorporates effective literacy instruc-  
2                   tion; and

3                   “(B) is designed to support—

4                   “(i) developmentally appropriate, con-  
5                   textually explicit, systematic instruction,  
6                   and frequent practice, in reading across  
7                   content areas; and

8                   “(ii) developmentally appropriate and  
9                   contextually explicit instruction, and fre-  
10                  quent practice, in writing across content  
11                  areas.

12                  “(4) DEVELOPMENTAL DELAY.—The term ‘de-  
13                  velopmental delay’ has the meaning given the term  
14                  in section 632 of the Individuals with Disabilities  
15                  Education Act (20 U.S.C. 1432).

16                  “(5) EFFECTIVE LITERACY INSTRUCTION.—

17                  “(A) IN GENERAL.—The term ‘effective lit-  
18                  eracy instruction’ means literacy instruction  
19                  that—

20                  “(i) includes age-appropriate, explicit,  
21                  systematic, and intentional instruction in  
22                  phonological awareness, phonic decoding,  
23                  vocabulary, language structure, reading  
24                  fluency, and reading comprehension;

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1                   “(ii) includes age-appropriate, explicit  
2 instruction in writing, including opportuni-  
3 ties for children to write with clear pur-  
4 poses, with critical reasoning appropriate  
5 to the topic and purpose, and with specific  
6 instruction and feedback from instructional  
7 staff;

8                   “(iii) makes available and uses di-  
9 verse, high-quality print materials that re-  
10 flect the reading and development levels,  
11 and interests, of children;

12                   “(iv) uses differentiated instructional  
13 approaches, including individual and small  
14 group instruction and discussion;

15                   “(v) provides opportunities for chil-  
16 dren to use language with peers and adults  
17 in order to develop language skills, includ-  
18 ing developing vocabulary;

19                   “(vi) includes frequent practice of  
20 reading and writing strategies;

21                   “(vii) uses age-appropriate, valid, and  
22 reliable screening assessments, diagnostic  
23 assessments, formative assessments, and  
24 summative assessments to identify a child’s  
25 learning needs, to inform instruction, and

1 to monitor the child’s progress and the ef-  
2 fects of instruction;

3 “(viii) uses strategies to enhance chil-  
4 dren’s motivation to read and write and  
5 children’s engagement in self-directed  
6 learning;

7 “(ix) incorporates the principles of  
8 universal design for learning;

9 “(x) depends on teachers’ collabora-  
10 tion in planning, instruction, and assessing  
11 a child’s progress and on continuous pro-  
12 fessional learning; and

13 “(xi) links literacy instruction to the  
14 State college and career ready academic  
15 content standards under section  
16 1111(a)(1), including the ability to navi-  
17 gate, understand, and write about, complex  
18 print and digital subject matter.

19 “(B) BIRTH THROUGH KINDERGARTEN.—

20 When used with respect to instruction for chil-  
21 dren from birth to kindergarten entry, the term  
22 ‘effective literacy instruction’ also includes—

23 “(i) developing such children’s alpha-  
24 bet knowledge, reading aloud to children,  
25 discussing reading and writing with chil-

1           dren, and modeling age and develop-  
2           mentally appropriate reading and writing  
3           strategies; and

4           “(ii) encouraging children’s early at-  
5           tempts at oral communication, reading,  
6           and writing.

7           “(C) KINDERGARTEN THROUGH GRADE  
8           12.—When used with respect to the instruction  
9           of children in kindergarten through grade 12,  
10          the term ‘effective literacy instruction’ also in-  
11          cludes—

12           “(i) providing systematic and inten-  
13           sive interventions, which can be provided  
14           inside or outside the classroom as well as  
15           before, during, or after regular school  
16           hours, to supplement regular instruction  
17           for children reading below grade level;

18           “(ii) providing reading and writing  
19           opportunities that build academic vocabu-  
20           lary and knowledge of different text struc-  
21           tures in core academic subjects;

22           “(iii) enabling children to write, com-  
23           municate, and create knowledge, in ways  
24           that fit purpose, audience, occasion, dis-  
25           cipline, and format, including practice in—



1 such agencies or programs propose to  
2 serve;

3 “(II) 1 or more public or private  
4 early learning programs, such as a  
5 Head Start program, a child care pro-  
6 gram, a State-funded prekindergarten  
7 program, a public library program, or  
8 a family literacy program, that have a  
9 demonstrated record of providing  
10 comprehensive literacy instruction for  
11 the age group such programs propose  
12 to serve; or

13 “(III) 1 or more local educational  
14 agencies providing early learning pro-  
15 grams, or 1 or more public or private  
16 early learning programs, such as a  
17 Head Start program, a child care pro-  
18 gram, a State-funded prekindergarten  
19 program, a public library program, or  
20 a family literacy program, in partner-  
21 ship with 1 or more public or private  
22 nonprofit organizations or agencies  
23 that have a demonstrated record of ef-  
24 fectiveness—

1                   “(aa) in improving the early  
2 literacy development of children  
3 from birth through kindergarten  
4 entry; and

5                   “(bb) in providing profes-  
6 sional development aligned with  
7 the activities described in section  
8 4108(e)(1); or

9                   “(ii) when used with respect to a  
10 subgrant under section 4109—

11                   “(I) that is—

12                   “(aa) a local educational  
13 agency;

14                   “(bb) a consortium of local  
15 educational agencies; or

16                   “(cc) a local educational  
17 agency or consortium of local  
18 educational agencies acting in  
19 partnership with 1 or more public  
20 or private nonprofit organizations  
21 or agencies that have a dem-  
22 onstrated record of effectiveness  
23 in—

24                   “(AA) improving lit-  
25 eracy achievement of chil-



1                   ently low-achieving under section  
2                   1116(e)(2).

3                   “(7) EARLY LEARNING PROGRAM.—The term  
4                   ‘early learning program’ means a program serving  
5                   children between the ages of birth and kindergarten  
6                   entry.

7                   “(8) ENGLISH LANGUAGE ACQUISITION.—

8                   “(A) IN GENERAL.—The term ‘English  
9                   language acquisition’ means the process by  
10                  which a non-native English speaker acquires  
11                  proficiency in speaking, listening, reading, and  
12                  writing the English language.

13                  “(B) INCLUSIONS FOR ENGLISH LEARNERS  
14                  IN SCHOOL.—For an English learner in school,  
15                  such term includes not only the social language  
16                  proficiency needed to participate in the school  
17                  environment, but also the academic language  
18                  proficiency needed to acquire literacy and aca-  
19                  demic content and demonstrate the child’s  
20                  learning.

21                  “(9) FAMILY LITERACY SERVICES.—The term  
22                  ‘family literacy services’ means literacy services pro-  
23                  vided to participants on a voluntary basis that are  
24                  of sufficient intensity and quality, that better enable

1 parents to support their children’s learning needs,  
2 and that integrate—

3 “(A) interactive literacy activities between  
4 or among family members who are primary  
5 caregivers and their children, including family  
6 literacy education to improve literacy of par-  
7 ents; and

8 “(B) training for family members who are  
9 primary caregivers regarding how to be the pri-  
10 mary teacher for their children and full part-  
11 ners in the education of their children.

12 “(10) FORMATIVE ASSESSMENT.—The term  
13 ‘formative assessment’ means an assessment that—

14 “(A) is teacher-generated or selected by  
15 teachers or instructional leaders for use during  
16 learning;

17 “(B) is embedded within the learning ac-  
18 tivity and linked directly to the intended out-  
19 comes of the current unit of instruction; and

20 “(C) provides feedback to help adjust on-  
21 going teaching and learning to improve chil-  
22 dren’s achievement of intended instructional  
23 outcomes.

1           “(11) HIGH-QUALITY PROFESSIONAL DEVELOP-  
2           MENT.—The term ‘high-quality professional develop-  
3           ment’ means professional development that—

4                   “(A) is job-embedded, ongoing, and based  
5                   on scientifically valid research;

6                   “(B) is sustained, intensive, and class-  
7                   room-focused, and is not limited in scope to a  
8                   1-day or short-term workshop or conference;

9                   “(C) is designed to increase the knowledge  
10                  and expertise of teachers, early childhood edu-  
11                  cators and administrators, principals, other in-  
12                  structional leaders, and other program staff in  
13                  applying—

14                           “(i) effective literacy instruction; and

15                           “(ii) instructional strategies and prac-  
16                           tices that are appropriate to the age, devel-  
17                           opment, and needs of children and improve  
18                           learning, including strategies and practices  
19                           consistent with the principles of universal  
20                           design for learning;

21                   “(D) includes and supports teachers in ef-  
22                   fectively administering age and developmentally  
23                   appropriate assessments, and analyzing the re-  
24                   sults of these assessments for the purposes of  
25                   planning, monitoring, adapting, and improving

1 effective classroom instruction or teaching  
2 strategies to improve child literacy;

3 “(E) includes instructional strategies uti-  
4 lizing one-to-one, small group, and classroom-  
5 based instructional materials and approaches  
6 based on scientifically valid research on literacy;

7 “(F) provides ongoing instructional literacy  
8 coaching—

9 “(i) to ensure high-quality implemen-  
10 tation of comprehensive literacy instruction  
11 that is—

12 “(I) content centered;

13 “(II) integrated across the cur-  
14 riculum;

15 “(III) collaborative; and

16 “(IV) school, setting, and class-  
17 room embedded; and

18 “(ii) that uses student data to im-  
19 prove instruction;

20 “(G) includes and supports teachers in set-  
21 ting high reading and writing achievement goals  
22 for all children and provides the teachers with  
23 the instructional tools and skills to help chil-  
24 dren reach such goals;

1           “(H) for educators serving children in kin-  
2           dergarten through grade 12—

3           “(i) supports effective literacy instruc-  
4           tion through core academic subjects, and  
5           through career and technical education  
6           subjects where such career and technical  
7           education subjects provide for the integra-  
8           tion of core academic subjects; and

9           “(ii) includes explicit instruction in  
10          discipline-specific thinking and how to read  
11          and interpret discipline-specific text struc-  
12          tures and features;

13          “(I) is differentiated for educators working  
14          with children from birth through kindergarten  
15          entry, children in kindergarten through grade  
16          3, and children in grades 4 through 12, and, as  
17          appropriate, based on the grade or needs of the  
18          children; and

19          “(J) supports family literacy experiences  
20          and practices, and educating parents, teachers,  
21          and other caregivers about literacy development  
22          and child literacy development.

23          “(12) LITERACY COACH.—The term ‘literacy  
24          coach’ means a professional—

25          “(A) who has—

1 “(i) previous teaching experience; and

2 “(ii)(I) a master’s degree with a con-  
3 centration in reading and writing edu-  
4 cation or demonstrated proficiency in  
5 teaching reading or writing in a core aca-  
6 demic subject consistent with effective lit-  
7 eracy instruction; or

8 “(II) in the case of a literacy coach  
9 for children from birth through kinder-  
10 garten entry, a concentration, credential,  
11 or significant experience in child develop-  
12 ment and early literacy development;

13 “(B) who supports teachers to—

14 “(i) apply research on how children  
15 become successful readers, writers, and  
16 communicators;

17 “(ii) apply multiple forms of assess-  
18 ment to guide instructional decisionmaking  
19 and use data to improve literacy instruc-  
20 tion;

21 “(iii) improve children’s writing and  
22 reading in and across content areas such  
23 as mathematics, science, social studies, and  
24 language arts;



1 definition of comprehensive literacy in-  
2 struction;

3 “(ii) to work cooperatively and col-  
4 laboratively with principals, teachers, and  
5 other professionals in employing strategies  
6 to help teachers identify and support child  
7 literacy and language development needs  
8 and teach literacy across the content areas  
9 and developmental domains; and

10 “(iii) to work cooperatively and col-  
11 laboratively with other professionals in em-  
12 ploying strategies to help teachers teach  
13 literacy across the content areas so that  
14 the teachers can meet the needs of all chil-  
15 dren, including children with disabilities,  
16 English learners, and children who are  
17 reading at or above grade level.

18 “(13) LOCAL EDUCATIONAL AGENCY.—The  
19 term ‘local educational agency’—

20 “(A) has the meaning given the term in  
21 section 9101; and

22 “(B) includes any public charter school  
23 that constitutes a local educational agency  
24 under State law.



1                   “(ii) the daily instructional and mana-  
2                   gerial operations of the school.

3                   “(16) SCIENTIFICALLY VALID RESEARCH.—The  
4                   term ‘scientifically valid research’ has the meaning  
5                   given the term in section 200 of the Higher Edu-  
6                   cation Act of 1965 (20 U.S.C. 1021).

7                   “(17) SCREENING ASSESSMENT.—The term  
8                   ‘screening assessment’ means an assessment that  
9                   is—

10                   “(A) valid, reliable, and based on scientifi-  
11                   cally based reading research; and

12                   “(B) a brief procedure designed as a first  
13                   step in identifying children who may be at high  
14                   risk for delayed development or academic fail-  
15                   ure and in need of further diagnosis of their  
16                   need for special services or additional reading  
17                   instruction.

18                   “(18) STATE.—The term ‘State’ means each of  
19                   the 50 States, the District of Columbia, and the  
20                   Commonwealth of Puerto Rico.

21                   “(19) STATE LITERACY LEADERSHIP TEAM.—

22                   “(A) IN GENERAL.—The term ‘State lit-  
23                   eracy leadership team’ means a team that—

24                   “(i) is appointed and coordinated by  
25                   the State educational agency;

1                   “(ii) assumes the responsibility to  
2                   guide the development and implementation  
3                   of a statewide, comprehensive literacy plan;  
4                   “(iii) shall include, at a minimum—  
5                       “(I) a school principal with lit-  
6                       eracy expertise;  
7                       “(II) a teacher with literacy ex-  
8                       pertise;  
9                       “(III) a teacher or administrator  
10                   with expertise in special education;  
11                       “(IV) a teacher or administrator  
12                   with expertise in teaching the English  
13                   language to English learners;  
14                       “(V) a representative from the  
15                   State educational agency who oversees  
16                   literacy initiatives; and  
17                       “(VI) a representative from high-  
18                   er education who is actively involved  
19                   in research, development, or teacher  
20                   preparation in comprehensive literacy  
21                   instruction and intervention based on  
22                   scientifically valid research;  
23                   “(iv) may include—  
24                       “(I) a literacy specialist serving  
25                   in a school district within the State;

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- 1 “(II) a literacy coach;
- 2 “(III) a librarian;
- 3 “(IV) a representative with fam-  
4 ily literacy expertise;
- 5 “(V) a representative from a  
6 State child-serving agency with exper-  
7 tise in comprehensive language and  
8 literacy instruction and strategies;
- 9 “(VI) a school counselor;
- 10 “(VII) a teacher of a core aca-  
11 demic subject;
- 12 “(VIII) a special education ad-  
13 ministrator;
- 14 “(IX) a professor from a 4-year  
15 institution of higher education;
- 16 “(X) a parent;
- 17 “(XI) a business leader;
- 18 “(XII) the Governor or a dele-  
19 gated representative of the Governor;
- 20 “(XIII) a representative from the  
21 State board of education;
- 22 “(XIV) a representative from the  
23 State legislature;
- 24 “(XV) a representative of a non-  
25 profit and community-based organiza-

1                   tion providing comprehensive literacy  
2                   instruction and support; and

3                   “(XVI) a representative from a  
4                   school district superintendent’s office;  
5                   and

6                   “(v) shall include, among the individ-  
7                   uals selected to be members of the council  
8                   pursuant to clauses (iii) and (iv), not less  
9                   than 5 individuals who have literacy exper-  
10                  tise in 1 of each of the areas of—

11                  “(I) birth through kindergarten  
12                  entry, such as the State Head Start  
13                  collaboration director;

14                  “(II) kindergarten entry through  
15                  grade 3;

16                  “(III) grades 4 through 12;

17                  “(IV) English learners; and

18                  “(V) special education.

19                  “(B) INCLUSION OF A PREEXISTING PART-  
20                  NERSHIP.—If, before the date of enactment of  
21                  the Elementary and Secondary Education Re-  
22                  authorization Act of 2011, a State educational  
23                  agency established a consortium, partnership,  
24                  or any other similar body that was considered  
25                  a literacy partnership for purposes of subpart 1

1 or 2 of part B of title I (as such title was in  
2 effect on such date) and that includes the indi-  
3 viduals required under clauses (iii) and (v) of  
4 subparagraph (A), such consortium, partner-  
5 ship, or body may be considered a State literacy  
6 leadership team for purposes of subparagraph  
7 (A).

8 “(20) SUMMATIVE ASSESSMENT.—The term  
9 ‘summative assessment’ means an assessment that—

10 “(A) is valid, reliable, and based on sci-  
11 entifically valid research on literacy and English  
12 language acquisition; and

13 “(B) for children from birth through kin-  
14 dergarten entry, measures how young children  
15 have progressed over time relative to develop-  
16 mental norms, and for children in kindergarten  
17 through grade 12, measures what children have  
18 learned over time, relative to academic content  
19 standards.

20 “(21) WRITING.—The term ‘writing’ means—

21 “(A) composing meaning in print or  
22 through other media, including technologies, to  
23 communicate and to create new knowledge in  
24 ways appropriate to the context of the writing

1 and the literacy development stage of the writ-  
2 er;

3 “(B) composing ideas individually and col-  
4 laboratively in ways that are appropriate for a  
5 variety of purposes, audiences, and occasions;

6 “(C) choosing vocabulary, tone, genre, and  
7 conventions, such as spelling and punctuation,  
8 suitable to the purpose, audience, and occasion;  
9 and

10 “(D) revising compositions for clarity of  
11 ideas, coherence, logical development, and preci-  
12 sion of language use.

13 **“SEC. 4104. PROGRAM AUTHORIZED.**

14 “(a) RESERVATIONS AND AWARDS TO STATE EDU-  
15 CATIONAL AGENCIES.—

16 “(1) IN GENERAL.—From the amounts appro-  
17 priated to carry out this part for a fiscal year, the  
18 Secretary shall—

19 “(A) reserve not more than a total of 4  
20 percent of such amounts for dissemination of  
21 information and technical assistance under sec-  
22 tion 4110;

23 “(B) reserve not more than 5 percent of  
24 such amounts to award planning grants, on a

1 competitive basis, to State educational agencies  
2 serving States, in accordance with section 4105;

3 “(C) in the case of a fiscal year for which  
4 the amounts to carry out this part are less than  
5 \$500,000,000, use the amount not reserved  
6 under subparagraphs (A) and (B) to make  
7 awards, on a competitive basis, to State edu-  
8 cational agencies serving States that have appli-  
9 cations approved under section 4106 to enable  
10 the State educational agencies to carry out the  
11 activities described in section 4106(a); and

12 “(D) in the case of a fiscal year for which  
13 the amounts appropriated to carry out this part  
14 are equal to or exceeding \$500,000,000—

15 “(i) reserve a total of 1 percent of  
16 such amount for—

17 “(I) allotments for the United  
18 States Virgin Islands, Guam, Amer-  
19 ican Samoa, and the Commonwealth  
20 of the Northern Mariana Islands, to  
21 be distributed among such outlying  
22 areas on the basis of their relative  
23 need, as determined by the Secretary  
24 in accordance with the purposes of  
25 this part; and

1                   “(II) the Secretary of the Inte-  
2                   rior for programs under sections 4105  
3                   through 4109 in schools operated or  
4                   funded by the Bureau of Indian Edu-  
5                   cation; and

6                   “(ii) use the amount not reserved  
7                   under clause (i) and subparagraphs (A)  
8                   and (B) to make awards, as described in  
9                   paragraph (2), to State educational agen-  
10                  cies serving States that have applications  
11                  approved under section 4106 to enable the  
12                  State educational agencies to carry out the  
13                  activities described in section 4106(a).

14                  “(2) SPECIAL RULES FOR YEARS WITH FUNDS  
15                  EQUAL OR EXCEEDING \$500,000,000.—

16                  “(A) PROPORTIONAL DIVISION.—In each  
17                  fiscal year described in paragraph (1)(D), the  
18                  amount reserved under paragraph (1)(D)(i)  
19                  shall be divided between the uses described in  
20                  subclauses (I) and (II) of such paragraph in the  
21                  same proportion as the amount reserved under  
22                  section 1121(a) is divided between the uses de-  
23                  scribed in paragraphs (1) and (2) of such sec-  
24                  tion for such fiscal year.

1           “(B) CONSULTATION.—A State edu-  
2           cational agency that receives an allotment  
3           under paragraph (1)(D)(ii) shall engage in  
4           timely and meaningful consultation with rep-  
5           resentatives of Indian tribes located in the  
6           State in order to improve the coordination and  
7           quality of activities designed to develop effective  
8           approaches to achieve the purposes of this part  
9           consistent with the cultural, language, and edu-  
10          cational needs of Indian children.

11          “(C) STATE ALLOTMENT FORMULA.—The  
12          Secretary shall allot the amount made available  
13          under paragraph (1)(D)(ii) for a fiscal year  
14          among the States in proportion to the number  
15          of children, from birth through age 17, who re-  
16          side within the State and are from families with  
17          incomes below the poverty line for the most re-  
18          cent fiscal year for which satisfactory data are  
19          available, compared to the number of such chil-  
20          dren who reside in all States for that fiscal  
21          year.

22          “(3) MINIMUM AWARD AMOUNT.—No State  
23          educational agency receiving an award under this  
24          section for a fiscal year may receive less than one-

1 fourth of 1 percent of the total amount appropriated  
2 to carry out this part for the fiscal year.

3 “(b) PEER REVIEW.—

4 “(1) IN GENERAL.—The Secretary shall con-  
5 vene a peer review panel to evaluate the applications  
6 to carry out section 4105 or 4106 using the evalua-  
7 tion criteria described in paragraph (2).

8 “(2) DEVELOPMENT OF EVALUATION CRI-  
9 TERIA.—The Secretary shall report to the author-  
10 izing committees regarding the peer review process  
11 and evaluation criteria that shall be used to evaluate  
12 the grant applications to carry out sections 4105  
13 and 4106.

14 “(3) MEMBERSHIP.—

15 “(A) COMPOSITION.—A peer review panel  
16 convened under paragraph (1) shall be com-  
17 posed of not less than 9 members, of whom—

18 “(i) 3 shall be appointed by the Sec-  
19 retary;

20 “(ii) 3 shall be appointed by the Sec-  
21 retary from among individuals—

22 “(I) recommended by the Chair-  
23 man of the National Research Council  
24 of the National Academy of Sciences;  
25 and

1                   “(II) with expertise in com-  
2                   prehensive language and literacy in-  
3                   struction and strategies; and

4                   “(iii) 3 shall be appointed by the Sec-  
5                   retary from among individuals—

6                   “(I) recommended by the Direc-  
7                   tor of the National Institute of Child  
8                   Health and Human Development; and

9                   “(II) with expertise concerning  
10                  literacy development in children from  
11                  birth through grade 12.

12                  “(B) COMPETENCY AND EXPERTISE; EX-  
13                  PERTISE.—The peer review panel convened  
14                  under paragraph (1) may include—

15                  “(i) classroom teachers with expertise  
16                  in literacy, and literacy coaches, includ-  
17                  ing—

18                  “(I) special education teachers;

19                  “(II) teachers of children who are  
20                  English learners; and

21                  “(III) early childhood educators;

22                  “(ii) experts who provide high-quality  
23                  professional development to teachers and  
24                  other instructional staff to support chil-  
25                  dren’s literacy development;

1                   “(iii) experts in the screening assess-  
2                   ment, diagnostic assessment, and other as-  
3                   sessment of children’s literacy develop-  
4                   ment; and

5                   “(iv) experts in comprehensive literacy  
6                   instruction and strategies in reading and  
7                   writing, language development, and  
8                   English language acquisition, as appro-  
9                   priate, including reading and writing in  
10                  core academic subjects.

11                  “(4) DISTRIBUTION OF RECOMMENDATIONS.—

12                  Not later than 120 days after a peer review panel  
13                  submits to the Secretary the panel’s recommenda-  
14                  tion regarding an application by a State educational  
15                  agency for a grant under section 4105 or 4106, the  
16                  Secretary shall notify the State educational agency  
17                  that the application has been approved or dis-  
18                  approved and shall provide to such State educational  
19                  agency a copy of the peer review panel’s rec-  
20                  ommendation.

21                  “(c) CONFLICTS OF INTEREST.—

22                  “(1) PEER REVIEW PANELS.—The Secretary  
23                  shall ensure that each member of a peer review  
24                  panel described in subsection (b) does not stand to

1 benefit financially from a grant or subgrant awarded  
2 under this part.

3 “(2) STATE LITERACY LEADERSHIP TEAMS.—

4 Each State educational agency that receives funding  
5 under this part shall ensure that each member of a  
6 State literacy leadership team participating in a pro-  
7 gram or activity assisted under this part does not  
8 stand to benefit financially from a grant or subgrant  
9 awarded under this part.

10 “(d) SUPPLEMENT NOT SUPPLANT.—Award funds  
11 provided under this part shall supplement, and not sup-  
12 plant, non-Federal funds that would, in the absence of  
13 such award funds, be made available for literacy instruc-  
14 tion and support of children participating in programs as-  
15 sisted under this part.

16 “(e) MAINTENANCE OF EFFORT.—Each State edu-  
17 cational agency that receives a grant or allotment under  
18 this section, and each eligible entity that receives a  
19 subgrant under section 4108 or 4109, shall maintain for  
20 the fiscal year for which the grant or subgrant is received  
21 and for each subsequent fiscal year the expenditures of  
22 the State educational agency or eligible entity, respec-  
23 tively, for literacy instruction at a level not less than the  
24 level of such expenditures maintained by the State edu-  
25 cational agency or eligible entity, respectively, for the fis-

1 cal year preceding such fiscal year for which the grant  
2 or subgrant is received.

3 **“SEC. 4105. STATE PLANNING GRANTS.**

4 “(a) PLANNING GRANTS AUTHORIZED.—

5 “(1) IN GENERAL.—From amounts made avail-  
6 able under section 4104(a)(1)(B), the Secretary may  
7 award planning grants to State educational agencies  
8 to enable the State educational agencies to complete  
9 comprehensive planning to carry out activities that  
10 improve literacy for children from birth through  
11 grade 12.

12 “(2) GRANT PERIOD.—A planning grant award-  
13 ed under this section shall be for a period of not  
14 more than 1 year.

15 “(3) NONRENEWABILITY.—The Secretary shall  
16 not award a State educational agency more than 1  
17 planning grant under this section.

18 “(b) APPLICATION.—

19 “(1) IN GENERAL.—Each State educational  
20 agency desiring a planning grant under this section  
21 shall submit an application to the Secretary at such  
22 time, in such manner, and accompanied by such in-  
23 formation as the Secretary may require.

24 “(2) CONTENTS.—Each application submitted  
25 under this subsection shall, at a minimum, include

1 a description of how the State educational agency  
2 will develop a plan for improving State efforts to de-  
3 velop, coordinate, implement, and assess comprehen-  
4 sive literacy activities that ensure high-quality in-  
5 struction and effective strategies in reading and  
6 writing for all children in early learning programs  
7 and kindergarten through grade 12 programs. Such  
8 plan shall—

9 “(A) describe the activities for which as-  
10 sistance under this section is sought, dem-  
11 onstrating a particular focus on children who  
12 are reading or writing below grade level and  
13 children whose early literacy skills are below the  
14 appropriate age or developmental level;

15 “(B) provide a budget for the use of the  
16 planning grant funds to complete the required  
17 activities described in subsection (c);

18 “(C) include an analysis of data on child  
19 literacy and language and student academic  
20 achievement in reading to identify and establish  
21 baseline and benchmark levels against which to  
22 monitor child progress and improvement in lit-  
23 eracy; and

24 “(D) provide an assurance that all State  
25 agencies responsible for administering early

1 learning programs and services (including the  
2 State Head Start Collaboration Office and the  
3 State agency responsible for administering child  
4 care) and the State Advisory Council on Early  
5 Childhood Education and Care collaborated  
6 with the State educational agency to write the  
7 early learning portion of the grant application  
8 submitted under this subsection.

9 “(3) APPROVAL OF APPLICATIONS.—The Sec-  
10 retary shall evaluate applications under this sub-  
11 section based on the responsiveness of the applica-  
12 tions to the requirements under this subsection.

13 “(c) REQUIRED ACTIVITIES.—A State educational  
14 agency receiving planning grant funds under this section  
15 shall carry out each of the following activities:

16 “(1) Reviewing reading, writing, or other lan-  
17 guage and literacy resources and programs, such as  
18 school library programs, and data across the State  
19 to identify any literacy needs and gaps in the State.

20 “(2) Forming or designating a State literacy  
21 leadership team which shall execute the following  
22 functions:

23 “(A) Creating a comprehensive State lit-  
24 eracy plan that—

1           “(i) is designed to improve language  
2           development, reading, writing, and aca-  
3           demic achievement for children, especially  
4           children reading below grade level and chil-  
5           dren whose literacy skills are below the ap-  
6           propriate age or developmental level;

7           “(ii) includes—

8                   “(I) a needs assessment and an  
9                   implementation plan, including an  
10                  analysis of data on child literacy and  
11                  student academic achievement in  
12                  reading to identify baseline and  
13                  benchmark levels of literacy and early  
14                  literacy skills in order to monitor  
15                  progress and improvement; and

16                   “(II) a plan to improve reading  
17                  achievement among all children;

18                  “(iii) ensures high-quality instruction,  
19                  consistent with the characteristics of effec-  
20                  tive literacy instruction and strategies, in  
21                  early learning programs and kindergarten  
22                  through grade 12 programs; and

23                  “(iv) provides for activities designed  
24                  to improve literacy achievement for chil-

1                   dren who read or write below grade level,  
2                   including such children who—

3                               “(I) attend schools that are iden-  
4                               tified under section 1116(c)(2); or

5                               “(II) are counted under section  
6                               1124(e);

7                               “(B) Providing recommendations to guide  
8                   the State educational agency in the State edu-  
9                   cational agency’s process of strengthening State  
10                  literacy standards and embedding State literacy  
11                  standards with the State’s college and career  
12                  ready academic content standards and college  
13                  and career ready student academic achievement  
14                  standards, and early learning and development  
15                  standards.

16                              “(C) Providing recommendations to guide  
17                   the State educational agency in the State edu-  
18                   cational agency’s process of measuring, assess-  
19                   ing, and monitoring progress in literacy at the  
20                   school, local educational agency, and State lev-  
21                   els.

22                              “(D) Identifying criteria for high-quality  
23                   professional development providers, which pro-  
24                   viders may include qualified teachers within the

1 State, for the State educational agency and  
2 local educational agencies.

3 “(E) Advising the State educational agen-  
4 cy on how to help ensure that local educational  
5 agencies and schools provide timely and appro-  
6 priate data to teachers to inform and improve  
7 instruction.

8 “(F) Providing recommendations to guide  
9 the State educational agency in the State edu-  
10 cational agency’s planning process of building  
11 educators’ capacity to provide high-quality com-  
12 prehensive literacy instruction.

13 **“SEC. 4106. STATE IMPLEMENTATION GRANTS.**

14 “(a) IMPLEMENTATION GRANTS AUTHORIZED.—

15 “(1) IN GENERAL.—From amounts made avail-  
16 able under subparagraphs (C) or (D)(ii) of section  
17 4104(a)(1) (as applicable), the Secretary shall award  
18 implementation grants to State educational agencies  
19 to enable the State educational agencies—

20 “(A) to implement the comprehensive lit-  
21 eracy plan that meets the criteria in section  
22 4105(c)(2)(A) for early learning programs and  
23 kindergarten through grade 12 programs;

24 “(B) to carry out State activities under  
25 section 4107; and



1 Care, to comply with the terms of the  
2 grant, including using the funds—

3 “(I) to increase access to high-  
4 quality professional development;

5 “(II) for developmentally appro-  
6 priate curricula and teaching mate-  
7 rials; and

8 “(III) for developmentally appro-  
9 priate classroom-based instructional  
10 assessments and developmentally ap-  
11 propriate screening assessments and  
12 diagnostic assessments; and

13 “(ii) with respect to children in kin-  
14 dergarten through grade 12, demonstrates  
15 that there has been significant progress in  
16 student academic achievement, as meas-  
17 ured by appropriate assessments, including  
18 the assessments included in the State ac-  
19 countability system under section  
20 1111(a)(3)(A).

21 “(b) STATE APPLICATIONS.—

22 “(1) IN GENERAL.—A State educational agency  
23 that desires to receive an implementation grant  
24 under this section shall submit an application to the  
25 Secretary at such time, in such manner, and con-

1        taining such information as the Secretary may re-  
2        quire. The State educational agency shall collaborate  
3        with the State agency responsible for administering  
4        early learning programs and the State agency re-  
5        sponsible for administering child care programs in  
6        the State in writing and implementing the early  
7        learning portion of the grant application under this  
8        subsection.

9            “(2) CONTENTS.—An application described in  
10        paragraph (1) shall include the following:

11            “(A) A description of the members of the  
12        State literacy leadership team and a description  
13        of how the State educational agency has devel-  
14        oped a comprehensive State literacy plan, con-  
15        sistent with the requirements of section  
16        4105(c)(2)(A).

17            “(B) An implementation plan that includes  
18        a description of how the State educational agen-  
19        cy will—

20            “(i) carry out the State activities de-  
21        scribed in section 4107;

22            “(ii) assist eligible entities with—

23            “(I) providing strategic and in-  
24        tensive comprehensive literacy instruc-  
25        tion based on scientifically valid re-

1 search for children who are reading  
2 and writing below grade level, includ-  
3 ing through—

4 “(aa) the use of multitiered  
5 systems of support; and

6 “(bb) addressing the literacy  
7 needs of children with disabilities  
8 or developmental delays and  
9 English learners in programs  
10 serving children from birth  
11 through grade 12;

12 “(II) providing training to par-  
13 ents, as appropriate, so that the par-  
14 ents can participate in the literacy re-  
15 lated activities described in sections  
16 4108 and 4109 to assist in the lan-  
17 guage and literacy development of  
18 their children;

19 “(III) selecting and using read-  
20 ing and writing assessments;

21 “(IV) providing classroom-based  
22 instruction that is supported by one-  
23 to-one and small group work;

24 “(V) using curricular materials  
25 and instructional tools, which may in-

1                   clude technology, to improve instruc-  
2                   tion and literacy achievement;

3                   “ (VI) providing for high-quality  
4                   professional development; and

5                   “ (VII) using the principles of  
6                   universal design for learning;

7                   “ (iii) ensure that local educational  
8                   agencies in the State have leveraged and  
9                   are effectively leveraging the resources  
10                  needed to implement effective comprehen-  
11                  sive literacy instruction, and have the ca-  
12                  pacity to implement literacy initiatives ef-  
13                  fectively; and

14                  “ (iv) continually coordinate and align  
15                  the activities assisted under this part with  
16                  reading, writing, and other literacy re-  
17                  sources and programs across the State and  
18                  locally that serve children and their fami-  
19                  lies and promote comprehensive literacy in-  
20                  struction and learning, including strength-  
21                  ening partnerships among schools, librar-  
22                  ies, local youth-serving agencies, and pro-  
23                  grams, in order to improve literacy for all  
24                  children.

1           “(C) A description of the key data metrics,  
2           and the performance targets for such metrics,  
3           that will be used and reported annually under  
4           section 4111(b)(1), which shall include—

5                   “(i) metrics established consistent  
6                   with section 1111(a)(3)(A), for children in  
7                   grades 3 through 12; and

8                   “(ii) the relevant program metrics and  
9                   performance targets that the State shall  
10                  use to monitor the implementation of its  
11                  plan under section 4111.

12           “(D) An assurance that the State edu-  
13           cational agency, and any eligible entity receiv-  
14           ing a subgrant from the State educational agen-  
15           cy under section 4108 or 4109, will, if re-  
16           quested, participate in the national evaluation  
17           under section 4110.

18           “(E) An assurance that the State edu-  
19           cational agency will use implementation grant  
20           funds for literacy programs as follows:

21                   “(i) Not less than 10 percent of such  
22                   grant funds shall be used for State and  
23                   local programs and activities pertaining to  
24                   children from birth through kindergarten  
25                   entry.



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1                   “(I) the number or percentage of  
2                   children from birth through age 17  
3                   who are—

4                               “(aa) served by the eligible  
5                               entity; and

6                               “(bb) from families with in-  
7                               come levels below the poverty  
8                               line; and

9                   “(II) the number or percentage  
10                   of children in kindergarten through  
11                   grade 12 served by the eligible entity  
12                   who are reading and writing below  
13                   grade level according to State assess-  
14                   ments.

15           “(c) APPROVAL OF APPLICATIONS.—

16                   “(1) IN GENERAL.—The Secretary shall evalu-  
17                   ate State educational agency applications under sub-  
18                   section (b) based on the responsiveness of the appli-  
19                   cations to the application requirements under such  
20                   subsection.

21                   “(2) PEER REVIEW.—The Secretary shall con-  
22                   vene a peer review panel in accordance with section  
23                   4104(b) to evaluate applications for each implemen-  
24                   tation grant awarded to a State educational agency  
25                   under this section.

1           “(3) EARLY LEARNING.—In order for a State  
2           educational agency’s application under this section  
3           to be approved by the Secretary, the application  
4           shall contain an assurance that the State agencies  
5           responsible for administering early learning pro-  
6           grams and services, including the State agency re-  
7           sponsible for administering child care programs, and  
8           the State Advisory Council on Early Childhood Edu-  
9           cation and Care, approve of and will be extensively  
10          consulted in the implementation of activities con-  
11          sistent with section 4108, with respect to the early  
12          learning portion of the application.

13   **“SEC. 4107. STATE ACTIVITIES.**

14          “(a) REQUIRED ACTIVITIES.—A State educational  
15          agency shall use the implementation grant funds described  
16          in section 4106(b)(2)(E)(iv) to carry out the activities pro-  
17          posed in a State’s implementation plan under section  
18          4106(b)(2)(B), including the following activities:

19               “(1) In consultation with the State literacy  
20               leadership team, providing technical assistance, or  
21               engaging qualified providers to provide technical as-  
22               sistance, to eligible entities to enable the eligible en-  
23               tities to design and implement literacy programs  
24               under section 4108 or 4109.

1           “(2) Consulting with the State literacy leader-  
2           ship team and coordinating with institutions of high-  
3           er education in the State—

4                   “(A) in order to provide recommendations  
5           to strengthen and enhance preservice courses  
6           for students preparing, at institutions of higher  
7           education in the State, to teach children from  
8           birth through grade 12 in explicit, systematic,  
9           and intensive instruction in evidence-based lit-  
10          eracy methods; and

11                   “(B) by following up on reviews completed  
12          by the State literacy leadership team with rec-  
13          ommendations to ensure that such institutions  
14          offer courses that meet the highest standards.

15           “(3) Reviewing and updating, in collaboration  
16          with teachers, statewide educational and professional  
17          organizations representing teachers, and statewide  
18          educational and professional organizations rep-  
19          resenting institutions of higher education, State li-  
20          censure or certification standards in the area of lit-  
21          eracy instruction in early education through grade  
22          12.

23           “(4) Making publicly available, including on the  
24          State educational agency’s website, information on

1       promising instructional practices to improve child lit-  
2       eracy achievement.

3       “(b) PERMISSIVE ACTIVITIES.—After carrying out  
4 the activities described in subsection (a), a State edu-  
5 cational agency may use remaining implementation grant  
6 funds described in section 4106(b)(2)(E)(iv) to carry out  
7 1 or more of the following activities:

8               “(1) Training the personnel of eligible entities  
9       to use data systems to improve child literacy learn-  
10      ing.

11              “(2) Developing literacy coach training pro-  
12      grams and training literacy coaches.

13              “(3) Building public support among local edu-  
14      cational agency personnel, early learning programs,  
15      and the community for comprehensive literacy in-  
16      struction for children from birth through grade 12.

17              “(4) Administration and evaluation of activities  
18      carried out under this part.

19 **“SEC. 4108. SUBGRANTS TO ELIGIBLE ENTITIES IN SUP-**  
20 **PORT OF BIRTH THROUGH KINDERGARTEN**  
21 **ENTRY LITERACY.**

22       “(a) SUBGRANTS.—

23              “(1) IN GENERAL.—A State educational agen-  
24      cy, in consultation with the State agencies respon-  
25      sible for administering early learning programs and

1 services, including the State agency responsible for  
2 administering child care programs, and the State  
3 Advisory Council on Early Childhood Education and  
4 Care, shall use a portion of implementation grant  
5 funds provided under subparagraph (C) or (D)(ii) of  
6 section 4104(a)(1) to award subgrants, on a com-  
7 petitive basis, to eligible entities to enable the eligi-  
8 ble entities to support high-quality early literacy ini-  
9 tiatives for children from birth through kindergarten  
10 entry.

11 “(2) DURATION.—The term of a subgrant  
12 under this section shall be determined by the State  
13 educational agency awarding the subgrant.

14 “(b) SUFFICIENT SIZE AND SCOPE.—Each subgrant  
15 awarded under this section shall be of sufficient size and  
16 scope to allow the eligible entity to carry out high-quality  
17 early literacy initiatives for children from birth through  
18 kindergarten entry.

19 “(c) LOCAL APPLICATIONS.—An eligible entity desir-  
20 ing to receive a subgrant under this section shall submit  
21 an application to the State educational agency, at such  
22 time, in such manner, and containing such information as  
23 the State educational agency may require. Such applica-  
24 tion shall include a description of—

1           “(1) how the subgrant funds will be used to en-  
2           hance the language and literacy development and  
3           school readiness of children, from birth through kin-  
4           dergarten entry, in early learning programs, which  
5           shall include an analysis of data that support the  
6           proposed use of subgrant funds;

7           “(2) the programs that the eligible entity pro-  
8           poses to assist under the subgrant, including demo-  
9           graphic and socioeconomic information on the chil-  
10          dren enrolled in the programs;

11          “(3) a budget for the eligible entity that  
12          projects the cost of developing and implementing lit-  
13          eracy initiatives to carry out the activities described  
14          in subsection (e);

15          “(4) how, if the eligible entity is requesting a  
16          planning period, which shall not exceed 1 year, the  
17          eligible entity will use that planning period to pre-  
18          pare for successful implementation of a plan to sup-  
19          port the development of learning and literacy con-  
20          sistent with the purposes of this part;

21          “(5) the literacy initiatives, if any, in place and  
22          how these initiatives will be coordinated and inte-  
23          grated with activities supported under this section;

24          “(6) how the subgrant funds will be used to  
25          prepare and provide ongoing assistance to staff in

1 the programs, through high-quality professional de-  
2 velopment;

3 “(7) how the subgrant funds will be used to  
4 provide services, incorporate activities, and select  
5 and use literacy instructional materials that—

6 “(A) meet the diverse developmental and  
7 linguistic needs of children, including English  
8 learners and children with disabilities and de-  
9 velopmental delays; and

10 “(B) are based on scientifically valid re-  
11 search on child development and learning for  
12 children from birth through kindergarten entry;

13 “(8) how the subgrant funds will be used to  
14 provide screening assessments, diagnostic assess-  
15 ments, and classroom-based instructional assess-  
16 ments and assessments of developmental progress;

17 “(9) how families and caregivers will be in-  
18 volved, as appropriate, in supporting their child’s lit-  
19 eracy development, instruction, and assessment;

20 “(10) how the subgrant funds will be used to  
21 help children, particularly children experiencing dif-  
22 ficulty with spoken and written language, to make  
23 the transition from early childhood education pro-  
24 grams to formal classroom instruction;

1           “(11) how the activities assisted under the  
2           subgrant will be coordinated with comprehensive lit-  
3           eracy instruction at the kindergarten through grade  
4           12 levels;

5           “(12) how the subgrant funds will be used—

6                   “(A) to evaluate the success of the activi-  
7                   ties assisted under the subgrant in enhancing  
8                   the early language and literacy development of  
9                   children from birth through kindergarten entry;  
10                  and

11                   “(B) to evaluate data for program im-  
12                  provement; and

13           “(13) such other information as the State edu-  
14           cational agency may require.

15           “(d) APPROVAL OF LOCAL APPLICATIONS.—The  
16           State educational agency, in consultation with the State  
17           agencies responsible for administering early learning pro-  
18           grams, including the State agency responsible for admin-  
19           istering child care programs and the State Advisory Coun-  
20           cil on Early Childhood Education and Care, shall—

21                   “(1) select applications for funding under this  
22                   section based on the quality of the applications sub-  
23                   mitted, including the relationship between literacy  
24                   activities proposed and the research base or data

1 supporting such investments, as appropriate, and the  
2 recommendations of—

3 “(A) the State literacy leadership team;  
4 and

5 “(B) other experts in the area of early lit-  
6 eracy; and

7 “(2) place priority for funding programs based  
8 on the criteria in section 4106(b)(2)(F).

9 “(e) LOCAL USES OF FUNDS.—

10 “(1) IN GENERAL.—An eligible entity that re-  
11 ceives a subgrant under this section shall use the  
12 subgrant funds, consistent with the entity’s approved  
13 application under subsection (c), to—

14 “(A) enhance and improve early learning  
15 programs to ensure that children in such pro-  
16 grams are provided with high-quality oral lan-  
17 guage and literature- and print-rich environ-  
18 ments in which to develop early literacy skills;

19 “(B) carry out high-quality professional  
20 development opportunities for early childhood  
21 educators, teachers, and instructional leaders;

22 “(C) acquire, provide training for, and im-  
23 plement screening assessments, diagnostic as-  
24 sessments, and classroom-based instructional  
25 assessments;

1           “(D) select, develop, and implement a  
2 multitier system of support;

3           “(E) integrate research-based instructional  
4 materials, activities, tools, and measures into  
5 the programs offered by the eligible entity to  
6 improve development of early learning language  
7 and literacy skills;

8           “(F) train providers and personnel to sup-  
9 port, develop, and administer high-quality early  
10 learning literacy initiatives that—

11                   “(i) utilize data—

12                           “(I) to inform instructional de-  
13 sign; and

14                           “(II) to assess literacy needs;  
15 and

16                   “(ii) provide time and support for per-  
17 sonnel to meet to plan comprehensive lit-  
18 eracy instruction;

19           “(G) provide family literacy services, as  
20 appropriate, and educate parents, teachers, and  
21 other caregivers about child literacy develop-  
22 ment;

23           “(H) annually collect, summarize, and re-  
24 port to the State educational agency data—

1                   “(i) to document child progress in  
2                   early literacy and language skills develop-  
3                   ment as a result of activities carried out  
4                   under this section;

5                   “(ii) to stimulate and accelerate im-  
6                   provement by identifying the programs  
7                   served by the eligible entity that produce  
8                   significant gains in skills development; and

9                   “(iii) for all subgroups of children and  
10                  categories of children, including children in  
11                  the subgroups described in section  
12                  1111(a)(2)(B)(ix), in a manner that—

13                   “(I) utilizes a variety of meas-  
14                   ures of child literacy and language  
15                   skills development; and

16                   “(II) is consistent across the  
17                   State; and

18                   “(I) coordinate the involvement of families,  
19                   early learning program staff, principals, other  
20                   instructional leaders, and teachers in literacy  
21                   development of children served under this part.

22                   “(2) CURRICULA AND ASSESSMENT MATERIALS  
23                   LIMITATION.—Each eligible entity that receives a  
24                   subgrant under this section shall not use more than  
25                   20 percent of the subgrant funds in the first year

1 of subgrant funding, and not more than 10 percent  
2 of the subgrant funds in each year thereafter, to  
3 purchase curricula and assessment materials.

4 “(f) PROHIBITION.—The use of assessment items  
5 and data on any assessment authorized under this section  
6 to provide rewards or sanctions for individual children,  
7 early learning program providers, teachers, program direc-  
8 tors, or principals is prohibited.

9 **“SEC. 4109. SUBGRANTS TO ELIGIBLE ENTITIES IN SUP-  
10 PORT OF KINDERGARTEN THROUGH GRADE  
11 12 LITERACY.**

12 “(a) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-  
13 CIES.—

14 “(1) SUBGRANTS.—A State educational agency  
15 shall use a portion of the implementation grant  
16 funds provided under subparagraph (C) or (D)(ii) of  
17 section 4104(a)(1) to award subgrants, on a com-  
18 petitive basis, to eligible entities to enable the eligi-  
19 ble entities to carry out the authorized activities de-  
20 scribed in subsections (b) and (c).

21 “(2) SUFFICIENT SIZE AND SCOPE.—A State  
22 educational agency shall award subgrants under this  
23 section of sufficient size and scope to allow the eligi-  
24 ble entities to carry out high-quality literacy initia-

1           tives in each grade level for which the subgrant  
2           funds are provided.

3           “(3) LOCAL APPLICATIONS.—An eligible entity  
4           desiring to receive a subgrant under this section  
5           shall submit an application to the State educational  
6           agency at such time, in such manner, and containing  
7           such information as the State educational agency  
8           may require. Such application shall include, for each  
9           school that the eligible entity identifies as partici-  
10          pating in a subgrant program under this section, the  
11          following information:

12                 “(A) A description of the eligible entity’s  
13                 capacity survey conducted to identify how  
14                 subgrant funds will be used to inform and im-  
15                 prove comprehensive literacy instruction at the  
16                 school.

17                 “(B) How the school, local educational  
18                 agency, or a provider of high-quality profes-  
19                 sional development will provide ongoing high-  
20                 quality professional development to all teachers,  
21                 including early childhood educators, principals,  
22                 and other instructional leaders served by the  
23                 school, including early learning program admin-  
24                 istrators.

1           “(C) How the school will identify children  
2           in need of literacy interventions or other sup-  
3           port services and provide appropriate scientif-  
4           ically valid instructional interventions or other  
5           support services which may include extended  
6           learning time for struggling children.

7           “(D) A budget for the school that projects  
8           the cost of developing and implementing literacy  
9           initiatives to carry out the activities described  
10          in subsections (b) and (c) as applicable.

11          “(E) An explanation of how the school will  
12          integrate comprehensive literacy instruction into  
13          core academic subjects.

14          “(F) A description of how the school will  
15          coordinate comprehensive literacy instruction  
16          with early learning and after-school programs  
17          and activities in the area served by the local  
18          educational agency, such as school library pro-  
19          grams.

20          “(G) A description of the assessments that  
21          will be used in an assessment system to improve  
22          comprehensive literacy instruction and track  
23          child literacy progress.

1           “(H) A description of how families and  
2           caregivers will be involved in supporting their  
3           children’s literacy instruction and assessment.

4           “(I) A description of how, if an eligible en-  
5           tity is requesting a planning period, the eligible  
6           entity will use that planning period to prepare  
7           for successful implementation of a plan to sup-  
8           port the development of learning and literacy  
9           consistent with the purposes of this part.

10           “(J) A description of the literacy initia-  
11           tives, if any, in place and how these initiatives  
12           will be coordinated and integrated with activi-  
13           ties supported under this section.

14           “(K) An assurance that the eligible entity  
15           will, if requested, participate in the national  
16           evaluation described in section 4110.

17           “(b) LOCAL USES OF FUNDS FOR KINDERGARTEN  
18           THROUGH GRADE 5.—An eligible entity that receives a  
19           subgrant under this section shall use the subgrant funds  
20           to carry out the following activities pertaining to children  
21           in kindergarten through grade 5:

22           “(1) Developing and implementing a literacy  
23           plan across content areas that—

24           “(A) serves the needs of all children, in-  
25           cluding children with disabilities and English

1 learners, especially children who are reading or  
2 writing below grade level;

3 “(B) provides intensive, supplemental, ac-  
4 celerated, and explicit intervention and support  
5 in reading and writing for children whose lit-  
6 eracy skills are below grade level; and

7 “(C) supports activities that are provided  
8 primarily during the regular school day but  
9 which may be augmented by after-school and  
10 out-of-school time instruction.

11 “(2) Acquiring, providing training for, selecting,  
12 and administering assessments, and managing, mon-  
13 itoring, and planning instruction based on the as-  
14 sessment data.

15 “(3) Providing high-quality professional devel-  
16 opment opportunities for teachers, literacy coaches,  
17 literacy specialists, English as a second language  
18 specialists (as appropriate), principals, and other  
19 program staff.

20 “(4) Training principals, specialized instruction  
21 support personnel, and other school district per-  
22 sonnel to support, develop, administer, and evaluate  
23 high-quality kindergarten through grade 5 literacy  
24 initiatives that—

25 “(A) utilize data—

1 “(i) to inform instructional decisions;

2 and

3 “(ii) to assess professional develop-

4 ment needs; and

5 “(B) provide time and support for teachers

6 to meet to plan comprehensive literacy instruc-

7 tion.

8 “(5) Coordinating the involvement of early

9 learning program staff, principals, other instruc-

10 tional leaders, teachers, teacher literacy teams,

11 English as a second language specialists (as appro-

12 priate), special educators, and school librarians in

13 the literacy development of children served under

14 this part.

15 “(6) Engaging families and encouraging family

16 literacy experiences and practices to support literacy

17 development.

18 “(7) Annually collecting, summarizing, and re-

19 porting to the State educational agency data—

20 “(A) to document and monitor for the pur-

21 pose of improving practice, improvements, or

22 increases in children’s reading and writing pur-

23 suant to activities carried out under this sec-

24 tion;



1                   “(ii) to assess professional develop-  
2                   ment needs;

3                   “(B) assess the quality of adolescent com-  
4                   prehensive literacy instruction in core academic  
5                   subjects, and career and technical education  
6                   subjects where such career and technical edu-  
7                   cation subjects provide for the integration of  
8                   core academic subjects;

9                   “(C) provide time for teachers to meet to  
10                  plan research-based adolescent comprehensive  
11                  literacy instruction in core academic subjects,  
12                  and career and technical education subjects  
13                  where such career and technical education sub-  
14                  jects provide for the integration of core aca-  
15                  demic subjects; and

16                  “(D) include explicit instruction in dis-  
17                  cipline-specific thinking and how to read and  
18                  interpret discipline-specific text structures and  
19                  features.

20                  “(3) Coordinating the involvement of principals,  
21                  other instructional leaders, teachers, teacher literacy  
22                  teams, English as a second language specialists (as  
23                  appropriate), special educators, and school librarians  
24                  in the literacy development of children served under  
25                  this part.

1       “(d) ALLOWABLE USES.—An eligible entity that re-  
2 ceives a subgrant under this section may, in addition to  
3 carrying out the activities described in 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 **FLICTS 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 report to the State educational agency re-  
19           garding the eligible entity’s progress in addressing  
20           the purposes of this part. Such report shall be sub-  
21           mitted at such times, and in such manner, as the  
22           State educational agency shall establish, consistent  
23           with the requirements of paragraphs (1) and (2) for  
24           reports submitted by the State educational agency to  
25           the Secretary, and shall, over the term of the

1       subgrant, include, consistent with such requirements  
2       for the State educational agency reports, descrip-  
3       tions 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, and  
7 transferring such part D so as to follow part C, as  
8 added by section 4104;

9 (2) by striking section 4206; and

10 (3) by redesignating sections 4201, 4202, 4203,  
11 4204, and 4205, as sections 4401, 4402, 4403,  
12 4404, and 4405, respectively.

13 (b) IMPROVING SCIENCE, TECHNOLOGY, ENGINEER-  
14 ING, AND MATH INSTRUCTION AND STUDENT ACHIEVE-  
15 MENT.—Title IV (20 U.S.C. 7101 et seq.) is amended by  
16 inserting after part A the following:

17 **“PART B—IMPROVING SCIENCE, TECHNOLOGY,**  
18 **ENGINEERING, AND MATHEMATICS IN-**  
19 **STRUCTION AND STUDENT ACHIEVEMENT**

20 **“SEC. 4201. PURPOSE.**

21 “The purpose of this part is to improve student aca-  
22 demic achievement in science, technology, engineering, and  
23 mathematics by—

24 “(1) improving instruction in such subjects  
25 through grade 12;

1           “(2) improving student engagement in, and in-  
2           creasing student access to, such subjects;

3           “(3) improving the quality and effectiveness of  
4           classroom instruction by recruiting, training, and  
5           supporting highly rated teachers and providing ro-  
6           bust tools and supports for students and teachers in  
7           such subjects; and

8           “(4) closing student achievement gaps, and pre-  
9           paring more students to be college and career ready  
10          in such subjects.

11 **“SEC. 4202. DEFINITIONS.**

12          “In this part:

13           “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
14           tity’ means—

15                   “(A) a State educational agency; or

16                   “(B) a State educational agency in part-  
17           nership with 1 or more other State educational  
18           agencies.

19           “(2) ELIGIBLE SUBGRANTEE.—The term ‘eligi-  
20           ble subgrantee’ means—

21                   “(A) a high-need local educational agency;

22                   “(B) an educational service agency serving  
23           more than 1 high-need local educational agency;

24                   “(C) a consortium of high-need local edu-  
25           cational agencies; or

1           “(D) an entity described in subparagraph  
2           (A) or (C) of paragraph (3) that has signed a  
3           memorandum of agreement with an entity de-  
4           scribed in subparagraph (A), (B), or (C) of this  
5           paragraph to implement the requirements of  
6           this part in partnership with such entity.

7           “(3) OUTSIDE PARTNER.—The term ‘outside  
8           partner’ means an entity that has expertise and a  
9           demonstrated record of success in improving student  
10          learning and engagement in the identified subjects  
11          described in section 4204(b)(2), including any of the  
12          following:

13                 “(A) A nonprofit or community-based or-  
14                 ganization, which may include a cultural organi-  
15                 zation, such as a museum or learning center.

16                 “(B) A business.

17                 “(C) An institution of higher education.

18                 “(D) An educational service agency.

19           “(4) STATE.—The term ‘State’ means—

20                 “(A) any of the 50 States;

21                 “(B) the District of Columbia;

22                 “(C) the Bureau of Indian Education; or

23                 “(D) the Commonwealth of Puerto Rico.

24   **“SEC. 4203. GRANTS; ALLOTMENTS.**

25           “(a) RESERVATIONS.—

1           “(1) IN GENERAL.—From the amounts appro-  
2           priated for this part for a fiscal year, the Secretary  
3           shall reserve—

4                   “(A) not more than 2 percent to provide  
5           technical assistance to States; and

6                   “(B) not more than 5 percent for State ca-  
7           pacity-building grants, if the Secretary is  
8           awarding such grants in accordance with para-  
9           graph (2).

10          “(2) CAPACITY-BUILDING GRANTS.—

11                   “(A) IN GENERAL.—In any year for which  
12           funding is distributed competitively, as de-  
13           scribed in subsection (b)(1), the Secretary may  
14           award 1 capacity-building grant to each State  
15           that does not receive a grant under subsection  
16           (b), on a competitive basis, to enable such State  
17           to become more competitive in future years.

18                   “(B) DURATION.—Grants awarded under  
19           subparagraph (A) shall be for a period of 1  
20           year.

21          “(b) COMPETITIVE GRANTS.—

22                   “(1) IN GENERAL.—For each fiscal year for  
23           which the amount appropriated to carry out this  
24           part, and not reserved under subsection (a)(1), is  
25           less than \$500,000,000, the Secretary shall award

1 grants, on a competitive basis, to eligible entities to  
2 enable such eligible entities to carry out the activi-  
3 ties described in this part.

4 “(2) DURATION.—Grants awarded under this  
5 subsection shall be for a period of not more than 3  
6 years.

7 “(3) RENEWAL.—

8 “(A) IN GENERAL.—If an eligible entity  
9 demonstrates progress, as measured by the  
10 metrics described in section 4206(a), the Sec-  
11 retary may renew a grant for an additional 2-  
12 year period.

13 “(B) REDUCED FUNDING.—Grant funds  
14 awarded under subparagraph (A) shall be  
15 awarded at a reduced amount.

16 “(c) FORMULA GRANTS.—

17 “(1) IN GENERAL.—For each fiscal year for  
18 which the amount appropriated to carry out this  
19 part, and not reserved under subsection (a)(1), is  
20 equal to or more than \$500,000,000, the Secretary  
21 shall award grants to States, based on the formula  
22 described in paragraph (2).

23 “(2) DISTRIBUTION OF FUNDS.—The Secretary  
24 shall allot to each State—

1           “(A) an amount that bears the same rela-  
2           tionship to 35 percent of the excess amount de-  
3           scribed in paragraph (1) as the number of indi-  
4           viduals ages 5 through 17 in the State, as de-  
5           termined by the Secretary on the basis of the  
6           most recent satisfactory data, bears to the num-  
7           ber of those individuals in all such States, as so  
8           determined; and

9           “(B) an amount that bears the same rela-  
10          tionship to 65 percent of the excess amount as  
11          the number of individuals ages 5 through 17  
12          from families with incomes below the poverty  
13          line, in the State, as determined by the Sec-  
14          retary on the basis of the most recent satisfac-  
15          tory data, bears to the number of those individ-  
16          uals in all such States, as so determined.

17          “(3) FUNDING MINIMUM.—No State receiving  
18          an allotment under this subsection may receive less  
19          than one-half of 1 percent of the total amount allot-  
20          ted under paragraph (1) for a fiscal year.

21          “(4) REALLOTMENT OF UNUSED FUNDS.—If a  
22          State does not successfully apply, the Secretary shall  
23          reallot the amount of the State’s allotment to the re-  
24          maining States in accordance with this subsection.

1 **“SEC. 4204. APPLICATIONS.**

2 “(a) IN GENERAL.—Each eligible entity or State de-  
3 siring a grant under this part, whether through a competi-  
4 tive grant under section 4203(b) or through an allotment  
5 under section 4203(c), shall submit an application to the  
6 Secretary at such time, in such manner, and accompanied  
7 by such information as the Secretary may require.

8 “(b) CONTENTS.—At a minimum, an application sub-  
9 mitted under subsection (a) shall include the following:

10 “(1) A description of the needs, including as-  
11 sets, identified by the State or eligible entity, based  
12 on a State analysis, which—

13 “(A) may include results from a relevant  
14 pre-existing analysis of science, technology, en-  
15 gineering, and mathematics education quality  
16 and outcomes in the State or States served by  
17 the eligible entity;

18 “(B) shall include data for elementary  
19 school and secondary school grades, as applica-  
20 ble, to the extent that such data are available,  
21 on—

22 “(i) student achievement in science  
23 and mathematics, including such data col-  
24 lected in accordance with the requirements  
25 of section 1111(a)(3)(A), and student  
26 achievement in technology and engineering;



1 nology, engineering, and mathematics  
2 subjects; or

3 “(II) complete rigorous postsec-  
4 ondary education courses in science,  
5 technology, engineering, and mathe-  
6 matics subjects;

7 “(vii) the information collected under  
8 section 1111(d)(3)(B)(viii)(III);

9 “(viii) available instructional systems  
10 and supports, such as curricula, instruc-  
11 tional materials, professional development,  
12 teacher evaluation systems, and assess-  
13 ments;

14 “(ix) science, technology, engineering,  
15 and mathematics teacher qualifications;  
16 and

17 “(x) teacher shortages and teacher  
18 distribution among local educational agen-  
19 cies and schools in science, technology, en-  
20 gineering, and mathematics subjects;

21 “(C) shall include labor market informa-  
22 tion regarding the industry and business work-  
23 force needs within the eligible entity;

24 “(D) shall include an analysis of the qual-  
25 ity of pre-service preparation at all public insti-

1           tutions of higher education (including alter-  
2           native pathways to teacher licensure or certifi-  
3           cation) for individuals preparing to teach  
4           science, technology, engineering, and mathe-  
5           matics subjects in a preschool, elementary  
6           school, or secondary school in the State; and

7           “(E) shall include an analysis of the imple-  
8           mentation of any multi-tiered systems of sup-  
9           port that have been employed in the State or  
10          States served by the eligible entity to address  
11          the learning needs of students in any science,  
12          technology, engineering, and mathematics sub-  
13          jects.

14          “(2) An identification of the specific science,  
15          technology, engineering, and mathematics subjects  
16          that the State or eligible entity will address through  
17          the activities described in section 4205, consistent  
18          with the needs identified under paragraph (1) (re-  
19          ferred to in this part as ‘identified subjects’).

20          “(3) A description, in a manner that addresses  
21          any needs identified under paragraph (1), of—

22                  “(A) how grant funds will be used by the  
23                  State or eligible entity to improve instruction in  
24                  identified subjects using evidence-based pro-  
25                  grams of instruction that are aligned with the

1 college and career ready standards and aca-  
2 demic assessments under paragraphs (1) and  
3 (2) section 1111(a);

4 “(B) how grant funds will be used to sup-  
5 port subgrantees and other high-need local edu-  
6 cational agencies in the employment of multi-  
7 tiered systems of support to provide early inter-  
8 vening services, as described in section  
9 613(a)(4)(A)(ii) of the Individuals with Disabil-  
10 ities Education Act, and to increase student  
11 achievement in identified subjects;

12 “(C) the process that the State or eligible  
13 entity will use for awarding subgrants, includ-  
14 ing how relevant stakeholders will be involved;

15 “(D) how the State’s or eligible entity’s ac-  
16 tivities and subgrants will be coordinated with  
17 other Federal, State, and local programs and  
18 activities, including career and technical edu-  
19 cation programs authorized under the Carl D.  
20 Perkins Career and Technical Education Act of  
21 2006 (20 U.S.C. 2301 et seq.);

22 “(E) the technical assistance that the  
23 State or eligible entity will provide to sub-  
24 grantees to support the activities undertaken by  
25 the subgrantees;

1           “(F) how the State or eligible entity will  
2 evaluate the activities funded, both at the State  
3 and subgrantee level, with funds provided under  
4 this part, and in a manner consistent with any  
5 evaluation activities carried out by the Institute  
6 of Education Sciences under section 4207, or  
7 the National Science Foundation;

8           “(G) how the State or eligible entity will  
9 allocate funds in a manner that will provide  
10 services to both elementary schools and sec-  
11 ondary schools;

12           “(H) how the State or eligible entity will  
13 provide targeted support to improve instruction  
14 in high-need local educational agencies and  
15 high-need schools;

16           “(I) how the State or eligible entity’s pro-  
17 posed project will ensure an increase in access  
18 for students who are members of groups under-  
19 represented in science, technology, engineering,  
20 and mathematics subject fields to high-quality  
21 courses in 1 or more of the identified subjects;  
22 and

23           “(J) how the State or eligible entity will  
24 continue to involve stakeholders in education re-

1 form efforts related to science, technology, engi-  
2 neering, and mathematics instruction.

3 “(4) Assurances that the State or eligible entity  
4 will monitor implementation of approved subgrantee  
5 plans.

6 “(c) **ADDITIONAL FUNDING.**—A State or eligible en-  
7 tity that submits a request to use the additional State ac-  
8 tivities reservation described in section 4205(d)(2), shall  
9 provide, in a manner that addresses the needs identified  
10 under subsection (b)(1), a description of the activities that  
11 the eligible entity will carry out with such funds, con-  
12 sistent with section 4205.

13 **“SEC. 4205. AUTHORIZED ACTIVITIES.**

14 “(a) **REQUIRED ACTIVITIES.**—Each State or eligible  
15 entity that receives a grant under this part shall use the  
16 grant funds to carry out each of the following activities:

17 “(1) Increasing access for students through  
18 grade 12 who are members of groups underrep-  
19 resented in science, technology, engineering, and  
20 mathematics subject fields to high-quality courses in  
21 the identified subjects.

22 “(2) Implementing evidence-based programs of  
23 instruction based on high-quality standards and as-  
24 sessments in the identified subjects.

1           “(3) Providing professional development and  
2 other comprehensive systems of support for teachers  
3 and school leaders to promote high-quality instruc-  
4 tion and instructional leadership in the identified  
5 subjects.

6           “(4) Providing technical assistance to sub-  
7 grantees and other high-need schools and local edu-  
8 cational agencies in order to improve student  
9 achievement and narrow achievement gaps in identi-  
10 fied subjects, including through—

11                   “(A) the development and implementation  
12 of multi-tiered systems of support; and

13                   “(B) the development of curriculum or in-  
14 structional materials consistent with the prin-  
15 cipals of universal design for learning, as de-  
16 fined in section 103 of the Higher Education  
17 Act of 1965.

18           “(b) PERMISSIBLE ACTIVITIES.—Each State or eligi-  
19 ble entity that receives a grant under this part may use  
20 the grant funds to carry out 1 or more of the following  
21 activities:

22                   “(1) Recruiting qualified teachers and instruc-  
23 tional leaders who are trained in identified subjects,  
24 including teachers who have transitioned into the

1 teaching profession from a career in science, tech-  
2 nology, engineering, and mathematics fields.

3 “(2) Providing induction and mentoring serv-  
4 ices to new teachers in identified subjects.

5 “(3) Developing instructional supports, such as  
6 curricula and assessments, which shall be evidence-  
7 based and aligned with State college and career  
8 ready academic content standards under section  
9 1111(a)(1), and may include Internet-based cur-  
10 ricula and Internet-based instructional supports.

11 “(4) Implementing an interdisciplinary ap-  
12 proach, by integrating instruction in 1 or more  
13 science, technology, engineering, and mathematics  
14 subjects with reading, English language arts, or in-  
15 struction in other core academic subjects and  
16 noncore academic subjects.

17 “(c) SUBGRANTS.—

18 “(1) IN GENERAL.—Each State or eligible enti-  
19 ty that receives a grant under this section shall  
20 award subgrants, on a competitive basis, to eligible  
21 subgrantees.

22 “(2) MINIMUM SUBGRANT.—A State or eligible  
23 entity shall award subgrants under this subsection  
24 that are of sufficient size and scope to support high-

1 quality, evidence-based, effective programs that are  
2 consistent with the purpose of this part.

3 “(3) SUBGRANTEE APPLICATION.—

4 “(A) IN GENERAL.—Each eligible sub-  
5 grantee desiring a subgrant under this sub-  
6 section shall submit an application to the State  
7 or eligible entity at such time, in such manner,  
8 and accompanied by such information as the  
9 State or eligible entity may require.

10 “(B) CONTENTS OF SUBGRANTEE APPLI-  
11 CATION.—At a minimum, the application de-  
12 scribed in subparagraph (A) shall include the  
13 following:

14 “(i) A description of the activities that  
15 the eligible subgrantee will carry out, and  
16 how such activities will improve teaching  
17 and student academic achievement in the  
18 identified subjects, in a manner consistent  
19 with scientifically-valid research.

20 “(ii) A description of how the eligible  
21 subgrantee will use funds provided under  
22 this subsection to serve students and  
23 teachers in high-need schools.

24 “(iii) A description of how funds pro-  
25 vided under this subsection will be coordi-

1 nated with other Federal, State, and local  
2 programs and activities, including career  
3 and technical education programs author-  
4 ized under the Carl D. Perkins Career and  
5 Technical Education Act of 2006 (20  
6 U.S.C. 2301 et seq.).

7 “(iv) If the eligible subgrantee is  
8 working with outside partners, a descrip-  
9 tion of how such outside partners will be  
10 involved in improving instruction and in-  
11 creasing access to high-quality learning ex-  
12 periences in the identified subjects.

13 “(4) SUBGRANTEE USE OF FUNDS.—

14 “(A) REQUIRED USE OF FUNDS.—Each  
15 subgrantee under this subsection shall use the  
16 subgrant funds to carry out activities for stu-  
17 dents through grade 12, consistent with the ac-  
18 tivities described in the subgrantee’s applica-  
19 tion, which shall include—

20 “(i) high-quality teacher and instruc-  
21 tional leader recruitment, support, and  
22 evaluation in the identified subjects;

23 “(ii) professional development, which  
24 may include development and support for  
25 instructional coaches, to enable teachers

1 and instructional leaders to increase stu-  
2 dent achievement in identified subjects,  
3 through—

4 “(I) implementation of classroom  
5 assessments; and

6 “(II) differentiation of instruc-  
7 tion in identified subjects for all stu-  
8 dents, including for students who are  
9 children with disabilities and students  
10 who are English learners;

11 “(iii) activities to—

12 “(I) improve the content knowl-  
13 edge of teachers; and

14 “(II) facilitate professional col-  
15 laboration, which may include pro-  
16 viding time for such collaborations;

17 “(iv) the development, adoption, and  
18 improvement of high-quality curricula and  
19 instructional supports that—

20 “(I) are aligned with State col-  
21 lege and career ready academic con-  
22 tent standards under section  
23 1111(a)(1); and

1                   “(II) the eligible subgrantee will  
2                   use to improve student academic  
3                   achievement in identified subjects;

4                   “(v) the development or improvement,  
5                   and implementation, of multi-tiered sys-  
6                   tems of support to provide early inter-  
7                   vening services and to increase student  
8                   achievement in 1 or more of the identified  
9                   subjects; and

10                   “(vi) integrating instruction in the  
11                   identified subjects with instruction in read-  
12                   ing, English language arts, or other core  
13                   and noncore academic subjects.

14                   “(B) ALLOWABLE USE OF FUNDS.—In ad-  
15                   dition to the required activities described in  
16                   subparagraph (A), each eligible subgrantee that  
17                   receives a subgrant under this subsection, may  
18                   also use the subgrant funds to—

19                   “(i) support the participation of low-  
20                   income students in nonprofit competitions  
21                   related to science, technology, engineering,  
22                   and mathematics subjects (such as robot-  
23                   ics, science research, invention, mathe-  
24                   matics, computer science, and technology  
25                   competitions); and

1                   “(ii) broaden secondary school stu-  
2                   dents’ access to, and interest in, careers  
3                   that require academic preparation in 1 or  
4                   more identified subjects.

5                   “(C) LIMITATION.—Each subgrantee that  
6                   receives a subgrant under this subsection shall  
7                   not expend more than 15 percent of the  
8                   subgrant funds on the activities described in  
9                   subparagraph (B).

10                   “(D) MATCHING FUNDS.—A State or eligi-  
11                   ble entity shall require an eligible subgrantee  
12                   receiving a subgrant under this subsection to  
13                   demonstrate that such subgrantee has obtained  
14                   a commitment from 1 or more outside partners  
15                   to match, using non-Federal funds or in-kind  
16                   contributions, not less than 15 percent of the  
17                   amount of subgrant funds. In the case of sig-  
18                   nificant financial hardship, an eligible sub-  
19                   grantee may apply to the State or eligible entity  
20                   for, and the State or eligible entity may grant,  
21                   a waiver of a portion of the minimum matching  
22                   funds requirement.

23                   “(d) STATE ACTIVITIES.—

1           “(1) IN GENERAL.—Each State or eligible enti-  
2           ty that receives a grant under this part may use not  
3           more than 5 percent of grant funds for—

4                   “(A) administrative costs;

5                   “(B) monitoring the implementation of  
6           subgrants;

7                   “(C) providing technical assistance to sub-  
8           grantees; and

9                   “(D) evaluating subgrants in coordination  
10          with the evaluation described in section 4207.

11          “(2) RESERVATION.—Each State or eligible en-  
12          tity that receives a grant under this part may sub-  
13          mit a request to the Secretary to reserve not more  
14          than 15 percent of grant funds, inclusive of the  
15          amount described in paragraph (1), for additional  
16          State activities, consistent with subsections (a) and  
17          (b).

18   **“SEC. 4206. PERFORMANCE METRICS; REPORT.**

19          “(a) ESTABLISHMENT OF PERFORMANCE  
20    METRICS.—The Secretary, acting through the Director of  
21    the Institute of Education Sciences, shall establish per-  
22    formance metrics to evaluate the effectiveness of the ac-  
23    tivities carried out under this part.

24          “(b) ANNUAL REPORT.—Each State or eligible entity  
25    that receives a grant under this part shall prepare and

1 submit an annual report to the Secretary, which shall in-  
2 clude information relevant to the performance metrics de-  
3 scribed in subsection (a).

4 **“SEC. 4207. EVALUATION.**

5 “The Secretary shall—

6 “(1) acting through the Director of the Insti-  
7 tute of Education Sciences, and in consultation with  
8 the Director of the National Science Foundation—

9 “(A) evaluate the implementation and im-  
10 pact of the activities supported under this part,  
11 including progress measured by the metrics es-  
12 tablished under section 4206(a); and

13 “(B) identify best practices to improve in-  
14 struction in science, technology, engineering,  
15 and mathematics subjects; and

16 “(2) disseminate, in consultation with the Na-  
17 tional Science Foundation, research on best prac-  
18 tices to improve instruction in science, technology,  
19 engineering, and mathematics subjects.

20 **“SEC. 4208. SUPPLEMENT NOT SUPPLANT.**

21 “Funds received under this part shall be used to sup-  
22 plement, and not supplant, funds that would otherwise be  
23 used for activities authorized under this part.

1 **“SEC. 4209. MAINTENANCE OF EFFORT.**

2 “A State that receives funds under this part for a  
3 fiscal year shall maintain the fiscal effort provided by the  
4 State for the subjects supported by the funds under this  
5 part at a level equal to or greater than the level of such  
6 fiscal effort for the preceding fiscal year.”.

7 **SEC. 4104. SUCCESSFUL, SAFE, AND HEALTHY STUDENTS.**

8 Title IV (20 U.S.C. 7101 et seq.) is amended by in-  
9 serting after part B, as added by section 4103 of this Act,  
10 the following:

11 **“PART C—SUCCESSFUL, SAFE, AND HEALTHY**  
12 **STUDENTS**

13 **“SEC. 4301. PURPOSE.**

14 “The purpose of this part is to assist States and local  
15 educational agencies in developing and implementing com-  
16 prehensive programs and strategies to foster positive con-  
17 ditions for learning in public schools, in order to increase  
18 academic achievement for all students through activities  
19 that—

20 “(1) promote student physical health and well-  
21 being, nutrition, and fitness;

22 “(2) promote student mental health and well-  
23 being;

24 “(3) prevent school violence and harassment,  
25 and reduce substance abuse among students; and

26 “(4) promote safe and supportive schools.

1 **“SEC. 4302. DEFINITIONS.**

2 “In this part:

3 “(1) CONTROLLED SUBSTANCE.—The term  
4 ‘controlled substance’ means a drug or other sub-  
5 stance identified under Schedule I, II, III, IV, or V  
6 of section 202(c) of the Controlled Substances Act  
7 (21 U.S.C. 812(e)).

8 “(2) DRUG.—The term ‘drug’ includes—

9 “(A) a controlled substance;

10 “(B) with respect to alcohol and tobacco,  
11 the illegal use of such substances; and

12 “(C) with respect to inhalants and anabolic  
13 steroids, the harmful, abusive, or addictive use  
14 of such substances.

15 “(3) DRUG AND VIOLENCE PREVENTION.—The  
16 term ‘drug and violence prevention’ means—

17 “(A) with respect to drugs, prevention,  
18 early intervention, rehabilitation referral, or  
19 education related to the abuse and illegal use of  
20 drugs; and

21 “(B) with respect to violence, the pro-  
22 motion of school safety, such that students and  
23 school personnel are free from violent and dis-  
24 ruptive acts, including sexual harassment and  
25 abuse, and victimization associated with preju-  
26 dice and intolerance, on school premises, going

1 to and from school, at school sponsored activi-  
2 ties, and via communications made available  
3 through electronic means, through the creation  
4 and maintenance of a school environment that  
5 is free of weapons and fosters individual respon-  
6 sibility and respect for the rights of others, and  
7 employs positive, preventative approaches to  
8 school discipline that minimize students' re-  
9 moval from instruction and reduce disparities  
10 among the subgroups of students described in  
11 section 1111(a)(2)(B)(ix).

12 “(4) ELIGIBLE LOCAL APPLICANT.—The term  
13 ‘eligible local applicant’ means—

14 “(A) a local educational agency;

15 “(B) a consortium of local educational  
16 agencies; or

17 “(C) a local educational agency or consor-  
18 tium of local educational agencies in partner-  
19 ship with a nonprofit organization that has a  
20 demonstrated record of success in implementing  
21 activities consistent with the purpose of this  
22 part.

23 “(5) PHYSICAL EDUCATION INDICATORS.—The  
24 term ‘physical education indicators’ means a set of  
25 measures for instruction on physical activity, health-

1 related fitness, physical competence, and cognitive  
2 understanding about physical activity that—

3 “(A) are publicly reported annually in the  
4 State’s conditions for learning measurement  
5 system described in section 4304(g); and

6 “(B) include, for the State, for each local  
7 educational agency in the State, and for each  
8 school in the State, the average number of min-  
9 utes that all students engage in moderate to  
10 vigorous physical activity, as measured against  
11 established recommended guidelines of the Cen-  
12 ters for Disease Control and Prevention and the  
13 Department of Health and Human Services.

14 “(6) PROGRAMS TO PROMOTE MENTAL  
15 HEALTH.—The term ‘programs to promote mental  
16 health’ means programs that—

17 “(A) develop students’ social and emotional  
18 competencies; and

19 “(B) link students with, as applicable,  
20 school-based or local mental health systems, in-  
21 cluding by—

22 “(i) enhancing, improving, or devel-  
23 oping collaborative efforts between school-  
24 based systems and mental health systems;

1                   “(ii) improving the availability of cri-  
2                   sis intervention services and appropriate  
3                   referrals for students potentially in need of  
4                   mental health services;

5                   “(iii) providing training for mental  
6                   health professionals and other school-based  
7                   specialized instructional support personnel  
8                   who will participate in the program; and

9                   “(iv) providing services that establish  
10                  or expand the availability of counseling  
11                  and mental health programs for students.

12                  “(7) PROGRAMS TO PROMOTE PHYSICAL ACTIV-  
13                  ITY, EDUCATION, FITNESS, AND NUTRITION.—The  
14                  term ‘programs to promote physical activity, edu-  
15                  cation, fitness, and nutrition’ means programs that  
16                  increase and enable active student participation in  
17                  physical well-being activities, provide teacher profes-  
18                  sional development, are comprehensive in nature,  
19                  and include opportunities for professional develop-  
20                  ment for teachers of physical education to stay  
21                  abreast of the latest research, issues, and trends in  
22                  the field of physical education, and include 1 or  
23                  more of the following activities:

1           “(A) Fitness education and assessment to  
2 help students understand, improve, or maintain  
3 their physical well-being.

4           “(B) Instruction in a variety of motor  
5 skills and physical activities designed to en-  
6 hance the physical, mental, social, and emo-  
7 tional development of every student.

8           “(C) Development of, and instruction in,  
9 cognitive concepts about motor skill and phys-  
10 ical fitness that support a lifelong healthy life-  
11 style.

12           “(D) Opportunities to develop positive so-  
13 cial and cooperative skills through physical ac-  
14 tivity.

15           “(E) Instruction in healthy eating habits  
16 and good nutrition.

17 **“SEC. 4303. RESERVATIONS.**

18           “From amounts made available to carry out this part,  
19 the Secretary shall reserve—

20           “(1) for the first 3 years for which funding is  
21 made available to carry out this part—

22           “(A) not more than 30 percent of such  
23 amounts or \$30,000,000, whichever amount is  
24 greater, for State conditions for learning meas-  
25 urement systems grants, distributed to every

1 State (by an application process consistent with  
2 section 4304) in an amount proportional to  
3 each State's share of funding under part A of  
4 title I of this Act, to develop or improve the  
5 State's conditions for learning measurement  
6 system described in section 4304(g), and to  
7 conduct a needs analysis to meet the require-  
8 ments of section 4304(c)(2); and

9 “(B) not more than 68 percent of such  
10 amounts for Successful, Safe, and Healthy Stu-  
11 dents State Grants under section 4304;

12 “(2) for the fourth year and each subsequent  
13 year for which funding is made available to carry  
14 out this part, not less than 98 percent of such  
15 amounts for Successful, Safe, and Healthy Students  
16 State Grants under section 4304; and

17 “(3) in each year for which funding is made  
18 available to carry out this part, not more than 2 per-  
19 cent of such amounts for technical assistance.

20 **“SEC. 4304. SUCCESSFUL, SAFE, AND HEALTHY STUDENTS**  
21 **STATE GRANTS.**

22 “(a) PURPOSE.—The purpose of this section is to  
23 provide funding to States to implement comprehensive  
24 programs that address conditions for learning in schools  
25 in the State. Such programs shall be based on —

1           “(1) scientifically valid research; and

2           “(2) an analysis of need that considers, at a  
3           minimum, the indicators in the State’s conditions for  
4           learning measurement system described in sub-  
5           section (g).

6           “(b) STATE GRANTS.—

7           “(1) IN GENERAL.—From amounts reserved  
8           under section 4303 for Successful, Safe, and  
9           Healthy Students State Grants, the Secretary shall  
10          award grants to States to carry out the purpose of  
11          this section.

12          “(2) AWARDS TO STATES.—

13               “(A) FORMULA GRANTS.—Except as pro-  
14               vided in subparagraph (B), if the total amount  
15               reserved under section 4304 for Successful,  
16               Safe, and Healthy Students State Grants for a  
17               fiscal year is \$500,000,000 or greater, the Sec-  
18               retary shall allot to each State with an ap-  
19               proved application an amount that bears the  
20               same relationship to such total amount as the  
21               amount received under part A of title I of this  
22               Act by such State for the preceding fiscal year  
23               bears to the amount received under such part  
24               for the preceding fiscal year by all States.

1           “(B) MINIMUM STATE ALLOTMENT.—No  
2           State receiving an allotment under subpara-  
3           graph (A) may receive less than one-half of one  
4           percent of the total amount allotted under such  
5           paragraph.

6           “(C) COMPETITIVE GRANTS.—

7           “(i) IN GENERAL.—If the total  
8           amount reserved under section 4304 for  
9           Successful, Safe, and Healthy Students  
10          State Grants for a fiscal year is less than  
11          \$500,000,000, the Secretary shall award  
12          grants under this section on a competitive  
13          basis.

14          “(ii) SUFFICIENT SIZE AND SCOPE.—  
15          In awarding grants on a competitive basis  
16          pursuant to clause (i), the Secretary shall  
17          ensure that grant awards are of sufficient  
18          size and scope to carry out required and  
19          approved activities under this section.

20          “(c) APPLICATIONS.—

21          “(1) IN GENERAL.—A State that desires to re-  
22          ceive a grant under this section shall submit an ap-  
23          plication at such time, in such manner, and con-  
24          taining such information as the Secretary may re-  
25          quire.

1           “(2) CONTENT OF APPLICATION.—At a min-  
2           imum, the application shall include—

3                   “(A) a plan for improving conditions for  
4           learning in schools in the State in a manner  
5           consistent with the requirements of the pro-  
6           gram that may be a part of a broader statewide  
7           child and youth plan, if such a plan exists and  
8           is consistent with the requirements of this part;

9                   “(B) a needs analysis of the conditions for  
10          learning in schools in the State, which—

11                   “(i) shall include a description of, and  
12          data measuring, the State’s conditions for  
13          learning; and

14                   “(ii) may be a part of a broader state-  
15          wide child and youth needs analysis, if  
16          such an analysis exists and is consistent  
17          with the requirements of this part;

18                   “(C) a description of how the activities the  
19          State proposes to implement with grant funds  
20          are responsive to the results of the needs anal-  
21          ysis described in subparagraph (B); and

22                   “(D) a description of how the State will—

23                   “(i) develop, adopt, adapt, or imple-  
24          ment the State’s conditions for learning  
25          measurement system described in sub-

1 section (g), and how the State will ensure  
2 that all local educational agencies and  
3 schools in the State participate in such  
4 system;

5 “(ii) ensure the quality and validity of  
6 the State’s conditions for learning data col-  
7 lection;

8 “(iii) coordinate the proposed activi-  
9 ties with other Federal and State pro-  
10 grams, including programs funded under  
11 this part, which may include programs to  
12 expand learning time and for before- and  
13 after-school programming;

14 “(iv) assist local educational agencies  
15 to align activities with funds the agencies  
16 receive under the program with other fund-  
17 ing sources in order to support a coherent  
18 and non-duplicative program;

19 “(v) solicit and approve subgrant ap-  
20 plications, including how the State will—

21 “(I) allocate funds for statewide  
22 activities and subgrants for each year  
23 of the grant, consistent with allocation  
24 requirements under subsection (h)(2);  
25 and

1                   “(II) consider the results of the  
2                   analysis described in subparagraph  
3                   (B) in the State’s distribution of sub-  
4                   grants;

5                   “(vi) address the needs of diverse geo-  
6                   graphic areas in the State, including rural  
7                   and urban communities;

8                   “(vii) provide assistance to local edu-  
9                   cational agencies and schools in their ef-  
10                  forts to prevent and appropriately respond  
11                  to incidents of harassment, including build-  
12                  ing the capacity of such agencies and  
13                  schools to educate family and community  
14                  members regarding the agencies’ and  
15                  schools’ respective roles in preventing and  
16                  responding to such incidents; and

17                  “(viii) provide assistance to local edu-  
18                  cational agencies and schools in their ap-  
19                  proaches to school discipline.

20                  “(3) APPLICATION REVIEW PROCESS.—The  
21                  Secretary shall establish a process to review applica-  
22                  tions submitted under this subsection.

23                  “(d) DURATION.—

24                  “(1) IN GENERAL.—A State that receives a  
25                  grant under this section may receive funding for not

1 more than 5 years in accordance with this sub-  
2 section.

3 “(2) INITIAL PERIOD.—The Secretary shall  
4 award grants under this section for an initial period  
5 of not more than 3 years.

6 “(3) GRANT EXTENSION.—The Secretary may  
7 extend a competitive grant awarded to a State under  
8 this section for not more than an additional 2 years  
9 if the State shows sufficient improvement, as deter-  
10 mined by the Secretary, against baseline data for the  
11 performance metrics established under subsection  
12 (i).

13 “(e) RESERVATION AND USE OF FUNDS.—A State  
14 that receives a grant under this section shall—

15 “(1) reserve not more than 7½ percent of the  
16 grant funds for administration of the program, tech-  
17 nical assistance, and the development, improvement,  
18 and implementation of the State’s conditions for  
19 learning measurement system, as described in sub-  
20 section (g); and

21 “(2) use the remainder of grant funds after  
22 making the reservation under paragraph (1) to  
23 award subgrants, on a competitive basis, to eligible  
24 local applicants.

1           “(f) REQUIRED STATE ACTIVITIES.—A State that re-  
2 ceives a grant under this section shall—

3           “(1) establish a statewide physical education re-  
4 quirement that is consistent with widely recognized  
5 standards;

6           “(2) require all local educational agencies in the  
7 State to—

8           “(A) establish policies that prevent and  
9 prohibit conduct that is sufficiently severe, per-  
10 sistent, or pervasive to limit a student’s ability  
11 to participate in or benefit from a program or  
12 activity of a public school or educational agen-  
13 cy, or to create a hostile or abusive educational  
14 environment at a program or activity of a pub-  
15 lic school or educational agency, including acts  
16 of verbal, nonverbal, or physical aggression, in-  
17 timidation, or hostility; and

18           “(B) provide—

19           “(i) annual notice to parents and stu-  
20 dents describing the full range of prohib-  
21 ited conduct contained in such local edu-  
22 cational agency’s discipline policies; and

23           “(ii) grievance procedures for students  
24 or parents to register complaints regarding  
25 the prohibited conduct contained in such

1 local educational agency's discipline poli-  
2 cies, including—

3 “(I) the name of the local edu-  
4 cational agency officials who are des-  
5 ignated as responsible for receiving  
6 such complaints; and

7 “(II) timelines that the local edu-  
8 cational agency will follow in the reso-  
9 lution of such complaints.

10 “(3) not later than 1 year after receipt of the  
11 grant, develop, adapt, improve, or adopt and imple-  
12 ment the statewide conditions for learning measure-  
13 ment system described in subsection (g) (unless the  
14 State can demonstrate, to the satisfaction of the  
15 Secretary, that an appropriate system has already  
16 been implemented) that annually measures the  
17 State's progress in the conditions for learning for  
18 every public school in the State;

19 “(4) collect information in each year of the  
20 grant on the conditions for learning at the school-  
21 building level;

22 “(5) collect annual incident data at the school-  
23 building level that are accurate and complete;

24 “(6) publicly report, at the school level and  
25 local educational agency level, the data collected in

1 the State's conditions for learning measurement sys-  
2 tem, described in subsection (g), each year in a time-  
3 ly and highly accessible manner, and in a manner  
4 that does not reveal personally identifiable informa-  
5 tion;

6 “(7) use the results of the data collected in the  
7 State's conditions for learning measurement system  
8 to—

9 “(A) identify and address conditions for  
10 learning statewide;

11 “(B) help subgrantees identify and address  
12 school and student needs; and

13 “(C) provide individualized assistance to  
14 schools identified under section 1116 and  
15 schools with significant conditions for learning  
16 weaknesses;

17 “(8) award subgrants, consistent with sub-  
18 section (h), to eligible local applicants; and

19 “(9) monitor subgrants and provide technical  
20 assistance to subgrantees on the implementation of  
21 grant activities.

22 “(g) CONDITIONS FOR LEARNING MEASUREMENT  
23 SYSTEM.—

24 “(1) IN GENERAL.—Each State that receives a  
25 grant under this part shall establish a State report-

1       ing and information system that measures conditions  
2       for learning in the State and is, to the extent prac-  
3       ticable, part of the State’s statewide longitudinal  
4       data system and with the State’s system for report-  
5       ing the data required under section 1111.

6               “(2) SYSTEM ACTIVITIES.—The State reporting  
7       and information system described in paragraph (1)  
8       shall—

9               “(A) contain, at a minimum, data from  
10       valid and reliable surveys of students and staff  
11       and the indicators in subparagraph (B) that  
12       allow staff at the State, local educational agen-  
13       cies, and schools to examine and improve  
14       school-level conditions for learning;

15              “(B) collect school-level data on—

16                      “(i) physical education indicators;

17                      “(ii) student attendance and truancy;

18                      “(iii) in-school suspensions, out-of-  
19       school suspensions, expulsions, referrals to  
20       law enforcement, school-based arrests, and  
21       disciplinary transfers (including place-  
22       ments in alternative schools) by student;

23                      “(iv) the frequency, seriousness, and  
24       incidence of violence and drug-related of-  
25       fenses resulting in disciplinary action in el-

1 elementary schools and secondary schools in  
2 the State; and

3 “(v) the incidence and prevalence, age  
4 of onset, perception of health risk, and per-  
5 ception of social disapproval of drug use  
6 and violence, including harassment, by  
7 youth and school personnel in schools and  
8 communities;

9 “(C) collect and report data, including, at  
10 a minimum, the data described in clauses (ii),  
11 (iii), and (v) of subparagraph (B), in the aggre-  
12 gate and disaggregated by the categories of  
13 race, ethnicity, gender, disability status, mi-  
14 grant status, English proficiency, and status as  
15 economically disadvantaged, and cross tabulated  
16 across all of such categories by gender and by  
17 disability;

18 “(D) protect student privacy, consistent  
19 with applicable data privacy laws and regula-  
20 tions, including section 444 of the General Edu-  
21 cation Provisions Act (20 U.S.C. 1232g, com-  
22 monly known as the ‘Family Educational  
23 Rights and Privacy Act of 1974’); and

24 “(E) to the extent practicable, utilize a  
25 web-based reporting system.

1           “(3) COMPILING STATISTICS.—In compiling the  
2           statistics required to measure conditions for learning  
3           in the State—

4                   “(A) the offenses described in paragraph  
5                   (2)(B)(iv) shall be defined pursuant to the  
6                   State’s criminal code, and aligned to the extent  
7                   possible, with the Federal Bureau of Investiga-  
8                   tion’s Uniform Crime Reports categories, but  
9                   shall not identify victims of crimes or persons  
10                  accused of crimes and the collected data shall  
11                  include incident reports by school officials,  
12                  anonymous student surveys, and anonymous  
13                  teacher surveys;

14                   “(B) the performance metrics that are es-  
15                   tablished under subsection (i) shall be collected  
16                   and the performance on such metrics shall be  
17                   defined and reported uniformly statewide;

18                   “(C) the State shall collect, analyze, and  
19                   use the data under paragraph (2)(B) at least  
20                   annually, except the indicators under paragraph  
21                   (2)(B)(v) may be collected, at a minimum,  
22                   every 2 years; and

23                   “(D) grant recipients and subgrant recipi-  
24                   ents shall use the data for planning and contin-  
25                   uous improvement of activities implemented

1 under this part, and may collect data for indi-  
2 cators that are locally defined, and that are not  
3 reported to the State, to meet local needs (so  
4 long as such indicators are aligned with the  
5 conditions for learning).

6 “(h) SUBGRANTS.—

7 “(1) IN GENERAL.—

8 “(A) AWARDING OF SUBGRANTS.—A State  
9 that receives a grant under this section shall  
10 award subgrants, on a competitive basis, to eli-  
11 gible local applicants—

12 “(i) based on need as identified by the  
13 State’s conditions for learning measure-  
14 ment system described in subsection (g);

15 “(ii) that are of sufficient size and  
16 scope to enable subgrantees to carry out  
17 approved activities; and

18 “(iii) to implement programs that—

19 “(I) are comprehensive in nature;

20 “(II) are based on scientifically  
21 valid research;

22 “(III) improve conditions for  
23 learning; and

24 “(IV) are part of a strategy to  
25 achieve all the conditions for learning.

1           “(B) ASSISTANCE.—A State that receives  
2           a grant under this section shall provide assist-  
3           ance to subgrant applicants and recipients in  
4           the selection of scientifically valid programs and  
5           interventions.

6           “(2) ALLOCATION.—

7           “(A) IN GENERAL.—In awarding sub-  
8           grants under this section, each State shall en-  
9           sure that, for the aggregate of all subgrants  
10          awarded by the State, not less than 20 percent  
11          of the subgrant funds are allocated to carry out  
12          programs to promote physical activity, edu-  
13          cation, fitness, and nutrition.

14          “(B) RULE OF CONSTRUCTION.—Nothing  
15          in this paragraph shall be construed to require  
16          States, in making subgrants to eligible local ap-  
17          plicants, to require subgrant recipients to use  
18          20 percent of subgrant funds for the promotion  
19          of physical activity, education, fitness, and nu-  
20          trition.

21          “(3) APPLICATIONS.—An eligible local applicant  
22          that desires to receive a subgrant under this sub-  
23          section shall submit to the State an application at  
24          such time, in such manner, and containing such in-  
25          formation as the State may require.

1           “(4) PRIORITY.—In awarding subgrants under  
2 this subsection, a State shall give priority to applica-  
3 tions that—

4           “(A) demonstrate the greatest need ac-  
5 cording to the results of the local needs assess-  
6 ment; and

7           “(B) propose to serve schools with the  
8 highest concentrations of poverty, based on the  
9 percentage of students receiving or are eligible  
10 to receive a free or reduced price lunch under  
11 the Richard B. Russell National School Lunch  
12 Act (42 U.S.C. 1751 et seq.).

13           “(5) ACTIVITIES OF SUBGRANT RECIPIENTS.—  
14 Each recipient of a subgrant under this subsection  
15 shall, for the duration of the subgrant, provide for  
16 the following:

17           “(A) Carry out activities—

18           “(i) the need for which has been iden-  
19 tified, at a minimum, through the State’s  
20 conditions for learning measurement sys-  
21 tem described in subsection (g);

22           “(ii) that are part of a comprehensive  
23 strategy or framework to address such  
24 need; and

1                   “(iii) that include 1 or more of the  
2                   following:

3                   “(I) Drug and violence preven-  
4                   tion;

5                   “(II) Programs to promote men-  
6                   tal health.

7                   “(III) Programs to promote  
8                   physical activity, education, fitness,  
9                   and nutrition.

10                  “(B) Ensure that each framework, inter-  
11                  vention, or program selected be based on sci-  
12                  entifically valid research and be used for the  
13                  purpose for which such framework, interven-  
14                  tion, or program was found to be effective.

15                  “(C) Use school-level data from the State’s  
16                  conditions for learning measurement system,  
17                  described in subsection (g), to inform the imple-  
18                  mentation and continuous improvement of ac-  
19                  tivities carried out under this part.

20                  “(D) Collect and report to the State edu-  
21                  cational agency, data for schools served by the  
22                  subgrant recipient, in a manner consistent with  
23                  the State’s conditions for learning measurement  
24                  system, described in subsection (g).

1           “(E) Establish policies to expand access to  
2           quality physical activity opportunities, including  
3           local school wellness policies consistent with the  
4           requirements of section 9A of the Richard B.  
5           Russell National School Lunch Act. For pur-  
6           poses of this part, school wellness councils es-  
7           tablished consistent with section 9A of the  
8           Richard B. Russell National School Lunch Act  
9           may be part of existing school councils, if such  
10          councils exist and have the capacity and willing-  
11          ness to address school wellness.

12           “(F) Engage family members and commu-  
13          nity-based organizations in the development of  
14          conditions for learning surveys, and in the plan-  
15          ning, implementation, and review of the  
16          subgrant recipient’s efforts under this part.

17           “(G) Consider and accommodate the  
18          unique needs of students with disabilities and  
19          English learners in implementing activities.

20          “(i) ACCOUNTABILITY.—

21           “(1) ESTABLISHMENT OF PERFORMANCE  
22          METRICS.—The Secretary, acting through the Direc-  
23          tor of the Institute of Education Sciences, shall es-  
24          tablish program performance metrics to measure the

1 effectiveness of the activities carried out under this  
2 part.

3 “(2) ANNUAL REPORT.—Each State that re-  
4 ceives a grant under this part shall prepare and sub-  
5 mit an annual report to the Secretary, which shall  
6 include information relevant to the conditions for  
7 learning, including on progress towards meeting out-  
8 comes for the metrics established under paragraph  
9 (1).

10 **“SEC. 4305. FUNDS RESERVED FOR SECRETARY.**

11 “From the amount reserved under section 4303(3),  
12 the Secretary shall—

13 “(1) direct the Institute of Education Sciences  
14 to conduct an evaluation of the impact of the prac-  
15 tices funded or disseminated by the Successful, Safe,  
16 and Healthy Students State Grants program; and

17 “(2) provide technical assistance to applicants,  
18 recipients, and subgrant recipients of the programs  
19 funded under this part.

20 **“SEC. 4306. PROHIBITED USES OF FUNDS.**

21 “No funds appropriated under this part may be used  
22 to pay for—

23 “(1) school resource officer or other security  
24 personnel salaries, metal detectors, security cameras,

1 or other security-related salaries, equipment, or ex-  
2 penses;

3 “(2) drug testing programs; or

4 “(3) the development, establishment, implemen-  
5 tation, or enforcement of zero-tolerance discipline  
6 policies, other than those expressly required under  
7 the Gun-Free Schools Act (20 U.S.C. 7151 et seq.).

8 **“SEC. 4307. FEDERAL AND STATE NONDISCRIMINATION**  
9 **LAWS.**

10 “Nothing in this part shall be construed to invalidate  
11 or limit nondiscrimination principles or rights, remedies,  
12 procedures, or legal standards available to victims of dis-  
13 crimination under any other Federal law or law of a State  
14 or political subdivision of a State, including title VI of the  
15 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title  
16 IX of the Education Amendments of 1972 (20 U.S.C.  
17 1681 et seq.), section 504 or 505 of the Rehabilitation  
18 Act of 1973 (29 U.S.C. 794 and 794a), or the Americans  
19 with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).  
20 The obligations imposed by this part are in addition to  
21 those imposed by title VI of the Civil Rights Act of 1964  
22 (42 U.S.C. 2000d et seq.), title IX of the Education  
23 Amendments of 1972 (20 U.S.C. 1681 et seq.), section  
24 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794),

1 and the Americans with Disabilities Act of 1990 (42  
2 U.S.C. 12101 et seq.).”.

3 **SEC. 4105. 21ST CENTURY COMMUNITY LEARNING CEN-**  
4 **TERS.**

5 Part D of title IV, as redesignated by section 4103(a)  
6 of this Act, is amended—

7 (1) in section 4401, as redesignated by section  
8 4103(a) of this Act—

9 (A) in subsection (a)—

10 (i) in the matter preceding paragraph

11 (1)—

12 (I) by striking “to provide” and  
13 inserting “to assist States in pro-  
14 viding”; and

15 (II) by striking “communities”  
16 and inserting “eligible entities”;

17 (ii) in paragraph (1)—

18 (I) by inserting “students with  
19 before school, after school, or summer  
20 learning” after provide;

21 (II) by striking “, particularly  
22 students”; and

23 (III) by striking the comma after  
24 “low-performing schools”;

25 (iii) in paragraph (2)—

1 (I) by inserting “who attend low-  
2 performing schools” after “offer stu-  
3 dents”; and

4 (II) by striking “and” after the  
5 semicolon; and

6 (iv) by striking paragraph (3) and in-  
7 serting the following:

8 “(3) significantly increase the number of hours  
9 in a regular school day, week, or year in order to  
10 provide students with additional time for academic  
11 work and for additional subjects and enrichment ac-  
12 tivities that increase student achievement and en-  
13 gagement; and

14 “(4) comprehensively redesign and implement  
15 an expanded school day, expanded school week, or  
16 expanded school year schedule for all students in a  
17 high-need school, to provide additional time for—

18 “(A) instruction in core academic subjects;

19 “(B) instruction in additional subjects and  
20 enrichment activities; and

21 “(C) teachers and staff to collaborate,  
22 plan, and engage in professional development  
23 within and across grades and subjects.”; and

24 (B) in subsection (b)—

25 (i) in paragraph (1)—

1 (I) in the matter preceding sub-  
2 paragraph (A), by striking “that—”  
3 and inserting “that provides 1 or  
4 more of the following:”;

5 (II) in subparagraph (A)—

6 (aa) by striking “assists”  
7 and inserting “Before school,  
8 after school, or summer learning  
9 programs that assist”;

10 (bb) by striking “(such as  
11 before and after school or during  
12 summer recess)” after “not in  
13 session”; and

14 (cc) by striking “; and” and  
15 inserting a period; and

16 (III) by striking subparagraph  
17 (B) and inserting the following:

18 “(B) Expanded learning time programs  
19 that significantly increase the total number of  
20 hours in a regular school day, week, or year, in  
21 order to provide students with the greatest aca-  
22 demic needs with—

23 “(i) additional time to participate in  
24 academic activities that—

1                   “(I) are aligned with the instruc-  
2                   tion that such students receive during  
3                   the regular school day; and

4                   “(II) are targeted to the aca-  
5                   demic needs of such students; and

6                   “(ii) time to engage in enrichment  
7                   and other activities that complement the  
8                   academic program and contribute to a  
9                   well-rounded education, which may include  
10                  music and the arts, physical education, and  
11                  experiential and work-based learning op-  
12                  portunities.

13                  “(C) Expanded learning time initiatives  
14                  that use an expanded school day, expanded  
15                  school week, or expanded school year schedule  
16                  to increase the total number of school hours for  
17                  the school year at a high-need school by not less  
18                  than 300 hours and redesign the school’s pro-  
19                  gram in a manner that includes additional  
20                  time—

21                  “(i) for academic work, and to sup-  
22                  port innovation in teaching, in order to im-  
23                  prove the proficiency of participating stu-  
24                  dents, particularly struggling students, in  
25                  core academic subjects;

1                   “(ii) to advance student learning for  
2 all students in all grades;

3                   “(iii) for additional subjects and en-  
4 richment activities that contribute to a  
5 well-rounded education, which may include  
6 music and the arts, physical education, and  
7 experiential and work-based learning op-  
8 portunities; and

9                   “(iv) for teachers to engage in collabo-  
10 ration and professional planning, within  
11 and across grades and subjects.”;

12                   (ii) by striking paragraphs (2) and (3)  
13 and inserting the following:

14                   “(2) ELIGIBLE ENTITY.—

15                   “(A) IN GENERAL.—The term ‘eligible en-  
16 tity’ means a partnership of—

17                   “(i) 1 or more high-need local edu-  
18 cational agencies; and

19                   “(ii) 1 or more public or nonprofit or-  
20 ganizations, including community-based or-  
21 ganizations, with a demonstrated record of  
22 success in designing and implementing be-  
23 fore school, after school, summer learning,  
24 or expanded learning time activities.

1           “(B) SPECIAL RULE.—A State educational  
2           agency shall deem a local educational agency  
3           applying for a grant under section 4204 with-  
4           out a partnering public or nonprofit organiza-  
5           tion to be an eligible entity if the local edu-  
6           cational agency demonstrates that such agency  
7           is unable to partner with a public or nonprofit  
8           organization in reasonable geographic proximity  
9           or of sufficient quality to meet the requirements  
10          of this part.”; and

11                       (iii) by redesignating paragraph (4) as  
12                       paragraph (3);

13           (2) in section 4402, as redesignated by section  
14          4103(a) of this Act—

15                       (A) in subsection (a)—

16                               (i) by striking “under section 4206”  
17                               and inserting “to carry out this part”;

18                               (ii) by striking paragraph (1); and

19                               (iii) by redesignating paragraphs (2)  
20                               and (3) as paragraphs (1) and (2), respec-  
21                               tively;

22                       (B) in subsection (b)(1), by striking  
23                       “under section 4206” and inserting “to carry  
24                       out this part”; and

25                       (C) in subsection (c)—

- 1 (i) in paragraph (2)(B), by striking  
2 “responsible for administering youth devel-  
3 opment programs and adult learning ac-  
4 tivities” and inserting “as applicable”; and
- 5 (ii) in paragraph (3)—
- 6 (I) in subparagraph (A)—
- 7 (aa) by inserting “com-  
8 prehensive” after “Monitoring  
9 and”; and
- 10 (bb) by inserting “(directly,  
11 or through a grant or contract)  
12 of the effectiveness” after “eval-  
13 uation”;
- 14 (II) in subparagraph (B)—
- 15 (aa) by inserting “profes-  
16 sional development,” after “train-  
17 ing,”; and
- 18 (bb) by striking the period  
19 at the end and inserting “to eligi-  
20 ble entities, relating to activities  
21 such as—”
- 22 (AA) “coordinating ac-  
23 tivities carried out under  
24 this part with other Federal,  
25 State, and local programs so

1 as to implement high-quality  
2 programs; and”

3 (BB) “aligning activi-  
4 ties carried out under this  
5 part with State academic  
6 content standards.”; and

7 (III) by striking subparagraphs  
8 (C) and (D);

9 (3) in section 4403(a), as redesignated by sec-  
10 tion 4103(a) of this Act—

11 (A) in paragraph (3), by striking “serve—  
12 ” through “subparagraph (A)” and inserting  
13 “serve students who primarily attend high-need  
14 schools and schools that are identified through  
15 a State’s accountability and improvement sys-  
16 tem under subsection (b) or (c)(2) of section  
17 1116”;

18 (B) in paragraph (4)—

19 (i) by inserting “the State’s rigorous,  
20 high-quality competition for grants under  
21 section 4204, including” after “describes”;  
22 and

23 (ii) by striking “, which shall include”  
24 through “standards”;

1 (C) by striking paragraph (5) and insert-  
2 ing the following:

3 “(5) describes how the State educational agency  
4 will ensure that awards made under this part are of  
5 sufficient size and scope to support high-quality, ef-  
6 fective programs that are consistent with the pur-  
7 pose of this part;”;

8 (D) by striking paragraph (7) and insert-  
9 ing the following:

10 “(7) describes how the State educational agency  
11 will assist eligible entities in coordinating funds re-  
12 ceived through the grant with other funding  
13 streams, in order to support a coherent and sustain-  
14 able approach to funding and implementing pro-  
15 grams and activities under this part and other pro-  
16 grams under this Act;”;

17 (E) in paragraph (8)(A), by striking “not  
18 less than 3 years and not more than 5 years”  
19 and inserting “not more than 3 years, and may  
20 extend a grant for an additional period of not  
21 more than 2 years if the eligible entity is  
22 achieving the intended outcomes of the grant”;

23 (F) in paragraph (10), by inserting “, if  
24 any,” after “transportation needs”;

1 (G) in paragraph (11), by striking “before  
2 and after school (or summer school) programs,  
3 the heads of the State health and mental health  
4 agencies or their designees,” and inserting “be-  
5 fore school, after school, summer learning, and  
6 expanded learning time programs and initia-  
7 tives,”;

8 (H) in paragraph (12), by striking “before  
9 and after school” and inserting “before school,  
10 after school, summer learning, and expanded  
11 learning time”; and

12 (I) in paragraph (13)—

13 (i) in the matter preceding subpara-  
14 graph (A), by inserting “, on a regular  
15 basis, and not less than every 3 years after  
16 the receipt of the grant” after “will evalu-  
17 ate”;

18 (ii) by striking subparagraph (A) and  
19 inserting the following:

20 “(A) a description of the benchmarks and  
21 performance goals that will be used to hold eli-  
22 gible entities accountable and to determine  
23 whether to provide eligible entities receiving a  
24 grant under section 4204 with an additional 2-

1           year period of grand funding after the initial 3-  
2           year grant; and”;

3                   (iii) in subparagraph (B), by striking  
4           “and” after the semicolon;

5                   (J) in paragraph (14), by striking the pe-  
6           riod at the end and inserting “; and”;

7                   (K) by adding at the end the following:

8                   “(15) contains an assurance that each eligible  
9           entity that applies for an award under section 4204  
10          shall have the flexibility to apply for funds to carry  
11          out programs described in subparagraph (A), (B), or  
12          (C) of section 4201(b)(1).”;

13                  (4) in section 4404, as redesignated by section  
14          4103(a) of this Act—

15                   (A) in subsection (b)(2)—

16                           (i) by striking subparagraph (A) and  
17                   inserting the following:

18                           “(A) a description of the before school,  
19                   after school, summer learning, or expanded  
20                   learning time activities to be funded, includ-  
21                   ing—

22                                   “(i) research-based evidence dem-  
23                                   onstrating that the proposed program will  
24                                   improve student achievement and engage-  
25                                   ment;

1                   “(ii) as applicable, an explanation of  
2                   how the program will offer students—

3                   “(I) academic instruction that is  
4                   aligned with the academic needs of  
5                   the students; and

6                   “(II) engaging enrichment activi-  
7                   ties that are aligned with the develop-  
8                   mental needs and interests of the stu-  
9                   dents, and that contribute to a well-  
10                  rounded education;

11                  “(iii) an assurance that the program  
12                  will take place in a safe learning environ-  
13                  ment and an easily accessible facility;

14                  “(iv) if applicable, a description of  
15                  how students participating in the program  
16                  will travel safely to and from home; and

17                  “(v) a description of how the eligible  
18                  entity will disseminate information about  
19                  the program to the community in a man-  
20                  ner that is understandable and acces-  
21                  sible;”;

22                  (ii) in subparagraph (B)—

23                         (I) by striking “activity” and in-  
24                         serting “program”; and

1 (II) by adding at the end “and  
2 help keep students on track to college  
3 and career readiness”;

4 (iii) by striking subparagraphs (L)  
5 and (M);

6 (iv) by striking subparagraph (E) and  
7 inserting the following:

8 “(E) as applicable, an explanation of how  
9 the program will offer students—

10 “(i) academic instruction that is  
11 aligned with the academic needs of the stu-  
12 dents; and

13 “(ii) engaging enrichment activities  
14 that are aligned with the developmental  
15 needs and interests of the students, and  
16 that contribute to a well-rounded edu-  
17 cation;”;

18 (v) in subparagraph (F), by striking  
19 “schools eligible” and all that follows  
20 through “such students” and inserting  
21 “high-need schools and schools that are  
22 identified through a State’s accountability  
23 and improvement system under subsections  
24 (b) or (c)(2) of section 1116”;

1 (vi) by striking subparagraph (H) and  
2 inserting the following:

3 “(H) a description of the capacity of the  
4 eligible entity partners described in section  
5 4201(b)(2)(A)(ii) to successfully implement the  
6 program, including the quality and experience  
7 of the management team of such partners;”;

8 (vii) in subparagraph (I)—

9 (I) by striking “in the center”;

10 and

11 (II) by striking “(including the  
12 needs of working families)”;

13 (viii) by striking subparagraph (J)

14 and inserting the following:

15 “(J) a description of the education and  
16 training activities that program staff and teach-  
17 ers, as applicable, have received or will receive  
18 to effectively administer the proposed pro-  
19 gram;” and

20 (ix) by redesignating subparagraph

21 (N) as subparagraph (L);

22 (B) by striking subsections (d) and (h) and  
23 redesignating subsections (e) through (g) and  
24 (i) as subsections (d) through (f) and (g), re-  
25 spectively;

1           (C) in subsection (f), as redesignated by  
2           subparagraph (B), by striking “not less than 3  
3           years and not more than 5 years” and inserting  
4           “not more than 3 years, and may be extended  
5           for an additional period of not more than 2  
6           years, if an eligible entity is achieving the in-  
7           tended outcomes of the grant.”;

8           (D) by striking subsection (g), as redesign-  
9           ated by subparagraph (B), and inserting the  
10          following:

11         “(g) PRIORITY.—

12           “(1) IN GENERAL.—In awarding grants under  
13           this part, a State educational agency shall give pri-  
14           ority to high-quality applications that—

15           “(A) are based on strong research evidence  
16           for improving student learning, as measured by  
17           student achievement and other measures of stu-  
18           dent learning and development that are appro-  
19           priate for, and aligned to, the program’s goals  
20           and design;

21           “(B) propose to serve the highest percent-  
22           age of students from low-income families;

23           “(C) include a partnership agreement,  
24           signed by each partner of the eligible entity,  
25           that—

1           “(i) shows that the staff of each part-  
2           ner are committed to work collaboratively  
3           to implement the proposed activities, in-  
4           cluding through coordinated planning, col-  
5           laborative implementation, and joint pro-  
6           fessional development and training oppor-  
7           tunities;

8           “(ii) sets clear expectations, including  
9           measurable goals for each partner;

10          “(iii) requires the collection and re-  
11          porting of data about the outcomes of pro-  
12          grams funded under this part, in order to  
13          monitor progress toward achieving such  
14          goals and inform implementation; and

15          “(iv) specifies how student informa-  
16          tion will be shared to advance the goals of  
17          the proposed program and activities, in-  
18          cluding student academic achievement and  
19          engagement data, as appropriate and in  
20          accordance with Federal, State, and local  
21          laws; and

22          “(D) are submitted by eligible entities that  
23          will provide matching funds to carry out the ac-  
24          tivities supported by the grant, as described in  
25          paragraph (2).

1           “(2) MATCHING FUNDS.—

2                   “(A) AMOUNT OF MATCHING FUNDS.—In  
3           awarding grants under this section, a State  
4           educational agency shall give priority to applica-  
5           tions from eligible entities that, in addition to  
6           meeting the requirements of paragraph (1),  
7           provide matching funds in an amount not less  
8           than—

9                   “(i) for the first year of an initial  
10           grant under this section, 10 percent of the  
11           cost of the activities;

12                   “(ii) for the second year of such  
13           grant, 20 percent of the cost of the activi-  
14           ties;

15                   “(iii) for the third year of such grant,  
16           and for the first year of a subsequent  
17           grant under this section, 30 percent of the  
18           cost of the activities; and

19                   “(iv) for the second or any succeeding  
20           year of such subsequent grant, 40 percent  
21           of the cost of the activities.

22                   “(B) CASH OR IN KIND.—The eligible enti-  
23           ty may provide the matching funds described in  
24           subparagraph (A) in cash or in kind, fairly eval-  
25           uated, including plant, equipment, or services,

1 but may not provide more than 50 percent of  
2 the matching funds in kind.

3 “(C) WAIVER.—A State educational agen-  
4 cy may waive all or part of the matching re-  
5 quirement for priority described in this para-  
6 graph, on a case-by-case basis, upon a showing  
7 of serious financial hardship.”;

8 (5) in section 4405, as redesignated by section  
9 4103(a) of this Act—

10 (A) in subsection (a)—

11 (i) in the matter preceding paragraph  
12 (1), by striking “before and after school  
13 activities (including during summer recess  
14 periods)” and inserting “before school,  
15 after school, summer learning, or expanded  
16 learning time activities”;

17 (ii) by redesignating paragraphs (1)  
18 through (12) as paragraphs (2) through  
19 (13), respectively;

20 (iii) by inserting before paragraph (2),  
21 as redesignated by clause (ii), the fol-  
22 lowing:

23 “(1) high-quality expanded learning time pro-  
24 grams or initiatives;”; and

1 (iv) in paragraph (6), as redesignated  
2 by clause (ii), by striking “(including those  
3 provided by senior citizen volunteers)”;

4 (B) by striking subsection (b) and insert-  
5 ing the following:

6 “(b) PERFORMANCE INDICATORS.—Each State edu-  
7 cational agency that receives a grant under this part shall  
8 collect, and annually report to the Secretary, information  
9 on the following performance indicators, disaggregated, as  
10 appropriate, by the subgroups described in section  
11 1111(a)(2)(B)(ix):

12 “(1) The average time added to the school day,  
13 school week, or school year, if applicable.

14 “(2) Student participation and attendance rates  
15 for the programs funded under this part.

16 “(3) Student achievement in core academic sub-  
17 jects and high school graduation rates, as applicable,  
18 for students who participate in such programs.”.

19 **SEC. 4106. PROMISE NEIGHBORHOODS.**

20 Title IV (20 U.S.C. 7101 et seq.) is amended by in-  
21 serting after part D, as redesignated by section 4103(a)  
22 of this Act, the following:

1           **“PART E—PROMISE NEIGHBORHOODS**

2   **“SEC. 4501. SHORT TITLE.**

3           “‘This part may be cited as the ‘Promise Neighbor-  
4 hoods Act of 2011’.

5   **“SEC. 4502. PURPOSE.**

6           “‘The purpose of this part is to significantly improve  
7 academic outcomes, including school readiness, high school  
8 graduation, and college and career readiness of children  
9 living in our Nation’s most distressed neighborhoods, by  
10 using data-driven decisionmaking and existing external re-  
11 sources to provide children in such neighborhoods with ac-  
12 cess to a community-based continuum of high-quality pipe-  
13 line services that include access to early learning opportu-  
14 nities, high-quality schools, and evidence-based practices  
15 that address the needs of such children from birth through  
16 college and career.

17   **“SEC. 4503. DEFINITIONS.**

18           “‘In this part:

19               “(1) COLLEGE AND CAREER READINESS.—The  
20 term ‘college and career readiness’ means the level  
21 of preparation a student needs in order to meet the  
22 State academic content and achievement standards  
23 under section 1111(a)(1).

24               “(2) COMMUNITY OF PRACTICE.—The term  
25 ‘community of practice’ means a group of entities  
26 that interact regularly to share best practices to ad-

1 dress 1 or more persistent problems, or improve  
2 practice with respect to such problems, in 1 or more  
3 neighborhoods.

4 “(3) EXPANDED LEARNING TIME.—The term  
5 ‘expanded learning time’ means the activities and  
6 programs described in subparagraphs (A), (B), and  
7 (C) of section 4201(b)(1).

8 “(4) FAMILY AND STUDENT SUPPORTS.—The  
9 term ‘family and student supports’ includes—

10 “(A) health programs (including both men-  
11 tal health and physical health services);

12 “(B) school-, public-, and child-safety pro-  
13 grams;

14 “(C) programs that improve family sta-  
15 bility;

16 “(D) workforce development programs (in-  
17 cluding those that meet local business needs,  
18 such as internships and externships);

19 “(E) social service programs;

20 “(F) legal aid programs;

21 “(G) financial literacy education programs;

22 “(H) adult education and family literacy  
23 programs;

24 “(I) parent, family, and community en-  
25 gagement programs; and

1           “(J) programs that increase access to  
2           learning technology and enhance the digital lit-  
3           eracy skills of students.

4           “(5) INTEGRATED STUDENT SUPPORTS.—The  
5           term ‘integrated student supports’ means services,  
6           supports, and community resources, which shall be  
7           offered through a site coordinator for at-risk stu-  
8           dents, that have been shown by evidence-based re-  
9           search—

10           “(A) to increase academic achievement and  
11           engagement;

12           “(B) to support positive child and youth  
13           development; and

14           “(C) to increase student preparedness for  
15           success in college and the workforce.

16           “(6) NEIGHBORHOOD.—The term ‘neighbor-  
17           hood’ means a defined geographical area in which  
18           there are multiple signs of distress, demonstrated by  
19           indicators of need, including poverty, childhood obe-  
20           sity rates, academic failure, and rates of juvenile de-  
21           linquency, adjudication, or incarceration.

22           “(7) PIPELINE SERVICES.—The term ‘pipeline  
23           services’ means a continuum of supports and serv-  
24           ices for children from birth through college entry,  
25           college success, and career attainment, including, at

1 a minimum, strategies to address through services or  
2 programs (including integrated student supports and  
3 wraparound services) the following:

4 “(A) Prenatal education and support for  
5 expectant parents.

6 “(B) High-quality early learning opportu-  
7 nities.

8 “(C) High-quality schools and out-of-  
9 school-time programs and strategies.

10 “(D) Support for a child’s transition to el-  
11 elementary school, between elementary school to  
12 middle school, from middle school to high  
13 school, and from high school into and through  
14 college and into the workforce.

15 “(E) Parent, family, and community en-  
16 gagement.

17 “(F) Parent, family, and student supports.

18 “(G) Activities that support college and ca-  
19 reer readiness, including coordination between  
20 such activities, such as—

21 “(i) assistance with college admis-  
22 sions, financial aid, and scholarship appli-  
23 cations, especially for low-income and low-  
24 achieving students; and

1 “(ii) career preparation services and  
2 supports and wrap around services.

3 **“Subpart 1—Promise Neighborhood Partnership**  
4 **Grants**

5 **“SEC. 4511. PROGRAM AUTHORIZED.**

6 “(a) IN GENERAL.—

7 “(1) PROGRAM AUTHORIZED.—From amounts  
8 appropriated to carry out this subpart, the Secretary  
9 shall award grants, on a competitive basis, to eligible  
10 entities to implement a comprehensive, evidence-  
11 based continuum of coordinated services and sup-  
12 ports that engages community partners to improve  
13 academic achievement, student development, and col-  
14 lege and career readiness, measured by common out-  
15 comes, by carrying out the activities described in  
16 section 4514 in neighborhoods with high concentra-  
17 tions of low-income individuals and persistently low-  
18 achieving schools or schools with an achievement  
19 gap.

20 “(2) SUFFICIENT SIZE AND SCOPE.—Each  
21 grant awarded under this subpart shall be of suffi-  
22 cient size and scope to allow the eligible entity to  
23 carry out the purpose of this part.

24 “(b) DURATION.—Grants awarded under this sub-  
25 part shall be for a period of not more than 5 years and

1 may be renewed for not more than 1 additional grant pe-  
2 riod.

3 “(c) CONTINUED FUNDING.—Continued funding  
4 after the third year of the grant period shall be contingent  
5 on the eligible entity’s progress toward meeting the per-  
6 formance metrics described in section 4516(a).

7 “(d) MATCHING REQUIREMENT.—Each eligible enti-  
8 ty receiving a grant under this subpart shall contribute  
9 matching funds in an amount equal to not less than 100  
10 percent of the amount of the grant. Such matching funds  
11 shall come from non-Federal sources. The Secretary shall  
12 require that a portion of such matching funds come from  
13 private sources.

14 “(e) FINANCIAL HARDSHIP WAIVER.—The Secretary  
15 may waive or reduce, on a case-by-case basis, the matching  
16 requirement described in subsection (d), for a period of  
17 1 year at a time, if the eligible entity demonstrates signifi-  
18 cant financial hardship.

19 **“SEC. 4512. ELIGIBLE ENTITIES.**

20 “In this subpart, the term ‘eligible entity’ means not  
21 less than 1 nonprofit entity in partnership with not less  
22 than 1 high-need local educational agency. Such partner-  
23 ship may also include any of the following entities:

24 “(1) A charter school funded by the Bureau of  
25 Indian Education that is not a local educational

1 agency, except that such school shall not be the fis-  
2 cal agent for the eligible entity partnership.

3 “(2) An institution of higher education, as de-  
4 fined in section 102 of the Higher Education Act of  
5 1965 (20 U.S.C. 1002).

6 “(3) The office of a chief elected official of a  
7 unit of local government.

8 “(4) An Indian tribe or tribal organization, as  
9 defined under section 4 of the Indian Self-Deter-  
10 mination and Education Assistance Act (25 U.S.C.  
11 450b).

12 **“SEC. 4513. APPLICATION REQUIREMENTS.**

13 “(a) IN GENERAL.—To be eligible to receive a grant  
14 under this subpart, an eligible entity shall submit an appli-  
15 cation to the Secretary at such time, in such manner, and  
16 containing such information as the Secretary may require.

17 “(b) CONTENTS OF APPLICATION.—At a minimum,  
18 an application described in subsection (a) shall include the  
19 following:

20 “(1) A plan to significantly improve the aca-  
21 demic outcomes of children living in a neighborhood  
22 that is served by the eligible entity, by providing a  
23 continuum of services and supports that addresses  
24 the needs of children in the neighborhood, as identi-

1       fied by the needs analysis described in paragraph (4)  
2       and supported by evidence-based practices.

3           “(2) A description of the neighborhood that the  
4       eligible entity will serve.

5           “(3) Measurable annual goals for the outcomes  
6       of the grant, including—

7           “(A) performance goals, in accordance with  
8       the metrics described in section 4516(a), for  
9       each year of the grant; and

10          “(B) projected participation rates and any  
11       plans to expand the number of children served  
12       or the neighborhood proposed to be served by  
13       the grant program.

14          “(4) An analysis of the needs and assets of the  
15       neighborhood identified in paragraph (2), includ-  
16       ing—

17          “(A) a description of the process through  
18       which the needs analysis was produced, includ-  
19       ing a description of how parents, family, and  
20       community members were engaged in such  
21       analysis;

22          “(B) an analysis of community assets, in-  
23       cluding programs already provided from Fed-  
24       eral and non-Federal sources, within, or acces-



1           “(5) A description of the data used to identify  
2           the pipeline services to be provided, including data  
3           regarding—

4                   “(A) school readiness;

5                   “(B) academic achievement and college  
6           and career readiness;

7                   “(C) graduation rates;

8                   “(D) health indicators;

9                   “(E) college enrollment, persistence, and  
10          completion rates, as available; and

11                  “(F) conditions for learning, including  
12          school climate surveys, discipline rates, and stu-  
13          dent attendance and incident data.

14          “(6) A description of the process used to de-  
15          velop the application, including the involvement of  
16          family and community members.

17          “(7) An estimate of—

18                   “(A) the number of children, by age, who  
19          will be served by each pipeline service; and

20                   “(B) for each age group, the percentage of  
21          children (of such age group), within the neigh-  
22          borhood, who the eligible entity proposes to  
23          serve, disaggregated by each service, and the  
24          goals for increasing such percentage over time.

1           “(8) A description of how the pipeline services  
2 will facilitate the coordination of the following activi-  
3 ties:

4           “(A) Providing high-quality early learning  
5 opportunities for children, beginning prenatally  
6 and extending through grade 3, by—

7           “(i) supporting high-quality early  
8 learning opportunities that provide chil-  
9 dren with access to programs that support  
10 the cognitive and developmental skills, in-  
11 cluding social and emotional skills, needed  
12 for success in elementary school;

13           “(ii) providing for opportunities,  
14 through parenting classes, baby academies,  
15 home visits, or other evidence-based strate-  
16 gies, for families and expectant parents  
17 to—

18           “(I) acquire the skills to promote  
19 early learning, development, and  
20 health and safety, including learning  
21 about child development and positive  
22 discipline strategies (such as through  
23 the use of technology and public  
24 media programming);

1                   “(II) learn about the role of fam-  
2                   ilies and expectant parents in their  
3                   child’s education; and

4                   “(III) become informed about  
5                   educational opportunities for their  
6                   children, including differences in qual-  
7                   ity among early learning opportuni-  
8                   ties;

9                   “(iii) ensuring successful transitions  
10                  between early learning programs and ele-  
11                  mentary school, including through the es-  
12                  tablishment of memoranda of under-  
13                  standing between early learning providers  
14                  and local educational agencies serving  
15                  young children and families;

16                  “(iv) ensuring appropriate screening,  
17                  diagnostic assessments, and referrals for  
18                  children with disabilities, developmental  
19                  delays, or other special needs, consistent  
20                  with the Individuals with Disabilities Edu-  
21                  cation Act (20 U.S.C. 1400 et seq.), where  
22                  applicable;

23                  “(v) improving the early learning  
24                  workforce in the community, including  
25                  through—

1                   “(I) investments in the recruit-  
2                   ment, retention, distribution, and sup-  
3                   port of high-quality professionals, es-  
4                   pecially those with certification and  
5                   experience in child development;

6                   “(II) the provision of high-quality  
7                   teacher preparation and professional  
8                   development; or

9                   “(III) the use of joint profes-  
10                  sional development for early learning  
11                  providers and elementary school  
12                  teachers and administrators; and

13                  “(vi) enhancing data systems and  
14                  data sharing among the eligible entity,  
15                  partners, early learning providers, schools,  
16                  and local educational agencies operating in  
17                  the neighborhood.

18                  “(B) Supporting, enhancing, operating, or  
19                  expanding rigorous and comprehensive edu-  
20                  cation reforms designed to significantly improve  
21                  educational outcomes for children and youth in  
22                  early learning programs through grade 12,  
23                  which may include—

24                         “(i) operating schools or working in  
25                         close collaboration with local schools to

1 provide high-quality academic programs,  
2 curricula, and integrated student supports;

3 “(ii) providing expanded learning  
4 time; and

5 “(iii) providing programs and activi-  
6 ties that ensure that students—

7 “(I) are prepared for the college  
8 admissions, scholarship, and financial  
9 aid application processes; and

10 “(II) graduate college and career  
11 ready.

12 “(C) Supporting access to a healthy life-  
13 style, which may include—

14 “(i) the provision of high-quality and  
15 nutritious meals;

16 “(ii) access to programs that promote  
17 physical activity, physical education, and  
18 fitness; and

19 “(iii) education to promote a healthy  
20 lifestyle and positive body image.

21 “(D) Providing social, health, and mental  
22 health services and supports, including referrals  
23 for essential care and preventative screenings,  
24 for children, family, and community members,  
25 which may include—

1 “(i) dental services;

2 “(ii) vision care; and

3 “(iii) speech, language, and auditory  
4 screenings and referrals.

5 “(E) Supporting students and family mem-  
6 bers as the students transition from early learn-  
7 ing programs into elementary school, from ele-  
8 mentary school to middle school, from middle  
9 school to high school, from high school into and  
10 through college and into the workforce, includ-  
11 ing through evidence based strategies to ad-  
12 dress challenges that students may face as they  
13 transition, such as the following:

14 “(i) Early college high schools.

15 “(ii) Dual enrollment programs.

16 “(iii) Career academies.

17 “(iv) Counseling and support services.

18 “(v) Dropout prevention and recovery  
19 strategies.

20 “(vi) Collaboration with the juvenile  
21 justice system and reentry counseling for  
22 adjudicated youth.

23 “(vii) Advanced Placement (AP) or  
24 International Baccalaureate (IB) pro-  
25 grams.

1 “(viii) Teen parent classrooms.

2 “(ix) Graduation and career coaches.

3 “(9) A description of the strategies that will be  
4 used to provide pipeline services (including a de-  
5 scription of the process used to identify such strate-  
6 gies and the outcomes expected and a description of  
7 which programs and services will be provided to chil-  
8 dren, family members, community members, and  
9 children not attending schools or programs operated  
10 by the eligible entity or its partner providers) to sup-  
11 port the purpose of this part.

12 “(10) An explanation of the process the eligible  
13 entity will use to establish and maintain family and  
14 community engagement.

15 “(11) An explanation of how the eligible entity  
16 will continuously evaluate and improve the con-  
17 tinuum of high-quality pipeline services, including—

18 “(A) a description of the metrics, con-  
19 sistent with section 4516(a), that will be used  
20 to inform each component of the pipeline; and

21 “(B) the processes for using data to im-  
22 prove instruction, optimize integrated student  
23 supports, provide for continuous program im-  
24 provement, and hold staff and partner organiza-  
25 tions accountable.

1           “(12) An identification of the fiscal agent,  
2           which may be any entity described in section 4512  
3           (not including paragraph (1) of such section).

4           “(13) A list of the non-Federal sources of fund-  
5           ing that the eligible entity will secure to comply with  
6           the matching funds requirement described in section  
7           4511(d), in addition to other programs from which  
8           the eligible entity has already secured funding, in-  
9           cluding those funded by the Department or pro-  
10          grams in the Department of Health and Human  
11          Services, the Department of Housing and Urban De-  
12          velopment, the Department of Justice, or the De-  
13          partment of Labor.

14          “(c) MEMORANDUM OF UNDERSTANDING.—An eligi-  
15          ble entity, as part of the application described in this sec-  
16          tion, shall submit a preliminary memorandum of under-  
17          standing, signed by each partner entity or agency. The  
18          preliminary memorandum of understanding shall describe,  
19          at a minimum—

20                 “(1) each partner’s financial and programmatic  
21                 commitment with respect to the strategies described  
22                 in the application, including an identification of the  
23                 fiscal agent;

24                 “(2) each partner’s long-term commitment to  
25                 providing pipeline services that, at a minimum, ac-

1 counts for the cost of supporting the continuum of  
2 supports and services (including a plan for how to  
3 support services and activities after grant funds are  
4 no longer available) and potential changes in local  
5 government;

6 “(3) each partner’s mission and the plan that  
7 will govern the work that the partners do together;

8 “(4) each partner’s long-term commitment to  
9 supporting the continuum of supports and services  
10 through data collection, monitoring, reporting, and  
11 sharing; and

12 “(5) each partner’s commitment to ensure  
13 sound fiscal management and controls, including evi-  
14 dence of a system of supports and personnel.

15 **“SEC. 4514. USE OF FUNDS.**

16 “(a) IN GENERAL.—Each eligible entity that receives  
17 a grant under this subpart shall use the grant funds to—

18 “(1) implement the pipeline services, as de-  
19 scribed in the application under section 4513; and

20 “(2) continuously evaluate the success of the  
21 program and improve the program based on data  
22 and outcomes.

23 “(b) SPECIAL RULES.—

24 “(1) FUNDS FOR PIPELINE SERVICES.—Each  
25 eligible entity that receives a grant under this sub-

1 part shall, in the second year of the grant and each  
2 subsequent year, including each year of a renewal  
3 grant, use not less than 80 percent of grant funds  
4 to carry out the activities described in subsection  
5 (a)(1).

6 “(2) OPERATIONAL FLEXIBILITY.—Each eligi-  
7 ble entity that operates a school in a neighborhood  
8 served by a grant program under this subpart shall  
9 provide such school with the operational flexibility,  
10 including autonomy over staff, time, and budget,  
11 needed to effectively carry out the activities de-  
12 scribed in the application under section 4513.

13 **“SEC. 4515. REPORT AND PUBLICLY AVAILABLE DATA.**

14 “(a) REPORT.—Each eligible entity that receives a  
15 grant under this subpart shall prepare and submit an an-  
16 nual report to the Secretary, which shall include—

17 “(1) information about the number and per-  
18 centage of children in the neighborhood who are  
19 served by the grant program, including a description  
20 of the number and percentage of children accessing  
21 each of the pipeline services;

22 “(2) data (disaggregated by the categories de-  
23 scribed in section 1111(a)(2)(B)(ix)) about the grant  
24 program’s success in—

1           “(A) narrowing achievement gaps and im-  
2           proving student achievement;

3           “(B) ensuring school readiness and healthy  
4           socio-emotional development;

5           “(C) increasing student persistence;

6           “(D) increasing student attendance, and  
7           decreasing incidences of violence, suspension,  
8           and expulsion;

9           “(E) improving conditions for learning, as  
10          measured by a school climate survey; and

11          “(F) increasing secondary school gradua-  
12          tion rates and college entry;

13          “(3) information relating to the performance  
14          metrics described in section 4516(a); and

15          “(4) other indicators that may be required by  
16          the Secretary, in consultation with the Director of  
17          the Institute of Education Sciences.

18          “(b) PUBLICLY AVAILABLE DATA.—Each eligible en-  
19          tity that receives a grant under this subpart shall make  
20          publicly available, including through electronic means, the  
21          information described in subsection (a). To the extent  
22          practicable, such information shall be provided in a form  
23          and language accessible to parents and families in the  
24          neighborhood, and such information shall be a part of  
25          statewide longitudinal data systems.

1 **“SEC. 4516. ACCOUNTABILITY.**

2 “(a) PERFORMANCE METRICS.—The Secretary shall  
3 establish performance metrics relevant to the evaluation  
4 of the grant program under this subpart.

5 “(b) EVALUATION.—The Secretary shall evaluate the  
6 implementation and impact of the activities funded under  
7 this subpart, in accordance with section 9601.

8 **“Subpart 2—Promise School Grants**

9 **“SEC. 4521. PROGRAM AUTHORIZED.**

10 “(a) IN GENERAL.—

11 “(1) PROGRAM AUTHORIZED.—From amounts  
12 appropriated to carry out this subpart, the Secretary  
13 shall award grants, on a competitive basis, to eligible  
14 entities to implement school-centered, evidence-based  
15 strategies and integrated student supports that le-  
16 verage community partnerships to improve student  
17 achievement and child and youth development by  
18 carrying out the activities described in section 4524  
19 in schools with high concentrations of low-income  
20 children.

21 “(2) SUFFICIENT SIZE AND SCOPE.—Each  
22 grant awarded under this subpart shall be of suffi-  
23 cient size and scope to allow the eligible entity to  
24 carry out the purpose of this part.

25 “(b) GENERAL PROVISIONS.—The requirements of  
26 subsections (b), (c), (d), and (e) of section 4511 and sec-

1 tion 4514(b) shall apply to a grant under this subpart in  
2 the same manner as such subsections apply to a grant  
3 under subpart 1, except that the performance metrics used  
4 for section 4511(c) shall be the metrics under section  
5 4526(a).

6 **“SEC. 4522. DEFINITION OF ELIGIBLE ENTITY.**

7 “In this subpart, the term ‘eligible entity’ means—

8 “(1) not less than 1 high-need local educational  
9 agency (including a charter school that is a local  
10 educational agency) in partnership with 1 or more  
11 nonprofit entities or institutions of higher education;  
12 or

13 “(2) a school funded by the Bureau of Indian  
14 Education that falls under the definition of a local  
15 educational agency in partnership with 1 or more  
16 nonprofit entities or institutions of higher education.

17 **“SEC. 4523. APPLICATION REQUIREMENTS; PRIORITY.**

18 “(a) IN GENERAL.—To be eligible to receive a grant  
19 under this subpart, an eligible entity shall submit an appli-  
20 cation to the Secretary at such time, in such manner, and  
21 containing such information as the Secretary may require.

22 “(b) CONTENTS OF APPLICATION.—At a minimum,  
23 the application described in subsection (a) shall include  
24 the following:

1           “(1) A description of the local educational agen-  
2           cy, schools, and students that will be served by the  
3           subgrant program.

4           “(2) A description of the steps that the eligible  
5           entity is taking—

6                   “(A) to meet the needs identified in the  
7                   analysis described in paragraph (4); and

8                   “(B) to remove any barriers that the eligi-  
9                   ble entity has identified in meeting such needs.

10           “(3) The designation of a site coordinator, with  
11           appropriate qualifications and appropriate time, au-  
12           tonomy, and support to provide—

13                   “(A) leadership in building relationships  
14                   and establishing and sustaining partnerships  
15                   that support school improvement, school turn-  
16                   around efforts in accordance with section  
17                   1116(c), increases in student achievement, posi-  
18                   tive child and youth development, and parent,  
19                   family, and community engagement; and

20                   “(B) effective coordination of student serv-  
21                   ices at all stages of the continuum of high-qual-  
22                   ity pipeline services.

23           “(4) An analysis of the needs and assets of the  
24           schools and communities that will be assisted under  
25           this subpart. Such analysis shall include—

1           “(A) student data, including information  
2           about—

3                   “(i) school readiness;

4                   “(ii) academic achievement;

5                   “(iii) credit accumulation;

6                   “(iv) grade-to-grade promotion;

7                   “(v) graduation;

8                   “(vi) attendance; and

9                   “(vii) discipline; and

10           “(B) information about the assets de-  
11           scribed in section 4513(b)(4)(B) with respect to  
12           such schools and communities.

13           “(5) An explanation of how the eligible entity  
14           and its program partners will use evidence-based  
15           practice, data, and research to leverage partnerships  
16           to implement integrated student supports and wrap-  
17           around services to—

18                   “(A) address the needs identified in para-  
19                   graph (4);

20                   “(B) encourage parents, family members,  
21                   and community members to—

22                           “(i) participate in the education of  
23                           their children and become an integral part  
24                           of the school culture, school improvement,  
25                           and decisionmaking; and

1                   “(ii) promote strategies that include  
2                   the educational and financial literacy infor-  
3                   mation that is necessary to increase access  
4                   to, and success in, postsecondary edu-  
5                   cation;

6                   “(C) enable teachers and administrators,  
7                   including early learning providers, to com-  
8                   plement and enrich efforts to help children—

9                   “(i) achieve learning gains;

10                   “(ii) prepare for graduation; and

11                   “(iii) plan for the future, including  
12                   preparing for college and careers; and

13                   “(D) coordinate and leverage other pro-  
14                   grams that serve children, the schools served by  
15                   the grant, and the neighborhood.

16                   “(6) An explanation of the extent to which the  
17                   eligible entity and its program partners will serve or  
18                   involve children residing in the neighborhood regard-  
19                   less of whether such children attend a school served  
20                   by the grant (including by, as appropriate, providing  
21                   high-quality early learning opportunities for chil-  
22                   dren, beginning at birth and extending through  
23                   grade 3) by—

24                   “(A) carrying out the activities described  
25                   in section 4513(b)(8)(A), as appropriate; and

1           “(B) carrying out the activities described  
2           in subparagraphs (B) through (E) of section  
3           4513(b)(8).

4           “(7) A description of the capacity of the eligible  
5           entity for measuring student outcomes and school-  
6           specific outcomes.

7           “(8) A description of how the strategies sup-  
8           ported with funds under this subpart will be—

9           “(A) coordinated with other programs and  
10          strategies carried out by the local educational  
11          agency; and

12          “(B) to the greatest extent practicable, co-  
13          ordinated with other agencies, such as agencies  
14          that provide reentry services to adjudicated  
15          youth.

16          “(9) A description of the strategy the eligible  
17          entity will use to—

18          “(A) support family and community en-  
19          gagement; and

20          “(B) make schools the centers of their re-  
21          spective communities.

22          “(10) A list of the non-Federal sources of fund-  
23          ing that the eligible entity will secure to comply with  
24          the matching funds requirement described in section  
25          4511(d), in addition to other programs the eligible

1       entity has already secured funding from, including  
2       those funded by the Department, or programs in the  
3       Department of Health and Human Services, the De-  
4       partment of Housing and Urban Development, the  
5       Department of Justice, or the Department of Labor.

6       “(c) MEMORANDUM OF UNDERSTANDING.—An eligi-  
7       ble entity, as part of the application described in this sec-  
8       tion, shall submit a preliminary memorandum of under-  
9       standing that meets the requirements of section 4513(c).

10       “(d) PRIORITY.—In awarding grants under this sub-  
11       part, the Secretary shall give priority to applicants that—

12               “(1) propose to provide a continuum of high-  
13       quality education and student support services for  
14       children beginning in prekindergarten and extending  
15       through high school graduation;

16               “(2) propose to include significant investments  
17       in high-quality early learning programs, consistent  
18       with subsection (b)(6)(A); and

19               “(3) provide schools served by the grant with  
20       the operational flexibility, including autonomy over  
21       staff, time, and budget, needed to effectively carry  
22       out the activities described in the application under  
23       this section.

1 **“SEC. 4524. USE OF FUNDS.**

2 “Each eligible entity that receives a grant under this  
3 subpart shall use the grant funds to—

4 “(1) implement the activities described in the  
5 application under section 4523; and

6 “(2) continuously evaluate the success of the  
7 grant program and improve the grant program  
8 based on data and outcomes.

9 **“SEC. 4525. REPORT AND PUBLICLY AVAILABLE DATA.**

10 “(a) REPORT.—Each eligible entity that receives a  
11 grant under this subpart shall prepare and submit an an-  
12 nual report to the Secretary, which shall include—

13 “(1) information about the number and per-  
14 centage of children served by the grant program,  
15 disaggregated the subgroups described in section  
16 1111(b)(2)(B)(ix);

17 “(2) data about the grant program’s success  
18 in—

19 “(A) narrowing achievement gaps;

20 “(B) ensuring school readiness and healthy  
21 socio-emotional development;

22 “(C) improving academic achievement;

23 “(D) increasing student persistence in ele-  
24 mentary school and secondary school;

25 “(E) increasing on-time secondary school  
26 graduation rates and college entry; and

1                   “(F) increasing student attendance and de-  
2                   creasing incidents of violence, suspension, and  
3                   expulsion; and

4                   “(3) other indicators that may be required by  
5                   the Secretary, in consultation with the Director of  
6                   the Institute of Education Sciences.

7                   “(b) PUBLICLY AVAILABLE DATA.—Each eligible en-  
8                   tity that receives a grant under this subpart shall make  
9                   publicly available, including through electronic means, the  
10                  information described in subsection (a). To the extent  
11                  practicable, such information shall be provided in a form  
12                  and language accessible to parents and families in the  
13                  neighborhood.

14                  **“SEC. 4526. ACCOUNTABILITY.**

15                  “(a) PERFORMANCE METRICS.—The Secretary shall  
16                  establish performance metrics relevant to the evaluation  
17                  of the grant program under this subpart.

18                  “(b) EVALUATION.—The Secretary shall evaluate the  
19                  implementation and impact of the activities funded under  
20                  this subpart, in accordance with section 9601.

21                                  **“Subpart 3—General Provisions**

22                  **“SEC. 4531. NATIONAL ACTIVITIES.**

23                  “From the amounts appropriated to carry out this  
24                  part for a fiscal year, in addition to the amounts that may  
25                  be reserved in accordance with section 9601, the Secretary

1 may reserve not more than 5 percent for national activi-  
2 ties, which may include—

3 “(1) research on the activities carried out under  
4 subparts 1 and 2;

5 “(2) identification and dissemination of best  
6 practices;

7 “(3) technical assistance;

8 “(4) professional development; and

9 “(5) other activities consistent with the purpose  
10 of this part.”.

11 **SEC. 4107. PARENT AND FAMILY INFORMATION AND RE-**  
12 **SOURCE CENTERS.**

13 Title IV (20 U.S.C. 7101 et seq.) is amended by in-  
14 serting after part E, as added by section 4106 of this Act,  
15 the following:

16 **“PART F—PARENT AND FAMILY INFORMATION**  
17 **AND RESOURCE CENTERS**

18 **“SEC. 4601. PURPOSE.**

19 “The purpose of this part is to increase and enhance  
20 parent and family engagement in education by—

21 “(1) providing support and technical assistance  
22 to State educational agencies;

23 “(2) supporting a community of practice related  
24 to effective parent and family engagement strategies  
25 and practices; and

1           “(3) as appropriate, providing information and  
2           training to local educational agencies, schools, par-  
3           ents and families, and community members.

4   **“SEC. 4602. DEFINITION OF ELIGIBLE ENTITY.**

5           “‘In this part, the term ‘eligible entity’ means—

6           “(1) a nonprofit organization (including a state-  
7           wide nonprofit organization); or

8           “(2) a consortium consisting of a nonprofit or-  
9           ganization (including a statewide nonprofit organiza-  
10          tion) and a State educational agency or local edu-  
11          cational agency.

12   **“SEC. 4603. GRANTS AUTHORIZED.**

13          “(a) PARENT AND FAMILY INFORMATION AND RE-  
14          SOURCE CENTERS.—The Secretary is authorized to award  
15          grants, on a competitive basis, to eligible entities to enable  
16          such eligible entities to operate State parent and family  
17          information and resource centers that—

18               “(1) assist the State educational agency in  
19               identifying, implementing, and replicating effective  
20               evidence-based parent, family, and community en-  
21               gagement strategies, including assisting the State  
22               educational agency in carrying out parent and family  
23               engagement strategies that are funded under section  
24               1118 and other provisions of this Act;

1           “(2) provide technical assistance, training, in-  
2           formation, and support, as appropriate (including  
3           support in turning around schools), to, at a min-  
4           imum, high-need schools and schools that are served  
5           by high-need local educational agencies; and

6           “(3) strengthen partnerships among parents,  
7           family members, community-based organizations (in-  
8           cluding faith-based organizations), schools, local  
9           educational agencies, employers, and other appro-  
10          priate community members who are committed to  
11          improving and enhancing parent, family, and com-  
12          munity engagement in order to improve student  
13          achievement and support positive child development.

14          “(b) DURATION.—Grants awarded under this part  
15          shall be for a period of 5 years.

16          “(c) GEOGRAPHIC DISTRIBUTION.—In awarding  
17          grants under this part, the Secretary shall ensure that not  
18          less than 1 grant is awarded to an eligible entity in each  
19          State.

20          “(d) PRIORITY.—In awarding grants under this part,  
21          the Secretary shall give priority to applications from eligi-  
22          ble entities that have a demonstrated record of effective-  
23          ness in increasing and enhancing the engagement of par-  
24          ents and families whose children attend a high-need school

1 or a school that is served by a high-need local educational  
2 agency.

3 **“SEC. 4604. APPLICATIONS.**

4 “(a) SUBMISSION.—Each eligible entity that desires  
5 a grant under this part shall submit an application to the  
6 Secretary at such time, in such manner, and accompanied  
7 by such information as the Secretary may require.

8 “(b) ASSURANCES.—Each application submitted  
9 under subsection (a) shall include, at a minimum, an as-  
10 surance that the eligible entity will—

11 “(1)(A) be governed by a board of directors, of  
12 which not less than 50 percent is comprised of mem-  
13 bers who are—

14 “(i) parents or family members of school-  
15 aged children in the State that the eligible enti-  
16 ty serves, including educationally and economi-  
17 cally disadvantaged parents; and

18 “(ii) community stakeholders who are com-  
19 mitted to improving schools and increasing par-  
20 ent and family engagement; or

21 “(B) be an organization or consortium that rep-  
22 represents the interests of parents and family members  
23 of school-aged children;

24 “(2) use not less than 75 percent of the funds  
25 received under this part for each fiscal year to serve

1 areas with a demonstrated high concentration of  
2 low-income families;

3 “(3) reserve not less than 20 percent of the  
4 funds received under this part for each fiscal year to  
5 establish, expand, or operate parent education pro-  
6 grams for parents whose children attend early child-  
7 hood education and care programs;

8 “(4) operate a parent and family information  
9 and resource center of sufficient size, scope, and  
10 quality to effectively carry out the purpose of this  
11 part;

12 “(5) ensure that parents and family members,  
13 including economically disadvantaged parents and  
14 family members with children who attend high-need  
15 schools or schools that are served by high-need local  
16 educational agencies, have access to leadership devel-  
17 opment training and other evidence-based strategies  
18 that provide the skills and resources parents and  
19 family members need to support school improve-  
20 ment, increase student achievement, and promote  
21 positive student development; and

22 “(6) demonstrate to the Secretary that a por-  
23 tion of the services provided by the eligible entity  
24 under the grant is supported through non-Federal

1 contributions, which contributions may be in cash or  
2 in kind.

3 “(c) CONTENTS.—In addition to the requirements de-  
4 scribed in subsection (b), each application submitted  
5 under subsection (a) shall, at a minimum—

6 “(1) describe how the eligible entity will serve  
7 both urban and rural areas throughout the State  
8 that is served by the eligible entity;

9 “(2) demonstrate the eligible entity’s record of  
10 effectiveness in carrying out parent and family en-  
11 gagement activities, including the provision of high-  
12 quality technical assistance to State educational  
13 agencies and local educational agencies;

14 “(3) describe the process through which the eli-  
15 gible entity will—

16 “(A) leverage relationships with, and col-  
17 lect and exchange information among, partners;  
18 and

19 “(B) disseminate information about evi-  
20 dence-based best practices to support parent  
21 and family engagement strategies;

22 “(4) describe the eligible entity’s strategy for  
23 serving parents and family members of children in  
24 the area served by the eligible entity, including par-

1           ents and family members of students who are served  
2           by high-need local educational agencies;

3           “(5) describe how the eligible entity will assist  
4           the State educational agency in effectively sup-  
5           porting high-need local educational agencies in—

6           “(A) increasing parent and family member  
7           understanding of, and opportunities to develop  
8           the knowledge and skills to engage as full part-  
9           ners in, supporting academic achievement, child  
10          development, and school improvement; and

11          “(B) employing evidence-based strategies  
12          to—

13               “(i) increase the participation of eco-  
14               nomically disadvantaged and English  
15               learner parents and family members in  
16               school activities; and

17               “(ii) improve parent and family en-  
18               gagement strategies in low-performing  
19               schools served by high-need local edu-  
20               cational agencies; and

21          “(6) identify the Federal, State, and local serv-  
22          ices and programs that prepare children to be ready  
23          for institutions of higher education and careers with  
24          which the eligible entity will coordinate, including—

25               “(A) programs supported under this Act;

1 “(B) violence prevention programs;

2 “(C) programs that serve at-risk or out-of-  
3 school youth;

4 “(D) nutrition programs;

5 “(E) housing programs;

6 “(F) Head Start and other early childhood  
7 care and education programs;

8 “(G) adult education and literacy activities  
9 (as defined in section 203 of the Adult Edu-  
10 cation and Family Literacy Act); and

11 “(H) workforce development programs.

12 **“SEC. 4605. USES OF FUNDS.**

13 “(a) **REQUIRED ACTIVITIES.**—Each eligible entity  
14 that receives a grant under this part shall use such grant  
15 funds to provide services to parents, family members, edu-  
16 cators, and community members and to assist State edu-  
17 cational agencies, local educational agencies, and, where  
18 applicable, districtwide parent advisory committees in sup-  
19 porting parent and family engagement in education by  
20 carrying out the following activities:

21 “(1) Providing technical assistance to State  
22 educational agencies in—

23 “(A) reviewing and responding to local  
24 parent and family engagement plans described  
25 in section 1118(a) (including, at a minimum,

1 such plans submitted by high-need local edu-  
2 cational agencies) in order to support evidence-  
3 based strategies and best practices in parent  
4 and family engagement;

5 “(B) the implementation of Federal and  
6 State laws, regulations, and guidance relating  
7 to parent and family engagement;

8 “(C) the implementation or replication of  
9 statewide evidence-based programs and strate-  
10 gies, especially for parents who are education-  
11 ally and economically disadvantaged; and

12 “(D) applicable evaluation, reporting, and  
13 accountability processes.

14 “(2) Obtaining and disseminating information  
15 about the range of options, programs, services, and  
16 resources (including curricula) that are available at  
17 the national level, the State level, and the local level  
18 to assist school and local educational agency per-  
19 sonnel in implementing evidence-based parent and  
20 family engagement strategies.

21 “(3) Coordinating parent and family engage-  
22 ment strategies with relevant Federal, State, and  
23 local services and programs.

24 “(4) Working with individuals and organiza-  
25 tions with expertise in identifying and implementing

1 evidence-based practices to improve parent and fam-  
2 ily engagement.

3 “(5) Coordinating and integrating early care  
4 and education programs with school-age programs,  
5 especially those programs focusing on supporting the  
6 transition of young children into kindergarten  
7 through grade 3, such as by increasing awareness of  
8 school readiness expectations among family and  
9 community members.

10 “(6) Implementing parent institutes or other  
11 leadership development strategies to ensure that par-  
12 ents and family members have the skills and re-  
13 sources needed to understand student and school  
14 data in order to make decisions, effectively commu-  
15 nicate with school officials and educators, support  
16 school improvement, and increase student achieve-  
17 ment.

18 “(b) PERMISSIVE ACTIVITIES.—In addition to the ac-  
19 tivities required under subsection (a), each eligible entity  
20 that receives a grant under this part may use such grant  
21 funds to carry out the following activities:

22 “(1) Assisting parents and family members in  
23 the State to participate effectively in their children’s  
24 education through the provision of direct services to  
25 parents and family members.

1           “(2) Developing and disseminating templates  
2           for schools and local educational agencies to use to  
3           provide information about curricula, academic expect-  
4           tations, academic assessments, and the results of  
5           academic assessments to family members in a man-  
6           ner and a language that such family members can  
7           understand.

8           “(3) Providing training, information, and sup-  
9           port to organizations that support partnerships  
10          among schools, parents, family members, and dis-  
11          trictwide parent advisory committees, as applicable.

12          “(4) Providing professional development to  
13          school and local educational agency staff (which may  
14          be provided jointly to educators and family mem-  
15          bers) to assist school and agency staff in developing  
16          and implementing strategies to increase and  
17          strengthen ongoing communication with parents and  
18          family members, including professional development  
19          opportunities that prepare teachers to have more fo-  
20          cused, goal-oriented, and reciprocal parent-teacher  
21          conferences.

22   **“SEC. 4606. ADMINISTRATIVE PROVISIONS.**

23          “(a) MATCHING FUNDS FOR GRANT RENEWAL.—  
24          For each fiscal year after the first fiscal year for which  
25          an eligible entity receives assistance under this part, the

1 eligible entity shall demonstrate that a portion of the serv-  
2 ices provided by the eligible entity is supported through  
3 non-Federal contributions, which contributions may be in  
4 cash or in kind.

5 “(b) PERFORMANCE ACCOUNTABILITY.—

6 “(1) PERFORMANCE INDICATORS.—Each eligi-  
7 ble entity receiving a grant under this part shall  
8 submit to the Secretary an annual report regarding  
9 the parent and family information and resource cen-  
10 ters assisted under this part. Such report shall be  
11 made publicly available, including through electronic  
12 means, and shall include, at a minimum, a descrip-  
13 tion of how each parent and family information and  
14 resource center has performed with respect to the  
15 following indicators:

16 “(A) The number of local educational  
17 agencies or other entities that received assist-  
18 ance or support in the previous academic year.

19 “(B) The number of parents and family  
20 members whose children participated in the pre-  
21 vious academic year in programs, activities, or  
22 strategies supported by the parent and family  
23 information and resource center, and—

1           “(i) the number of such parents  
2           whose children are eligible to be counted  
3           under section 1124(c)(1)(A);

4           “(ii) the number of such parents  
5           whose children are English learners; and

6           “(iii) the number of such parents who  
7           are parents of children with disabilities.

8           “(C) The outcomes directly attributable to  
9           the provision of assistance or support provided  
10          by the parent and family information and re-  
11          source center, such as increased parent and  
12          family member participation in school planning  
13          activities, parent-teacher conferences, or the  
14          local educational agency budgeting process.

15          “(D) Other evidence-based indicators that  
16          the Secretary may reasonably require.

17          “(2) PERFORMANCE GOALS.—

18                 “(A) IN GENERAL.—Each eligible entity  
19                 that is awarded a grant under this part shall  
20                 establish, in consultation with the Secretary,  
21                 annual performance goals for each of the indi-  
22                 cators described in paragraph (1). Such per-  
23                 formance goals shall be made publicly available,  
24                 including through electronic means.

1           “(B) TERMINATION.—If an eligible entity  
2           receiving grant funds under this part does not  
3           meet the performance goals established under  
4           this paragraph for 2 consecutive years, after  
5           the provision of technical assistance in the sec-  
6           ond consecutive year, the Secretary shall termi-  
7           nate the grant and conduct a new competition  
8           for the grant.

9           “(C) LOSS OF ELIGIBILITY.—If an eligible  
10          entity has received a grant under this part and  
11          such grant has been terminated in accordance  
12          with subparagraph (B), the eligible entity shall  
13          not be eligible to participate in future grant  
14          competitions, or receive grant funds, under this  
15          part.

16          “(3) TECHNICAL ASSISTANCE.—The Secretary  
17          shall provide technical assistance to each eligible en-  
18          tity receiving a grant under this part that does not  
19          meet the performance goals established under para-  
20          graph (2).

21          “(c) REPORT TO CONGRESS.—The Secretary shall  
22          prepare and submit an annual report to the authorizing  
23          committees, which shall—

1           “(1) include the information that each eligible  
2           entity submits to the Secretary in accordance with  
3           subsection (b)(1);

4           “(2) summarize and synthesize the best prac-  
5           tices collected by the parent and family information  
6           and resource centers for increasing and improving  
7           parent, family, and community engagement; and

8           “(3) be made available to the public (including  
9           through electronic means).

10          “(d) **RULE OF CONSTRUCTION.**—Nothing in this part  
11 shall be construed to prohibit a parent and family informa-  
12 tion and resource center from—

13           “(1) allowing its employees or agents to meet  
14           with family members at a site that is not on school  
15           grounds; or

16           “(2) working with another public or nonprofit  
17           agency that serves children.

18          “(e) **PARENTAL RIGHTS.**—Notwithstanding any  
19 other provision of this part—

20           “(1) no individual (including a parent who edu-  
21           cates a child at home, parent of a public school stu-  
22           dent, or parent of a private school student) shall be  
23           required to participate in any program of parent or  
24           family education or developmental screening under  
25           this part; and

1           “(2) a program or center assisted under this  
2 part shall not take any action that infringes in any  
3 manner on the right of a parent to direct the edu-  
4 cation of such parent’s child.”.

5 **SEC. 4108. PROGRAMS OF NATIONAL SIGNIFICANCE.**

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

7           (1) by redesignating subpart 1 of part D of title  
8 V as part H of title IV, and transferring such part  
9 H so as to follow part G of title IV, as redesignated  
10 by section 2101(a) of this Act;

11           (2) in part H of title IV, as redesignated under  
12 paragraph (1), by striking the part heading and in-  
13 serting the following: “**PROGRAMS OF NATIONAL**  
14 **SIGNIFICANCE**”;

15           (3) by striking section 5414;

16           (4) by redesignating sections 5411, 5412, and  
17 5413, as sections 4801, 4802, and 4803, respec-  
18 tively;

19           (5) in section 4801, as redesignated under  
20 paragraph (4)—

21           (A) in subsection (a)—

22           (i) by striking “challenging State aca-  
23 demic content and student academic  
24 achievement standards” and inserting “col-  
25 lege and career ready academic content

1 standards and college and career ready  
2 student academic achievement standards”;  
3 and

4 (ii) by inserting “nonprofit” before  
5 “private”; and

6 (B) by striking subsection (b), and insert-  
7 ing the following:

8 “(b) USES OF FUNDS.—A nonprofit entity receiving  
9 a grant under subsection (a) shall use the grant funds to  
10 carry out 1 of the following activities:

11 “(1) Providing funding for economically dis-  
12 advantaged students, including students from mili-  
13 tary families and recent immigrants, and their  
14 teachers, to participate in programs based in Wash-  
15 ington, D.C. that increase civic responsibility and  
16 understanding of the Federal Government among  
17 young people.

18 “(2) Developing, implementing, evaluating, and  
19 disseminating innovative, research-based approaches  
20 to civic learning, which may include hands-on civic  
21 engagement activities, for low-income elementary  
22 school and secondary school students that dem-  
23 onstrate innovation, scalability, accountability, and a  
24 focus on underserved populations.

1           “(3) Supporting a national principal and teach-  
2           er certification process that provides a framework  
3           for measuring and improving teaching and instruc-  
4           tional leadership with a focus on educators working  
5           in schools that are eligible for funding under part A  
6           of title I, including comprehensive rigorous teaching  
7           standards and assessment systems designed to re-  
8           ward educator effectiveness and deliver high-quality  
9           professional development across all academic sub-  
10          jects and grades.

11           “(4) Creating a national teacher corps of out-  
12          standing college graduates to teach in underserved  
13          communities in order to—

14                   “(A) increase the supply of effective teach-  
15                   ers in low-income communities; and

16                   “(B) provide and support the retention of  
17                   teachers for high-need fields.

18           “(5) Supporting a national network of providers  
19          of high-quality, evidence-based professional develop-  
20          ment in writing instruction for teachers across all  
21          academic subjects and grades.

22           “(6) Encouraging parents and caregivers to  
23          read aloud to their children by supporting programs  
24          through which, during pediatric exams, doctors and

1 nurses train parents and caregivers who may not be  
2 skilled readers.

3 “(7) Preparing young children from low-income  
4 families for reading success by the third grade by—

5 “(A) distributing inexpensive books;

6 “(B) training volunteers to serve at-risk  
7 children;

8 “(C) developing motivational literacy ac-  
9 tivities for at-risk children; and

10 “(D) providing information on literacy re-  
11 sources, such as those provided by local librar-  
12 ies and other community-based organizations.

13 “(8) Supporting model projects and programs  
14 that encourage involvement in the performing and  
15 visual arts, for—

16 “(A) persons with disabilities, by—

17 “(i) increasing access to all forms of  
18 the arts for all persons, including those liv-  
19 ing with intellectual, physical, and sensory  
20 disabilities; and

21 “(ii) fostering a greater awareness of  
22 the need for arts programs for individuals  
23 with disabilities; and

24 “(B) children, youth, and educators.

1           “(9) Implementing a coordinated program of  
2           scientifically based research, demonstration projects,  
3           innovative strategies, and professional development  
4           for teachers and other instructional leaders working  
5           in high-poverty schools to—

6                   “(A) enhance the ability of educators to  
7                   meet the special educational needs of gifted and  
8                   talented students, including high-ability stu-  
9                   dents who have not been formally identified as  
10                  gifted; and

11                   “(B) prioritize students who have been  
12                   underrepresented in gifted education programs,  
13                   including students who are economically dis-  
14                   advantaged, of minority backgrounds, English  
15                   language learners, students with disabilities,  
16                   and students in rural communities.

17           “(10) Promoting gender equity in education by  
18           supporting educational agencies and institutions in  
19           meeting the requirements of title IX of the Edu-  
20           cation Amendments of 1972 (20 U.S.C. 1681 et.  
21           seq.).

22           “(11) Other high quality, nationally significant  
23           programs that meet the purposes of this Act.”;

24           (6) in section 4802(c), as redesignated under  
25           paragraph (4), by striking “and in recognizing

1 States, local educational agencies, and schools under  
2 section 5411(b)(3), only if funds are used for such  
3 recognition programs”; and

4 (7) in section 4803, as redesignated under  
5 paragraph (4), by striking subsection (d).

6 **TITLE V—PROMOTING**  
7 **INNOVATION**

8 **PART A—RACE TO THE TOP**

9 **SEC. 5101. RACE TO THE TOP.**

10 Part A of title V (20 U.S.C. 7201 et seq.) is amended  
11 to read as follows:

12 **“PART A—RACE TO THE TOP**

13 **“SEC. 5101. PURPOSES.**

14 “The purposes of this part are to provide incentives  
15 for States and high-need local educational agencies to im-  
16 plement comprehensive reforms and innovative strategies  
17 that are designed to lead to—

18 “(1) significant improvements in outcomes for  
19 all students, including improvements in student  
20 readiness, student academic achievement, high  
21 school graduation rates, and rates of student enroll-  
22 ment, persistence, and completion in institutions of  
23 higher education; and

1           “(2) significant reductions in achievement gaps  
2           between the groups of students described in section  
3           1111(a)(2)(B)(ix).

4   **“SEC. 5102. RESERVATION OF FUNDS.**

5           “From amounts made available to carry out this part  
6 for a fiscal year, the Secretary may reserve not more than  
7 5 percent to carry out activities in accordance with this  
8 part related to technical assistance and outreach and dis-  
9 semination.

10 **“SEC. 5103. RACE TO THE TOP PROGRAM.**

11           “(a) PROGRAM AUTHORIZED.—

12           “(1) IN GENERAL.—For each fiscal year for  
13 which funds are appropriated under this part and  
14 from such funds that not reserved under section  
15 5102, the Secretary shall, in accordance with para-  
16 graph (2), determine the goals that are the greatest  
17 priority for the United States and award grants,  
18 through a grant competition, to eligible entities to  
19 enable the eligible entities to carry out comprehen-  
20 sive reforms and innovative strategies in furtherance  
21 of such goals.

22           “(2) SELECTION OF GOALS AND CATEGORIES  
23 OF ENTITIES.—

24           “(A) IN GENERAL.—The Secretary shall  
25 determine the priorities for grants awarded

1 through a grant competition under this part by  
2 selecting in advance of the application period—

3 “(i) 1 or more categories of entities  
4 described in paragraph (3) that may apply  
5 for and receive the grants through such  
6 grant competition; and

7 “(ii) 1 or more goals described in  
8 paragraph (4) to be supported under the  
9 grants.

10 “(B) ANNOUNCEMENT.—The Secretary  
11 shall ensure that information regarding the se-  
12 lections of goals and categories of entities for  
13 the grants under this part for an upcoming  
14 grant competition is made widely available to el-  
15 igible entities and that the eligible entities will  
16 have sufficient time to prepare a grant applica-  
17 tion based on the Secretary’s decisions for the  
18 upcoming grant competition.

19 “(3) ELIGIBLE ENTITIES.—The categories of  
20 entities that may be selected for grants under this  
21 part are the following:

22 “(A) A State.

23 “(B) A high-need local educational agency.

24 “(C) A consortium of States.

1                   “(D) A consortium of high-need local edu-  
2                   cational agencies.

3                   “(4) EDUCATIONAL GOALS.—The goals that the  
4                   Secretary shall select to support through grants  
5                   under this part are one or more of the following:

6                   “(A) Increasing the access of children from  
7                   low-income families to highly rated teachers and  
8                   school leaders, including by—

9                   “(i) developing and implementing a  
10                  teacher and principal evaluation system  
11                  consistent with section 2301(b)(4);

12                  “(ii) improving the effectiveness of  
13                  teachers (including early childhood edu-  
14                  cation and care educators) and school lead-  
15                  ers, including through high-quality prepa-  
16                  ration, recruitment, professional develop-  
17                  ment, evaluation, and other personnel poli-  
18                  cies; and

19                  “(iii) ensuring that all teachers are  
20                  prepared to effectively serve the needs of  
21                  students who are children with disabilities  
22                  or English learners, particularly through  
23                  the general education curriculum.

24                  “(B) Strengthening the availability and  
25                  use of high-quality and timely data to improve

1 instructional practices, policies, and student  
2 outcomes.

3 “(C) Implementing—

4 “(i) elementary and secondary school  
5 academic standards that prepare students  
6 to be college and career ready, in accord-  
7 ance with section 1111(a)(1)(A)(ii); and

8 “(ii) strategies that translate such  
9 standards into classroom practice, includ-  
10 ing in the areas of assessment, instruc-  
11 tional materials, and professional develop-  
12 ment.

13 “(D) Turning around the schools served by  
14 the eligible entity that are identified through a  
15 State’s accountability and improvement system  
16 under subsection (b) or (c)(2) of section 1116.

17 “(E) Creating successful conditions for the  
18 creation, expansion, and replication of high-per-  
19 forming public charter schools and the creation  
20 of new, innovative, and highly autonomous pub-  
21 lic schools that will enroll a large percentage of  
22 students from low-income families.

23 “(F) Providing more equitable State and  
24 local resources to high-poverty schools.

25 “(G) Improving school readiness by—

1                   “(i) increasing the number and per-  
2                   centage of children from low-income fami-  
3                   lies, in each age group of infants, toddlers,  
4                   and preschoolers, who are enrolled in high-  
5                   quality early childhood education and care  
6                   programs; and

7                   “(ii) designing and implementing an  
8                   integrated system of high-quality early  
9                   childhood education and care programs  
10                  and services that strengthens the coordina-  
11                  tion and collaboration among Federal,  
12                  State, and local early childhood education  
13                  and care programs.

14                  “(b) DURATION OF GRANTS.—

15                  “(1) IN GENERAL.—Each grant awarded under  
16                  this part shall be for a period of not more than 4  
17                  years.

18                  “(2) REQUIREMENTS FOR ADDITIONAL FUND-  
19                  ING.—Before receiving funding under any grant  
20                  under this part for the second or any subsequent  
21                  year of the grant, the eligible entity receiving the  
22                  grant shall demonstrate to the Secretary that the el-  
23                  igible entity is—

24                  “(A) making progress in implementing the  
25                  plan under subsection (a)(3) at a rate that the

1 Secretary determines will result in full imple-  
2 mentation of the plan during the remainder of  
3 the grant period; and

4 “(B) making progress, as measured by the  
5 annual performance measures and targets es-  
6 tablished by the eligible entity under section  
7 5105, at a rate that the Secretary determines  
8 will result in reaching the targets and achieving  
9 the objectives of the grant, during the remain-  
10 der of the grant period.

11 “(c) INTERAGENCY AGREEMENT.—The Secretary  
12 shall establish an interagency agreement with the Sec-  
13 retary of Health and Human Services to jointly administer  
14 any grant competition for the goal of improving early  
15 childhood education and care, as described in subsection  
16 (a)(4)(G), and any grants issued under such grant com-  
17 petition.

18 **“SEC. 5104. APPLICATION PROCESS.**

19 “(a) IN GENERAL.—Each eligible entity that desires  
20 to receive a grant under this part shall submit an applica-  
21 tion to the Secretary at such time, in such manner, and  
22 containing such information as the Secretary may reason-  
23 ably require. At a minimum, each such application shall  
24 include the following:

1           “(1) Documentation of the eligible entity’s  
2 record, as applicable, in the areas to be measured by  
3 the performance measures identified by the Sec-  
4 retary under section 5105(2).

5           “(2) Evidence of conditions of innovation and  
6 reform that the eligible entity has established and  
7 the eligible entity’s plan for implementing additional  
8 conditions for innovation and reform, including—

9                   “(A) a description of how the eligible enti-  
10 ty has identified and eliminated ineffective  
11 practices in the past, and its plan for doing so  
12 in the future;

13                   “(B) a description of how the eligible enti-  
14 ty has identified and promoted effective prac-  
15 tices in the past, and its plan for doing so in  
16 the future; and

17                   “(C) steps the eligible entity has taken and  
18 will take to eliminate statutory, regulatory, pro-  
19 cedural, or other barriers to facilitate the full  
20 implementation of its proposed plan under  
21 paragraph (3).

22           “(3) A comprehensive and coherent plan for  
23 using funds under this part, and other Federal,  
24 State, and local funds, to improve the eligible enti-  
25 ty’s performance on the performance measures iden-

1       tified under section 5105(2), including how the ap-  
2       plicant will implement reforms and innovative strate-  
3       gies to achieve the goals selected by the Secretary  
4       under section 5103(a)(2).

5           “(4) In the case of an eligible entity that is de-  
6       scribed in subparagraph (A) or (C) of section  
7       5103(a)(3), evidence of collaboration among the eli-  
8       gible entity, local educational agencies in the State  
9       (including the local educational agencies partici-  
10      pating in carrying out the plan under paragraph  
11      (3)), schools that are expected to benefit from the  
12      activities under the plan, parents, teachers, and  
13      other stakeholders, in developing and implementing  
14      the plan, including evidence of the commitment and  
15      capacity to implement such plan.

16           “(5) In the case of an eligible entity described  
17      in subparagraph (B) or (D) of section 5103(a)(3),  
18      evidence of the eligible entity’s collaboration with its  
19      school leaders, teachers, parents, and other stake-  
20      holders in developing the plan under paragraph (3),  
21      including evidence of the commitment and capacity  
22      to implement that plan.

23           “(6) The eligible entity’s annual performance  
24      measures and targets, in accordance with the re-  
25      quirements of section 5105.

1 “(b) CRITERIA FOR EVALUATING APPLICATIONS.—

2 “(1) IN GENERAL.—The Secretary shall award  
3 grants under this part on a competitive basis, based  
4 on the quality of the applications submitted by eligi-  
5 ble entities.

6 “(2) PUBLICATION OF EXPLANATION.—The  
7 Secretary shall publish an explanation of how the  
8 application review process will ensure an equitable,  
9 transparent, and objective evaluation.

10 “(c) PRIORITY.—In awarding grants under this part,  
11 the Secretary shall give priority to—

12 “(1) any eligible entity described in subpara-  
13 graph (B) or (D) of section 5103(a)(3) that serves  
14 a school designated with a school locale code of 33,  
15 41, 42, or 43, as determined by the Secretary; and

16 “(2) for any grant competition under this part  
17 for the goal of improving early childhood education  
18 and care, as described in section 5103(a)(4)(G), any  
19 eligible entity that provides a full-day kindergarten  
20 program to all kindergarten students, or to all kin-  
21 dergarten students from low-income families, served  
22 by the eligible entity.

23 **“SEC. 5105. PERFORMANCE MEASURES.**

24 “Each eligible entity receiving a grant under this part  
25 shall establish, subject to approval by the Secretary, an-

1 nual performance measures and targets for the programs  
2 and activities carried out under this part. Such perform-  
3 ance measures and targets shall, at a minimum, track the  
4 eligible entity's progress in—

5           “(1) implementing the plan described in section  
6           5104(a)(3); and

7           “(2) making progress on any other performance  
8           measure identified by the Secretary.

9 **“SEC. 5106. USES OF FUNDS.**

10       “(a) USE OF STATE GRANT FUNDS.—

11           “(1) IN GENERAL.—Each eligible entity de-  
12           scribed in subparagraph (A) or (C) of section  
13           5103(a)(3) that receives a grant under this part  
14           shall—

15                   “(A) except as provided in paragraph (3),  
16                   use not less than 50 percent of the grant funds  
17                   to award subgrants under paragraph (2) to the  
18                   local educational agencies that will participate  
19                   in the plan for any purpose included in the eli-  
20                   gible entity's plan described in section  
21                   5104(a)(3); and

22                   “(B) use any amount of the grant not dis-  
23                   tributed under subparagraph (A) for any pur-  
24                   pose included in the eligible entity's plan.

1           “(2) AMOUNT OF SUBGRANTS.—For a fiscal  
2           year, the amount of a subgrant under paragraph  
3           (1)(A) for a local educational agency that has been  
4           selected to participate in the eligible entity’s plan  
5           shall bear the same relation to the amount available  
6           for all such subgrants by the eligible entity for such  
7           year, as the amount made available to the local edu-  
8           cational agency under part A of title I for the most  
9           recent year for which such data is available bears to  
10          the total amount made available for such year to all  
11          local educational agencies selected to participate in  
12          the eligible entity’s plan.

13          “(3) EXCEPTION.—An eligible entity described  
14          in subparagraph (A) or (C) of section 5103(a)(3)  
15          that receives a grant under this part for the goal of  
16          improving early childhood education and care, as de-  
17          scribed in section 5103(a)(4)(G)—

18                 “(A) shall not be subject to the require-  
19                 ments of paragraph (1)(A); and

20                 “(B) may use grant funds to award sub-  
21                 grants to public or private nonprofit agencies  
22                 and organizations for activities consistent with  
23                 any purpose included in the eligible entity’s  
24                 plan described in section 5104(a)(3).

1           “(b) USE OF SUBGRANT FUNDS.—Each local edu-  
2 cational agency or public or private nonprofit agency or  
3 organization that receives a subgrant under paragraph  
4 (1)(A) or (3)(B) of subsection (a) from an eligible entity  
5 shall use subgrant funds for any purpose included in the  
6 eligible entity’s plan described in section 5104(a)(3), sub-  
7 ject to any requirements of the eligible entity.

8           “(c) USE OF HIGH-NEED LOCAL EDUCATIONAL  
9 AGENCY GRANT FUNDS.—Each eligible entity described  
10 in subparagraph (B) or (D) of section 5103(a)(3) that re-  
11 ceives a grant under this part shall use such funds for  
12 any purpose included in the eligible entity’s plan described  
13 in section 5104(a)(3).

14           “(d) SPECIAL RULE.—

15                 “(1) LIMITATION ON USE OF FUNDS.—Notwith-  
16 standing any other provision of this section, grant or  
17 subgrant funds under this part shall only be used to  
18 fund a program or activity that is an allowable use  
19 of funds under another section of this Act (excluding  
20 this part and section 8007, as amended by section  
21 8004 of the Elementary and Secondary Education  
22 Reauthorization Act of 2011), the Individuals with  
23 Disabilities Education Act, the Adult Education and  
24 Family Literacy Act, or the Carl D. Perkins Career  
25 and Technical Education Act of 2006, except that

1 grant or subgrant funds for the goal of improving  
2 early childhood education and care, as described in  
3 section 5103(a)(4)(G), may also be used to fund a  
4 program or activity that is an allowable use of funds  
5 under the Head Start Act, or the Child Care and  
6 Development Block Grant Act of 1990.

7 “(2) LIMITATION OF USE OF FUNDS FOR EARLY  
8 CHILDHOOD EDUCATION AND CARE PROGRAMS.—  
9 Grant or subgrant funds under this part that are  
10 used to improve early childhood education and care  
11 programs shall not be used to carry out any of the  
12 following activities:

13 “(A) Assessments that provide rewards or  
14 sanctions for individual children or teachers.

15 “(B) A single assessment that is used as  
16 the primary or sole method for assessing pro-  
17 gram effectiveness.

18 “(C) Evaluating children, other than for  
19 the purposes of improving instruction, class-  
20 room environment, professional development, or  
21 parent and family engagement, or program im-  
22 provement.

23 **“SEC. 5107. REPORTING.**

24 “(a) ANNUAL REPORT.—An eligible entity that re-  
25 ceives a grant under this part shall submit to the Sec-

1 retary, at such time and in such manner as the Secretary  
2 may require, an annual report including, at a minimum—

3 “(1) data on the eligible entity’s progress in  
4 achieving the targets for the annual performance  
5 measures and targets established under section  
6 5105; and

7 “(2) a description of the challenges the eligible  
8 entity has faced in implementing its program under  
9 this part, and how the eligible entity has addressed,  
10 or plans to address, such challenges.

11 “(b) LOCAL REPORT.—Each local educational agency  
12 and each public or private nonprofit agency or organiza-  
13 tion that receives a subgrant from an eligible entity under  
14 section 5106(a) shall submit to the eligible entity such in-  
15 formation as the eligible entity may require to complete  
16 the annual report required by subsection (a).”.

17 **PART B—INVESTING IN INNOVATION**

18 **SEC. 5201. INVESTING IN INNOVATION.**

19 Part B of title V (20 U.S.C. 7221 et seq.) is amended  
20 to read as follows:

21 **“PART B—INVESTING IN INNOVATION**

22 **“SEC. 5201. PURPOSES.**

23 “The purposes of this part are to—

24 “(1) fund the identification, development, eval-  
25 uation, and expansion of innovative, research- and

1 evidence-based practices, programs, and strategies in  
2 order to significantly—

3 “(A) increase student academic achieve-  
4 ment and close achievement gaps;

5 “(B) increase high school graduation rates;

6 “(C) increase college enrollment rates and  
7 rates of college persistence;

8 “(D) improve teacher and school leader ef-  
9 fectiveness; and

10 “(E) improve school readiness and  
11 strengthen collaboration and coordination  
12 among elementary schools and early childhood  
13 care and education; and

14 “(2) support the rapid development, expansion,  
15 adoption, and implementation of tools and resources  
16 that improve the efficiency, effectiveness, or pace of  
17 adoption of such educational practices, programs,  
18 and strategies.

19 **“SEC. 5202. NATIONAL ACTIVITIES.**

20 “(a) NATIONAL ACTIVITIES.—The Secretary may re-  
21 serve not more than 5 percent of funds appropriated to  
22 carry out this part for any fiscal year to carry out activi-  
23 ties of national significance. Such activities may include—

24 “(1) capacity-building;

25 “(2) technical assistance;



1 “(b) DURATION OF GRANTS.—The Secretary—

2 “(1) shall award grants under this part for a  
3 period of not more than 3 years; and

4 “(2) may extend such grants for an additional  
5 2-year period if the grantee demonstrates to the Sec-  
6 retary that it is making significant progress on the  
7 program performance measures identified in section  
8 5206.

9 “(c) RURAL SET-ASIDE.—The Secretary shall ensure  
10 that not less than 22 percent of the funds awarded under  
11 subsection (a) for any fiscal year are for projects that meet  
12 both of the following requirements, except that the Sec-  
13 retary shall not be required to make such awards unless  
14 a sufficient number of otherwise eligible high quality appli-  
15 cations are received:

16 “(1) The eligible entity includes—

17 “(A) a local educational agency with an  
18 urban-centric district locale code of 32, 33, 41,  
19 42, or 43, as determined by the Secretary;

20 “(B) a consortium of such local edu-  
21 cational agencies; or

22 “(C) if the applicant is a partnership, an  
23 educational service agency or a nonprofit orga-  
24 nization with demonstrated expertise in serving  
25 students from rural areas.

1           “(2) A majority of the schools to be served by  
2 the project are designated with a school locale code  
3 of 41, 42, or 43, or a combination of such codes, as  
4 determined by the Secretary, and—

5           “(A) are served by a local educational  
6 agency in which 20 percent or more of the chil-  
7 dren ages 5 through 17 years old are from fam-  
8 ilies with incomes below the poverty line;

9           “(B) are served by a local educational  
10 agency in which the total number of students in  
11 average daily attendance at all of the schools  
12 served by the local educational agency is fewer  
13 than 600; or

14           “(C) are served by a local educational  
15 agency located in a county that has a total pop-  
16 ulation density of fewer than 10 persons per  
17 square mile.

18           “(d) PRIORITIES.—In awarding grants under this  
19 part, the Secretary shall give priority to an eligible entity  
20 that includes, in its application under section 5204, a plan  
21 to—

22           “(1) address the needs of high-need local edu-  
23 cational agencies;

24           “(2) improve school readiness; or

1           “(3) address the unique learning needs of stu-  
2           dents who are children with disabilities or English  
3           learners.

4           “(e) STANDARDS OF EVIDENCE.—The Secretary  
5           shall set standards for the quality of evidence that an ap-  
6           plicant shall provide in order to demonstrate that the ac-  
7           tivities it proposes to carry out with funds under this part  
8           are likely to succeed in improving student outcomes, in-  
9           cluding academic achievement and graduation rates.  
10          These standards shall include the following:

11           “(1) Strong evidence that the activities pro-  
12           posed by the applicant will have a statistically sig-  
13           nificant effect on student outcomes.

14           “(2) Moderate evidence that the activities pro-  
15           posed by the applicant will improve outcomes.

16           “(3) A rationale based on research findings or  
17           a reasonable hypothesis that the activities proposed  
18           by the applicant will improve student outcomes.

19           “(f) SUPPORT FOR NEW PRACTICES, STRATEGIES,  
20          OR PROGRAMS.—

21           “(1) IN GENERAL.—The Secretary shall ensure  
22           that not less than one-half of the funds awarded  
23           under subsection (a) for any fiscal year are for  
24           projects that—

1           “(A) meet an evidence standard described  
2           in paragraph (2) or (3) of subsection (e); and

3           “(B) do not meet the evidence standard  
4           described in paragraph (1) of subsection (e).

5           “(2) EXCEPTION.—The Secretary shall not be  
6           required to make the awards described in paragraph  
7           (1) unless a sufficient number of otherwise eligible  
8           high-quality applications are received.

9   **“SEC. 5204. APPLICATIONS.**

10          “Each eligible entity that desires to receive a grant  
11          under this part shall submit an application to the Sec-  
12          retary at such time, in such manner, and containing such  
13          information as the Secretary may reasonably require. At  
14          a minimum, each application shall—

15                 “(1) describe the project for which the appli-  
16                 cant is seeking a grant and how the evidence sup-  
17                 porting that project meets the standards of evidence  
18                 established by the Secretary under section 5203(e);

19                 “(2) describe how the applicant will address at  
20                 least 1 of the areas described in section 5205(a)(1);

21                 “(3) provide an estimate of the number of chil-  
22                 dren that the applicant plans to serve under the pro-  
23                 posed project, including the percentage of those chil-  
24                 dren who are from low-income families;

1           “(4) demonstrate that the applicant has estab-  
2           lished 1 or more partnerships with public or private  
3           organizations and that the partner or partners will  
4           provide matching funds, except that the Secretary  
5           may waive the matching funds requirement on a  
6           case-by-case basis, upon a showing of exceptional  
7           circumstances;

8           “(5) describe the applicant’s plan for continuing  
9           the proposed project after funding under this part  
10          ends;

11          “(6) if the applicant is a local educational agen-  
12          cy—

13                 “(A) document the local educational agen-  
14                 cy’s record during the previous 3 years in—

15                         “(i) increasing student achievement,  
16                         including achievement for each subgroup of  
17                         students described in section  
18                         1111(a)(2)(B)(ix); and

19                         “(ii) closing achievement gaps; and

20                 “(B) demonstrate how the local edu-  
21                 cational agency has made significant improve-  
22                 ments in other outcomes, as applicable, on the  
23                 performance measures described in section  
24                 5206;

1           “(7) if the applicant is a partnership that in-  
2           cludes a nonprofit organization, provide evidence  
3           that the nonprofit organization has helped at least  
4           1 school or local educational agency, during the pre-  
5           vious 3 years, significantly—

6                   “(A) increase student achievement, includ-  
7                   ing achievement for each subgroup of students  
8                   described in section 1111(a)(2)(B)(ix); and

9                   “(B) close achievement gaps;

10           “(8) provide a description of the applicant’s  
11           plan for independently evaluating the effectiveness of  
12           activities carried out with funds under this part;

13           “(9) provide an assurance that the applicant  
14           will—

15                   “(A) cooperate with evaluations, as re-  
16                   quested by the Secretary;

17                   “(B) make data available to third parties  
18                   for validation and further study; and

19                   “(C) participate in communities of prac-  
20                   tice; and

21           “(10) if the applicant is a partnership that in-  
22           cludes a nonprofit organization that intends to make  
23           subgrants, consistent with section 5205(b), provide  
24           an assurance that the applicant will apply para-  
25           graphs (1) through (9), as appropriate, in its selec-

1           tion of subgrantees and in its oversight of those sub-  
2           grants.

3   **“SEC. 5205. USES OF FUNDS.**

4           “(a) USES OF FUNDS.—

5                   “(1) MANDATORY USES.—Each eligible entity  
6           that receives a grant under this part shall carry out  
7           the following:

8                           “(A) Use the grant funds to carry out, at  
9                   a minimum, 1 of the following activities:

10                                   “(i) Improving the effectiveness of  
11                   teachers and school leaders and increasing  
12                   equity in the distribution of effective teach-  
13                   ers and school leaders.

14                                   “(ii) Strengthening the use of data to  
15                   improve teaching and learning.

16                                   “(iii) Providing high-quality instruc-  
17                   tion based on college and career ready  
18                   standards and measuring students’ mas-  
19                   tery of standards using high-quality assess-  
20                   ments aligned with those standards.

21                                   “(iv) Turning around the lowest-per-  
22                   forming schools.

23                                   “(v) Improving school readiness for  
24                   students who are low-income, English  
25                   learners, and children with disabilities.

1                   “(vi) Other areas relating to school  
2                   improvement consistent with the purposes  
3                   of this part, as determined by the Sec-  
4                   retary.

5                   “(B) Use the grant funds to develop or ex-  
6                   pand strategies to improve the performance of  
7                   high-need students on the performance meas-  
8                   ures described in section 5206.

9                   “(2) PERMISSIVE USE OF FUNDS.—Each eligi-  
10                  ble entity that receives a grant under this part may  
11                  use the grant funds for an independent evaluation,  
12                  as required under section 5204(a)(8), of the innova-  
13                  tive practice carried out with the grant.

14                  “(b) AUTHORITY TO SUBGRANT.—

15                  “(1) IN GENERAL.—If an eligible entity that re-  
16                  ceives a grant under this part includes a nonprofit  
17                  organization, such nonprofit organization may use  
18                  the grant funds to award subgrants to other entities  
19                  to provide support to 1 or more schools or local edu-  
20                  cational agencies.

21                  “(2) COMPLIANCE WITH REQUIREMENTS OF  
22                  GRANTEES.—Each entity awarded a subgrant under  
23                  paragraph (1) shall comply with the requirements of  
24                  this part relating to grantees, as appropriate.

1 **“SEC. 5206. PERFORMANCE MEASURES.**

2 “The Secretary shall establish performance measures  
3 for the programs and activities carried out under this part.  
4 These measures, at a minimum, shall track the grantee’s  
5 progress in improving outcomes for each subgroup of stu-  
6 dents described in section 1111(a)(2)(B)(ix) that is served  
7 by the grantee, including, as applicable, by—

8 “(1) increasing student achievement and de-  
9 creasing achievement gaps;

10 “(2) increasing high school graduation rates;

11 “(3) increasing college enrollment rates and  
12 rates of college persistence;

13 “(4) improving teacher and school leader effec-  
14 tiveness;

15 “(5) improving school readiness; and

16 “(6) any other indicator as the Secretary or  
17 grantee may determine.

18 **“SEC. 5207. REPORTING.**

19 “An eligible entity that receives a grant under this  
20 part shall submit to the Secretary, at such time and in  
21 such manner as the Secretary may require, an annual re-  
22 port that includes, among other things, information on the  
23 entity’s progress on the performance measures established  
24 under section 5206, and the data supporting that  
25 progress.”.

1           **PART C—MAGNET SCHOOLS ASSISTANCE**

2   **SEC. 5301. FINDINGS AND PURPOSE.**

3           Section 5301 (20 U.S.C. 7231) is amended—

4                 (1) in subsection (a)—

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

7                         “(2) The use of magnet schools has increased  
8                         dramatically since the inception of the magnet  
9                         schools assistance program under this Act, with  
10                         more than 1,500,000 students nationwide attending  
11                         such schools.”; and

12                         (B) in paragraph (4), by striking subpara-  
13                         graph (B) and inserting the following:

14                         “(B) to ensure that all students have equi-  
15                         table access to a high-quality public education  
16                         that will prepare them to succeed in a highly  
17                         competitive economy comprised of people from  
18                         many different racial and ethnic backgrounds;  
19                         and”;

20                 (2) in subsection (b)—

21                         (A) in paragraph (2), by inserting “, par-  
22                         ticularly whole-school programs,” after “magnet  
23                         school programs”; and

24                         (B) by striking paragraphs (3) and (4) and  
25                         inserting the following:



1                   1111(a)(2)(B)(ix) attending the magnet  
2                   school program; and

3                   “(ii) promote desegregation, including  
4                   how the proposed magnet school program  
5                   will increase interaction among students of  
6                   different social, economic, ethnic, and ra-  
7                   cial backgrounds, including the policies,  
8                   programs, and activities aimed at increas-  
9                   ing interaction among such students;

10                  “(B)(i) a description of the evidence that  
11                  the magnet school program that the applicant  
12                  proposes to implement would improve student  
13                  academic achievement and reduce minority  
14                  group isolation; or

15                  “(ii) if such evidence is not available, a ra-  
16                  tionale, based on current research findings, for  
17                  how the program would improve student aca-  
18                  demic achievement and reduce minority group  
19                  isolation;

20                  “(C) how the applicant will continue the  
21                  magnet school program after assistance under  
22                  this part is no longer available, and, if applica-  
23                  ble, an explanation of why magnet schools es-  
24                  tablished or supported by the applicant with  
25                  grant funds under this part cannot be contin-

1           ued without the use of grant funds under this  
2           part;

3           “(D) how grant funds under this part will  
4           be used—

5           “(i) to improve student academic  
6           achievement for all students attending the  
7           magnet school programs; and

8           “(ii) to implement services and activi-  
9           ties that are consistent with other pro-  
10          grams under this Act, and other Acts, as  
11          appropriate;

12          “(E) the student application process, and  
13          selection criteria, if any, to be used by the pro-  
14          posed magnet school program;

15          “(F) how the applicant will conduct out-  
16          reach and disseminate information about the  
17          proposed magnet school program, including the  
18          application and selection process, in a timely,  
19          clear, and accessible manner to all students and  
20          their parents and families and, to the extent  
21          practicable, in a language they can understand;  
22          and

23          “(G) how the applicant will assess, mon-  
24          itor, and evaluate the impact of the activities

1 funded under this part on student academic  
2 achievement and integration; and

3 “(2) assurances that the applicant will—

4 “(A) use grant funds under this part for  
5 the purpose specified in section 5301(b);

6 “(B) employ highly rated school leaders  
7 and teachers in the courses of instruction as-  
8 sisted under this part;

9 “(C) not engage in discrimination based on  
10 race, religion, color, national origin, sex, or dis-  
11 ability in—

12 “(i) the hiring, promotion, or assign-  
13 ment of employees of the applicant or  
14 other personnel for whom the applicant has  
15 any administrative responsibility;

16 “(ii) the assignment of students to  
17 schools, or to courses of instruction within  
18 the schools, of such applicant, except to  
19 carry out the approved plan; and

20 “(iii) designing or operating extra-  
21 curricular activities for students;

22 “(D) carry out a high-quality education  
23 program that will result in greater parent and  
24 family decisionmaking and engagement; and



1           “(B) has a strong research basis for im-  
2           proving student academic achievement and re-  
3           ducing minority group isolation;

4           “(3) select, or propose to select, students to at-  
5           tend magnet school programs solely or primarily by  
6           lottery, rather than through academic examination  
7           or other selective enrollment methods; and

8           “(4) propose to serve the entire student popu-  
9           lation of a school.”.

10 **SEC. 5305. USE OF FUNDS.**

11           Section 5307 (20 U.S.C. 7231f) is amended—

12           (1) in subsection (a), by striking paragraphs  
13           (1) through (7) and inserting the following:

14           “(1) for planning, outreach, and promotional  
15           activities directly related to the development, expan-  
16           sion, continuation, or enhancement of academic pro-  
17           grams and services offered at magnet schools;

18           “(2) for the acquisition of books, educational  
19           technology, materials, and equipment necessary to  
20           conduct programs in magnet schools;

21           “(3) for—

22           “(A) the compensation, or subsidization of  
23           the compensation, of elementary school and sec-  
24           ondary school teachers, leaders, and other in-  
25           structional staff who are highly rated; and

1           “(B) high-quality professional development  
2           and staff capacity-building activities, including  
3           those designed to recruit, prepare, support, and  
4           retain highly rated school teachers, leaders, and  
5           other instructional staff; and

6           “(4) with respect to a magnet school program  
7           offered to less than the entire student population of  
8           a school, for instructional activities that are designed  
9           to make available the special curriculum that is of-  
10          fered by the magnet school program to students who  
11          are enrolled in the school but who are not enrolled  
12          in the magnet school program;

13          “(5) for activities, which may include the for-  
14          mation of partnerships with public or nonprofit or-  
15          ganizations to help enhance the program or promote  
16          parent and family decisionmaking and engagement  
17          that will build the recipient’s capacity to operate  
18          magnet school programs once the grant period has  
19          ended;

20          “(6) to enable the local educational agency, or  
21          consortium of such agencies, to have more flexibility  
22          in designing magnet schools for students in all  
23          grades; and

24          “(7) for other operational costs that cannot be  
25          met with other State or local sources.”; and

1           (2) in subsection (b), by striking “based on the  
2           State’s challenging academic content standards and  
3           student academic achievement standards or directly  
4           related to improving student reading skills or knowl-  
5           edge of mathematics, science, history, geography,  
6           English, foreign languages, art, or music, or to im-  
7           proving vocational, technological, and professional  
8           skills” and inserting “and growth and leading to  
9           students being on track to college and career readi-  
10          ness”.

11 **SEC. 5306. LIMITATIONS.**

12          Section 5309 (20 U.S.C. 7231h) is amended—

13           (1) in subsection (a), by striking “a period that  
14           shall not exceed 3 fiscal years” and inserting “an  
15           initial period of not more than 3 fiscal years, and  
16           may be renewed for not more than an additional 2  
17           years if the Secretary finds that the grantee is  
18           achieving the intended outcomes of the grant and  
19           shows improvement in increasing student academic  
20           achievement and reducing minority-group isolation,  
21           and other indicators of success established by the  
22           Secretary”; and

23           (2) in subsection (b)—

24                   (A) by striking “50” and inserting “40”;

25                   and

1 (B) by striking “15” and inserting “10”.

2 **SEC. 5307. EVALUATIONS.**

3 Section 5310 (20 U.S.C. 7231i) is amended to read  
4 as follows:

5 **“SEC. 5310. EVALUATIONS.**

6 “(a) **IMPACT OF ACTIVITIES.**—From the amount re-  
7 served for evaluation activities in accordance with section  
8 9601(a), the Secretary, acting through the Director of the  
9 Institute of Education Sciences, shall, in consultation with  
10 the relevant program office at the Department, evaluate  
11 the implementation and impact of the activities supported  
12 under this part, consistent with section 9601, including—

13 “(1) how, and the extent to which, magnet  
14 school programs lead to educational quality and im-  
15 provement;

16 “(2) the extent to which magnet school pro-  
17 grams enhance student access to a high quality edu-  
18 cation;

19 “(3) the extent to which magnet school pro-  
20 grams lead to the elimination, reduction, or preven-  
21 tion of minority group isolation in elementary  
22 schools and secondary schools with substantial pro-  
23 portions of minority students; and

24 “(4) the extent to which magnet school pro-  
25 grams differ from other school programs in terms of

1 the organizational characteristics and resource allo-  
2 cations of such magnet school programs.

3 “(b) DISSEMINATION.—The Secretary shall collect  
4 and disseminate to the general public information on suc-  
5 cessful magnet school programs.”.

6 **SEC. 5308. AVAILABILITY OF FUNDS FOR GRANTS TO AGEN-**  
7 **CIES NOT PREVIOUSLY ASSISTED.**

8 Section 5311 (20 U.S.C. 7231j) is amended to read  
9 as follows:

10 **“SEC. 5311. AVAILABILITY OF FUNDS FOR GRANTS TO**  
11 **AGENCIES NOT PREVIOUSLY ASSISTED.**

12 “For any fiscal year for which the amount appro-  
13 priated pursuant to section 3(u) exceeds \$75,000,000, the  
14 Secretary shall give priority in using such amounts in ex-  
15 cess of \$75,000,000 to awarding grants to local edu-  
16 cational agencies or consortia of such agencies that did  
17 not receive a grant under this part for the preceding fiscal  
18 year.”.

19 **PART D—PUBLIC CHARTER SCHOOLS**

20 **SEC. 5401. PUBLIC CHARTER SCHOOLS.**

21 Part D of title V (20 U.S.C. 7241 et seq.) is amended  
22 to read as follows:

1           **“PART D—PUBLIC CHARTER SCHOOLS**

2   **“SEC. 5401. PURPOSE.**

3           “The purpose of this part is to support the creation,  
4 expansion, and replication of high-performing charter  
5 schools that serve the needs and increase the academic  
6 achievement of all students.

7   **“SEC. 5402. DISTRIBUTION OF FUNDS.**

8           “From the funds appropriated to carry out this part  
9 for a fiscal year—

10           “(1) 85 percent shall be available to carry out  
11 subpart 1; and

12           “(2) 15 percent shall be available to carry out  
13 subpart 2.

14   **“Subpart 1—Successful Charter Schools Program**

15   **“SEC. 5411. DEFINITIONS.**

16           “In this subpart:

17           “(1) CHARTER SCHOOL.—The term ‘charter  
18 school’ means a public school that—

19                   “(A) is governed by a separate and inde-  
20 pendent board that exercises authority over 1 or  
21 more schools, including authority in the areas  
22 of governance, personnel, budget, schedule, and  
23 instructional program;

24                   “(B) has ongoing, significant autonomy in  
25 the areas of—

1                   “(i) the hiring, replacement, and sala-  
2                   ries of the school staff;

3                   “(ii) the school budget;

4                   “(iii) scheduling formats for the  
5                   school day and school year;

6                   “(iv) the instructional programs of the  
7                   school, including instructional models and  
8                   curricula; and

9                   “(v) the management and daily oper-  
10                  ation of the school;

11                  “(C) in accordance with a specific State  
12                  statute authorizing the granting of charters to  
13                  schools, is exempt from significant State or  
14                  local rules that inhibit the flexible operation  
15                  and management of public schools, but not  
16                  from any rules relating to the other require-  
17                  ments of this paragraph;

18                  “(D) is created by a developer as a public  
19                  school, or is adapted by a developer from an ex-  
20                  isting public school, and is operated under pub-  
21                  lic supervision and direction;

22                  “(E) operates in pursuit of a specific set of  
23                  educational objectives determined by the  
24                  school’s developer and agreed to by the charter  
25                  school authorizer;

1           “(F) provides 1 or more programs of ele-  
2           mentary education, secondary education, or  
3           both, and may also provide early childhood edu-  
4           cation and care or adult education, in accord-  
5           ance with State law;

6           “(G) is nonsectarian in its programs, ad-  
7           missions policies, employment practices, and all  
8           other operations, and is not affiliated with a  
9           sectarian school or religious institution;

10           “(H) does not charge tuition;

11           “(I) complies with the Age Discrimination  
12           Act of 1975, title VI of the Civil Rights Act of  
13           1964, title IX of the Education Amendments of  
14           1972, section 504 of the Rehabilitation Act of  
15           1973, title II of the Americans with Disabilities  
16           Act of 1990, and part B of the Individuals with  
17           Disabilities Education Act;

18           “(J) is a school to which parents choose to  
19           send their children, and that admits students  
20           on the basis of a lottery if more students apply  
21           for admission than can be accommodated, ex-  
22           cept as modified by the Secretary by regulation  
23           in accordance with clause (v) or (vi) of section  
24           1116(c)(6)(B);



1 rolled at the school as a whole and for each  
2 subgroup described in section  
3 1116(b)(1)(B) will be used as a primary  
4 factor in decisions about the renewal or  
5 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 1116(b)(1)(B), 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 subparagraph  
22 (B).

23 “(2) CHARTER SCHOOL AUTHORIZER.—The  
24 term ‘charter school authorizer’ means any public or  
25 nonprofit entity that has the authority under State

1 law, and is approved by the Secretary, to authorize  
2 or approve a public charter school.

3 “(3) DEVELOPER.—The term ‘developer’ means  
4 any individual, group of individuals, or public non-  
5 profit organization that—

6 “(A) has applied for, or been granted, a  
7 charter for a charter school; or

8 “(B) has received authorization to start a  
9 charter school.

10 “(4) ELIGIBLE ENTITY.—The term ‘eligible en-  
11 tity’ means—

12 “(A) a State educational agency;

13 “(B) a local educational agency, except a  
14 charter school that is considered a local edu-  
15 cational agency under State law;

16 “(C) a charter school authorizer; or

17 “(D) a charter management organization.

18 “(5) EXPAND.—The term ‘expand’ means to in-  
19 crease the student enrollment of an existing high-  
20 performing charter school by more than 50 percent  
21 or through the addition of not less than 2 grades to  
22 such existing charter school over the course of a  
23 grant or subgrant under this part.

24 “(6) HIGH-PERFORMING CHARTER SCHOOL.—  
25 The term ‘high-performing charter school’ means—

1           “(A) in the case of a charter school that  
2 was not open or did not enroll students in the  
3 preceding school year, a charter school that has  
4 a written performance contract with a charter  
5 school authorizer that includes, for the students  
6 enrolled at the school as a whole and for each  
7 subgroup described in section 1116(b)(1)(B) for  
8 the most recent year for which such data are  
9 available—

10           “(i) student academic achievement  
11 and growth goals (as measured, in the case  
12 of a charter school that is an elementary  
13 school or secondary school, by performance  
14 on the statewide academic assessments re-  
15 quired under section 1111(a)(2) and indi-  
16 vidual academic growth, consistent with  
17 section 1111) that are higher than the av-  
18 erage student academic achievement and  
19 growth results, consistent with section  
20 1111, in demographically similar schools in  
21 the State;

22           “(ii) student retention goals that are  
23 similar to, or greater than, the average  
24 student retention rates in demographically  
25 similar schools in the State; and

1           “(iii) if the charter school is a high  
2           school, goals for graduation rates, rates of  
3           student enrollment at institutions of higher  
4           education, and rates of student persistence  
5           at institutions of higher education that are  
6           higher than such average rates in demo-  
7           graphically similar schools in the State; or

8           “(B) in the case of a charter school that  
9           was open and enrolled students for the pre-  
10          ceding school year, a charter school that has,  
11          for the students enrolled at the school as a  
12          whole and for each subgroup described in sec-  
13          tion 1116(b)(1)(B) for the most recent year for  
14          which such data are available—

15                 “(i) student academic achievement  
16                 and growth results (as measured, in the  
17                 case of a charter school that is an elemen-  
18                 tary school or secondary school, by per-  
19                 formance on the statewide academic as-  
20                 sessments required under section  
21                 1111(a)(2) and individual academic  
22                 growth, consistent with section 1111) that  
23                 are significantly higher than the average  
24                 student academic achievement and growth

1 results, consistent with section 1111, in de-  
2 mographically similar schools in the State;

3 “(ii) student retention rates that are  
4 similar to or higher than the average stu-  
5 dent retention rates in demographically  
6 similar schools in the State; and

7 “(iii) if the school is a high school,  
8 higher graduation rates, rates of student  
9 enrollment at institutions of higher edu-  
10 cation, and rates of student persistence at  
11 institutions of higher education than such  
12 average rates in demographically similar  
13 schools in the State.

14 “(7) REPLICATE.—The term ‘replicate’ means  
15 that an existing high-performing charter school will  
16 open 1 or more new campuses under a new or exist-  
17 ing charter, or both, over the course of a grant or  
18 subgrant under this part.

19 **“SEC. 5412. PROGRAM AUTHORIZED.**

20 “(a) IN GENERAL.—From the amount available to  
21 carry out this subpart, the Secretary shall award grants,  
22 on a competitive basis, to eligible entities to enable such  
23 eligible entities to award subgrants to developers to create,  
24 expand, or replicate 1 or more high-performing charter

1 schools, including through conversion of an existing school  
2 into a charter school.

3 “(b) ALLOCATIONS.—The Secretary shall use not less  
4 than 65 percent of funds to award grants to eligible enti-  
5 ties described in 5411(4)(A).

6 “(c) CONSIDERATIONS.—In awarding grants under  
7 this subpart, the Secretary shall consider—

8 “(1) the geographic diversity of the eligible en-  
9 tities, including the distribution of grants among  
10 urban, suburban, and rural areas; and

11 “(2) the number of eligible entities in a State  
12 that are receiving grants under this subpart in any  
13 fiscal year.

14 “(d) GRANT AMOUNT.—

15 “(1) In determining the amount of each grant  
16 to be awarded under subsection (a), the Secretary  
17 shall consider—

18 “(A) the number of operating charter  
19 schools under the jurisdiction or in the service  
20 area of the eligible entity;

21 “(B) to the extent practicable, the number  
22 of students, including students on charter  
23 school waiting lists, that will be served by high-  
24 performing charter schools that receive funds  
25 under this subpart; and

1           “(C) the amount of funds that is needed to  
2           implement the activities described in the ap-  
3           proved application.

4           “(e) DURATION.—

5           “(1) IN GENERAL.—Each grant awarded under  
6           this subpart shall be for an initial period of not  
7           more than 3 years.

8           “(2) RENEWAL.—The Secretary may renew a  
9           grant awarded under this subpart for an additional  
10          period of not more than 2 years, if the eligible entity  
11          is achieving the objectives of the grant and has  
12          shown improvement on the performance measures  
13          and targets described in section 5417(a).

14          “(f) LIMITATIONS.—

15          “(1) GRANTS.—An eligible entity described  
16          under subparagraph (A) of section 5411(4) may not  
17          receive more than 1 grant at a time under this sec-  
18          tion.

19          “(2) SUBGRANTS.—A developer may not receive  
20          more than 1 grant or subgrant at a time under this  
21          section.

22          “(g) RESERVATIONS.—

23          “(1) ADMINISTRATIVE EXPENSES.—An eligible  
24          entity that receives a grant under this subpart may  
25          use not more than a total of 5 percent of grant

1 funds for administrative expenses associated with  
2 the grant, including for improvement of the eligible  
3 entity's oversight or management of charter schools.

4 “(2) IMPROVING AUTHORIZER QUALITY.—An el-  
5 igible entity described in subparagraph (A), (B), or  
6 (C) of section 5411(4), shall use 5 percent of grant  
7 funds for improving authorizer quality, including  
8 charter school oversight and monitoring systems and  
9 procedures for revoking or not renewing charters.

10 “(h) WAIVER.—The Secretary may waive a statutory  
11 or regulatory requirement over which the Secretary exer-  
12 cises administrative authority, except a requirement de-  
13 scribed in section 5411(1), if—

14 “(1) the waiver is requested in an approved ap-  
15 plication under this subpart; and

16 “(2) the Secretary determines that granting the  
17 waiver will promote the purpose of this subpart.

18 **“SEC. 5413. APPLICATIONS.**

19 “(a) IN GENERAL.—Each eligible entity desiring a  
20 grant under this subpart shall submit an application to  
21 the Secretary at such time, in such manner, and con-  
22 taining such information and assurances as the Secretary  
23 may require.

24 “(b) CONTENTS.—

1           “(1) ELIGIBLE ENTITIES.—At a minimum, the  
2 application described in subsection (a) shall include  
3 a description of —

4           “(A) how the eligible entity will use grant  
5 funds to create, expand, or replicate 1 or more  
6 high-performing charter schools;

7           “(B) the need for the high-performing  
8 charter schools that the eligible entity seeks to  
9 support, including information that dem-  
10 onstrates the interest of parents and commu-  
11 nities in increasing charter school enrollment  
12 capacity, such as the number of students who  
13 are on waiting lists for charter schools under  
14 the jurisdiction of the eligible entity;

15           “(C) the performance measures the eligible  
16 entity will use to measure outcomes;

17           “(D) how the eligible entity will provide in-  
18 formation and support to parents, families, and  
19 students regarding the available charter school  
20 options in a simple, clear, and easily accessible  
21 format and, to the extent practicable, in a lan-  
22 guage that such parents, families, and students  
23 can understand;

1           “(E) how the eligible entity will coordinate  
2 the grant funds received under this subpart  
3 with other Federal, State, and local funds;

4           “(F) how the eligible entity will ensure  
5 that each charter school within such eligible en-  
6 tity’s jurisdiction or service area—

7                 “(i) meets the requirements of section  
8 5411(1); and

9                 “(ii) provides equitable access and ef-  
10 fectively serves the needs of all students,  
11 including children with disabilities and  
12 English learners, and implements outreach  
13 and recruitment practices that include  
14 families of such students;

15           “(G) how the eligible entity will award sub-  
16 grants to developers, on a competitive basis and  
17 through a high-quality review process, including  
18 a description of the subgrant application;

19           “(H) how the eligible entity will target  
20 subgrants to high-performing charter schools  
21 that plan to serve students who attend schools  
22 that have been identified through the State ac-  
23 countability and improvement system described  
24 in section 1116;

1           “(I) the eligible entity’s record, if applica-  
2           ble, of success in creating, expanding, repli-  
3           cating, managing, and overseeing high-per-  
4           forming charter schools, and closing unsuccess-  
5           ful schools;

6           “(J) how the eligible entity will hold char-  
7           ter schools within such eligible entity’s jurisdic-  
8           tion accountable if such schools do not meet the  
9           objectives specified in the performance contract  
10          described in section 5411(1)(N), including by  
11          closing unsuccessful schools; and

12          “(K) how charter school authorizers are  
13          approved, monitored, held accountable for es-  
14          tablishing rigorous standards, periodically re-  
15          viewed, and re-approved in the State in which  
16          the eligible entity operates, based on the per-  
17          formance of the charter schools that such char-  
18          ter school authorizers authorize, including in  
19          the areas of student safety, financial manage-  
20          ment, and compliance with all applicable stat-  
21          utes and regulations.

22          “(2) STATE EDUCATIONAL AGENCIES.—Each  
23          eligible entity described in section 5411(4)(A) shall  
24          include in the application described in paragraph (1)

1 (in addition to the requirements of such paragraph),  
2 the following:

3 “(A) A description of the State’s laws,  
4 policies, or procedures, if applicable, that ad-  
5 dress—

6 “(i) how decisions are made to close  
7 unsuccessful charter schools, and how stu-  
8 dent academic achievement and growth,  
9 consistent with section 1111, for all stu-  
10 dents and for each subgroup of students  
11 described in section 1116(b)(1)(B), is a  
12 primary factor in such decisions;

13 “(ii) how charter schools are mon-  
14 itored and held accountable for—

15 “(I) meeting the requirements  
16 described in section 5411(1); and

17 “(II) providing equitable access  
18 and effectively serving the needs of all  
19 students, including students with dis-  
20 abilities and English learners; and

21 “(iii) how a charter school that is con-  
22 sidered a local educational agency under  
23 State law, or a local educational agency in  
24 which a charter school is located, will com-  
25 ply with subsections (a)(5) and (e)(1)(B)

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1 of section 613 of the Individuals with Dis-  
2 abilities Education Act.

3 “(B) Information about the eligible entity’s  
4 record of funding charter schools, including  
5 funding charter school facilities.

6 “(C) Information about the number of  
7 charter schools in the State that—

8 “(i) have been closed or have had  
9 charters revoked or not renewed in the pre-  
10 ceding 5-year period, and the reasons for  
11 such closures, revocations, or non-renewals;

12 “(ii) have been identified through the  
13 State accountability and improvement sys-  
14 tem described in section 1116 in the pre-  
15 ceding 5-year period;

16 “(iii) have met objectives specified in  
17 the performance contract described in sec-  
18 tion 5411(1)(N); and

19 “(iv) the charter school authorizer has  
20 authorized that are high-performing char-  
21 ter schools, and the percentage of such  
22 charter schools as compared to the total  
23 number of charter schools that the charter  
24 school authorizer has authorized.

1           “(3) LOCAL EDUCATIONAL AGENCIES.—Each  
2 eligible entity described in section 5411(4)(B) shall  
3 include in the application described in paragraph (1)  
4 (in addition to the requirements described in such  
5 paragraph), a description of the eligible entity’s poli-  
6 cies and procedures for—

7           “(A) ensuring that charter schools under  
8 the jurisdiction of such eligible entity have equi-  
9 table access to school facilities;

10           “(B) complying with subsections (a)(5)  
11 and (e)(1)(B) of section 613 of the Individuals  
12 with Disabilities Education Act; and

13           “(C) supporting public school choice.

14           “(4) CHARTER SCHOOL AUTHORIZERS.—Each  
15 eligible entity described in section 5411(4)(C) shall  
16 include in the application described in paragraph (1)  
17 (in addition to the requirements of such paragraph),  
18 the following:

19           “(A) A demonstration that the eligible en-  
20 tity has explicit and clear policies and proce-  
21 dures in place for the approval, monitoring, re-  
22 newal, and closure of charter schools, and an  
23 assurance that such policies and procedures  
24 make student academic achievement and  
25 growth, consistent with section 1111, for all

1 students and for each subgroup of students de-  
2 scribed in section 1116(b)(1)(B), a primary fac-  
3 tor in such decisions.

4 “(B) A description of how the eligible enti-  
5 ty will make publicly available (in a clear and  
6 uniform format, a timely manner, and a form  
7 that is easily accessible, and, to the extent prac-  
8 ticable, in a language that families and students  
9 can understand)—

10 “(i) information about the criteria and  
11 procedures for granting, denying, revoking,  
12 and renewing charters for charter schools;  
13 and

14 “(ii) the results of decisions relating  
15 to the granting, denial, revocation, and re-  
16 newal of charters for charter schools, in-  
17 cluding performance data and other rel-  
18 evant information on which each decision  
19 is based.

20 “(C) Information about the number of  
21 charter schools that—

22 “(i) the charter school authorizer has  
23 authorized that have been closed or have  
24 had charters revoked or not renewed by  
25 the eligible entity in the preceding 5-year

1 period, and the reasons for such closures,  
2 revocations, or non-renewals;

3 “(ii) have been identified through the  
4 State accountability and improvement sys-  
5 tem described in section 1116;

6 “(iii) have met objectives specified in  
7 the performance contract described in sec-  
8 tion 5411(1)(N); and

9 “(iv) the charter school authorizer has  
10 authorized that are high-performing char-  
11 ter schools, and the percentage of such  
12 charter schools as compared to the total  
13 number of charter schools that the charter  
14 school authorizer has authorized.

15 “(5) CHARTER MANAGEMENT ORGANIZA-  
16 TIONS.—Each eligible entity described in section  
17 5411(4)(D) shall include in the application described  
18 in paragraph (1) (in addition to the requirements of  
19 such paragraph), a description of—

20 “(A) the qualifications of such eligible enti-  
21 ty’s management team; and

22 “(B) a multi-year financial and operating  
23 model for each of the high-performing charter  
24 schools that such eligible entity will create, ex-  
25 pand, or replicate under the grant.

1           “(6) SPECIAL RULE.—In the case of a devel-  
2           oper that plans to open a charter school in a juris-  
3           diction or service area where no eligible entity will  
4           be awarding subgrants under this subpart for the  
5           fiscal year for which the developer applies, the Sec-  
6           retary may award a grant to such developer if such  
7           developer has an approved application that includes  
8           the requirements described in subparagraphs (A)  
9           through (F) of paragraph (1) and paragraph (5).  
10          The requirements of subsections (b) and (c) of sec-  
11          tion 5416 and section 5417(c) shall apply to a devel-  
12          oper receiving a grant under this paragraph in the  
13          same manner as such sections apply to a developer  
14          receiving a subgrant under section 5416, except that  
15          the developer shall submit the data under section  
16          5417(c) directly to the Secretary.

17 **“SEC. 5414. SELECTION CRITERIA; PRIORITY.**

18          “(a) SELECTION CRITERIA.—

19               “(1) IN GENERAL.—In awarding grants to eligi-  
20               ble entities under this subpart, the Secretary shall  
21               consider—

22                       “(A) the quality of the eligible entity’s ap-  
23                       plication;

24                       “(B) the eligible entity’s record, if applica-  
25                       ble, of success in creating, expanding, repli-

1           cating, managing, and overseeing high-per-  
2           forming charter schools;

3           “(C) the eligible entity’s record of dis-  
4           continuing funding or closing low-performing  
5           charter schools, including, as applicable, by re-  
6           voking or not renewing the charters of such  
7           charter schools, and the eligible entity’s com-  
8           mitment to discontinuing funding or closing  
9           low-performing charter schools in the future;

10          “(D) the extent to which the eligible entity  
11          demonstrates that such eligible entity will  
12          award subgrants targeted to serving students  
13          who attend schools that have been identified  
14          through the State accountability and improve-  
15          ment system described in section 1116;

16          “(E) the quality of the eligible entity’s  
17          plan for supporting subgrant recipients,  
18          through such activities as technical assistance,  
19          directly or through grants, contracts, or cooper-  
20          ative agreements, in order to—

21                 “(i) improve student academic  
22                 achievement and growth, consistent with  
23                 section 1111, for all students and for each  
24                 subgroup of students described in section  
25                 1116(b)(1)(B); and

1                   “(ii) promote effective outreach to,  
2                   and recruitment of, students who are chil-  
3                   dren with disabilities and students who are  
4                   English learners, and the parents and fam-  
5                   ilies of such students; and

6                   “(F) the extent to which the State in  
7                   which the eligible entity operates provides for,  
8                   and enforces, high-quality standards for charter  
9                   school authorizers, including by establishing  
10                  standards for rigorous and periodic reviews.

11                  “(2) STATE EDUCATIONAL AGENCIES.—In the  
12                  case of an applicant that is an eligible entity de-  
13                  scribed in section 5411(4)(A), in addition to the ele-  
14                  ments described in paragraph (1), the Secretary  
15                  shall also consider, the extent to which such eligible  
16                  entity—

17                         “(A) ensures that charter schools receive  
18                         equitable funding compared to other public  
19                         schools in the State, and a commensurate share  
20                         of Federal, State, and local revenues compared  
21                         to public schools in the State, including equi-  
22                         table State funding to support early childhood  
23                         education and care programs operated by char-  
24                         ter schools in the State, in accordance with  
25                         State law; and

1           “(B) provides charter schools with equi-  
2           table access to funds for facilities (which may  
3           include funds for leasing or purchasing facilities  
4           or for making tenant improvements), assistance  
5           for facilities acquisition, access to public facili-  
6           ties, the ability to share in the proceeds of  
7           bonds and levies, or other support related to fa-  
8           cilities.

9           “(3) LOCAL EDUCATIONAL AGENCIES.—In the  
10          case of an applicant that is an eligible entity de-  
11          scribed in section 5411(4)(B) (except for a charter  
12          school that is considered a local educational agency  
13          under State law) in addition to the elements de-  
14          scribed in paragraph (1), the Secretary shall also  
15          consider—

16               “(A) if charter schools are operating with-  
17               in the area served by such eligible entity, the  
18               extent to which the eligible entity has policies  
19               and procedures in place to ensure that—

20                       “(i) charter schools have equitable ac-  
21                       cess to school facilities; or

22                       “(ii) charter schools are not denied  
23                       access to available public school facilities;  
24                       and

1           “(B) the extent to which the eligible entity  
2           demonstrates support for public school choice.

3           “(4) CHARTER SCHOOL AUTHORIZERS.—In the  
4           case of an applicant that is an eligible entity de-  
5           scribed in section 5411(4)(C), in addition to the ele-  
6           ments described in paragraph (1), the Secretary  
7           shall also consider the eligible entity’s record of suc-  
8           cess in authorizing and supporting high-performing  
9           charter schools.

10          “(5) CHARTER MANAGEMENT ORGANIZA-  
11          TIONS.—In the case of an applicant that is an eligi-  
12          ble entity described in section 5411(4)(D), in addi-  
13          tion to the elements described in paragraph (1), as  
14          applicable, the Secretary shall also consider—

15               “(A) the quality of the eligible entity’s  
16               management team; and

17               “(B) the quality and sustainability of the  
18               eligible entity’s multi-year financial and oper-  
19               ating model.

20          “(b) PRIORITY.—

21               “(1) STUDENTS FROM LOW-INCOME FAMI-  
22               LIES.—In awarding grants under this subpart, the  
23               Secretary shall give priority to eligible entities that  
24               propose to create, expand, or replicate high-per-

1 forming charter schools that plan to enroll a large  
2 percentage of students from low-income families.

3 “(2) DIVERSITY.—In awarding grants under  
4 this subpart, the Secretary may give priority to eligi-  
5 ble entities that propose to create, expand, or rep-  
6 licate a high-performing charter school that will have  
7 a diverse student population.

8 “(3) STATE EDUCATIONAL AGENCIES.—In the  
9 case of an applicant that is an eligible entity de-  
10 scribed in section 5411(4)(A), the Secretary shall  
11 give priority to such eligible entities—

12 “(A) from States that do not have a law  
13 that prohibits, or effectively inhibits, increasing  
14 the number of high-performing charter schools  
15 in the State;

16 “(B) from States that—

17 “(i) provide for, and adequately sup-  
18 port, 2 or more charter school authorizers,  
19 of which not less than 1 is a statewide  
20 charter school authorizer; or

21 “(ii) in the case of a State in which  
22 local educational agencies are the only  
23 charter school authorizers—

24 “(I) allow for an appeals process  
25 through which developers have an op-

1                   portunity to appeal a denial to an-  
2                   other authorizer that will issue a final  
3                   determination regarding whether or  
4                   not to grant the developer a charter;  
5                   and

6                   “(II) require charter school au-  
7                   thorizers to indicate an affirmative in-  
8                   terest in serving as charter school au-  
9                   thorizers; and

10                  “(C) that have a policy or procedure in  
11                  place that ensures that charter schools are re-  
12                  authorized or have their charter renewed not  
13                  less than once every 5 years.

14   **“SEC. 5415. USES OF FUNDS.**

15                  “(a) REQUIRED USES OF FUNDS.—Each eligible en-  
16   tity receiving a grant under section 5412(a) shall—

17                  “(1) use not less than 95 percent of the re-  
18   maining grant funds, after the reservations made  
19   under section 5412(g), to award subgrants to 1 or  
20   more developers, as described under section 5416, to  
21   enable such developers to create, expand, or replicate  
22   1 or more high-performing charter schools (which  
23   may include opening new schools or converting exist-  
24   ing schools into charter schools) in the area served

1 by the eligible entity or under the jurisdiction of the  
2 eligible entity;

3 “(2) in awarding subgrants, give priority to de-  
4 velopers that propose to create, expand, or replicate  
5 a high-performing charter school in which a large  
6 percentage of the students enrolled are from low-in-  
7 come families;

8 “(3) provide developers who are receiving a  
9 subgrant with support and technical assistance in—

10 “(A) improving student academic achieve-  
11 ment and growth, consistent with section 1111;

12 “(B) effectively serving the needs of all  
13 students, including students who are children  
14 with disabilities and English learners; and

15 “(C) implementing outreach and recruit-  
16 ment practices that includes families of stu-  
17 dents who are children with disabilities and  
18 English learners;

19 “(4) directly, or through a partnership with a  
20 nonprofit organization (such as a community-based  
21 organization), develop and implement parent, family,  
22 and student information, outreach, and recruitment  
23 programs to provide information and support to par-  
24 ents, families, and students about the public school  
25 choice options available to them, including students

1       who are children with disabilities and English learn-  
2       ers, in a simple, clear, and easily accessible format  
3       and, to the extent practicable, in a language that  
4       such parents, families, and students can understand.

5       “(b) PERMISSIBLE USE OF FUNDS.—Each eligible  
6       entity receiving a grant under section 5412(a) may use  
7       not more than 1 percent of grant funds to disseminate  
8       information to public schools in the eligible entity’s juris-  
9       diction or service area about lessons learned through the  
10      grant activities, in order to—

11           “(1) successfully address the education needs of  
12      all students, including students who are children  
13      with disabilities and students who are English learn-  
14      ers; and

15           “(2) replicate high-performing charter school  
16      models.

17      **“SEC. 5416. SUBGRANTS.**

18      “(a) APPLICATIONS.—Each developer that desires to  
19      receive a subgrant under this subpart shall submit an ap-  
20      plication to the appropriate eligible entity at such time,  
21      in such form, and including such information and assur-  
22      ances as the eligible entity may reasonably require, which  
23      shall include the information required under subpara-  
24      graphs (A) through (F) of paragraph (1) and paragraph  
25      (5) of section 5413(b).

1       “(b) USE OF FUNDS.—A developer that receives a  
2 subgrant under this subpart shall use such subgrant funds  
3 to create, expand, or replicate 1 or more high-performing  
4 charter schools, which may include carrying out the fol-  
5 lowing activities:

6           “(1) If necessary, carrying out not more than  
7 12 months of planning and program design, unless  
8 such developer demonstrates the need for an addi-  
9 tional planning period of not more than 3 months.

10          “(2) Recruiting and providing preparation, in-  
11 duction, and professional development for teachers,  
12 school leaders, and other staff who will work in a  
13 charter school that is supported by the developer.

14          “(3) Acquiring necessary equipment, supplies,  
15 and educational materials, including curricula, as-  
16 sessments, and instructional materials.

17          “(4) Professional development and implementa-  
18 tion of systems for the delivery of appropriate serv-  
19 ices for students who are children with disabilities  
20 and English learners, including through centralizing,  
21 purchasing, or sharing the provision of such services  
22 with other organizations.

23          “(5) Providing transportation to students to  
24 and from the school.

1           “(6) Paying operational costs for a charter  
2 school that cannot be met through State or local  
3 funding sources.

4           “(7) Directly, or through a partnership with a  
5 nonprofit organization (including a community-based  
6 organization), developing and implementing parent,  
7 family, and student information and outreach pro-  
8 grams to provide information and support to par-  
9 ents, families, and students about each charter  
10 school, in a simple, clear, and easily accessible for-  
11 mat and, to the extent practicable, in a language  
12 that the parents, families, and students can under-  
13 stand.

14           “(8) Developing and implementing effective out-  
15 reach and recruitment strategies to inform families  
16 of students who are children with disabilities and  
17 students who are English learners about the charter  
18 school, the charter school admissions process, and  
19 the charter school’s plan to effectively provide appro-  
20 priate educational and related services to such stu-  
21 dents.

22           “(9) Evaluating and disseminating information,  
23 including through technical assistance, about the ef-  
24 fectiveness of the activities supported by the  
25 subgrant.

1           “(c) LIMITATIONS.—Not more than 1 percent of  
2 subgrant funds may be used to carry out the activities de-  
3 scribed in subsection (b)(9).

4   **“SEC. 5417. PERFORMANCE MEASURES; REPORTS.**

5           “(a) PERFORMANCE MEASURES AND TARGETS.—  
6 Each eligible entity receiving a grant under this subpart  
7 shall establish performance measures and annual targets,  
8 approved by the Secretary, for the charter schools that  
9 are created, expanded, or replicated with funds provided  
10 through a grant or subgrant under this subpart. Such  
11 measures and targets shall include, at a minimum, in the  
12 aggregate and disaggregated by each subgroup of students  
13 described in section 1116(b)(1)(B)—

14           “(1) the number of students enrolled in each  
15 charter school;

16           “(2) the number of students enrolled in each  
17 high-performing charter school;

18           “(3) the number of students enrolled in each  
19 high-performing charter school who were formerly  
20 attending a school that has been identified through  
21 the State accountability and improvement system de-  
22 scribed in section 1116;

23           “(4) student academic achievement and growth,  
24 consistent with section 1111, including, if applicable,  
25 performance on the State academic assessments re-

1       quired under section 1111(a)(2), and student growth  
2       consistent with section 1111;

3             “(5) student retention rates;

4             “(6) in the case of a public charter school that  
5       is a secondary school, student graduation rates, and  
6       student rates of enrollment and persistence in insti-  
7       tutions of higher education; and

8             “(7) other measures required by the Secretary.

9       “(b) REPORTS.—Each eligible entity receiving a  
10     grant under this subpart shall annually prepare and sub-  
11     mit a report to the Secretary containing the information  
12     described under subsection (a).

13       “(c) DEVELOPERS.—Each developer receiving a  
14     subgrant under this subpart from an eligible entity shall  
15     provide the eligible entity with the data necessary to com-  
16     ply with the requirements of this section.

17     **“SEC. 5418. FEDERAL FORMULA ALLOCATION DURING**  
18                     **FIRST YEAR AND FOR SUCCESSIVE ENROLL-**  
19                     **MENT EXPANSIONS.**

20       “(a) IN GENERAL.—For purposes of the allocation  
21     to schools by the States or their agencies of funds under  
22     part A of title I, and any other Federal funds which the  
23     Secretary allocates to States on a formula basis, the Sec-  
24     retary and each State educational agency shall take such  
25     measures as are necessary to ensure that every charter

1 school receives the Federal funding for which the charter  
2 school is eligible not later than 5 months after the charter  
3 school first opens, notwithstanding the fact that the iden-  
4 tity and characteristics of the students enrolling in that  
5 charter school are not fully and completely determined  
6 until that charter school actually opens. The measures  
7 similarly shall ensure that every charter school expanding  
8 its enrollment in any subsequent year of operation receives  
9 the Federal funding for which the charter school is eligible  
10 not later than 5 months after such expansion.

11 “(b) ADJUSTMENT AND LATE OPENINGS.—

12 “(1) IN GENERAL.—The measures described in  
13 subsection (a) shall include provision for appropriate  
14 adjustments, through recovery of funds or reduction  
15 of payments for the succeeding year, in cases where  
16 payments made to a charter school on the basis of  
17 estimated or projected enrollment data exceed the  
18 amounts that the school is eligible to receive on the  
19 basis of actual or final enrollment data.

20 “(2) RULE.—For charter schools that first  
21 open after November 1 of any academic year, the  
22 State, in accordance with guidance provided by the  
23 Secretary and applicable Federal statutes and regu-  
24 lations, shall ensure that such charter schools that  
25 are eligible for the funds described in subsection (a)

1 for such academic year have a full and fair oppor-  
2 tunity to receive those funds during the charter  
3 schools' first year of operation.

4 **“SEC. 5419. RECORDS TRANSFER.**

5 “State educational agencies and local educational  
6 agencies receiving funds under part A of title I or any  
7 other Federal funds from the Secretary, shall, in the most  
8 timely manner possible and to the extent practicable, en-  
9 sure that a student's records and, if applicable, a student's  
10 individualized education program as defined in section  
11 602(11) of the Individuals with Disabilities Education  
12 Act, are transferred to a charter school upon the transfer  
13 of the student to the charter school, and to another public  
14 school upon the transfer of the student from a charter  
15 school to another public school, in accordance with appli-  
16 cable State law.

17 **“SEC. 5420. NATIONAL ACTIVITIES.**

18 “From funds made available under this subpart for  
19 each fiscal year, the Secretary may reserve not more than  
20 2.5 percent for national activities to carry out (directly  
21 or through grants, contracts that use a competitive bid-  
22 ding process, or cooperative agreements) research, devel-  
23 opment, data collection, technical assistance, outreach,  
24 and dissemination activities, including—

1           “(1) research, technical assistance, and other  
2 activities to assist eligible entities receiving a grant  
3 under this subpart, and other eligible entities in im-  
4 proving the entity’s capacity to—

5                   “(A) create, expand, replicate, operate, or  
6 support high-performing charter schools that  
7 meet the needs of, and improve the outcomes  
8 for, all students, including students who are  
9 children with disabilities and English learners;

10                   “(B) support charter school authorizers to  
11 improve quality through the adoption of re-  
12 search-based policies and procedures and in-  
13 creased capacity; and

14                   “(C) work to turn around schools that  
15 have been identified through the State account-  
16 ability and improvement system described in  
17 section 1116;

18           “(2) providing for the research and dissemina-  
19 tion of information about specific charter school  
20 models and program characteristics for which there  
21 is strong evidence of a significant impact on improv-  
22 ing student academic achievement and growth, con-  
23 sistent with section 1111, for all students, including  
24 students who are children with disabilities and  
25 English learners;

1           “(3) developing and implementing activities  
2           that help parents, families, students, and the com-  
3           munity identify and access high-performing charter  
4           schools;

5           “(4) providing for the collection of information  
6           regarding the financial resources available to charter  
7           schools (including access to private capital) and  
8           widely disseminating to charter schools any such rel-  
9           evant information and model descriptions of success-  
10          ful programs; and

11          “(5) carrying out other related activities.

12          **“Subpart 2—Charter School Facility Acquisition,**  
13                           **Construction, and Renovation**

14          **“SEC. 5431. PURPOSE.**

15          “The purpose of this subpart is to provide grants to  
16          eligible entities to improve access to facilities and facilities  
17          financing for high-performing charter schools and assist  
18          such schools to address the cost of acquiring, constructing,  
19          and renovating facilities.

20          **“SEC. 5432. DEFINITIONS.**

21          “In this subpart:

22                 “(1) HIGH-PERFORMING CHARTER SCHOOL.—  
23                 The term ‘high-performing charter school’ has the  
24                 meaning given such term in section 5411(6).

1           “(2) ELIGIBLE ENTITY.—The term ‘eligible en-  
2           tity’ means—

3                   “(A) a State educational agency;

4                   “(B) a local educational agency, except a  
5           charter school that is considered a local edu-  
6           cational agency under State law;

7                   “(C) a nonprofit entity;

8                   “(D) a State financing authority; or

9                   “(E) a consortium of entities described in  
10          any of subparagraphs (A) through (D).

11           “(3) PER-PUPIL FACILITIES AID PROGRAM.—  
12          The term ‘per-pupil facilities aid program’ means a  
13          program—

14                   “(A) that is specified in State law;

15                   “(B) that provides annual financing, on a  
16          per-pupil basis, for charter school facilities; and

17                   “(C) in which a State makes payments, on  
18          a per-pupil basis, to charter schools to provide  
19          such schools with financing—

20                   “(i) that is dedicated solely for fund-  
21          ing charter school facilities; or

22                   “(ii) a portion of which is dedicated  
23          for funding charter school facilities.

1 **“SEC. 5433. GRANTS TO ELIGIBLE ENTITIES.**

2 “(a) CREDIT ENHANCEMENT GRANTS.—The Sec-  
3 retary shall use not less than 65 percent of the amount  
4 available to carry out this subpart to award grants on a  
5 competitive basis to eligible entities to enable such eligible  
6 entities to demonstrate innovative credit enhancement  
7 methods of assisting high-performing charter schools to  
8 access private sector capital to address the cost of acquir-  
9 ing, constructing, and renovating facilities by enhancing  
10 the availability of loans or bond financing.

11 “(b) OTHER FACILITIES GRANTS.—The Secretary  
12 shall use the remainder of the amount available to carry  
13 out this subpart to award grants on a competitive basis  
14 to eligible entities to—

15 “(1) improve access to facilities and facilities fi-  
16 nancing for high-performing charter schools, through  
17 methods that may include—

18 “(A) leveraging State and local facilities  
19 funds, including the cost of implementing school  
20 bond programs that include high-performing  
21 charter schools;

22 “(B) implementing open-facilities-access  
23 programs or making available renovated or  
24 adapted space for high-performing charter  
25 schools; and

1           “(C) assisting with constructing or improv-  
2           ing, at low cost, facilities for high-performing  
3           charter schools through innovative methods;  
4           and

5           “(2) support an eligible entity described in sec-  
6           tion 5432(2)(A) in the establishment, enhancement,  
7           and administration of a per-pupil facilities aid pro-  
8           gram through Federal payments that shall be not  
9           more than—

10           “(A) 90 percent of the cost, for the first  
11           fiscal year for which the program receives as-  
12           sistance under this subsection;

13           “(B) 80 percent in the second such year;

14           “(C) 60 percent in the third such year;

15           “(D) 40 percent in the fourth such year;

16           and

17           “(E) 20 percent in the fifth such year.

18           “(c) STATE SHARE OF PER-PUPIL FACILITIES AID  
19 PROGRAM.—A State receiving a grant under subsection  
20 (b)(2) may partner with 1 or more organizations to pro-  
21 vide not more than 50 percent of the State share of the  
22 cost of establishing, enhancing, or administering the per-  
23 pupil facilities aid program.

1           “(d) GRANT AMOUNT.—In determining the amount  
2 of each grant to be awarded under this subpart, the Sec-  
3 retary shall consider—

4           “(1) the quality of the application submitted  
5 under section 5435;

6           “(2) the number of students that are served or  
7 may be served by high-performing charter schools  
8 that would receive assistance under the grant pro-  
9 gram; and

10           “(3) the amount of funds that is needed to im-  
11 plement the activities described in the approved ap-  
12 plication.

13           “(e) SUPPLEMENT NOT SUPPLANT.—Funds made  
14 available under this section shall be used to supplement,  
15 and not supplant, State and local public funds expended  
16 to provide programs for charter schools.

17 **“SEC. 5434. CHARTER SCHOOL OBJECTIVES.**

18           “An eligible entity receiving a grant under this sub-  
19 part shall use the funds to assist 1 or more high-per-  
20 forming charter schools to accomplish 1 or both of the fol-  
21 lowing objectives:

22           “(1) The acquisition (by purchase, lease, dona-  
23 tion, or otherwise) of an interest (including an inter-  
24 est held by a third party for the benefit of a charter  
25 school) in improved or unimproved real property

1 that is necessary to commence or continue the oper-  
2 ation of a charter school.

3 “(2) The construction of new facilities, or the  
4 renovation, repair, or alteration of existing facilities,  
5 necessary to commence or continue the operation of  
6 a charter school.

7 **“SEC. 5435. APPLICATIONS; SELECTION CRITERIA.**

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.—An application submitted under  
14 subsection (a) shall include—

15 “(1) a description of the activities that the eligi-  
16 ble entity proposes to carry out using funds received  
17 under this subpart;

18 “(2) a demonstration that the eligible entity will  
19 consider the quality of a charter school when deter-  
20 mining—

21 “(A) which charter schools will receive as-  
22 sistance under this subpart;

23 “(B) how much grant assistance will be  
24 provided to each charter school; and

1                   “(C) the type of assistance that each char-  
2                   ter school will receive;

3                   “(3) a description of the eligible entity’s record  
4                   of successfully carrying out the activities that such  
5                   eligible entity proposes to carry out;

6                   “(4) if applicable, the eligible entity’s record of  
7                   leveraging private-sector funding and a description  
8                   of how the proposed activities will leverage the max-  
9                   imum amount of private-sector financing capital re-  
10                  lative to the amount of government funding;

11                  “(5) an explanation of how the eligible entity  
12                  possesses sufficient expertise in education to evalu-  
13                  ate the likelihood of success of a charter school for  
14                  which facilities financing is sought;

15                  “(6) in the case of an application submitted by  
16                  an eligible entity that includes 1 or more State or  
17                  local educational agencies, a description of the agen-  
18                  cy’s policies and procedures for ensuring that char-  
19                  ter schools have equitable access to school facilities;  
20                  and

21                  “(7) such other information as the Secretary  
22                  may reasonably require.

23                  “(c) SELECTION CRITERIA.—In awarding grants  
24                  under this subpart, the Secretary shall consider—

1           “(1) the quality of the eligible entity’s applica-  
2           tion;

3           “(2) the extent to which the eligible entity pro-  
4           poses to support high-performing charter schools  
5           that plan to enroll a large percentage of students  
6           from low-income families;

7           “(3) the geographic diversity of the eligible en-  
8           tities, including the distribution of grants between  
9           urban and rural areas; and

10           “(4) the number of eligible entities in a State  
11           that are receiving grants under this subpart in any  
12           fiscal year.

13   **“SEC. 5436. RESERVE ACCOUNT.**

14           “(a) USE OF FUNDS.—To assist charter schools with  
15           addressing the cost of acquiring, constructing, and ren-  
16           ovating facilities and accessing facilities and facilities fi-  
17           nancing, an eligible entity receiving a grant under section  
18           5433(a) shall, in accordance with State and local law, di-  
19           rectly or indirectly, alone or in collaboration with others,  
20           deposit the funds received under this subpart (other than  
21           funds used for administrative costs in accordance with sec-  
22           tion 5437) in a reserve account established and main-  
23           tained by the eligible entity for this purpose. Amounts de-  
24           posited in such account shall be used by the eligible entity  
25           for 1 or more of the following purposes:

1           “(1) Guaranteeing, insuring, and reinsuring  
2           bonds, notes, evidences of debt, loans, and interests  
3           therein, the proceeds of which are used for an objec-  
4           tive described in section 5434.

5           “(2) Guaranteeing and insuring leases of per-  
6           sonal and real property for an objective described in  
7           section 5434.

8           “(3) Facilitating financing by identifying poten-  
9           tial lending sources, encouraging private lending,  
10          and other similar activities that directly promote  
11          lending to, or for the benefit of, charter schools.

12          “(4) Facilitating the issuance of bonds by char-  
13          ter schools, or by other public entities for the benefit  
14          of charter schools, by providing technical, adminis-  
15          trative, and other appropriate assistance (including  
16          the recruitment of bond counsel, underwriters, and  
17          potential investors and the consolidation of multiple  
18          charter school projects within a single bond issue).

19          “(b) INVESTMENT.—Funds received under this sub-  
20          part and deposited in the reserve account established  
21          under subsection (a) shall be invested in obligations issued  
22          or guaranteed by the United States or a State, or in other  
23          similarly low-risk securities.

24          “(c) REINVESTMENT OF EARNINGS.—Any earnings  
25          on funds received under this subpart shall be deposited

1 in the reserve account established under subsection (a)  
2 and used in accordance with such subsection.

3 **“SEC. 5437. LIMITATION ON ADMINISTRATIVE COSTS.**

4 “An eligible entity may use not more than 2.5 percent  
5 of the funds received under this subpart for the adminis-  
6 trative costs of carrying out its responsibilities under this  
7 subpart.

8 **“SEC. 5438. AUDITS AND REPORTS.**

9 “(a) FINANCIAL RECORD MAINTENANCE AND  
10 AUDIT.—The financial records of each eligible entity re-  
11 ceiving a grant under this subpart shall be maintained in  
12 accordance with generally accepted accounting principles  
13 and shall be subject to an annual audit by an independent  
14 public accountant.

15 “(b) REPORTS.—

16 “(1) GRANTEE ANNUAL REPORTS.—Each eligi-  
17 ble entity receiving a grant under this subpart annu-  
18 ally shall submit to the Secretary a report of its op-  
19 erations and activities under this subpart.

20 “(2) CONTENTS.—Each annual report sub-  
21 mitted under paragraph (1) shall include—

22 “(A) a copy of the most recent financial  
23 statements, and any accompanying opinion on  
24 such statements, prepared by the independent

1 public accountant reviewing the financial  
2 records of the eligible entity;

3 “(B) a copy of any report made on an  
4 audit of the financial records of the eligible en-  
5 tity that was conducted under subsection (a)  
6 during the reporting period;

7 “(C) if applicable, an evaluation by the eli-  
8 gible entity of the effectiveness of its use of the  
9 Federal funds provided under this subpart in  
10 leveraging private funds;

11 “(D) a listing and description of the char-  
12 ter schools served during the reporting period  
13 and the performance of such charter schools in  
14 increasing student achievement and growth,  
15 consistent with section 1111;

16 “(E) a description of the activities carried  
17 out by the eligible entity to assist charter  
18 schools in meeting the objectives set forth in  
19 section 5434; and

20 “(F) a description of the characteristics of  
21 lenders and other financial institutions partici-  
22 pating in the activities undertaken by the eligi-  
23 ble entity under this subpart during the report-  
24 ing period, if applicable.



1       rying out the purposes described in section 5436(a);  
2       or

3               “(2) all or a portion of the funds in a reserve  
4       account established by an eligible entity under sec-  
5       tion 5436(a) if the Secretary determines that the eli-  
6       gible entity has permanently ceased to use all or a  
7       portion of the funds in such account to accomplish  
8       any purpose described in section 5436(a).

9       “(b) EXERCISE OF AUTHORITY.—The Secretary shall  
10      not exercise the authority provided in subsection (a) to  
11      collect from any eligible entity any funds that are being  
12      properly used to achieve 1 or more of the purposes de-  
13      scribed in section 5436(a).

14      “(c) PROCEDURES.—The provisions of sections 451,  
15      452, and 458 of the General Education Provisions Act  
16      shall apply to the recovery of funds under subsection (a).

17      “(d) CONSTRUCTION.—This section shall not be con-  
18      strued to impair or affect the authority of the Secretary  
19      to recover funds under part D of the General Education  
20      Provisions Act.”.

21      **PART E—VOLUNTARY PUBLIC SCHOOL CHOICE**

22      **SEC. 5501. VOLUNTARY PUBLIC SCHOOL CHOICE.**

23              Title V (20 U.S.C. 7221 et seq.) is amended by add-  
24      ing at the end the following:



1           “(1) planning or designing a program (for not  
2 more than 1 year);

3           “(2) transportation services to and from high-  
4 quality schools for participating students;

5           “(3) improving public school finance systems to  
6 allow school funding to follow students, including  
7 tuition transfer payments to high-quality public ele-  
8 mentary schools or secondary schools to which stu-  
9 dents transfer under the program;

10           “(4) capacity-enhancing activities that enable  
11 high-quality public elementary schools or secondary  
12 schools to accommodate transfer requests under the  
13 program;

14           “(5) public education and recruitment cam-  
15 paigns to inform students attending the lowest-per-  
16 forming schools and their parents about the program  
17 and to facilitate their participation; and

18           “(6) other costs reasonably necessary to imple-  
19 ment the program, such as the development of lot-  
20 tery systems.

21           “(c) NONPERMISSIBLE USES OF FUNDS.—An eligible  
22 entity that receives a grant under this subpart may not  
23 use the grant funds for school construction.

24           “(d) ADMINISTRATIVE EXPENSES.—The eligible enti-  
25 ty may use not more than 5 percent of the funds made

1 available through the grant for any fiscal year for adminis-  
2 trative expenses.

3 **“SEC. 5503. APPLICATIONS.**

4 “(a) SUBMISSION.—An eligible entity that desires a  
5 grant under this subpart shall submit an application to  
6 the Secretary at such time, in such manner, and con-  
7 taining such information as the Secretary may require.

8 “(b) CONTENTS.—An application submitted under  
9 subsection (a) shall include a comprehensive plan that de-  
10 scribes—

11 “(1) the activities to be carried out;

12 “(2) how the activities—

13 “(A) will increase access to high-quality  
14 schools for students attending the lowest-per-  
15 forming schools;

16 “(B) will increase the student academic  
17 achievement and student growth of students  
18 participating in the grant activities, including  
19 English learners and students with disabilities;  
20 and

21 “(C) if applicable, will increase diversity;

22 “(3) how students will be selected to participate  
23 in grant activities, including the design and imple-  
24 mentation of a lottery system if the program is over-

1 subscribed, and how students and parents will be in-  
2 formed of their opportunity to participate;

3 “(4) how the program will be coordinated with  
4 and leverage other related Federal and non-Federal  
5 funding and programs;

6 “(5) how the applicant will continue to imple-  
7 ment the plan after the period of the grant has ex-  
8 pired;

9 “(6) if the activities required under section  
10 5505(a)(2) are to be carried out in partnership with  
11 a public or other nonprofit organization, a descrip-  
12 tion of the organization’s experience, capacity, re-  
13 sponsibilities, and how the eligible entity will mon-  
14 itor the public or other nonprofit organization’s ef-  
15 fectiveness in carrying out such activities; and

16 “(7) such other information as the Secretary  
17 may require.

18 “(c) SELECTION CRITERIA.—In selecting grantees  
19 under this part, the Secretary shall consider—

20 “(1) the quality of the applicant’s comprehen-  
21 sive plan;

22 “(2) the extent to which the applicant can dem-  
23 onstrate that its grant activities will increase student  
24 academic achievement and student growth for stu-

1 dents participating in the grant activities, including  
2 English learners and students with disabilities; and

3 “(3) the extent to which the applicant can dem-  
4 onstrate that its grant activities will ensure that par-  
5 ents and students are informed of the program, in  
6 a clear and uniform format and, to the extent prac-  
7 ticable, in a language that the parents and students  
8 can understand, to increase the likelihood that par-  
9 ents will have their children participate in the grant-  
10 ee’s program.

11 **“SEC. 5504. PRIORITIES.**

12 “In awarding grants under this subpart, the Sec-  
13 retary shall give priority to an eligible entity that proposes  
14 to—

15 “(1) establish or expand an inter-district choice  
16 program that serves a large percentage of students  
17 from low-income families; and

18 “(2) establish or expand a program that will in-  
19 crease diversity.

20 **“SEC. 5505. REQUIREMENTS AND VOLUNTARY PARTICIPA-  
21 TION.**

22 “(a) PARENT AND COMMUNITY INVOLVEMENT AND  
23 NOTICE.—In carrying out a program under this subpart,  
24 an eligible entity shall carry out the following:

25 “(1) Develop the program with—

1           “(A) the involvement of parents and other  
2 education stakeholders in the community to be  
3 served; and

4           “(B) individuals who will carry out the  
5 program, including administrators, teachers,  
6 principals, and other staff.

7           “(2) Develop and carry out the following activi-  
8 ties, alone or in partnership with a public or other  
9 nonprofit organization that has a record of success  
10 in implementing such activities:

11           “(A) Disseminating timely and accurate in-  
12 formation about the program to parents of stu-  
13 dents attending the lowest-performing schools,  
14 in a clear and uniform format and, to the ex-  
15 tent practicable, in a language that they can  
16 understand, including through the use of a vari-  
17 ety of effective and innovative outreach ap-  
18 proaches, such as by sending customized letters  
19 to each family about available programs.

20           “(B) Providing education and training to  
21 parents of students attending the lowest-per-  
22 forming schools to enable the parents to use the  
23 information provided under subparagraph (A)  
24 in their decisions about their children’s edu-  
25 cation.

1       “(b) SELECTION OF STUDENTS.—An eligible entity  
2 that receives a grant under this subpart shall select stu-  
3 dents to participate in a program on the basis of a lottery,  
4 if more students apply for admission to the program than  
5 can be accommodated.

6       “(c) VOLUNTARY PARTICIPATION.—Student partici-  
7 pation in a program funded under this subpart shall be  
8 voluntary.

9       “(d) PERFORMANCE MEASURES.—

10           “(1) IN GENERAL.—Each eligible entity award-  
11 ed a grant under this part shall establish perform-  
12 ance measures and targets that—

13                   “(A) are approved by the Secretary;

14                   “(B) are implemented for each program  
15 established or expanded with funds provided  
16 under this part; and

17                   “(C) at a minimum, track—

18                           “(i) the number of students partici-  
19 pating;

20                           “(ii) the participating students’ aca-  
21 demic achievement and student growth;

22                           “(iii) in the case of participating high  
23 school students, their graduation rates;  
24 and

1                   “(iv) any other measure required by  
2                   the Secretary.

3                   “(2) REPORTS.—Each eligible entity awarded a  
4                   grant under this part shall annually report to the  
5                   Secretary on its performance on the measures and  
6                   targets established under paragraph (1), and shall  
7                   provide that information both in the aggregate and  
8                   disaggregated for each subgroup of students de-  
9                   scribed in section 1111(a)(2)(B)(ix).

10 **“SEC. 5506. EVALUATIONS.**

11                   “From the amount reserved for evaluation activities  
12 in accordance with section 9601(a), the Secretary, acting  
13 through the Director of the Institute of Education  
14 Sciences, shall, in consultation with the relevant program  
15 office at the Department, evaluate the implementation and  
16 impact of the activities supported under this part, con-  
17 sistent with section 9601, including—

18                   “(1) how, and the extent to which, the pro-  
19                   grams promote educational equity and excellence;

20                   “(2) the characteristics of the students partici-  
21                   pating in the programs; and

22                   “(3) the effect of the programs on the academic  
23                   achievement and student growth of students partici-  
24                   pating in the programs both in the aggregate and

1       disaggregated for each subgroup of students de-  
2       scribed in section 1111(a)(2)(B)(ix).

3       **“SEC. 5507. DEFINITIONS.**

4       “In this subpart:

5               “(1) CHARTER SCHOOL.—The term ‘charter  
6       school’ has the meaning given such term in section  
7       5210.

8               “(2) ELIGIBLE ENTITY.—The term ‘eligible en-  
9       tity’ means—

10               “(A) one or more high-need local edu-  
11       cational agencies applying with 1 or more other  
12       local educational agencies; or

13               “(B) a State educational agency applying  
14       with 1 or more high-need local educational  
15       agencies.

16               “(3) LOWEST-PERFORMING SCHOOL.—The term  
17       ‘lowest-performing school’ means a public elemen-  
18       tary school or secondary school that has been identi-  
19       fied as an achievement gap school pursuant to sec-  
20       tion 1116(b) or a persistently low-achieving school  
21       pursuant to section 1116(c).”.

22       **TITLE VI—PROMOTING FLEXI-**  
23       **BILITY; RURAL EDUCATION**

24       **SEC. 6101. PROMOTING FLEXIBILITY.**

25       Title VI (20 U.S.C. 7301 et seq.) is amended—

1           (1) by striking the title heading and inserting  
2           the following: “**PROMOTING FLEXIBILITY;**  
3           **RURAL EDUCATION**”; and

4           (2) by striking part A and inserting the fol-  
5           lowing:

6                           **“PART A—TRANSFERABILITY**

7           **“SEC. 6101. TRANSFERABILITY OF FUNDS.**

8           “(a) TRANSFERS BY STATES.—

9                       “(1) AUTHORITY TO TRANSFER.—Except as  
10           provided in paragraph (2), in accordance with this  
11           part, a State may transfer up to 100 percent of the  
12           State funds allotted to the State for a fiscal year for  
13           use for State-level activities described in this Act  
14           that are carried out as part of a grant program in  
15           which funds for the grant are distributed by a for-  
16           mula to 1 or more other State formula grant pro-  
17           grams under this Act for such fiscal year.

18                      “(2) PROHIBITION AGAINST TRANSFERRING  
19           FUNDS OUT CERTAIN TITLES.—A State may not  
20           transfer, pursuant to paragraph (1), any funds that  
21           originate in title I, III, VII, or VIII out of such re-  
22           spective title.

23           “(b) TRANSFERS BY LOCAL EDUCATIONAL AGEN-  
24           CIES.—

1           “(1) AUTHORITY TO TRANSFER.—Except as  
2           provided in paragraph (2), in accordance with this  
3           part, a local educational agency may transfer 100  
4           percent of the funds allocated to it for a fiscal year  
5           for use for local-level activities described in this Act  
6           that are carried out as part of a grant program in  
7           which funds for the grant are distributed by a for-  
8           mula to 1 or more other local educational agency  
9           formula grant programs under this Act for such fis-  
10          cal year.

11          “(2) PROHIBITION AGAINST TRANSFERRING  
12          FUNDS OUT OF CERTAIN TITLES.—A local edu-  
13          cational agency may not transfer, pursuant to para-  
14          graph (1), any funds that originate in title I, III,  
15          VII, or VIII out of such respective title.

16          “(3) SPECIAL RULE WITH RESPECT TO RURAL  
17          DISTRICTS.—Except as provided in paragraph (2), a  
18          local educational agency that is eligible to receive as-  
19          sistance under part B may transfer 100 percent of  
20          the funds allocated to it for a fiscal year for use for  
21          local-level activities described in this Act that are  
22          carried out as part of a grant program in which  
23          funds for the grant are distributed by a formula to  
24          1 or more other local educational agency formula  
25          grant programs under this Act for such fiscal year

1 or to carry out activities under a grant program in  
2 which funds for the grant are distributed by formula  
3 to States.

4 “(c) MODIFICATION OF PLANS AND APPLICATIONS;  
5 NOTIFICATION.—

6 “(1) STATE TRANSFERS.—Each State that  
7 makes a transfer of funds under this section shall—

8 “(A) modify, to account for such transfer,  
9 each State plan, or application submitted by the  
10 State, to which such funds relate;

11 “(B) not later than 30 days after the date  
12 of such transfer, submit a copy of such modi-  
13 fied plan or application to the Secretary; and

14 “(C) not later than 30 days before the ef-  
15 fective date of such transfer, notify the Sec-  
16 retary of such transfer.

17 “(2) LOCAL TRANSFERS.—Each local edu-  
18 cational agency that makes a transfer of funds  
19 under this section shall—

20 “(A) modify, to account for such transfer,  
21 each local plan, or application submitted by the  
22 agency, to which such funds relate;

23 “(B) not later than 30 days after the date  
24 of such transfer, submit a copy of such modi-  
25 fied plan or application to the State; and

1           “(C) not later than 30 days before the ef-  
2           fective date of such transfer, notify the State of  
3           such transfer.

4           “(d) APPLICABLE RULES.—

5           “(1) IN GENERAL.—Except as otherwise pro-  
6           vided in this part, funds transferred pursuant to this  
7           section are subject to each of the rules and require-  
8           ments applicable to the funds under the provision—

9           “(A) to which the transferred funds are  
10          transferred; and

11          “(B) from which the transferred funds are  
12          transferred.

13          “(2) CONSULTATION.—Each State educational  
14          agency or local educational agency that transfers  
15          funds under this section shall conduct consultations  
16          in accordance with section 9501, if such transfer  
17          transfers funds from a program that provides for  
18          the participation of students, teachers, or other edu-  
19          cational personnel, from private schools.”.

20   **SEC. 6102. RURAL EDUCATION.**

21          Part B of title VI (20 U.S.C. 7341 et seq.) is amend-  
22    ed—

23           (1) by striking section 6211;

24           (2) by redesignating sections 6212 and 6213 as  
25          sections 6211 and 6212, respectively;

1           (3) in section 6211, as redesignated by para-  
2 graph (2)—

3           (A) in the section heading, by striking  
4 “**GRANT**”;

5           (B) in subsection (a), by striking “activi-  
6 ties authorized” and all that follows through  
7 the period at the end of paragraph (5) and in-  
8 serting “activities consistent with section  
9 6101(b).”;

10          (C) in subsection (b)—

11           (i) in paragraph (1)—

12                 (I) by striking “section 6211(b)”  
13 and inserting “subsection (d)”; and

14                 (II) by striking “section 6211(c)”  
15 and inserting “subpart 2 of part A of  
16 title II”; and

17           (ii) by striking paragraph (2) and in-  
18 serting the following:

19           “(2) DETERMINATION OF INITIAL AMOUNT.—

20                 “(A) IN GENERAL.—The initial amount re-  
21 ferred to in paragraph (1) is equal to \$100  
22 multiplied by the total number of students in  
23 excess of 50 students, in average daily attend-  
24 ance at the schools served by the local edu-

1           cational agency, plus \$20,000, except that the  
2           initial amount may not exceed \$60,000.

3           “(B)    APPROPRIATION    MORE    THAN  
4           \$211,723,832.—Notwithstanding    subparagraph  
5           (A), if the appropriation for this part is more  
6           than \$211,723,832, a grant under this part  
7           shall not be less than \$25,000, and the initial  
8           amount may not exceed \$80,000.”.

9           (D) by redesignating subsection (d) as sub-  
10          section (e);

11          (E) by inserting after subsection (c) the  
12          following:

13          “(d) ELIGIBILITY.—

14               “(1) IN GENERAL.—A local educational agency  
15               shall be eligible for a grant under this section if—

16                       “(A)(i)(I) the total number of students in  
17                       average daily attendance at all of the schools  
18                       served by the local educational agency is fewer  
19                       than 600; or

20                       “(II) each county or locale in which a  
21                       school served by the local educational agency is  
22                       located has a total population density of fewer  
23                       than 10 persons per square mile; and

24                       “(ii) each of the schools served by the local  
25                       educational agency is designated with a school

1 locale code of 33, 41, 42, or 43, as determined  
2 by the Secretary; or

3 “(B) the agency meets at least one of the  
4 criteria established in subparagraph (A)(i) and  
5 the Secretary, in accordance with paragraph  
6 (2), grants the State educational agency’s re-  
7 quest to waive the criterion described in sub-  
8 paragraph (A)(ii).

9 “(2) CERTIFICATION.—The Secretary shall de-  
10 termine whether to waive the criterion described in  
11 paragraph (1)(A)(ii) based on a demonstration by  
12 the local educational agency, and with the concu-  
13 rence of the State educational agency, that the local  
14 educational agency is located in an area defined as  
15 rural by a governmental agency of the State.”; and

16 (F) by striking subsection (e), as redesign-  
17 nated by subparagraph (D), and inserting the  
18 following:

19 “(e) SPECIAL ELIGIBILITY RULE.—

20 “(1) ELIGIBILITY.—A local educational agency  
21 that is eligible to receive a grant under this subpart  
22 for a fiscal year shall be eligible to receive funds for  
23 such fiscal year under subpart 2.

24 “(2) LIMITATION ON RECEIPT OF GRANTS.—A  
25 local educational agency may receive grant funding

1 under subpart 1 or subpart 2, but may not receive  
2 grant funding under both such subparts. If a local  
3 educational agency is eligible to receive a grant  
4 under subpart 1 or subpart 2, the local educational  
5 agency may choose which grant the agency will re-  
6 ceive.”;

7 (4) by striking section 6212, as redesignated by  
8 paragraph (2), and inserting the following:

9 **“SEC. 6212. ACADEMIC ACHIEVEMENT ASSESSMENTS.**

10 “Each local educational agency that uses or receives  
11 funds under this subpart for a fiscal year shall administer  
12 assessments that are consistent with section 1111(a)(2).”;

13 (5) in section 6221—

14 (A) in subsection (b)(1)(B), by striking “6,  
15 7, or 8” and inserting “33, 41, 42, or 43,”;

16 (B) in subsection (c)(1), by striking “Bu-  
17 reau of Indian Affairs” and inserting “Bureau  
18 of Indian Education”; and

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

20 “(d) SPECIAL ELIGIBILITY RULE.—A local edu-  
21 cational agency that is eligible to receive a grant under  
22 this subpart and is also eligible to receive a grant under  
23 subpart 1, may receive a grant under this subpart for a  
24 fiscal year only if the local educational agency does not  
25 receive a grant under subpart 1 for such fiscal year.”;

1           (6) in section 6222, by striking subsection (a)  
2           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           (7) in section 6224—

8           (A) in subsection (c)—

9           (i) in the matter preceding paragraph  
10           (1), by striking “the Committee on Edu-  
11 cation and the Workforce of the House of  
12 Representatives and the Committee on  
13 Health, Education, Labor, and Pensions of  
14 the Senate” and inserting “the authorizing  
15 committees”; and

16           (ii) by striking “local educational  
17 agencies and schools” and inserting the  
18 following:

19           “(2) how local educational agencies and  
20 schools”;

21           (B) in subsection (d)—

22           (i) in the subsection heading, by strik-  
23 ing “ASSESSMENT” and inserting “AS-  
24 SESSMENTS”; and

1 (ii) by striking “an assessment that is  
2 consistent with section 1111(b)(3)” and in-  
3 sserting “assessments that are consistent  
4 with section 1111(a)(2)”;

5 (C) by striking subsection (e);

6 (8) by striking section 6234;

7 (9) by redesignating sections 6231 through  
8 6233 as sections 6232 through 6234, respectively;

9 (10) by inserting before section 6232, as red-  
10 igned by paragraph (9), the following:

11 **“SEC. 6231. CHOICE OF PARTICIPATION.**

12 “If a local educational agency is eligible for funding  
13 under subpart 1 and subpart 2 of this part, such local  
14 educational agency may choose to participate in either  
15 subpart 1 or subpart 2.”;

16 (11) in section 6232, as redesignated by para-  
17 graph (9)—

18 (A) in subsection (a), by striking “6212”  
19 and inserting “6211”; and

20 (B) in subsection (b)—

21 (i) by striking “under section 6212 or  
22 subpart 2” each place the term appears  
23 and inserting “under this part”; and

24 (ii) by striking “under this section”  
25 and inserting “under this part”; and

1           (12) in section 6233, as redesignated by para-  
2           graph (9), by striking “subpart 1 or subpart 2” and  
3           inserting “this part”.

4 **SEC. 6103. GENERAL PROVISIONS.**

5           Title VI (20 U.S.C. 7301 et seq.) is amended by  
6 striking part C.

7 **TITLE VII—INDIAN, NATIVE HA-**  
8 **WAIIAN, AND ALASKA NATIVE**  
9 **EDUCATION**

10 **PART A—INDIAN EDUCATION**

11 **SEC. 7101. PURPOSE.**

12           Section 7102 (20 U.S.C. 7402) is amended to read  
13 as follows:

14 **“SEC. 7102. PURPOSE.**

15           “It is the purpose of this part to support the efforts  
16 of local educational agencies, Indian tribes and organiza-  
17 tions, postsecondary institutions, and other entities—

18           “(1) to ensure the academic achievement of In-  
19 dian and Alaska Native students by meeting their  
20 unique cultural, language, and educational needs,  
21 consistent with section 1111(a);

22           “(2) to ensure that Indian and Alaska Native  
23 students gain knowledge and understanding of Na-  
24 tive communities, languages, tribal histories, tradi-  
25 tions, and cultures; and



1           (2) in subsection (b)(2), by striking “a reserva-  
2           tion” and inserting “an Indian reservation”; and

3           (3) by striking subsection (c) and inserting the  
4           following:

5           “(c) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

6           “(1) IN GENERAL.—If a local educational agen-  
7           cy that is otherwise eligible for a grant under this  
8           subpart does not establish a committee under section  
9           7114(c)(5) for such grant, an Indian tribe, a tribal  
10          organization (as defined for purposes of this title by  
11          section 4 of the Indian Self Determination and Edu-  
12          cation Act (25 U.S.C. 450b)), or a consortium of  
13          such entities that represents not less than  $\frac{1}{3}$  of the  
14          eligible Indian children who are served by such local  
15          educational agency may apply for such grant.

16          “(2) SPECIAL RULE.—

17          “(A) IN GENERAL.—The Secretary shall  
18          treat each Indian tribe, tribal organization, or  
19          consortium of such entities applying for a grant  
20          pursuant to paragraph (1) as if such entity  
21          were a local educational agency for purposes of  
22          this subpart.

23          “(B) EXCEPTIONS.—Notwithstanding sub-  
24          paragraph (A), such Indian tribe, tribal organi-  
25          zation, or consortium shall not be subject to the

1 requirements of subsections (b)(9) or (c)(5) of  
2 section 7114 or section 7118(c).

3 “(3) ELIGIBILITY.—If more than 1 Indian  
4 tribe, tribal organization, or consortium of such enti-  
5 ties qualify to apply for a grant under paragraph  
6 (1), the entity that represents the most eligible In-  
7 dian children who are served by the local educational  
8 agency shall be eligible to receive the grant.

9 “(4) UNAFFILIATED INDIAN TRIBES.—An In-  
10 dian tribe that operates a school and is not affiliated  
11 with either the local educational agency or the Bu-  
12 reau of Indian Education, shall be eligible to apply  
13 for a grant under this subpart.

14 “(5) ASSURANCE TO SERVE ALL INDIAN CHIL-  
15 DREN.—An Indian tribe, tribal organization, or con-  
16 sortium of such entities that qualifies to apply for a  
17 grant under paragraph (1) shall provide in the appli-  
18 cation an assurance that the entity will use the  
19 grant funds to provide services to all Indian students  
20 served by the local educational agency.”.

21 **SEC. 7113. AMOUNT OF GRANTS.**

22 Section 7113 (20 U.S.C. 7423) is amended—

23 (1) in subsection (b)—

1 (A) in paragraph (1), by striking “Bureau  
2 of Indian Affairs” and inserting “Bureau of In-  
3 dian Education”; and

4 (B) in paragraph (2)—

5 (i) by inserting “with other local edu-  
6 cational agencies, Indian tribes, or tribal  
7 organizations” after “consortium”; and

8 (ii) by inserting “and operating pro-  
9 grams” after “grants”; and

10 (2) in subsection (d)—

11 (A) in the heading, by striking “BUREAU  
12 OF INDIAN AFFAIRS” and inserting “BUREAU  
13 OF INDIAN EDUCATION”;

14 (B) in paragraph (1)(A)(i), by striking  
15 “the Bureau of Indian Affairs” and inserting  
16 “the Bureau of Indian Education”; and

17 (C) in paragraph (2), by striking “section  
18 7114(c)(4)” and inserting “section 7114(c)(5)”.

19 **SEC. 7114. APPLICATIONS.**

20 (a) IN GENERAL.—Section 7114 (20 U.S.C. 7424)  
21 is amended—

22 (1) in subsection (b)—

23 (A) in paragraph (2)—

24 (i) in subparagraph (A)—

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.”;

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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”;

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; and

9 (5) in subpart 2, as redesignated by paragraph  
10 (4), by striking the heading and inserting “**Alaska**  
11 **Native Education**”.

12 **Subpart 1—Native Hawaiian Education**

13 **SEC. 7202. FINDINGS.**

14 Section 7202 (20 U.S.C. 7512) is amended to read  
15 as follows:

16 **“SEC. 7202. FINDINGS.**

17 “Congress finds the following:

18 “(1) Native Hawaiians are a distinct and  
19 unique indigenous people with a historical continuity  
20 to the original inhabitants of the Hawaiian archi-  
21 pelago, whose society was organized as a nation and  
22 internationally recognized as a nation by the United  
23 States, Britain, France, and Japan, as evidenced by  
24 treaties governing friendship, commerce, and naviga-  
25 tion.

1           “(2) The United States has recognized and re-  
2 affirmed that—

3           “(A) Native Hawaiians have a cultural,  
4 historic, and land-based link to the indigenous  
5 people who exercised sovereignty over the Ha-  
6 waiian Islands, and that group has never relin-  
7 quished its claims to sovereignty or its sov-  
8 ereign lands;

9           “(B) Congress does not extend services to  
10 Native Hawaiians because of their race, but be-  
11 cause of their unique status as the indigenous  
12 people of a once sovereign nation as to whom  
13 the United States has established a trust rela-  
14 tionship;

15           “(C) Congress has also delegated broad  
16 authority to administer a portion of the Federal  
17 trust responsibility to the State of Hawaii;

18           “(D) the political status of Native Hawai-  
19 ians is comparable to that of American Indians  
20 and Alaska Natives; and

21           “(E) the aboriginal, indigenous people of  
22 the United States have—

23           “(i) a continuing right to autonomy in  
24 their internal affairs; and

1                   “(ii) an ongoing right of self-deter-  
2                   mination and self-governance that has  
3                   never been extinguished.

4                   “(3) The political relationship between the  
5                   United States and the Native Hawaiian people has  
6                   been recognized and reaffirmed by the United  
7                   States, as evidenced by the inclusion of Native Ha-  
8                   waiians in—

9                   “(A) the Native American Programs Act of  
10                  1974 (42 U.S.C. 2991 et seq.);

11                  “(B) the American Indian Religious Free-  
12                  dom Act (42 U.S.C. 1996);

13                  “(C) the National Museum of the Amer-  
14                  ican Indian Act (20 U.S.C. 80q et seq.);

15                  “(D) the Native American Graves Protec-  
16                  tion and Repatriation Act (25 U.S.C. 3001 et  
17                  seq.);

18                  “(E) the National Historic Preservation  
19                  Act (16 U.S.C. 470 et seq.);

20                  “(F) the Native American Languages Act  
21                  (25 U.S.C. 2901 et seq.);

22                  “(G) the American Indian, Alaska Native,  
23                  and Native Hawaiian Culture and Art Develop-  
24                  ment Act (20 U.S.C. 4401 et seq.);

1           “(H) the Workforce Investment Act of  
2           1998 (29 U.S.C. 2801 et seq.); and

3           “(I) the Older Americans Act of 1965 (42  
4           U.S.C. 3001 et seq.).

5           “(4) In 1993, 2005, and 2009 the Kameha-  
6           meha Schools Bishop Estate released an updated  
7           findings of the Native Hawaiian Educational Assess-  
8           ment Project, which found that despite the successes  
9           of the programs established under title IV of the Au-  
10          gustus F. Hawkins-Robert T. Stafford Elementary  
11          and Secondary School Improvement Amendments of  
12          1988, many of the same educational needs still ex-  
13          isted for Native Hawaiians. Subsequent reports by  
14          the Kamehameha Schools Bishop Estate and other  
15          organizations have generally confirmed those find-  
16          ings. For example—

17               “(A) Native Hawaiian students continue to  
18               begin their school experience lagging behind  
19               other students in terms of readiness factors  
20               such as vocabulary test scores;

21               “(B) Native Hawaiian students continue to  
22               score below national norms on standardized  
23               education achievement tests at all grade levels;

24               “(C) both public and private schools con-  
25               tinue to show a pattern of lower percentages of

1 Native Hawaiian students in the uppermost  
2 achievement levels and in gifted and talented  
3 programs;

4 “(D) Native Hawaiian students continue to  
5 be overrepresented among students qualifying  
6 for special education programs provided to stu-  
7 dents with learning disabilities, mild mental re-  
8 tardation, emotional impairment, and other  
9 such disabilities;

10 “(E) Native Hawaiians continue to be  
11 underrepresented in institutions of higher edu-  
12 cation and among adults who have completed 4  
13 or more years of college; and

14 “(F) Native Hawaiians continue to be dis-  
15 proportionately represented in many negative  
16 social and physical statistics indicative of spe-  
17 cial educational needs.

18 “(5) Native Hawaiian students served by the  
19 State of Hawaii Department of Education has risen  
20 from 20 percent in 1980 to 26 percent in 2008, and  
21 there are and will continue to be geographically  
22 rural, isolated areas with a high Native Hawaiian  
23 population density.

24 “(6) Despite the consequences of more than  
25 100 years of nonindigenous influence, the Native

1 Hawaiian people are determined to preserve, de-  
2 velop, and transmit to future generations their an-  
3 cestral territory and their cultural identity in accord-  
4 ance with their own spiritual and traditional beliefs,  
5 customs, practices, language, and social institutions.

6 “(7) The State of Hawaii, in the constitution  
7 and statutes of the State of Hawaii—

8 “(A) reaffirms and protects the unique  
9 right of the Native Hawaiian people to practice  
10 and perpetuate their culture and religious cus-  
11 toms, beliefs, practices, and language;

12 “(B) recognizes the traditional language of  
13 the Native Hawaiian people as an official lan-  
14 guage of the State of Hawaii, which may be  
15 used as the language of instruction for all sub-  
16 jects and grades in the public school system;  
17 and

18 “(C) promotes the study of the Hawaiian  
19 culture, language, and history by providing a  
20 Hawaiian education program and using commu-  
21 nity expertise as a suitable and essential means  
22 to further the program.”.

23 **SEC. 7203. PURPOSES.**

24 Section 7203 (20 U.S.C. 7513) is amended to read  
25 as follows:

1 **“SEC. 7203. PURPOSES.**

2 “The purposes of this subpart are to—

3 “(1) develop, implement, assess, expand, and  
4 evaluate innovative educational programs, Native  
5 Hawaiian language medium programs, Native Ha-  
6 waiian culture-based education programs, and other  
7 education programs to improve the academic  
8 achievement of Native Hawaiian students by meet-  
9 ing their unique cultural and language needs to help  
10 such students meet challenging State academic con-  
11 tent standards and challenging State student aca-  
12 demic achievement standards;

13 “(2) provide guidance to appropriate Federal,  
14 State, and local agencies to more effectively and effi-  
15 ciently focus resources, including resources made  
16 available under this subpart, on the development and  
17 implementation of—

18 “(A) innovative educational programs for  
19 Native Hawaiian students;

20 “(B) rigorous and substantive Native Ha-  
21 waiian language programs; and

22 “(C) Native Hawaiian culture-based edu-  
23 cational programs; and

24 “(3) create a system by which information from  
25 programs funded under this subpart will be col-  
26 lected, analyzed, evaluated, reported, and used in de-

1 cision making activities with respect to the types of  
2 grants awarded under this subpart.”.

3 **SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL.**

4 Section 7204 (20 U.S.C. 7514) is amended to read  
5 as follows:

6 **“SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL.**

7 “(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDU-  
8 CATION COUNCIL.—In order to better effectuate the pur-  
9 poses of this subpart through the coordination of edu-  
10 cational and related services and programs available to  
11 Native Hawaiian students, including those programs re-  
12 ceiving funding under this subpart, the Secretary shall es-  
13 tablish a Native Hawaiian Education Council (referred to  
14 in this subpart as the ‘Education Council’).

15 “(b) COMPOSITION.—

16 “(1) IN GENERAL.—The Education Council  
17 shall consist of 15 members of whom—

18 “(A) 1 shall be the President of the Uni-  
19 versity of Hawaii (or a designee);

20 “(B) 1 shall be the Governor of the State  
21 of Hawaii (or a designee);

22 “(C) 1 shall be the Superintendent of the  
23 State of Hawaii Department of Education (or a  
24 designee);

1           “(D) 1 shall be the chairperson of the Of-  
2           fice of Hawaiian Affairs (or a designee);

3           “(E) 1 shall be the executive director of  
4           the Hawaii Charter School Network (or a des-  
5           ignee);

6           “(F) 1 shall be the chief executive officer  
7           of the Kamehameha Schools (or a designee);

8           “(G) 1 shall be the chairperson of the  
9           Queen Liliuokalani Trust (or a designee);

10          “(H) 1 shall be a member, selected by the  
11          other members of the Education Council, who  
12          represents a private grant making entity (or a  
13          designee);

14          “(I) 1 shall be the mayor of the County of  
15          Hawaii (or a designee);

16          “(J) 1 shall be the Mayor of Maui County  
17          (or a designee from the Island of Maui);

18          “(K) 1 shall be the Mayor of the County  
19          of Kauai (or a designee);

20          “(L) 1 shall be appointed by the Mayor of  
21          Maui County from the Island of either Molokai  
22          or Lanai;

23          “(M) 1 shall be the Mayor of the City and  
24          County of Honolulu (or a designee);

1           “(N) 1 shall be the Chairperson the Ha-  
2           waiian Homes Commission (or a designee); and

3           “(O) 1 shall be the Chairperson of the Ha-  
4           waii Workforce Development Council (or a des-  
5           ignee representing the private sector).

6           “(2) LIMITATION.—A member of the Education  
7           Council, including a designee, may not receive, as an  
8           individual, grant funds awarded under this part  
9           while serving on the Education Council.

10          “(c) CHAIR, VICE CHAIR.—

11           “(1) SELECTION.—The Education Council shall  
12           select a Chair and Vice Chair from among the mem-  
13           bers of the Education Council.

14           “(2) SERVICE.—The Chair and Vice Chair se-  
15           lected under paragraph (1) shall each serve for one  
16           2-year term.

17          “(d) NATIVE HAWAIIAN EDUCATION COUNCIL  
18          GRANT.—The Secretary shall make a grant to the Edu-  
19          cation Council to carry out the following activities:

20           “(1) Coordinate the educational and related  
21           services and programs available to Native Hawaiian  
22           students, including the programs assisted under this  
23           subpart.

24           “(2) Assess the extent to which such services  
25           and programs meet the needs of Native Hawaiians,

1 and collect data on the status of Native Hawaiian  
2 education.

3 “(3) Provide direction and guidance, through  
4 the issuance of reports and recommendations, to ap-  
5 propriate Federal, State, and local agencies in order  
6 to focus and improve the use of resources, including  
7 resources made available under this subpart, relating  
8 to Native Hawaiian student education, and serve,  
9 where appropriate, in an advisory capacity.

10 “(4) Make direct grants and subgrants, if such  
11 grants and subgrants would enable the Education  
12 Council to carry out the duties of the Education  
13 Council, as described in paragraphs (1) through (3).

14 “(5) Hire an executive director who shall exe-  
15 cute the duties and powers of the Education Council  
16 as described in subsection (e).

17 “(e) DUTIES AND POWERS OF THE EDUCATION  
18 COUNCIL.—The Education Council shall—

19 “(1) obtain from the Secretary information re-  
20 garding grants awarded under this subpart;

21 “(2) provide technical assistance to Native Ha-  
22 waiian organizations that are grantees or potential  
23 grantees under this subpart;

24 “(3) assess and define the educational needs of  
25 Native Hawaiian students;

1           “(4) assess the programs and services currently  
2           available to address the educational needs of Native  
3           Hawaiian students;

4           “(5) assess and evaluate the individual and ag-  
5           gregate impact achieved by grantees in improving  
6           Native Hawaiian educational performance and meet-  
7           ing the goals of this subpart;

8           “(6) prepare and submit to the Secretary, be-  
9           fore the end of each calendar year, annual reports  
10          that contain—

11                 “(A) a description of the activities of the  
12                 Education Council during the preceding cal-  
13                 endar year;

14                 “(B) recommendations of the Education  
15                 Council, if any, regarding priorities established  
16                 under section 7205(b);

17                 “(C) significant barriers to achieving the  
18                 goals under this part;

19                 “(D) a summary of each community con-  
20                 sultation session, as described in subsection (f);

21                 “(E) recommendations to establish funding  
22                 priorities based on an assessment of—

23                         “(i) the educational needs of Native  
24                         Hawaiians;

1                   “(ii) programs and services currently  
2                   available to address such needs, including  
3                   the effectiveness of such programs in im-  
4                   proving educational performance of Native  
5                   Hawaiians; and

6                   “(iii) priorities for funding in specific  
7                   geographic communities; and

8                   “(7) hold annual community consultations as  
9                   described in subsection (f).

10                  “(f) COMMUNITY CONSULTATIONS.—

11                  “(1) IN GENERAL.—The Education Council  
12                  shall hold not less than 1 community consultation  
13                  each year on each of the Islands of Hawaii, Maui,  
14                  Molokai, Lanai, Oahu, and Kauai—

15                         “(A) which not less than 3 members of the  
16                         Education Council shall attend;

17                         “(B) at which the Education Council shall  
18                         gather community input regarding—

19                                 “(i) current grantees;

20                                 “(ii) priorities and needs;

21                                 “(iii) other Native Hawaiian edu-  
22                                 cational issues; and

23                         “(C) at which the Education Council shall  
24                         report to the community on the outcomes of the  
25                         grants awarded under this part.

1           “(2) SUPPORT FOR COMMUNITY CONSULTA-  
2           TIONS.—The Education Council may, from funds  
3           made available under section 7205(h)(2), provide  
4           such financial support to the community consulta-  
5           tions described in paragraph (1) as the Education  
6           Council determines to be appropriate.

7           “(g) ADMINISTRATIVE PROVISIONS RELATING TO  
8           EDUCATION COUNCIL.—The Education Council shall  
9           meet at the call of the Chair of the Council, or upon re-  
10          quest by a majority of the members of the Education  
11          Council, but in any event not less often than every 120  
12          days.

13          “(h) FUNDING.—

14                 “(1) IN GENERAL.—For each fiscal year, the  
15                 Secretary shall provide to the Education Council (in-  
16                 cluding through grants and contracts) the amount  
17                 described in section 7205(h)(2), to remain available  
18                 until expended.

19                 “(2) NO COMPENSATION.—Each member of the  
20                 Education Council, and each member of a commu-  
21                 nity consultation or other working group established  
22                 by the Education Council, shall serve without com-  
23                 pensation.

24                 “(i) REPORT.—Not later than 2 years after the date  
25                 of enactment of the Elementary and Secondary Education

1 Reauthorization Act of 2011, the Secretary shall prepare  
2 and submit to the Committee on Indian Affairs and the  
3 Committee on Health, Education, Labor, and Pensions of  
4 the Senate and the Committee on Education and the  
5 Workforce of the House of Representatives, a report  
6 that—

7           “(1) summarizes the annual reports of the Edu-  
8 cation Council;

9           “(2) describes the allocation and use of funds  
10 under this subpart and the information gathered  
11 since the first annual report submitted by the Edu-  
12 cation Council to the Secretary under this section;  
13 and

14           “(3) contains recommendations for changes in  
15 Federal, State, and local policy to advance the pur-  
16 poses of this subpart.

17           “(j) FEDERAL ADVISORY COMMITTEE ACT APPLICA-  
18 BILITY.—The provisions of the Federal Advisory Com-  
19 mittee Act (5 U.S.C. App.) shall apply to the Education  
20 Council, except that section 14 of such Act shall not apply.

21           “(k) TERMINATION.—The Education Council shall  
22 terminate on the date that is the expiration of the 10-  
23 year period following the date of enactment of the Elemen-  
24 tary and Secondary Education Reauthorization Act of  
25 2011”.

1 **SEC. 7205. PROGRAM AUTHORIZED.**

2 Section 7205 (20 U.S.C. 7515 et seq.) is amended  
3 to read as follows:

4 **“SEC. 7205. PROGRAM AUTHORIZED.**

5 “(a) GRANTS AND CONTRACTS.—In order to carry  
6 out programs that meet the purposes of this subpart, the  
7 Secretary is authorized to award grants to, or enter into  
8 contracts with—

9 “(1) Native Hawaiian educational organiza-  
10 tions;

11 “(2) Native Hawaiian community-based organi-  
12 zations;

13 “(3) public and private nonprofit organizations,  
14 agencies, and institutions with experience in success-  
15 fully developing or operating Native Hawaiian edu-  
16 cation and workforce development programs or pro-  
17 grams of instruction in the Native Hawaiian lan-  
18 guage;

19 “(4) charter schools; and

20 “(5) consortia of the organizations, agencies,  
21 and institutions described in paragraphs (1) through  
22 (4).

23 “(b) PRIORITY.—In providing grants and entering  
24 into contracts under this subpart, the Secretary shall give  
25 priority to—

1           “(1) programs that meet the educational prior-  
2           ities established by the Education Council under sec-  
3           tion 7204(e)(6);

4           “(2) programs designed to improve the aca-  
5           demic achievement of Native Hawaiian students by  
6           meeting their unique cultural and language needs in  
7           order to help such students meet challenging State  
8           academic content standards and challenging State  
9           student academic achievement standards, including  
10          activities relating to—

11                   “(A) achieving competence in reading, lit-  
12                   eracy, mathematics, and science for students in  
13                   preschool through grade 3;

14                   “(B) the educational needs of at-risk chil-  
15                   dren and youth;

16                   “(C) professional development for teachers  
17                   and administrators;

18                   “(D) the use of Native Hawaiian language  
19                   and preservation or reclamation of Native Ha-  
20                   waiian culture-based educational practices;

21                   “(E) preparation for employment in fields  
22                   in which Native Hawaiians are underemployed  
23                   or underrepresented; and

24                   “(F) other programs relating to the activi-  
25                   ties described in this subpart; and

1           “(3) programs in which a State educational  
2           agency, local educational agency, institution of high-  
3           er education, or a State educational agency or local  
4           educational agency in partnership with an institution  
5           of higher education apply for a grant or contract  
6           under this part as part of a partnership or consor-  
7           tium involving—

8                   “(A) a Native Hawaiian community-based  
9                   organization;

10                   “(B) a Native Hawaiian education organi-  
11                   zation;

12                   “(C) a Native Hawaiian focused public  
13                   charter school; or

14                   “(D) a Native Hawaiian organization.

15           “(c) AUTHORIZED ACTIVITIES.—Activities provided  
16 through programs carried out under this subpart may in-  
17 clude—

18                   “(1) the development and maintenance of a  
19                   statewide Native Hawaiian early childhood education  
20                   and care system to provide a continuum of high-  
21                   quality services for Native Hawaiian children from  
22                   the prenatal period through the age of kindergarten  
23                   entry;

24                   “(2) the operation of family-based education  
25                   centers that provide such services as—

1           “(A) programs for Native Hawaiian par-  
2           ents and their infants from the prenatal period  
3           of infancy through age 3;

4           “(B) preschool programs for Native Ha-  
5           waiian children; and

6           “(C) research on, and development and as-  
7           sessment of, family-based early care and edu-  
8           cation and preschool programs for Native Ha-  
9           waiians;

10          “(3) activities that enhance beginning reading  
11          and literacy in either the Hawaiian or the English  
12          language among Native Hawaiian students in kin-  
13          dergarten through third grade and assistance in ad-  
14          dressing the distinct features of combined English  
15          and Hawaiian literacy for Hawaiian speakers in fifth  
16          and sixth grade;

17          “(4) activities to meet the special needs of Na-  
18          tive Hawaiian students with disabilities, including—

19               “(A) the identification of such students  
20               and their needs;

21               “(B) the provision of support services to  
22               the families of those students; and

23               “(C) other activities consistent with the re-  
24               quirements of the Individuals with Disabilities  
25               Education Act;

1           “(5) activities that address the special needs of  
2           Native Hawaiian students who are gifted and tal-  
3           ented, including—

4                   “(A) educational, psychological, social,  
5                   emotional, and developmental activities designed  
6                   to assist in the educational progress of such  
7                   students; and

8                   “(B) activities that involve the parents of  
9                   such students in a manner designed to assist in  
10                  the students’ educational progress;

11                  “(6) the development of academic and voca-  
12                  tional curricula to address the needs of Native Ha-  
13                  waiian children, youth, and adults, including cur-  
14                  riculum materials in the Hawaiian language, mathe-  
15                  matics, science, engineering, and technology cur-  
16                  ricula that incorporate Native Hawaiian tradition  
17                  and culture;

18                  “(7) professional development activities for edu-  
19                  cators, including—

20                   “(A) the development of programs to pre-  
21                   pare prospective teachers to address the unique  
22                   needs of Native Hawaiian students within the  
23                   context of Native Hawaiian culture, language,  
24                   and traditions;

1           “(B) in-service programs to improve the  
2           ability of teachers who teach in schools with  
3           concentrations of Native Hawaiian students to  
4           meet those students’ unique needs; and

5           “(C) the recruitment and preparation of  
6           Native Hawaiian individuals, and other individ-  
7           uals who live in communities with a high con-  
8           centration of Native Hawaiians, to become  
9           teachers or leaders;

10          “(8) the operation of community-based learning  
11          centers that address the needs of Native Hawaiian  
12          families and communities through the coordination  
13          of public and private programs and services, includ-  
14          ing—

15               “(A) early care and education programs,  
16               including preschool programs;

17               “(B) before- and after-school programs  
18               and Saturday academies;

19               “(C) career and technical and adult edu-  
20               cation programs; and

21               “(D) programs that recognize and support  
22               the unique cultural and educational needs of  
23               Native Hawaiian children and youth and incor-  
24               porate appropriately qualified Native Hawaiian  
25               elders and seniors;

1           “(9) activities, including program co-location, to  
2           enable Native Hawaiian individuals to enter and  
3           complete programs of postsecondary education, in-  
4           cluding—

5                   “(A) provision of full or partial scholar-  
6                   ships for undergraduate or graduate study that  
7                   are awarded to students based on their aca-  
8                   demic promise and financial need, with a pri-  
9                   ority, at the graduate level, given to Native Ha-  
10                  waiian students entering professions in which  
11                  Native Hawaiians are underrepresented;

12                   “(B) family literacy services;

13                   “(C) counseling and support services for  
14                  students receiving scholarship assistance;

15                   “(D) counseling and guidance for Native  
16                  Hawaiian secondary students who have the po-  
17                  tential to receive scholarships;

18                   “(E) assistance with completing the college  
19                  admissions and financial aid application proc-  
20                  ess; and

21                   “(F) faculty development activities de-  
22                  signed to promote the matriculation of Native  
23                  Hawaiian students;

24                  “(10) activities that recognize and supports the  
25                  unique needs of Native Hawaiian youth to complete

1 quality workforce preparation and training programs  
2 and activities, including apprenticeship programs;

3 “(11) research and data collection activities to  
4 determine the educational status and needs of Na-  
5 tive Hawaiian children and youth;

6 “(12) other research and evaluation activities  
7 related to programs carried out under this subpart;  
8 and

9 “(13) other activities, consistent with the pur-  
10 poses of this subpart, to meet the educational needs  
11 of Native Hawaiian children and youth.

12 “(d) ADDITIONAL ACTIVITIES.—From funds made  
13 available to carry out this section, the Secretary shall sup-  
14 port the following:

15 “(1) Development of a body of Native Hawaiian  
16 law.

17 “(2) Repair and renovation of public schools  
18 that serve high concentrations of Native Hawaiian  
19 students.

20 “(3) Informal education programs that present  
21 traditional Hawaiian knowledge, science, astronomy,  
22 and the environment through State museums or  
23 learning centers.

24 “(e) SPECIAL RULE AND CONDITIONS.—

1           “(1) INSTITUTIONS OUTSIDE HAWAII.—The  
2           Secretary may not establish a policy under this sec-  
3           tion that prevents a Native Hawaiian student en-  
4           rolled at a 2- or 4-year degree granting institution  
5           of higher education outside of the State of Hawaii  
6           from receiving a scholarship pursuant to subsection  
7           (c)(9)(A).

8           “(2) SCHOLARSHIP CONDITIONS.—The Sec-  
9           retary shall establish conditions for receipt of a  
10          scholarship awarded under subsection (c)(9)(A). The  
11          conditions shall require that an individual seeking  
12          such a scholarship enter into a contract to provide  
13          professional services, either during the scholarship  
14          period or upon completion of a program of postsec-  
15          ondary education, to the Native Hawaiian commu-  
16          nity.

17          “(f) TREATMENT OF FUNDS.—

18                 “(1) IN GENERAL.—Except as provided in para-  
19                 graph (2), funds made available under this subpart  
20                 shall be used to supplement, and not supplant, any  
21                 State or local funds used to achieve the purposes of  
22                 this subpart.

23                 “(2) EXCEPTION.—Paragraph (1) shall not  
24                 apply to any nonprofit entity or Native Hawaiian

1 community-based organization that receives a grant  
2 or other funds under this subpart.

3 “(g) ADMINISTRATIVE COSTS.—

4 “(1) IN GENERAL.—Except as provided in para-  
5 graph (2), not more than 5 percent of funds pro-  
6 vided to a recipient of a grant or contract under  
7 subsection (a) for any fiscal year may be used for  
8 administrative purposes.

9 “(2) EXCEPTION.—Not more than 10 percent  
10 of funds provided under subsection (a) for any fiscal  
11 year to a nonprofit entity serving the Native Hawai-  
12 ian community may be used for administrative pur-  
13 poses.

14 “(h) AUTHORIZATION OF APPROPRIATIONS.—

15 “(1) IN GENERAL.—There are authorized to be  
16 appropriated to carry out this section and section  
17 7204 such sums as may be necessary for fiscal year  
18 2012 and each of the 5 succeeding fiscal years.

19 “(2) RESERVATION.—Of the funds appro-  
20 priated under this subsection, the Secretary shall re-  
21 serve, for each of fiscal years 2012 through 2017  
22 not less than \$500,000 for the Education Council.

23 “(3) AVAILABILITY.—Funds appropriated  
24 under this subsection shall remain available until ex-  
25 pended.”.

1 **SEC. 7206. ADMINISTRATIVE PROVISIONS.**

2 Section 7206 (20 U.S.C. 7516) is amended to read  
3 as follows:

4 **“SEC. 7206. ADMINISTRATIVE PROVISIONS.**

5 “(a) APPLICATION REQUIRED.—

6 “(1) IN GENERAL.—No grant may be made  
7 under this subpart, and no contract may be entered  
8 into under this subpart, unless the entity seeking the  
9 grant or contract submits an application to the Sec-  
10 retary at such time, in such manner, and containing  
11 such information as the Secretary may determine to  
12 be necessary to carry out the provisions of this sub-  
13 part.

14 “(2) ACADEMIC PROJECTS.—Applications sub-  
15 mitted under this subpart to carry out projects and  
16 activities that are academic in nature shall de-  
17 scribe—

18 “(A) the criteria that will be used to en-  
19 sure that such projects and activities use evi-  
20 dence-based strategies and methods; and

21 “(B) the process through which the appli-  
22 cant will monitor and report such activities, in-  
23 cluding the achievement of identified objectives.

24 “(b) APPLICATIONS TO EDUCATION COUNCIL.—The  
25 Secretary shall provide to the Education Council a copy

1 of each grant or contract application submitted under this  
2 subpart.

3 “(c) ANNUAL REPORT.—

4 “(1) IN GENERAL.—Each entity that receives a  
5 grant under this subpart shall submit to the Sec-  
6 retary an annual report, in such form and con-  
7 taining such information as the Secretary may re-  
8 quire that determines the extent to which activities  
9 carried out with funds provided under this subpart  
10 are effective in improving the educational achieve-  
11 ment of Native Hawaiian students served by such  
12 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 data are available, on—

18 “(A) the academic achievement of the Na-  
19 tive Hawaiian 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 **SEC. 7207. DEFINITIONS.**

2 Section 7207 (20 U.S.C. 7517) is amended—

3 (1) in the matter preceding paragraph (1), by  
4 striking “part” and inserting “subpart”;

5 (2) by redesignating paragraphs (1) through  
6 (6) as paragraphs (2) through (7), respectively; and

7 (3) by inserting before paragraph (2), as reded-  
8 icated by paragraph (1), the following:

9 “(1) **COMMUNITY CONSULTATION.**—The term  
10 ‘community consultation’ means a public gath-  
11 ering—

12 “(A) to discuss Native Hawaiian education  
13 concerns; and

14 “(B) about which the public has been given  
15 not less than 30 days notice.”.

16 **Subpart 2—Alaska Native Education**

17 **SEC. 7301. ALASKA NATIVE EDUCATION.**

18 Title VII (20 U.S.C. 7401 et seq.) is amended by  
19 striking sections 7301 through 7306 and inserting the fol-  
20 lowing:

21 **“SEC. 7301. SHORT TITLE.**

22 “This subpart may be cited as the ‘Alaska Native  
23 Educational Equity, Support, and Assistance Act’.

24 **“SEC. 7302. FINDINGS.**

25 “Congress finds and declares the following:

1           “(1) The attainment of educational success is  
2           critical to the betterment of the conditions, long-  
3           term well-being, and preservation of the culture and  
4           languages of Alaska Natives.

5           “(2) It is the policy of the Federal Govern-  
6           ment—

7                   “(A) to encourage the maximum participa-  
8                   tion by Alaska Natives in the planning and the  
9                   management of Alaska Native education pro-  
10                  grams; and

11                   “(B) to support efforts developed by, and  
12                   undertaken within, the Alaska Native commu-  
13                   nity to improve educational opportunity for  
14                   Alaska Native children.

15           “(3) Alaska Native children enter and exit  
16           school with serious educational handicaps.

17           “(4) The educational achievement of Alaska  
18           Native children is far below national norms. Native  
19           performance on standardized tests is low, Native  
20           student dropout rates are high, Natives are signifi-  
21           cantly underrepresented among holders of bacca-  
22           laureate degrees in the State of Alaska, and Alaska  
23           Natives are more likely than other Alaskans to be  
24           without access to employment. As a result, Native  
25           students are being denied their opportunity to be-

1       come full participants in society and an entire gen-  
2       eration is being condemned to an underclass status  
3       and a life of limited choices.

4               “(5) The programs and activities authorized in  
5       this subpart, combined with expanded Head Start,  
6       infant learning, and early childhood education and  
7       care programs, and parent and family education pro-  
8       grams, are essential if educational barriers are to be  
9       overcome.

10              “(6) The sheer magnitude of the geographic  
11       barriers to be overcome in delivering educational  
12       services in rural Alaska and Alaska villages should  
13       be addressed through the development and imple-  
14       mentation of innovative, model programs in a variety  
15       of areas.

16              “(7) Alaska Native children should be afforded  
17       the opportunity to begin their formal education on  
18       a par with their non-Native peers. The Federal Gov-  
19       ernment should lend support to efforts developed by  
20       and undertaken within the Alaska Native community  
21       to improve educational opportunity for all students.

22       **“SEC. 7303. PURPOSES.**

23              “The purposes of this subpart are as follows:

24                      “(1) To meet the unique educational needs of  
25       Alaska Natives.

1           “(2) To authorize the development and en-  
2           hancement of effective supplemental educational pro-  
3           grams to benefit Alaska Natives.

4           “(3) To supplement existing programs and au-  
5           thorities in the area of education to further the pur-  
6           poses of this subpart.

7           “(4) To provide direction and guidance to ap-  
8           propriate Federal, State, and local agencies to focus  
9           resources, including resources made available under  
10          this subpart, on meeting the educational needs of  
11          Alaska Natives.

12          “(5) To ensure the maximum participation by  
13          Alaska Natives in the planning and management of  
14          education programs designed to serve Alaska Na-  
15          tives.

16 **“SEC. 7304. PROGRAM AUTHORIZED.**

17          “(a) GENERAL AUTHORITY.—

18               “(1) GRANTS AND CONTRACTS.—In order to  
19               carry out programs that meet the purposes of this  
20               subpart, the Secretary is authorized to make grants  
21               to, or enter into contracts with—

22                       “(A) Alaska Native organizations;

23                       “(B) educational entities with experience  
24                       in developing or operating Alaska Native pro-

1           grams or programs of instruction conducted in  
2           Alaska Native languages;

3           “(C) cultural and community-based organi-  
4           zations with experience in developing or oper-  
5           ating programs to address the educational  
6           needs of Alaska Natives; and

7           “(D) consortia of organizations and enti-  
8           ties described in this paragraph.

9           “(2) PERMISSIBLE ACTIVITIES.—Activities pro-  
10          vided through programs carried out under this sub-  
11          part may include the following:

12           “(A) The development and implementation  
13           of plans, methods, and strategies to improve the  
14           education of Alaska Natives.

15           “(B) The development of curricula and  
16           educational programs that address the edu-  
17           cational needs of Alaska Native students, in-  
18           cluding the following:

19           “(i) Curricula materials and instruc-  
20           tional programs that reflect the cultural  
21           and linguistic diversity or the contributions  
22           of Alaska Natives.

23           “(ii) Networks that introduce and dis-  
24           seminate successful programs and best  
25           practices, materials, and techniques to

1 meet the educational needs of Alaska Na-  
2 tive students.

3 “(C) Professional development activities  
4 for educators, including the following:

5 “(i) Pre-service and in-service profes-  
6 sional development programs to prepare  
7 teachers and principals to develop appre-  
8 ciation for, and understanding of, Alaska  
9 Native cultures and values in order to meet  
10 the unique needs of Alaska Native stu-  
11 dents.

12 “(ii) Recruitment and preparation of  
13 teachers who—

14 “(I) are Alaska Native;

15 “(II) reside in communities with  
16 high concentrations of Alaska Native  
17 students; or

18 “(III) are likely to succeed as  
19 teachers in isolated, rural commu-  
20 nities and engage in cross-cultural in-  
21 struction in Alaska.

22 “(iii) Programs that will lead to the  
23 certification and licensing of Alaska Native  
24 teachers, principals, and superintendents.

1           “(D) The development and operation of  
2 home instruction programs for Alaska Native  
3 preschool children, to ensure the active engage-  
4 ment of parents and families in their children’s  
5 education from the earliest ages.

6           “(E) Family literacy services.

7           “(F) The development and operation of  
8 student enrichment programs, including those  
9 in science, technology, engineering, and mathe-  
10 matics that—

11           “(i) are designed to prepare Alaska  
12 Native students from rural areas, who are  
13 preparing to enter secondary school, to  
14 excel in such subjects;

15           “(ii) provide appropriate support serv-  
16 ices to the families of such students to en-  
17 able such students to benefit from the pro-  
18 grams; and

19           “(iii) may include activities that rec-  
20 ognize and support the unique cultural and  
21 educational needs of Alaska Native chil-  
22 dren, and incorporate appropriately quali-  
23 fied Alaska Native elders.

1           “(G) Research and data collection activi-  
2 ties to determine the educational status and  
3 needs of Alaska Native children and adults.

4           “(H) Remedial and enrichment programs  
5 to assist Alaska Native students in becoming  
6 college or career ready.

7           “(I) Education and training of Alaska Na-  
8 tive students enrolled in a degree program that  
9 will lead to certification or licensing as teachers.

10           “(J) Parenting education for parents and  
11 caregivers of Alaska Native children to improve  
12 parenting and caregiving skills (including skills  
13 relating to discipline and cognitive develop-  
14 ment), including parenting education provided  
15 through in-home visitation of new mothers.

16           “(K) Culturally based education programs  
17 designed and provided by an entity with dem-  
18 onstrated experience in—

19           “(i) providing programs of study to  
20 share the rich and diverse cultures and his-  
21 tory of Alaska Native people;

22           “(ii) instructing Alaska Native stu-  
23 dents in leadership, communication, and  
24 Native culture, arts, and languages;

1                   “(iii) increasing the high school grad-  
2                   uation rate of the Alaska Native students  
3                   that the entity serves;

4                   “(iv) providing intergenerational  
5                   learning and internship opportunities; or

6                   “(v) providing cultural immersion ac-  
7                   tivities aimed at Alaska Native cultural  
8                   preservation.

9                   “(L) A statewide on-site exchange program  
10                  for students and teachers, involving school and  
11                  culture camps, that demonstrates effectiveness  
12                  in—

13                  “(i) facilitating cultural relationships  
14                  between urban and rural Alaskans to build  
15                  mutual respect and understanding; and

16                  “(ii) fostering a statewide sense of  
17                  community identity through host family,  
18                  school, and community cross-cultural im-  
19                  mersion.

20                  “(M) Activities carried out through pro-  
21                  grams under part A of title I and Head Start  
22                  programs carried out under the Head Start  
23                  Act, including the training of teachers for pro-  
24                  grams described in this subpart.

1           “(N) Other early learning and preschool  
2 programs.

3           “(O) Education programs for at-risk urban  
4 Alaska Native students that are operated by  
5 tribes or tribal organizations that have dem-  
6 onstrated experience in increasing graduation  
7 rates among such students and that—

8           “(i) include culturally-informed cur-  
9 ricula intended to preserve and promote  
10 Alaska Native culture;

11           “(ii) partner effectively with the local  
12 educational agency by providing a school-  
13 within-a-school program model;

14           “(iii) provide high-quality academic  
15 instruction, small classroom sizes, and so-  
16 cial and emotional support for students;

17           “(iv) work with parents and families  
18 to increase parent and family engagement;

19           “(v) have a proven track record of im-  
20 proving academic proficiency and increas-  
21 ing graduation rates;

22           “(vi) provide college preparation and  
23 career planning; and

1                   “(vii) incorporate a strong data collec-  
2                   tion and continuous evaluation component  
3                   at all levels of the program.

4                   “(P) A statewide program that has dem-  
5                   onstrated effectiveness in providing technical  
6                   assistance and support to schools and commu-  
7                   nities to engage adults in promoting the aca-  
8                   demic progress and overall well-being of young  
9                   people through strengths-based approaches to  
10                  child and youth development, positive youth-  
11                  adult relationships, improved conditions for  
12                  learning (such as school climate and student  
13                  connection to the school and community), and  
14                  increased connections between schools and fam-  
15                  ilies.

16                  “(Q) Career preparation activities to en-  
17                  able Alaska Native children and adults to pre-  
18                  pare for meaningful employment, including pro-  
19                  grams providing tech-prep, mentoring, training,  
20                  and apprenticeship activities.

21                  “(R) The provision of operational support  
22                  and purchasing of equipment to develop re-  
23                  gional vocational schools in rural areas of Alas-  
24                  ka, including boarding schools, for Alaska Na-  
25                  tive students in grades 9 through 12, or at

1 higher levels of education, to provide such stu-  
2 dents with necessary resources to prepare for  
3 skilled employment opportunities.

4 “(S) Other research and evaluation activi-  
5 ties related to programs carried out under this  
6 subpart.

7 “(T) Other activities, consistent with the  
8 purposes of this subpart, to meet the edu-  
9 cational needs of Alaska Native children and  
10 adults.

11 “(3) HOME INSTRUCTION PROGRAMS.—The  
12 home instruction programs for Alaska Native pre-  
13 school children, described under paragraph (2)(D),  
14 may include the following:

15 “(A) Programs for parents and their in-  
16 fants, from the prenatal period through age 3.

17 “(B) Preschool programs.

18 “(C) Training, education, and support for  
19 parents in such areas as reading readiness, ob-  
20 servation, story telling, and critical thinking.

21 “(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not  
22 more than 5 percent of funds provided to a grantee under  
23 this section for any fiscal year may be used for administra-  
24 tive purposes.

1           “(c) PRIORITIES.—In awarding grants or contracts  
2 to carry out activities this subpart, the Secretary shall give  
3 priority to applications from Alaska Native regional non-  
4 profit organizations, or consortia that include not less  
5 than 1 Alaska Native regional nonprofit organization.

6           “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated to carry out this section  
8 such sums as may be necessary for fiscal year 2012 and  
9 each of the 5 succeeding fiscal years

10 **“SEC. 7305. ADMINISTRATIVE PROVISIONS.**

11           “(a) APPLICATION REQUIRED.—No grant may be  
12 made under this subpart, and no contract may be entered  
13 into under this subpart, unless the entity seeking the  
14 grant or contract submits an application to the Secretary  
15 in such form, in such manner, and containing such infor-  
16 mation as the Secretary may determine necessary to carry  
17 out the provisions of this subpart.

18           “(b) APPLICATIONS.—A State educational agency or  
19 local educational agency may apply for an award under  
20 this subpart only as part of a consortium involving an  
21 Alaska Native organization. The consortium may include  
22 other eligible applicants.

23           “(c) CONSULTATION REQUIRED.—Each applicant for  
24 an award under this subpart shall provide for ongoing ad-

1 vice from and consultation with representatives of the  
2 Alaska Native community.

3 “(d) LOCAL EDUCATIONAL AGENCY COORDINA-  
4 TION.—Each applicant for an award under this subpart  
5 shall inform each local educational agency serving stu-  
6 dents who would participate in the program to be carried  
7 out under the grant or contract about the application.

8 “(e) ANNUAL REPORT.—

9 “(1) IN GENERAL.—Each entity that receives a  
10 grant under this subpart shall submit to the Sec-  
11 retary an annual report, in such form and con-  
12 taining such information as the Secretary may re-  
13 quire, to determine the extent to which activities car-  
14 ried out with funds provided under this subpart are  
15 effective in improving the educational achievement of  
16 Alaska Native students served by such funds.

17 “(2) CONTENT.—As a part of the information  
18 reported under paragraph (1), each entity that re-  
19 ceives a grant under this subpart shall provide data,  
20 using information from the most recent year for  
21 which that data is available, on—

22 “(A) the academic achievement of the  
23 Alaska Native students the entity serves, as  
24 measured by the State assessments required  
25 under section 1111(a)(2);

1           “(B) the high school graduation rates of  
2           such students;

3           “(C) the rates of attendance at an institu-  
4           tion of higher education of such students; and

5           “(D) such other measures as the Secretary  
6           may prescribe.

7   **“SEC. 7306. DEFINITIONS.**

8           “‘In this subpart:

9           “(1) ALASKA NATIVE.—The term ‘Alaska Na-  
10          tive’ has the same meaning as the term ‘Native’ has  
11          in section 3(b) of the Alaska Native Claims Settle-  
12          ment Act.

13          “(2) ALASKA NATIVE ORGANIZATION.—The  
14          term ‘Alaska Native organization’ means a federally  
15          recognized tribe, consortium of tribes, regional non-  
16          profit Native association, and another organization  
17          that—

18                 “(A) has or commits to acquire expertise  
19                 in the education of Alaska Natives; and

20                 “(B) has Alaska Natives in substantive  
21                 and policymaking positions within the organiza-  
22                 tion.”.

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                   **TION OF REAL PROPERTY.**  
10           (a) AMENDMENTS.—Section 8002 (20 U.S.C. 7702)  
11 is amended—

12                   (1) in subsection (b)—

13                           (A) in paragraph (1)(B), by striking  
14 “8014(a)” and inserting “3(z)(1)”;

15                           (B) in paragraph (2), by striking “aggre-  
16 gate assessed” and inserting “estimated tax-  
17 able”; and

18                           (C) by striking paragraph (3) and insert-  
19 ing the following:

20                           “(3) DETERMINATION OF TAXABLE VALUE FOR  
21 ELIGIBLE FEDERAL PROPERTY.—

22                                   “(A) IN GENERAL.—In determining the  
23 total taxable value of such acquired Federal  
24 property for fiscal year 2011 and each suc-  
25 ceeding fiscal year, the Secretary shall—

1           “(i) first determine the total taxable  
2           value for the purpose of levying property  
3           tax for school purposes for current expend-  
4           itures of real property located within the  
5           boundaries of such local educational agen-  
6           cy;

7           “(ii) then determine the per acre  
8           value of the eligible Federal property by di-  
9           viding the total taxable value as deter-  
10          mined in clause (i) by the difference be-  
11          tween the total acres located within the  
12          boundaries of the local educational agency  
13          and the number of Federal acres eligible  
14          under this section; and

15          “(iii) multiply the per acre value as  
16          calculated under clause (ii) by the number  
17          of Federal acres eligible under this section.

18          “(B) SPECIAL RULE.—When 2 or more  
19          local educational agencies share Federal prop-  
20          erty eligible under this section, a local edu-  
21          cational agency may ask the Secretary to cal-  
22          culate the per acre value of each local edu-  
23          cational agency as provided under subpara-  
24          graph (A) and apply the average of these per

1 acre values to the acres of the Federal property  
2 in that agency.”;

3 (2) in subsection (f)—

4 (A) by aligning the margins of paragraphs  
5 (2) and (3) with the margins of paragraph (1);  
6 and

7 (B) by striking paragraphs (4) and (5);

8 (3) by striking subsection (g) and inserting the  
9 following:

10 “(g) FORMER DISTRICTS.—

11 “(1) CONSOLIDATIONS.—For fiscal year 2006  
12 and all succeeding fiscal years, if a local educational  
13 agency described in paragraph (2) is formed at any  
14 time after 1938 by the consolidation of 2 or more  
15 former school districts, the local educational agency  
16 may elect to have the Secretary determine its eligi-  
17 bility and any amount for which the local edu-  
18 cational agency is eligible under this section for any  
19 fiscal year on the basis of one or more of those  
20 former districts, as designated by the local edu-  
21 cational agency.

22 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-  
23 CIES.—A local educational agency referred to in  
24 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               (4) 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), or subsection (i)(1), for  
25           the fiscal year involved in an amount that bears the

1 same relation to the remainder as a percentage  
2 share determined for the local educational agency  
3 (by dividing the maximum amount that the agency  
4 is eligible to receive under subsection (b) by the total  
5 of the maximum amounts for all such agencies)  
6 bears to the percentage share determined (in the  
7 same manner) for all local educational agencies eligi-  
8 ble to receive a payment under this section for the  
9 fiscal year involved, except that, for the purpose of  
10 calculating a local educational agency's maximum  
11 amount under subsection (b), data from the most  
12 current fiscal year shall be used.”;

13 (5) by striking paragraph (1) of subsection (i)  
14 and inserting the following:

15 “(1) IN GENERAL.—The calculation of the  
16 foundation payment under subsection (h)(1)(B) for  
17 a local educational agency described in paragraph  
18 (2) of this subsection shall be equal to 90 percent  
19 of the payment received in fiscal year 2005, for fis-  
20 cal year 2011 and each succeeding fiscal year.”;

21 (6) by striking subsections (k) and (m);

22 (7) by redesignating subsections (l) and (n) as  
23 subsections (j) and (k), respectively;

1 (8) in subsection (j) (as redesignated by para-  
2 graph (7)), in the matter preceding paragraph (1),  
3 by striking “(h)(4)(B)” and inserting “(h)(3)”;

4 (9) by adding at the end the following:

5 “(1) RECORDS.—The Secretary may base a deter-  
6 mination of eligibility under subsection (a)(1) on original  
7 records (including facsimiles or other reproductions of  
8 those records) documenting the assessed value of real  
9 property, prepared by a legally authorized official as of  
10 the time of the Federal acquisition, or other records that  
11 the Secretary determines to be appropriate and reliable,  
12 including Federal agency records or local historical  
13 records.”.

14 (b) EFFECTIVE DATE.—Notwithstanding section  
15 5(d), this section, and the amendments made by this sec-  
16 tion, shall take effect with respect to applications sub-  
17 mitted under section 8002 of the Elementary and Sec-  
18 ondary Education Act of 1965 for fiscal year 2011.

19 **SEC. 8003. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**  
20 **NECTED CHILDREN.**

21 Section 8003 (20 U.S.C. 7703) is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1), in the matter pre-  
24 ceding subparagraph (A), by inserting after  
25 “such agency” the following: “(including those

1 children enrolled in a State that has a State  
2 open enrollment policy but not including chil-  
3 dren enrolled in a distance learning program  
4 who are not residing within the geographic  
5 boundaries of the agency”);

6 (B) in paragraph (4)—

7 (i) in subparagraph (A), by inserting  
8 “, or was authorized for demolition,” after  
9 “rebuilding” each place the term appears;  
10 and

11 (ii) in subparagraph (B)—

12 (I) in each of clauses (i)(I) and  
13 (ii) (I) of subparagraph (B), by  
14 striking “ 3 fiscal years” and inserting  
15 “4 fiscal years (which are not re-  
16 quired to run consecutively)”;

17 (II) in clause (i)—

18 (aa) in subclause (I), by in-  
19 serting “, or authorized for dem-  
20 olition,” after “rebuilding”; and

21 (bb) in subclause (II), by in-  
22 serting “, or authorized for dem-  
23 olition,” before “in accordance”;

24 and

25 (III) in clause (ii)—

1 (aa) in subclause (I), by in-  
2 serting “, or authorized for dem-  
3 olition,” after “rebuilding”;

4 (bb) in subclause (II), by in-  
5 serting “, or authorized for dem-  
6 olition,” before “in accordance”;

7 and

8 (C) in paragraph (5)(A), by inserting after  
9 “1984,” the following: “or under lease of off-  
10 base property under subchapter IV of chapter  
11 169 of title 10, United States Code (10 U.S.C.  
12 2871 et seq.),”;

13 (2) in subsection (b)—

14 (A) in each of paragraphs (1) and (2)(A),  
15 by striking “8014(b)” and inserting “3(z)(2)”;

16 (B) in paragraph (2)—

17 (i) in subparagraph (B)—

18 (I) in the subparagraph heading,  
19 by striking “CONTINUING”;

20 (II) by striking clauses (i) and  
21 (ii) and inserting the following:

22 “(i) IN GENERAL.—A heavily im-  
23 pacted local educational agency is eligible  
24 to receive a basic support payment under  
25 subparagraph (A) with respect to a num-

1                   ber of children determined under sub-  
2                   section (a)(1) if the agency—

3                   “(I) is a local educational agency  
4                   whose boundaries are the same as a  
5                   Federal military installation, or whose  
6                   boundaries are the same as island  
7                   property designated by the Secretary  
8                   of the Interior to be property that is  
9                   held in trust by the Federal Govern-  
10                  ment, and that has no taxing author-  
11                  ity;

12                  “(II) is a local educational agen-  
13                  cy that—

14                  “(aa) has an enrollment of  
15                  children described in subsection  
16                  (a)(1) that constitutes a percent-  
17                  age of the total student enroll-  
18                  ment of the agency that is not  
19                  less than 45 percent;

20                  “(bb) has a per-pupil ex-  
21                  penditure that is less than—

22                  “(AA) for an agency  
23                  that has a total student en-  
24                  rollment of 500 or more stu-  
25                  dents, 125 percent of the av-

1                    erage per-pupil expenditure  
2                    of the State in which the  
3                    agency is located; or

4                          “(BB) for an agency  
5                    that has a total student en-  
6                    rollment of less than 500  
7                    students, 150 percent of the  
8                    average per-pupil expendi-  
9                    ture of the State in which  
10                    the agency is located, or the  
11                    average per-pupil expendi-  
12                    ture of 3 or more com-  
13                    parable local educational  
14                    agencies in the State in  
15                    which the agency is located;

16                          “(cc) is an agency that—

17                          “(AA) has a tax rate  
18                    for general fund purposes  
19                    that is not less than 95 per-  
20                    cent of the average tax rate  
21                    for general fund purposes of  
22                    comparable local educational  
23                    agencies in the State; or

24                          “(BB) was eligible to  
25                    receive a payment under this

1 subsection for fiscal year  
2 2012 and is located in a  
3 State that by State law has  
4 eliminated ad valorem tax as  
5 a revenue source for local  
6 educational agencies; or

7 “(dd) has an enrollment of  
8 children described in subsection  
9 (a)(1) that constitutes a percent-  
10 age of the total student enroll-  
11 ment of the agency which is not  
12 less than 30 percent, and has a  
13 tax rate for general fund pur-  
14 poses which is not less than 125  
15 percent of the average tax rate  
16 for general fund purposes for  
17 comparable local educational  
18 agencies in the State; or

19 “(III) is a local educational agen-  
20 cy that has a total student enrollment  
21 of not less than 25,000 students, of  
22 which not less than 50 percent are  
23 children described in subsection (a)(1)  
24 and not less than 5,500 of such chil-  
25 dren are children described in sub-

1 paragraphs (A) and (B) of subsection  
2 (a)(1).

3 “(ii) LOSS OF ELIGIBILITY.—

4 “(I) IN GENERAL.—Subject to  
5 subclause (II), a heavily impacted  
6 local educational agency that met the  
7 requirements of clause (i) for a fiscal  
8 year shall be ineligible to receive a  
9 basic support payment under subpara-  
10 graph (A) if the agency fails to meet  
11 the requirements of such clause for  
12 the subsequent fiscal year, except that  
13 such agency shall continue to receive  
14 a basic support payment under this  
15 paragraph for the fiscal year for  
16 which the ineligibility determination is  
17 made.

18 “(II) EXCEPTION.—A local edu-  
19 cational agency that is eligible under  
20 subparagraph (A) but whose tax rate  
21 for general fund purposes falls below  
22 95 percent of the average tax rate for  
23 general fund purposes of local edu-  
24 cational agencies in the State for two  
25 consecutive years shall lose its eligi-

1 bility and be subject to subclause  
2 (I).”;

3 (III) by adding at the end the  
4 following:

5 “(iv) SPECIAL RULE.—Notwith-  
6 standing clause (i)(II), a local educational  
7 agency shall be considered eligible to re-  
8 ceive a basic support payment under sub-  
9 paragraph (A) with respect to the number  
10 of children determined under subsection  
11 (a)(1) if the agency—

12 “(I) has an enrollment of chil-  
13 dren described in subsection (a)(1),  
14 including, for purposes of determining  
15 eligibility, those children described in  
16 subparagraphs (F) and (G) of such  
17 subsection, that constitutes a percent-  
18 age of the total student enrollment of  
19 the agency that is not less than 35  
20 percent; and

21 “(II) was eligible to receive as-  
22 sistance under this paragraph for fis-  
23 cal year 2001.

24 “(v) APPLICATION.—With respect to  
25 the first fiscal year for which a heavily im-

1           pacted local educational agency described  
2           in clause (i) applies for a basic support  
3           payment under subparagraph (A), or with  
4           respect to the first fiscal year for which a  
5           heavily impacted local educational agency  
6           applies for a basic support payment under  
7           subparagraph (A) after becoming ineligible  
8           under clause (i) for 1 or more preceding  
9           fiscal years, the agency shall apply for  
10          such payment at least 1 year prior to the  
11          start of that first fiscal year.”;

12                   (ii) by striking subparagraphs (C) and  
13                   (D) and inserting the following:

14                   “(C) MAXIMUM AMOUNT FOR HEAVILY IM-  
15                   PACTED LOCAL EDUCATIONAL AGENCIES.—

16                           “(i) IN GENERAL.—Except as pro-  
17                           vided for in subparagraph (D), the max-  
18                           imum amount that a heavily impacted local  
19                           educational agency is eligible to receive  
20                           under this paragraph for any fiscal year is  
21                           the sum of the total weighted student  
22                           units, as computed under subsection (a)(2)  
23                           and subject to clause (ii), multiplied by the  
24                           greater of—

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1                   “(I) four-fifths of the average  
2                   per-pupil expenditure of the State in  
3                   which the local educational agency is  
4                   located for the third fiscal year pre-  
5                   ceding the fiscal year for which the  
6                   determination is made; or

7                   “(II) four-fifths of the average  
8                   per-pupil expenditure of all of the  
9                   States for the third fiscal year pre-  
10                  ceding the fiscal year for which the  
11                  determination is made.

12                  “(ii) SPECIAL RULES.—

13                  “(I) CALCULATIONS FOR LOCAL  
14                  EDUCATIONAL AGENCIES WITH LARGE  
15                  NUMBERS OF CERTAIN ELIGIBLE  
16                  CHILDREN.—

17                  “(aa) IN GENERAL.—In the  
18                  case of a local educational agency  
19                  with respect to which 35 percent  
20                  or more of the total student en-  
21                  rollment of the schools of the  
22                  agency are children described in  
23                  subparagraph (D) or (E) of sub-  
24                  section (a)(1), and that has an  
25                  enrollment of children described

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1 in subparagraphs (A), (B), or (C)  
2 of such subsection equal to at  
3 least 10 percent of the agency's  
4 total enrollment, the Secretary  
5 shall calculate the weighted stu-  
6 dent units of the children de-  
7 scribed in subparagraphs (D) or  
8 (E) of such subsection by multi-  
9 plying the number of such chil-  
10 dren by a factor of 0.55.

11 “(bb) EXCEPTION.—Not-  
12 withstanding subclause (I), any  
13 local educational agency that re-  
14 ceived a payment under this  
15 clause for fiscal year 2006, shall  
16 not be required to have an enroll-  
17 ment of children described in  
18 subparagraph (A), (B), or (C) of  
19 subsection (a)(1) equal to at least  
20 10 percent of the agency's total  
21 enrollment for purposes of sub-  
22 clause (I).

23 “(II) CALCULATIONS FOR LOCAL  
24 EDUCATIONAL AGENCIES WITH SMALL  
25 NUMBERS OF ELIGIBLE CHILDREN.—

1 For a local educational agency that  
2 has an enrollment of 100 or fewer  
3 children described in subsection  
4 (a)(1), the Secretary shall calculate  
5 the total number of weighted student  
6 units for purposes of subsection (a)(2)  
7 by multiplying the number of such  
8 children by a factor of 1.75.

9 “(III) CALCULATIONS FOR CER-  
10 TAIN OTHER LOCAL EDUCATIONAL  
11 AGENCIES.—For a local educational  
12 agency that does not qualify under  
13 paragraph (2)(B)(i)(I) and has an en-  
14rollment of more than 100 but not  
15 more than 1,000 children described in  
16 subsection (a)(1), the Secretary shall  
17 calculate the total number of weighted  
18 student units for purposes of sub-  
19 section (a)(2) by multiplying the num-  
20ber of such children by a factor of  
21 1.25.

22 “(D) MAXIMUM AMOUNT FOR LARGE  
23 HEAVILY IMPACTED LOCAL EDUCATIONAL  
24 AGENCIES.—

25 “(i) APPLICABLE FORMULA.—

1                   “(I) IN GENERAL.—Subject to  
2                   clause (ii), the maximum amount that  
3                   a heavily impacted local educational  
4                   agency described in subclause (II) is  
5                   eligible to receive under this para-  
6                   graph for any fiscal year shall be de-  
7                   termined in accordance with the for-  
8                   mula described in paragraph (1)(C).

9                   “(II) HEAVILY IMPACTED LOCAL  
10                   EDUCATIONAL AGENCIES.—A heavily  
11                   impacted local educational agency de-  
12                   scribed in this subclause is a local  
13                   educational agency that has a total  
14                   student enrollment of not less than  
15                   25,000 students, of which not less  
16                   than 50 percent are children described  
17                   in subsection (a)(1) and not less than  
18                   5,500 of such children are children  
19                   described in subparagraph (A) and  
20                   (B) of subsection (a)(1).

21                   “(ii) FACTOR.—For purposes of calcu-  
22                   lating the maximum amount described in  
23                   clause (i), the factor used in determining  
24                   the weighted student units under sub-  
25                   section (a)(2) with respect to children de-

1 scribed in subparagraph (A) and (B) of  
2 subsection (a)(1) shall be 1.35.”;

3 (iii) by striking subparagraph (E);

4 (iv) by redesignating subparagraphs  
5 (F) through (H) as subparagraph (E)  
6 through (G), respectively;

7 (v) in subparagraph (E) (as redesign-  
8 dated by clause (iv))—

9 (I) by striking clause (ii);

10 (II) by striking “; and” at the  
11 end of clause (i) and inserting a pe-  
12 riod; and

13 (III) by striking “the Secretary”  
14 and all that follows through “shall  
15 use” and inserting “the Secretary  
16 shall use”;

17 (vi) in subparagraph (F) (as redesign-  
18 dated by clause (iv)), in the matter pre-  
19 ceding clause (i), by striking  
20 “(C)(i)(II)(bb)” and inserting  
21 “(B)(i)(II)(bb)”;

22 (vii) in subparagraph (G) (as redesign-  
23 dated by clause (iv))—

24 (I) in clause (i)—

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1 (aa) by striking “(B), (C),  
2 (D), or (E)”, and inserting “(B),  
3 (C), or (D),”;

4 (bb) by striking “by reason  
5 of” and inserting “due to”;

6 (cc) by inserting after  
7 “clause (iii)” the following: “or  
8 as the direct result of base re-  
9 alignment and closure or  
10 modularization as determined by  
11 the Secretary of Defense, force  
12 structure change, or force reloca-  
13 tion,”; and

14 (dd) by inserting before the  
15 period at the end the following:  
16 “or during such time as activities  
17 associated with base realignment  
18 and closure, modularization, force  
19 structure change, or force reloca-  
20 tion are ongoing”; and

21 (II) in clause (ii), by striking  
22 “(D) or (E)” in both places such term  
23 appears and inserting “(C) or (D)”;  
24 and

1 (viii) by adding at the end the fol-  
2 lowing:

3 “(H) SPECIAL RULE.—The Secretary  
4 shall—

5 “(i) deem each local educational agen-  
6 cy that received a fiscal year 2009 basic  
7 support payment for heavily impacted local  
8 educational agencies under this paragraph  
9 as eligible to receive a basic support pay-  
10 ment for heavily impacted local educational  
11 agencies under this paragraph for each of  
12 fiscal years 2010, 2011, and 2012; and

13 “(ii) make a payment to such local  
14 educational agency under such section for  
15 each of fiscal years 2010, 2011, and 2012.

16 “(I) CONTINUED ELIGIBILITY FOR A HEAV-  
17 ILY IMPACTED LOCAL EDUCATIONAL AGENCY  
18 ENTERING INTO AN INTERGOVERNMENTAL CO-  
19 OPERATIVE AGREEMENT WITH A STATE EDU-  
20 CATIONAL AGENCY.—For any fiscal year, a  
21 heavily impacted local educational agency that  
22 received a basic support payment under this  
23 paragraph for the fiscal year prior to the fiscal  
24 year for which such local educational agency en-  
25 tered into an intergovernmental cooperative

1           agreement with a State educational agency shall  
2           remain eligible to receive a basic support pay-  
3           ment under this paragraph for the duration of  
4           the intergovernmental cooperative agreement,  
5           but in no case for more than 5 years.”;

6           (C) in paragraph (3)—

7           (i) in subparagraph (B)—

8           (I) by redesignating clause (iv) as  
9           clause (v); and

10          (II) by inserting after clause (iii)  
11          the following:

12          “(iv) In the case of a local educational  
13          agency that is providing a program of dis-  
14          tance learning to children not residing  
15          within the geographic boundaries of the  
16          agency, the Secretary shall disregard such  
17          children from such agency’s total enroll-  
18          ment when calculating the percentage  
19          under clause (i)(I) and shall disregard any  
20          funds received for such children when cal-  
21          culating the total current expenditures at-  
22          tributed to the operation of such agency  
23          when calculating the percentage under  
24          clause (i)(II).”;

1 (D) in subparagraph (C), by striking “sub-  
2 paragraph (D) or (E) of paragraph (2), as the  
3 case may be” and inserting “paragraph  
4 (2)(D)”;

5 (E) by striking subparagraph (D) and in-  
6 serting the following:

7 “(D) RATABLE DISTRIBUTION.—

8 “(i) IN GENERAL.—For each fiscal  
9 year described in subparagraph (A) for  
10 which the sums appropriated under section  
11 3(z)(2) exceed the amount required to pay  
12 each local educational agency 100 percent  
13 of the local educational agency’s threshold  
14 payment under subparagraph (B), the Sec-  
15 retary shall distribute the excess sums to  
16 each eligible local educational agency that  
17 has not received the agency’s maximum  
18 payment amount computed under para-  
19 graph (1) or (2) (as the case may be) by  
20 multiplying—

21 “(I) a percentage, the denomi-  
22 nator of which is the difference be-  
23 tween the maximum payment amount  
24 computed under paragraph (1) or (2)  
25 (as the case may be) for all local edu-

1                   cational agencies and the amount of  
2                   the threshold payment (as calculated  
3                   under subparagraphs (B) and (C)) of  
4                   all local educational agencies, and the  
5                   numerator of which is the aggregate  
6                   amount of the excess sums; by

7                   “(II) the difference between the  
8                   maximum payment amount computed  
9                   under paragraph (1) or (2) (as the  
10                  case may be) for the agency and the  
11                  amount of the threshold payment as  
12                  calculated under subparagraphs (B)  
13                  and (C) for the agency.

14                  “(ii) INSUFFICIENT PAYMENTS.—For  
15                  each fiscal year described in subparagraph  
16                  (A) for which the sums appropriated under  
17                  section 3(z)(2) are insufficient to pay each  
18                  local educational agency all of the local  
19                  educational agency’s threshold payment de-  
20                  scribed in clause (i), the Secretary shall  
21                  ratably reduce the payment to each local  
22                  educational agency under this paragraph.

23                  “(iii) INCREASES.—If the sums appro-  
24                  priated under section 3(z)(2) are sufficient  
25                  to increase the threshold payment above



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1                   “(I) subparagraph (A), (B), (C),  
2                   or (D) of subsection (a)(1); or

3                   “(II) subparagraph (F) or (G) of  
4                   subsection (a)(1), but only to the ex-  
5                   tent such children are civilian depend-  
6                   ents of employees of the Department  
7                   of Defense or the Department of the  
8                   Interior; and

9                   “(ii) that is the direct result of closure  
10                  or realignment of military installations  
11                  under the base closure process or the relo-  
12                  cation of members of the Armed Forces  
13                  and civilian employees of the Department  
14                  of Defense as part of force structure  
15                  changes or movements of units or per-  
16                  sonnel between military installations or be-  
17                  cause of actions initiated by the Secretary  
18                  of Interior or the head of another Federal  
19                  agency; or

20                  “(C) was eligible to receive a payment  
21                  under this section for the previous fiscal year  
22                  and has had an overall increase in enrollment  
23                  (as determined by the Secretary)—

1                   “(i) of not less than 10 percent of  
2                   children described in subsection (a)(1), or  
3                   not less than 100 of such children; and

4                   “(ii) that is the direct result of the  
5                   closure of a local educational agency that  
6                   received a payment under paragraph (1) or  
7                   (2) of subsection (b) in the previous fiscal  
8                   year.”;

9                   (4) in subsection (d), by striking “8014(c)” and  
10                  inserting “3(z)(3)”;

11                  (5) in subsection (e)—

12                   (A) by striking paragraphs (1) and (2) and  
13                   inserting the following:

14                   “(1) IN GENERAL.—Subject to paragraph (2),  
15                   the total amount the Secretary shall pay a local edu-  
16                   cational agency under subsection (b)—

17                   “(A) for fiscal year 2012, shall not be less  
18                   than 90 percent of the total amount that the  
19                   local educational agency received under para-  
20                   graphs (1) and (2) of subsection (b) for fiscal  
21                   year 2011;

22                   “(B) for fiscal year 2013, shall not be less  
23                   than 85 percent of the total amount that the  
24                   local educational agency received under para-

1           graphs (1) and (2) of subsection (b) for fiscal  
2           year 2011; and

3                   “(C) for fiscal year 2014, shall not be less  
4           than 80 percent of the total amount that the  
5           local educational agency received under para-  
6           graphs (1) and (2) of subsection (b) for fiscal  
7           year 2011.”; and

8                   (B) by redesignating paragraph (3) as  
9           paragraph (2); and

10          (6) by striking subsection (g).

11 **SEC. 8004. CONSTRUCTION.**

12          Section 8007 (20 U.S.C. 7707) is amended—

13               (1) by striking “8014(e)” each place the term  
14           appears and inserting “3(z)(4)”; and

15               (2) in subsection (a)(2), by adding at the end  
16           the following:

17                   “(C) The agency is eligible under section  
18           8003(b)(2) or is receiving a basic support pay-  
19           ment under circumstances described in section  
20           8003(b)(2)(B)(ii).”.

21 **SEC. 8005. FACILITIES.**

22          Section 8008(a) (20 U.S.C. 7708(a)) is amended by  
23          striking “8014(f)” and inserting “3(z)(5)”.

24 **SEC. 8006. FEDERAL ADMINISTRATION.**

25          Section 8010 (20 U.S.C. 7710) is amended—

1 (1) in subsection (c)—

2 (A) in paragraph (1), by striking “para-  
3 graph (3) of this subsection” each place the  
4 term appears and inserting “paragraph (2)”;  
5 and

6 (B) in paragraph (2)(E), by striking  
7 “under section 8003(b)” and all that follows  
8 through the period at the end and inserting  
9 “under this title.”; and

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

11 “(d) **TIMELY PAYMENTS.**—

12 “(1) **IN GENERAL.**—Subject to paragraph (2),  
13 the Secretary shall pay a local educational agency  
14 the full amount that the agency is eligible to receive  
15 under this title for a fiscal year not later than Sep-  
16 tember 30 of the second fiscal year following the fis-  
17 cal year for which such amount has been appro-  
18 priated if, not later than 1 calendar year following  
19 the fiscal year in which such amount has been ap-  
20 propriated, such local educational agency submits to  
21 the Secretary all the data and information necessary  
22 for the Secretary to pay the full amount that the  
23 agency is eligible to receive under this title for such  
24 fiscal year.

1           “(2) PAYMENTS WITH RESPECT TO FISCAL  
2           YEARS IN WHICH INSUFFICIENT FUNDS ARE APPRO-  
3           PRIATED.—For a fiscal year in which the amount  
4           appropriated under section 3(z) is insufficient to pay  
5           the full amount a local educational agency is eligible  
6           to receive under this title, paragraph (1) shall be ap-  
7           plied by substituting ‘is available to pay the agency’  
8           for ‘the agency is eligible to receive’ each place the  
9           term appears.”.

10 **SEC. 8007. DEFINITIONS.**

11           Section 8013(1) (20 U.S.C. 7713(1)) is amended by  
12 striking “and Marine Corps” and inserting “Marine  
13 Corps, and Coast Guard”.

14 **SEC. 8008. CONFORMING AMENDMENT.**

15           Title VIII (20 U.S.C. 7701 et seq.) is amended by  
16 striking section 8014.

17 **SEC. 8009. ELIGIBILITY FOR IMPACT AID PAYMENT.**

18           (a) LOCAL EDUCATIONAL AGENCIES.—Notwith-  
19 standing section 9101(40) of the Elementary and Sec-  
20 ondary Education Act of 1965 (20 U.S.C. 7801(40)),  
21 North Chicago Community Unit School District 187,  
22 North Shore District 112, and Township High School Dis-  
23 trict 113 in Lake County, Illinois, and Glenview Public  
24 School District 34 and Glenbrook High School District  
25 225 in Cook County, Illinois, shall be considered local edu-

1 cational agencies as such term is used in, and for purposes  
2 of, title VIII of such Act.

3 (b) COMPUTATION.—Notwithstanding any other pro-  
4 vision of law, federally connected children (as determined  
5 under section 8003(a) of the Elementary and Secondary  
6 Education Act of 1965 (20 U.S.C. 7703(a))) who are in  
7 attendance in the North Shore District 112, Township  
8 High School District 113, Glenview Public School District  
9 34, and Glenbrook High School District 225 described in  
10 subsection (a), shall be considered to be in attendance in  
11 the North Chicago Community Unit School District 187  
12 described in subsection (a) for purposes of computing the  
13 amount that the North Chicago Community Unit School  
14 District 187 is eligible to receive under subsection (b) or  
15 (d) of such section if—

16 (1) such school districts have entered into an  
17 agreement for such students to be so considered and  
18 for the equitable apportionment among all such  
19 school districts of any amount received by the North  
20 Chicago Community Unit School District 187 under  
21 such section; and

22 (2) any amount apportioned among all such  
23 school districts pursuant to paragraph (1) is used by  
24 such school districts only for the direct provision of  
25 educational services.

1                   **TITLE IX—GENERAL**  
2                   **PROVISIONS**

3 **SEC. 9101. DEFINITIONS.**

4           (a) IN GENERAL.—Section 9101 (20 U.S.C. 7801)  
5 is amended to read as follows:

6 **“SEC. 9101. DEFINITIONS.**

7           “Except as otherwise provided, in this Act:

8                   “(1) ADJUSTED COHORT; ENTERING COHORT;  
9           TRANSFERRED INTO; TRANSFERRED OUT.—

10                   “(A) ADJUSTED COHORT.—Subject to sub-  
11           paragraphs (D)(ii) through (G), the term ‘ad-  
12           justed cohort’ means the difference of—

13                   “(i) the sum of—

14                           “(I) the entering cohort; plus

15                           “(II) any students that trans-  
16           ferred into the cohort in any of grades  
17           9 through 12; minus

18                   “(ii) any students that are removed  
19           from the cohort as described in subpara-  
20           graph (E).

21                   “(B) ENTERING COHORT.—The term ‘en-  
22           tering cohort’ when used with respect to a sec-  
23           ondary school, means the number of first-time  
24           students in grade 9 enrolled in the secondary

1 school 1 month after the start of the secondary  
2 school's academic year.

3 “(C) TRANSFERRED INTO.—The term  
4 ‘transferred into’ when used with respect to a  
5 secondary school student, means a student  
6 who—

7 “(i) was a first-time student in grade  
8 9 during the same school year as the en-  
9 tering cohort; and

10 “(ii) enrolls after the entering cohort  
11 is calculated as described in subparagraph  
12 (B).

13 “(D) TRANSFERRED OUT.—

14 “(i) IN GENERAL.—The term ‘trans-  
15 ferred out’ when used with respect to a  
16 secondary school student, means a student  
17 who the secondary school or local edu-  
18 cational agency has confirmed has trans-  
19 ferred—

20 “(I) to another school from which  
21 the student is expected to receive a  
22 regular secondary school diploma; or

23 “(II) to another educational pro-  
24 gram from which the student is ex-

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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 served by an-  
24 other local educational agency, the Secretary  
25 shall, for the 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) CHILD.—The term ‘child’ means any per-  
10          son within the age limits for which the State pro-  
11          vides free public education.

12          “(9) CHILD WITH A DISABILITY.—The term  
13          ‘child with a disability’ has the same meaning given  
14          that term in section 602 of the Individuals with Dis-  
15          abilities Education Act.

16          “(10) CONDITIONS FOR LEARNING.—The term  
17          ‘conditions for learning’ means conditions that ad-  
18          vance student achievement and positive child and  
19          youth development by supporting schools that—

20                 “(A) promote physical, mental, and emo-  
21                 tional health;

22                 “(B) ensure the safety of students and  
23                 staff;

24                 “(C) promote social, emotional, and char-  
25                 acter development; and

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1 “(D) have the following attributes:

2 “(i) Provide opportunities for physical  
3 activity and good nutrition.

4 “(ii) Are free of violence, harassment,  
5 and weapons.

6 “(iii) Prevent use and abuse of drugs  
7 and controlled substances.

8 “(iv) Help staff and students to model  
9 positive social and emotional skills.

10 “(v) Employ adults who have high ex-  
11 pectations for student conduct, character,  
12 and academic achievement.

13 “(vi) Engage parents and family  
14 members in meaningful and sustained  
15 ways to promote positive student academic  
16 achievement and developmental outcomes.

17 “(11) CONSOLIDATED LOCAL APPLICATION.—  
18 The term ‘consolidated local application’ means an  
19 application submitted by a local educational agency  
20 pursuant to section 9305.

21 “(12) CONSOLIDATED LOCAL PLAN.—The term  
22 ‘consolidated local plan’ means a plan submitted by  
23 a local educational agency pursuant to section 9305.

24 “(13) CONSOLIDATED STATE APPLICATION.—  
25 The term ‘consolidated State application’ means an

1 application submitted by a State educational agency  
2 pursuant to section 9302.

3 “(14) CONSOLIDATED STATE PLAN.—The term  
4 ‘consolidated State plan’ means a plan submitted by  
5 a State educational agency pursuant to section  
6 9302.

7 “(15) CORE ACADEMIC SUBJECTS.—The term  
8 ‘core academic subjects’ means English, reading or  
9 language arts, mathematics, science, foreign lan-  
10 guages, civics and government, economics, arts, his-  
11 tory, and geography.

12 “(16) COVERED PROGRAM.—The term ‘covered  
13 program’ means each of the programs authorized  
14 by—

15 “(A) part A of title I;

16 “(B) part C of title I;

17 “(C) part D of title I;

18 “(D) part A of title II;

19 “(E) part A of title III;

20 “(F) part B of title IV; and

21 “(G) subpart 2 of part B of title VI.

22 “(17) CURRENT EXPENDITURES.—The term  
23 ‘current expenditures’ means expenditures for free  
24 public education—

1           “(A) including expenditures for adminis-  
2           tration, instruction, attendance and health serv-  
3           ices, pupil transportation services, operation  
4           and maintenance of plant, fixed charges, and  
5           net expenditures to cover deficits for food serv-  
6           ices and student body activities; but

7           “(B) not including expenditures for com-  
8           munity services, capital outlay, and debt serv-  
9           ice, or any expenditures made from funds re-  
10          ceived under title I.

11          “(18) DEPARTMENT.—The term ‘Department’  
12          means the Department of Education.

13          “(19) DEVELOPMENTAL DELAY.—The term ‘de-  
14          velopmental delay’ has the meaning given the term  
15          in section 632 of the Individuals with Disabilities  
16          Education Act (20 U.S.C. 1432).

17          “(20) DISTANCE LEARNING.—The term ‘dis-  
18          tance learning’ means the transmission of edu-  
19          cational or instructional programming to geographi-  
20          cally dispersed individuals and groups via tele-  
21          communications.

22          “(21) EDUCATIONAL SERVICE AGENCY.—The  
23          term ‘educational service agency’ means a regional  
24          public multiservice agency authorized by State stat-

1       ute to develop, manage, and provide services or pro-  
2       grams to local educational agencies.

3           “(22) ELEMENTARY SCHOOL.—The term ‘ele-  
4       mentary school’ means a nonprofit institutional day  
5       or residential school, including a public elementary  
6       charter school, that provides elementary education,  
7       as determined under State law.

8           “(23) ENGLISH LEARNER.—The term ‘English  
9       learner’ means an individual—

10           “(A) who is aged 3 through 21;

11           “(B) who is enrolled or preparing to enroll  
12       in an elementary school or secondary school;

13           “(C)(i) who was not born in the United  
14       States or whose native language is a language  
15       other than English;

16           “(ii)(I) who is a Native American or Alas-  
17       ka Native, or a native resident of the outlying  
18       areas; and

19           “(II) who comes from an environment  
20       where a language other than English has had  
21       a significant impact on the individual’s level of  
22       English language proficiency; or

23           “(iii) who is migratory, whose native lan-  
24       guage is a language other than English, and

1           who comes from an environment where a lan-  
2           guage other than English is dominant; and

3           “(D) whose difficulties in speaking, read-  
4           ing, writing, or understanding the English lan-  
5           guage may be sufficient to deny the indi-  
6           vidual—

7                   “(i) the ability to meet the State’s on-  
8                   track level of performance on State assess-  
9                   ments described in section 1111(a)(2);

10                   “(ii) the ability to successfully achieve  
11                   in classrooms where the language of in-  
12                   struction is English; or

13                   “(iii) the opportunity to participate  
14                   fully in society.

15           “(24) EVIDENCE-BASED.—The term ‘evidence-  
16           based’, when used with respect to a program, prac-  
17           tice, or policy, means—

18                   “(A) based on a comprehensive, unbiased  
19                   review and weighing of one or more evaluation  
20                   studies that—

21                           “(i) have been carried out consistent  
22                           with the principles of scientific research;

23                           “(ii) have strong internal and external  
24                           validity; and

1                   “(iii) support the direct attribution of  
2                   one or more outcomes to the program,  
3                   practice, or policy; or

4                   “(B) in the absence of any study described  
5                   in subparagraph (A), based on a comprehensive,  
6                   unbiased review and weighing of data analysis,  
7                   research, or one or more evaluation studies of  
8                   relevant programs, practices, or policies, that—

9                   “(i) were carried out consistent with  
10                  the principles of scientifically based re-  
11                  search; and

12                  “(ii) are accompanied by strategies to  
13                  generate more robust evidence over time  
14                  through research, evaluation, and data  
15                  analysis, including—

16                  “(I) the measurement of per-  
17                  formance with reliable process and  
18                  outcome indicators; and

19                  “(II) the implementation of eval-  
20                  uations with strong internal and ex-  
21                  ternal validity where feasible and ap-  
22                  propriate.

23                  “(25) EXPANDED LEARNING TIME.—The term  
24                  ‘expanded learning time’ means using a longer  
25                  school day, week, or year schedule to significantly

1 increase the total number of school hours, in order  
2 to include additional time for—

3 “(A) instruction in core academic subjects;

4 “(B) instruction in other subjects and en-  
5 richment and other activities that contribute to  
6 a well-rounded education, including music and  
7 the arts, physical education, and experiential  
8 and work-based learning; and

9 “(C) instructional and support staff to col-  
10 laborate, plan, and engage in professional devel-  
11 opment, including on family and community en-  
12 gagement, within and across grades and sub-  
13 jects.

14 “(26) FAMILY LITERACY ACTIVITIES.—The  
15 term ‘family literacy activities’ means activities  
16 that—

17 “(A) are of sufficient intensity in terms of  
18 hours, and of sufficient duration, to make sus-  
19 tainable improvements in the literacy rates of a  
20 family;

21 “(B) better enable parents to support their  
22 children’s learning needs; and

23 “(C) integrate all of the following activi-  
24 ties:

1                   “(i) Parent adult education and lit-  
2                   eracy activities that lead to readiness for  
3                   postsecondary education or training, career  
4                   advancement, and economic self-suffi-  
5                   ciency.

6                   “(ii) Interactive literacy activities be-  
7                   tween parents and their children.

8                   “(iii) Training for parents regarding  
9                   how to be the primary teacher for their  
10                  children and full partners in the education  
11                  of their children.

12                  “(iv) Age-appropriate education to  
13                  prepare children for success in school and  
14                  life experiences.

15                  “(27) FAMILY MEMBER.—The term ‘family  
16                  member’ means a parent, relative, or other adult  
17                  who is responsible for the care and well-being of a  
18                  child.

19                  “(28) FREE PUBLIC EDUCATION.—The term  
20                  ‘free public education’ means education that is pro-  
21                  vided—

22                         “(A) at public expense, under public super-  
23                         vision and direction, and without tuition charge;  
24                         and

1           “(B) as elementary or secondary edu-  
2           cation, as determined under State law, except  
3           that, notwithstanding State law, such term—

4                   “(i) includes preschool education; and

5                   “(ii) does not include any education  
6           provided beyond grade 12.

7           “(29) GIFTED AND TALENTED.—The term  
8           ‘gifted and talented’, when used with respect to stu-  
9           dents, children, or youth, means students, children,  
10          or youth who give evidence of high achievement ca-  
11          pability in areas such as intellectual, creative, artis-  
12          tic, or leadership capacity, or in specific academic  
13          fields, and who need services or activities not ordi-  
14          narily provided by the school in order to fully de-  
15          velop those capabilities.

16          “(30) GRADUATION RATES.—The term ‘gradua-  
17          tion rates’ shall, at a minimum, include both of the  
18          following:

19                  “(A) A 4-year adjusted cohort graduation  
20                  rate for a school year, defined as the percent  
21                  obtained by calculating the product of—

22                          “(i) the result of—

23                                  “(I) the number of students  
24                                  who—

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1                   “(aa) formed the adjusted  
2 cohort 4 years earlier; and

3                   “(bb) graduate in 4 years or  
4 less with a regular secondary  
5 school diploma; divided by

6                   “(II) the number of students who  
7 formed the adjusted cohort for that  
8 year’s graduating class 4 years ear-  
9 lier; multiplied by

10                   “(ii) 100.

11                   “(B) A cumulative graduation rate for a  
12 school year, defined as the percent obtained by  
13 calculating the product of—

14                   “(i) the result of—

15                   “(I) the sum of—

16                   “(aa) the number of stu-  
17 dents who—

18                   “(AA) form the ad-  
19 justed cohort for that year’s  
20 graduating class; and

21                   “(BB) graduate in 4  
22 years or less with a regular  
23 secondary school diploma;  
24 plus

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1                   “(bb) the number of addi-  
2                   tional students from previous co-  
3                   horts who graduate with a reg-  
4                   ular secondary school diploma by  
5                   the end of the school year in—

6                   “(AA) more than 4  
7                   years but not more than 6  
8                   years; or

9                   “(BB) before exceeding  
10                  the age for eligibility for a  
11                  free appropriate public edu-  
12                  cation (as defined in section  
13                  602 of the Individuals with  
14                  Disabilities Education Act)  
15                  under State law; divided by

16                  “(II) the sum of—

17                  “(aa) the number of stu-  
18                  dents who form the adjusted co-  
19                  hort for that year’s graduating  
20                  class; plus

21                  “(bb) the number of addi-  
22                  tional student graduates de-  
23                  scribed in subclause (I)(bb); mul-  
24                  tiplied by

25                  “(ii) 100.

1           “(31) HIGH SCHOOL.—The term ‘high school’  
2 means a secondary school that—

3           “(A) grants a diploma, as defined by the  
4 State; and

5           “(B) includes, at least, grade 12.

6           “(32) HIGHLY QUALIFIED TEACHER.—

7           “(A) IN GENERAL.—The term ‘highly  
8 qualified teacher’ means—

9           “(i) with respect to any public elemen-  
10 tary school, middle school, or high school  
11 teacher teaching in a State, a teacher  
12 who—

13           “(I)(aa) has obtained State cer-  
14 tification as a teacher (including cer-  
15 tification obtained through alternative  
16 routes to certification) or passed the  
17 State teacher licensing examination,  
18 and holds a license to teach in the  
19 State, except that when used with re-  
20 spect to any teacher teaching in a  
21 charter school, the term means that  
22 the teacher meets the requirements  
23 set forth in the State’s charter school  
24 law; or

1                   “(bb) has passed a rigorous State  
2                   test for subject matter knowledge and  
3                   is making satisfactory progress to-  
4                   wards obtaining full certification or li-  
5                   censure within 3 years through par-  
6                   ticipation in a high-quality, State-ap-  
7                   proved alternative certification pro-  
8                   gram; and

9                   “(II) has not had certification or  
10                  licensure requirements waived on an  
11                  emergency, temporary, or provisional  
12                  basis;

13                 “(ii) with respect to—

14                 “(I) an elementary school teacher  
15                 who is new to the profession, that the  
16                 teacher holds at least a bachelor’s de-  
17                 gree and—

18                 “(aa) if teaching more than  
19                 a single subject, has dem-  
20                 onstrated, by receiving a passing  
21                 score on a rigorous State test,  
22                 subject knowledge and teaching  
23                 skills in reading, writing, mathe-  
24                 matics, and other areas of the  
25                 basic elementary school cur-

1                   riculum (which may consist of  
2                   passing a State-required certifi-  
3                   cation or licensing test or tests in  
4                   reading, writing, mathematics,  
5                   and other areas of the basic ele-  
6                   mentary school curriculum); or

7                   “(bb) if teaching a single  
8                   subject, meets either the require-  
9                   ment in item (aa) or (bb) of sub-  
10                  clause (II); and

11                  “(II) a middle school or high  
12                  school teacher who is new to the pro-  
13                  fession, that the teacher holds at least  
14                  a bachelor’s degree and has dem-  
15                  onstrated a high level of competency  
16                  in each of the academic subjects in  
17                  which the teacher teaches by—

18                  “(aa) receiving a passing  
19                  score on a rigorous State aca-  
20                  demic subject test in each of the  
21                  academic subjects in which the  
22                  teacher teaches (which may con-  
23                  sist of a passing level of perform-  
24                  ance on a State-required certifi-  
25                  cation or licensing test or tests in

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1 each of the academic subjects the  
2 teacher teaches); or

3 “(bb) successful completion,  
4 in each of the academic subjects  
5 in which the teacher teaches, of  
6 an academic major, a graduate  
7 degree, coursework equivalent to  
8 an undergraduate academic  
9 major, or advanced certification  
10 or credentialing; and

11 “(iii) when used with respect to an el-  
12 ementary school, middle school, or high  
13 school teacher who is not new to the pro-  
14 fession, that the teacher holds at least a  
15 bachelor’s degree and—

16 “(I) has met the applicable  
17 standard in subclause (I) or (II) of  
18 clause (ii), which includes an option  
19 for a test; or

20 “(II) demonstrates competence in  
21 all the academic subjects in which the  
22 teacher teaches based on a high objec-  
23 tive uniform State standard of evalua-  
24 tion, which may include multiple sub-  
25 jects, that—

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1                   “(aa) is set by the State for  
2 both grade-appropriate academic  
3 subject-matter knowledge and  
4 teaching skills;

5                   “(bb) is aligned with State  
6 academic content and student  
7 academic achievement standards  
8 under section 1111(a)(1) and de-  
9 veloped in consultation with core  
10 content specialists, teachers,  
11 principals, and school administra-  
12 tors;

13                   “(cc) provides objective, co-  
14 herent information about the  
15 teacher’s attainment of core con-  
16 tent knowledge in the academic  
17 subjects in which a teacher  
18 teaches;

19                   “(dd) is applied uniformly to  
20 all teachers in the same academic  
21 subject and the same grade level  
22 throughout the State;

23                   “(ee) takes into consider-  
24 ation, but is not based primarily

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1 on, the time the teacher has been  
2 teaching in the academic subject;

3 “(ff) is made available to the  
4 public on request; and

5 “(gg) may involve multiple,  
6 objective measures of teacher  
7 competency.

8 “(B) SPECIAL RULE.—Notwithstanding  
9 the requirements of subparagraph (A), a State  
10 may deem a teacher to be a highly qualified  
11 teacher for purposes of this Act, if the teacher  
12 is—

13 “(i) a teacher with a bachelor’s degree  
14 who has received and maintained a rating  
15 in the highest categories in the State in  
16 which the teacher teaches, consistent with  
17 section 2301(b)(4);

18 “(ii) a teacher in a rural local edu-  
19 cational agency, as described in section  
20 6211(d), who teaches multiple subjects, if  
21 the teacher is a highly qualified teacher in  
22 1 of the core academic subjects that the  
23 teacher teaches and becomes highly quali-  
24 fied in the additional subjects not later

1 than 3 years by meeting the requirements  
2 in clause (ii) or (iii) of subparagraph (A);

3 “(iii) a special education teacher con-  
4 sistent with section 602(10) of the Individ-  
5 uals with Disabilities Education Act;

6 “(iv) a science teacher who holds a  
7 broad field science or individual science  
8 certification or licensure and who the State  
9 determines is highly qualified for purposes  
10 of this paragraph; or

11 “(v) a teacher who has been deter-  
12 mined to be highly qualified by the State  
13 as of the day before the date of enactment  
14 of the Elementary and Secondary Edu-  
15 cation Reauthorization Act of 2011.

16 “(33) HIGH-NEED LOCAL EDUCATIONAL AGEN-  
17 CY.—The term ‘high-need local educational agency’  
18 means a local educational agency—

19 “(A) that serves not fewer than 10,000  
20 children from families with incomes below the  
21 poverty line;

22 “(B) for which not less than 20 percent of  
23 the children served by the agency are from fam-  
24 ilies with incomes below the poverty line; or

1           “(C) that is in the highest quartile of local  
2 educational agencies in the State, based on stu-  
3 dent poverty.

4           “(34) HIGH-NEED SCHOOL.—

5           “(A) IN GENERAL.—The term ‘high-need  
6 school’ means—

7           “(i) an elementary school or middle  
8 school in which not less than 50 percent of  
9 the enrolled students are children from  
10 low-income families; or

11           “(ii) a high school in which not less  
12 than 40 percent of the enrolled students  
13 are children from low-income families,  
14 which may be calculated using comparable  
15 data from feeder schools.

16           “(B) LOW-INCOME FAMILY.—For purposes  
17 of subparagraph (A), the term ‘low-income fam-  
18 ily’ means a family—

19           “(i) in which the children are eligible  
20 for a free or reduced price lunch under the  
21 Richard B. Russell National School Lunch  
22 Act (42 U.S.C. 1751 et seq.);

23           “(ii) receiving assistance under a  
24 State program funded under part A of title

1 IV of the Social Security Act (42 U.S.C.  
2 601 et seq.); or

3 “(iii) in which the children are eligible  
4 to receive medical assistance under the  
5 Medicaid program.

6 “(35) INSTITUTION OF HIGHER EDUCATION.—  
7 The term ‘institution of higher education’ has the  
8 meaning given that term in section 101(a) of the  
9 Higher Education Act of 1965.

10 “(36) LEADING INDICATORS.—The term ‘lead-  
11 ing indicators’ means areas in which a persistently  
12 low-achieving school is expected to demonstrate im-  
13 provement, such as—

14 “(A) average student attendance rates;

15 “(B) teacher attendance rates;

16 “(C) on-time grade promotion;

17 “(D) credit accumulation rates;

18 “(E) expulsion, suspension, violence and  
19 harassment rates;

20 “(F) teacher retention and turnover rates;

21 “(G) percentage of students failing a core,  
22 credit-bearing course;

23 “(H) entrance and placement examina-  
24 tions, and preparation courses, for postsec-  
25 ondary education.

1           “(37) 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) BIE SCHOOLS.—The term includes an  
20          elementary school or secondary school funded  
21          by the Bureau of Indian Education but only to  
22          the 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          “(38) 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          “(39) 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 of the in-  
5 dividual candidates; and

6           “(C) the local educational agency ensures  
7 that other schools served by the local edu-  
8 cational agency are not be forced to accept  
9 teachers displaced from persistently low-achiev-  
10 ing schools.

11           “(40) NATIVE AMERICAN AND NATIVE AMER-  
12 ICAN LANGUAGE.—The terms ‘Native American’ and  
13 ‘Native American language’ have the same meaning  
14 given those terms in section 103 of the Native  
15 American Languages Act of 1990 (25 U.S.C. 2902).

16           “(41) ON TRACK TO COLLEGE AND CAREER  
17 READINESS.—The term ‘on track to college and ca-  
18 reer readiness’, when used with respect to a student,  
19 means that—

20           “(A) the student is performing at or above  
21 the student’s grade level in a subject so that the  
22 student will be college and career ready in such  
23 subject by the time of high school graduation,  
24 as demonstrated by student performance that  
25 meets or exceeds the on-track level of student

1 academic achievement for such subject under  
2 section 1111(a)(1)(A)(iv) for the student's  
3 grade, as measured by the State's assessment  
4 system under section 1111(a)(2); or

5 “(B) in the case of a student in a State  
6 that has chosen in accordance with section  
7 1111(b)(1)(B) to measure student growth in  
8 addition to student achievement for purposes of  
9 determining readiness, the student meets the  
10 requirements of subparagraph (A) for a subject  
11 or the student is attaining student growth in  
12 accordance with clauses (i) and (ii) of such sec-  
13 tion in the subject.

14 “(42) OUTLYING AREA.—The term ‘outlying  
15 area’—

16 “(A) means the United States Virgin Is-  
17 lands, Guam, American Samoa, and the Com-  
18 monwealth of the Northern Mariana Islands;  
19 and

20 “(B) for the purpose of section 1121(b)  
21 and any other discretionary grant program  
22 under this Act, includes the freely associated  
23 states of the Republic of the Marshall Islands,  
24 the Federated States of Micronesia, and the  
25 Republic of Palau until an agreement for the

1 extension of United States education assistance  
2 under the Compact of Free Association for each  
3 of the freely associated states becomes effective  
4 after the date of enactment of the No Child  
5 Left Behind Act of 2001.

6 “(43) PARENT.—The term ‘parent’ includes a  
7 legal guardian or other person standing in loco  
8 parentis (such as a grandparent or stepparent with  
9 whom the child lives, or a person who is legally re-  
10 sponsible for the child’s welfare).

11 “(44) POVERTY LINE.—The term ‘poverty line’  
12 means the poverty line (as defined by the Office of  
13 Management and Budget and revised annually in ac-  
14 cordance with section 673(2) of the Community  
15 Services Block Grant Act (42 U.S.C. 9902(2)) appli-  
16 cable to a family of the size involved.

17 “(45) PROFESSIONAL DEVELOPMENT.—The  
18 term ‘professional development’ means activities  
19 based on scientifically valid research that are coordi-  
20 nated and aligned to increase the effectiveness of  
21 educators (including teachers, principals, other  
22 school leaders, specialized instructional support per-  
23 sonnel, paraprofessionals, and, as applicable, early  
24 childhood educators) and are regularly assessed to  
25 determine the activities’ effectiveness, and that—

1           “(A) are designed and implemented to im-  
2           prove student achievement and classroom prac-  
3           tice;

4           “(B) are aligned with—

5           “(i) State academic content standards  
6           and student academic achievement stand-  
7           ards developed under section 1111(a)(1);

8           “(ii) related academic and school im-  
9           provement goals of the school, local edu-  
10          cational agency, and, as appropriate, state-  
11          wide and local curricula; and

12          “(iii) rigorous teaching standards;

13          “(C) increase educators’—

14          “(i) knowledge and understanding  
15          about how students learn;

16          “(ii) academic content knowledge;

17          “(iii) ability to analyze student work  
18          and achievement data from multiple  
19          sources, including how to adjust instruc-  
20          tional strategies, assessments, and mate-  
21          rials based on such analysis; and

22          “(iv) ability to instruct students with  
23          disabilities and English learners so that  
24          they are able to meet the State academic

1 content standards and student academic  
2 achievement standards;

3 “(D) address areas for improvement based  
4 on such educators’ evaluations;

5 “(E) are job-embedded, ongoing, collabo-  
6 rative, data-driven, and classroom-focused; and

7 “(F) are, as appropriate—

8 “(i) designed to provide educators  
9 with the knowledge and skills to work more  
10 effectively with parents and families; and

11 “(ii) provided jointly for school staff  
12 and other early childhood education and  
13 care providers, where applicable, to address  
14 the transition to elementary school, includ-  
15 ing issues related to school readiness  
16 across all major domains of early learning.

17 “(46) REGULAR SECONDARY SCHOOL DI-  
18 PLOMA.—

19 “(A) IN GENERAL.—The term ‘regular sec-  
20 ondary school diploma’ means the standard sec-  
21 ondary school diploma awarded to the prepon-  
22 derance of students in the State that is fully  
23 aligned with State standards, or a higher di-  
24 ploma. Such term shall not include a GED or  
25 other recognized equivalent of a diploma, a cer-

1           tificate of attendance, or any lesser diploma  
2           award.

3           “(B) EXCEPTION FOR STUDENTS WITH  
4           SIGNIFICANT COGNITIVE DISABILITIES.—For a  
5           student who has a significant cognitive dis-  
6           ability and is assessed using an alternate as-  
7           sessment aligned to alternate academic achieve-  
8           ment standards under section 1111(a)(1)(D),  
9           receipt of a regular secondary school diploma or  
10          a State-defined alternate diploma aligned with  
11          completion of the student’s right to a free ap-  
12          propriate public education under the Individuals  
13          with Disabilities Education Act shall be counted  
14          as graduating with a regular secondary school  
15          diploma for the purposes of this Act, except  
16          that not more than 1 percent of students served  
17          by a State or a local educational agency, as ap-  
18          propriate, shall be counted as graduates with a  
19          regular secondary school diploma under this  
20          subparagraph.

21          “(47) SCIENTIFICALLY BASED RESEARCH.—

22          The term ‘scientifically based research’—

23                 “(A) means research that involves the ap-  
24                 plication of rigorous, systematic, and objective  
25                 procedures to obtain reliable and valid knowl-

1 edge relevant to education activities and pro-  
2 grams; and

3 “(B) includes research that—

4 “(i) employs systematic, empirical  
5 methods that draw on observation or ex-  
6 periment;

7 “(ii) involves rigorous data analyses  
8 that are adequate to test the stated  
9 hypotheses and justify the general conclu-  
10 sions drawn;

11 “(iii) relies on measurements or obser-  
12 vational methods that provide reliable and  
13 valid data across evaluators and observers,  
14 across multiple measurements and observa-  
15 tions, and across studies by the same or  
16 different investigators;

17 “(iv) is evaluated using experimental  
18 or quasi-experimental designs in which in-  
19 dividuals, entities, programs, or activities  
20 are assigned to different conditions and  
21 with appropriate controls to evaluate the  
22 effects of the condition of interest, with a  
23 preference for random-assignment experi-  
24 ments, or other designs to the extent that

1           those designs contain within-condition or  
2           across-condition controls;

3           “(v) ensures that experimental studies  
4           are presented in sufficient detail and clar-  
5           ity to allow for replication or, at a min-  
6           imum, offer the opportunity to build sys-  
7           tematically on their findings; and

8           “(vi) has been accepted by a peer-re-  
9           viewed journal or approved by a panel of  
10          independent experts through a comparably  
11          rigorous, objective, and scientific review.

12          “(48) SCIENTIFICALLY VALID RESEARCH.—The  
13          term ‘scientifically valid research’ includes applied  
14          research, basic research, and field-initiated research  
15          in which the rationale, design, and interpretation are  
16          soundly developed in accordance with principles of  
17          scientific research.

18          “(49) SECONDARY SCHOOL.—The term ‘sec-  
19          ondary school’ means a nonprofit institutional day or  
20          residential school, including a public secondary char-  
21          ter school, that provides secondary education, as de-  
22          termined under State law, except that the term does  
23          not include any education beyond grade 12.

24          “(50) SECRETARY.—The term ‘Secretary’  
25          means the Secretary of Education.

1           “(51) SPECIALIZED INSTRUCTIONAL SUPPORT  
2 PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT  
3 SERVICES.—

4           “(A) SPECIALIZED INSTRUCTIONAL SUP-  
5 PORT PERSONNEL.—The term ‘specialized in-  
6 structional support personnel’ means school  
7 counselors, school social workers, school psy-  
8 chologists, and other qualified professional per-  
9 sonnel involved in providing assessment, diag-  
10 nosis, counseling, educational, therapeutic, and  
11 other necessary services (including related serv-  
12 ices as that term is defined in section 602 of  
13 the Individuals with Disabilities Education Act)  
14 as part of a comprehensive program to meet  
15 student needs.

16           “(B) SPECIALIZED INSTRUCTIONAL SUP-  
17 PORT SERVICES.—The term ‘specialized instruc-  
18 tional support services’ means the services pro-  
19 vided by specialized instructional support per-  
20 sonnel.

21           “(52) STATE.—The term ‘State’ means each of  
22 the 50 States, the District of Columbia, the Com-  
23 monwealth of Puerto Rico, and each of the outlying  
24 areas.

1           “(53) STATE ADVISORY COUNCIL ON EARLY  
2 CHILDHOOD EDUCATION AND CARE.—The term  
3 ‘State Advisory Council on Early Childhood Edu-  
4 cation and Care’ means the State Advisory Council  
5 on Early Childhood Education and Care established  
6 under section 642B(b) of the Head Start Act (42  
7 U.S.C. 9837b(b)).

8           “(54) STATE EDUCATIONAL AGENCY.—The  
9 term ‘State educational agency’ means the agency  
10 primarily responsible for the State supervision of  
11 public elementary schools and secondary schools.

12           “(55) TEACHER MENTORING.—The term  
13 ‘teacher mentoring’ means supporting teachers or  
14 principals to increase the effectiveness and retention  
15 of such teachers or principals through a program  
16 that—

17           “(A) includes clear criteria for the selec-  
18 tion of mentors that takes into account the  
19 mentor’s—

20           “(i) effectiveness; and

21           “(ii) ability to facilitate adult learn-  
22 ing;

23           “(B) provides high-quality training for  
24 mentors in how to support teachers or prin-  
25 cipals effectively;

1           “(C) provides regularly scheduled time for  
2           collaboration, examination of student work and  
3           achievement data, and ongoing opportunities for  
4           mentors and mentees to observe each other’s  
5           teaching or leading, and identify and address  
6           areas for improvement; and

7           “(D) matches mentees with mentors in the  
8           same field, grade, grade span, or subject area.

9           “(56) TURNAROUND PARTNER.—The term  
10          ‘turnaround partner’ means a public or private non-  
11          profit organization, institution of higher education,  
12          or charter management organization, with a dem-  
13          onstrated record of successful school improvement.

14          “(57) UNIVERSAL DESIGN FOR LEARNING.—  
15          The term ‘universal design for learning’ has the  
16          meaning given the term in section 103 of the Higher  
17          Education Act of 1965.”.

18          (b) CONFORMING AMENDMENTS.—The Act (20  
19 U.S.C. 6301 et seq.) is amended—

20               (1) in section 1504(b) (20 U.S.C. 6574(b)), as  
21               redesignated by section 1501(3), by striking “the  
22               Committee on Education and the Workforce of the  
23               House of Representatives and the Committee on  
24               Health, Education, Labor and Pensions of the Sen-  
25               ate” and inserting “the authorizing committees”;

1           (2) in section 3123(b) (20 U.S.C. 6843(b)), by  
2 striking “the Committee on Education and the  
3 Workforce of the House of Representatives and the  
4 Committee on Health, Education, Labor, and Pen-  
5 sions of the Senate” and inserting “the authorizing  
6 committees”; and

7           (3) in section 9401(e)(4) (20 U.S.C.  
8 7861(e)(4)), by striking “the Committee on Edu-  
9 cation and the Workforce of the House of Rep-  
10 resentatives and the Committee on Health, Edu-  
11 cation, Labor, and Pensions of the Senate” and in-  
12 serting “the authorizing committees”.

13 **SEC. 9102. UNSAFE SCHOOL CHOICE OPTION.**

14       Section 9532(a) (20 U.S.C. 7912(a)) is amended by  
15 striking “attending” and all that follows through “victim  
16 of” and inserting “who is threatened with, or becomes a  
17 victim of.”.

18 **SEC. 9103. EVALUATION AUTHORITY.**

19       Section 9601 (20 U.S.C. 7941) is amended to read  
20 as follows:

21 **“SEC. 9601. EVALUATION AUTHORITY.**

22       “(a) RESERVATION OF FUNDS.—Except as provided  
23 in subsection (b), the Secretary may reserve not more than  
24 3 percent of the amount appropriated to carry out each  
25 categorical program and demonstration project authorized

1 under this Act. The reserved amounts shall be used by  
2 the Secretary, acting through the Director of the Institute  
3 of Education Sciences, to—

4 “(1) conduct—

5 “(A) comprehensive, high-quality evalua-  
6 tions of the program or project that—

7 “(i) provide information to inform pol-  
8 icy-making and to support continuous pro-  
9 gram improvement; and

10 “(ii) use methods appropriate for the  
11 questions being asked; and

12 “(B) impact evaluations that employ exper-  
13 imental or quasi-experimental designs, where  
14 practicable and appropriate, and other rigorous  
15 methodologies that permit the strongest pos-  
16 sible causal inferences;

17 “(2) provide technical assistance to grant re-  
18 cipients on—

19 “(A) the conduct of the evaluation activi-  
20 ties that the grantees carry out under this Act;  
21 and

22 “(B) the collection and reporting of per-  
23 formance data relating to the program or  
24 project;

1           “(3) evaluate the aggregate short- and long-  
2 term effects and cost efficiencies across Federal pro-  
3 grams assisted or authorized under this Act and re-  
4 lated Federal preschool, elementary, and secondary  
5 programs under any other Federal law;

6           “(4) increase the usefulness of evaluations of  
7 grant recipients in order to ensure the continuous  
8 progress of the program or project by improving the  
9 quality, timeliness, efficiency, dissemination, and use  
10 of information relating to performance under the  
11 program or project; and

12           “(5) identify and disseminate research and best  
13 practices related to the programs and projects au-  
14 thorized under this Act.

15           “(b) TITLE I.—The Secretary may not reserve under  
16 subsection (a) more than 1 percent of the funds appro-  
17 priated to carry out title I.

18           “(c) EVALUATION PLAN.—Beginning not later than  
19 1 year after the date of enactment of the Elementary and  
20 Secondary Education Reauthorization Act of 2011, the  
21 Secretary shall annually develop and submit to Congress  
22 a plan that—

23           “(1) describes the timeline for evaluation of the  
24 programs and projects authorized under this Act;

1           “(2) describes the specific evaluation activities  
2           that the Secretary intends to carry out for such pro-  
3           grams and projects during the next year; and

4           “(d) EVALUATION ACTIVITIES AUTHORIZED ELSE-  
5 WHERE.—If, under any other provision of this Act (other  
6 than title I), funds are authorized to be reserved or used  
7 for evaluation activities with respect to a program or  
8 project, the Secretary may not reserve additional funds  
9 under this section for the evaluation of that program or  
10 project.

11          “(e) SPECIAL RULE REGARDING ALLOCATION FOR  
12 IMPACT EVALUATIONS.—The Secretary shall use not less  
13 than 30 percent of the funds reserved under this section  
14 for each of the fiscal years 2012 through 2017, in the ag-  
15 gregate for each year, for impact evaluations that meet  
16 the requirements of subsection (a)(1).”.

17 **SEC. 9104. CONFORMING AMENDMENTS.**

18          (a) REORGANIZATION.—Title IX (20 U.S.C. 7801 et  
19 seq.) is amended by adding at the end the following:

20          **“PART G—MISCELLANEOUS PROVISIONS”.**

21          (b) CONFORMING AMENDMENTS.—Title IX (20  
22 U.S.C. 7801 et seq.) is amended—

23                 (1) in section 9401(b)(1)(C) (20 U.S.C.  
24                 7861(b)(1)(C)), by striking “, in accordance with  
25                 section 1111(b),”;

1           (2) by striking paragraph (1) of section  
2           9501(b) (20 U.S.C. 7881(b)) and inserting the fol-  
3           lowing:

4           “(1) IN GENERAL.—This section applies to pro-  
5           grams under—

6                   “(A) part C of title I;

7                   “(B) part A of title II, to the extent pro-  
8           vided in paragraph (3);

9                   “(C) part A of title III;

10                  “(D) part A of title IV;

11                  “(E) part B of title IV;

12                  “(F) part C of title IV; and

13                  “(G) part D of title IV.”; and

14           (3) in section 9534(b) (20 U.S.C. 7914(b)), by  
15           striking “part B of title V” each place the term ap-  
16           pears and inserting “part D of title V”.

17                   **TITLE X—HOMELESS**  
18                   **EDUCATION**

19           **SEC. 10011. SHORT TITLE.**

20           This title may be cited as the “McKinney-Vento  
21           Homeless Education Reauthorization Act of 2011”.

1 **SEC. 10012. EDUCATION FOR HOMELESS CHILDREN AND**  
2 **YOUTH.**

3 Subtitle B of title VII of the McKinney-Vento Home-  
4 less Assistance Act (42 U.S.C. 11431 et seq.) is amended  
5 to read as follows:

6 **“Subtitle B—Education for**  
7 **Homeless Children and Youth**

8 **“SEC. 721. STATEMENT OF POLICY.**

9 “The following is the policy of Congress:

10 “(1) Each State shall ensure that each home-  
11 less child and youth has access to the same free ap-  
12 propriate public education, including a public pre-  
13 school education, as is provided to other children  
14 and youth.

15 “(2) In any State where compulsory residency  
16 requirements or other requirements of laws, regula-  
17 tions, practices, or policies may act as a barrier to  
18 the identification, enrollment, attendance, or success  
19 in school of homeless children and youth, the State  
20 shall review and revise such laws, regulations, prac-  
21 tices, or policies to ensure that homeless children  
22 and youth are afforded the same free appropriate  
23 public education as is provided to other children and  
24 youth.

1           “(3) Homelessness is not a sufficient reason to  
2           separate students from the mainstream school envi-  
3           ronment.

4           “(4) Homeless children and youth shall have  
5           access to the education and other services that such  
6           children and youth need to ensure that such children  
7           and youth have an opportunity to meet the same col-  
8           lege and career ready State student academic  
9           achievement standards to which all students are  
10          held.

11   **“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**  
12                   **THE EDUCATION OF HOMELESS CHILDREN**  
13                   **AND YOUTH.**

14          “(a) GENERAL AUTHORITY.—The Secretary is au-  
15          thorized to make grants to States from allotments made  
16          under subsection (c) and in accordance with this section  
17          to enable such States to carry out the activities described  
18          in subsections (d) through (h).

19          “(b) APPLICATION.—In order for a State to be eligi-  
20          ble to receive a grant under this section, the State edu-  
21          cational agency, in consultation with other relevant State  
22          agencies, shall submit an application to the Secretary at  
23          such time, in such manner, and containing or accompanied  
24          by such information as the Secretary may reasonably re-  
25          quire.

1 “(c) ALLOCATION AND RESERVATIONS.—

2 “(1) ALLOCATION.—

3 “(A) IN GENERAL.—Subject to subpara-  
4 graph (C), the Secretary is authorized to allot  
5 to each State an amount that bears the same  
6 ratio to the amount appropriated for such year  
7 under section 726 that remains after the Sec-  
8 retary reserves funds under paragraph (2) and  
9 uses funds to carry out section 724 (d) and (h),  
10 as the amount allocated under section 1122 of  
11 the Elementary and Secondary Education Act  
12 of 1965 (20 U.S.C. 6332) to the State for that  
13 year bears to the total amount allocated under  
14 section 1122 of such Act to all States for that  
15 year, except as provided in subparagraph (B).

16 “(B) MINIMUM ALLOTMENTS.—No State  
17 shall receive for a fiscal year less under this  
18 paragraph than the greater of—

19 “(i) \$150,000; or

20 “(ii) an amount that bears the same  
21 ratio to the amount appropriated for such  
22 year under section 726 that remains after  
23 the Secretary reserves funds under para-  
24 graph (2) and uses funds to carry out sec-  
25 tion 724 (d) and (h), as the amount the

1 State received under this paragraph for the  
2 preceding fiscal year bears to the total  
3 amount received by all States under this  
4 paragraph for the preceding fiscal year.

5 “(C) REDUCTION FOR INSUFFICIENT  
6 FUNDS.—If there are insufficient funds in a fis-  
7 cal year to allot to each State the minimum  
8 amount under subparagraph (B), the Secretary  
9 shall ratably reduce the allotments to all States  
10 based on the proportionate share that each  
11 State received under this subsection for the pre-  
12 ceding fiscal year.

13 “(2) RESERVATIONS.—

14 “(A) STUDENTS IN TERRITORIES.—The  
15 Secretary is authorized to reserve 0.1 percent of  
16 the amount appropriated for each fiscal year  
17 under section 726 to be allocated by the Sec-  
18 retary among the United States Virgin Islands,  
19 Guam, American Samoa, and the Common-  
20 wealth of the Northern Mariana Islands, ac-  
21 cording to their respective need for assistance  
22 under this subtitle, as determined by the Sec-  
23 retary. Funds allocated under this subpara-  
24 graph shall be used for programs that are con-

1           sistent with the purposes of the programs de-  
2           scribed in this subtitle.

3           “(B) INDIAN STUDENTS.—

4                   “(i) TRANSFER.—The Secretary shall  
5           transfer 1 percent of the amount appro-  
6           priated for each fiscal year under section  
7           726 to the Department of the Interior for  
8           programs that are for Indian students  
9           served by schools funded by the Secretary  
10          of the Interior, as determined under the  
11          Indian Self-Determination and Education  
12          Assistance Act (25 U.S.C. 450 et seq.),  
13          and that are consistent with the purposes  
14          of the programs described in this subtitle.

15                   “(ii) AGREEMENT.—The Secretary of  
16          Education and the Secretary of the Inte-  
17          rior shall enter into an agreement, con-  
18          sistent with the requirements of this sub-  
19          title, for the distribution and use of the  
20          funds described in clause (i) under terms  
21          that the Secretary of Education determines  
22          best meet the purposes of the programs de-  
23          scribed in this subtitle. Such agreement  
24          shall set forth the plans of the Secretary of  
25          the Interior for the use of the funds trans-

1                   ferred, including appropriate goals, objec-  
2                   tives, and milestones for that use.

3           “(d) STATE ACTIVITIES.—Grant funds from a grant  
4 made to a State under this section shall be used for the  
5 following:

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

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

16                   “(3) To prepare and carry out the duties de-  
17 scribed in subsection (f) in the State plan described  
18 in subsection (g).

19                   “(4) To develop and implement professional de-  
20 velopment activities for liaisons designated under  
21 subsection (g)(1)(J)(ii), other local educational agen-  
22 cy and school personnel, and community agencies—

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

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

4           “(e) STATE AND LOCAL SUBGRANTS.—

5           “(1) MINIMUM DISBURSEMENTS BY STATES.—

6           From the grant funds made available each year to  
7           a State under subsection (a) to carry out this sub-  
8           title, the State educational agency—

9           “(A) may use not more than 20 percent of  
10           the State’s allocation under subsection (c)(1) or  
11           \$85,000, whichever amount is greater, for  
12           State-level activities; and

13           “(B) shall use the remainder of the State’s  
14           allocation after using amounts for State-level  
15           activities under subparagraph (A) to award sub-  
16           grants to local educational agencies for the pur-  
17           poses of carrying out section 723.

18           “(2) USE BY STATE EDUCATIONAL AGENCY.—

19           A State educational agency may use funds for State-  
20           level activities made available under paragraph  
21           (1)(A) to conduct activities under subsection (f) di-  
22           rectly or through grants or contracts.

23           “(3) PROHIBITION ON SEGREGATING HOMELESS  
24           STUDENTS.—

1           “(A) IN GENERAL.—Except as provided in  
2           subparagraph (B), in providing a free public  
3           education to a homeless child or youth, no State  
4           receiving funds under this subtitle shall seg-  
5           regate such child or youth in a separate school,  
6           or in a separate program within a school, based  
7           on such child’s or youth’s status as homeless.

8           “(B) EXCEPTION.—Notwithstanding sub-  
9           paragraph (A), paragraphs (1)(J)(i) and (3) of  
10          subsection (g), section 723(a)(2), and any other  
11          provision of this subtitle relating to the place-  
12          ment of homeless children or youths in schools,  
13          a State that has a separate school for homeless  
14          children or youths that was operated in fiscal  
15          year 2000 in a covered county shall be eligible  
16          to receive funds under this subtitle for pro-  
17          grams carried out in such school if—

18                   “(i) the school meets the requirements  
19                   of subparagraph (C);

20                   “(ii) any local educational agency  
21                   serving a school that the homeless children  
22                   and youths enrolled in the separate school  
23                   are eligible to attend meets the require-  
24                   ments of subparagraph (E); and

1                   “(iii) the State is otherwise eligible to  
2                   receive funds under this subtitle.

3                   “(C) SCHOOL REQUIREMENTS.—For the  
4                   State to be eligible under subparagraph (B) to  
5                   receive funds under this subtitle, the school de-  
6                   scribed in such subparagraph shall—

7                   “(i) provide written notice, at the time  
8                   any child or youth seeks enrollment in such  
9                   school, and at least twice annually while  
10                  the child or youth is enrolled in such  
11                  school, to the parent or guardian of the  
12                  child or youth (or, in the case of an unac-  
13                  companied youth, the youth) that—

14                  “(I) shall be signed by the parent  
15                  or guardian (or, in the case of an un-  
16                  accompanied youth, the youth);

17                  “(II) sets forth the general rights  
18                  provided under this subtitle;

19                  “(III) specifically states—

20                  “(aa) the choice of schools  
21                  homeless children and youths are  
22                  eligible to attend, as provided in  
23                  subsection (g)(4)(A);

24                  “(bb) that no homeless child  
25                  or youth is required to attend a

1 separate school for homeless chil-  
2 dren or youths;

3 “(cc) that homeless children  
4 and youths shall be provided  
5 comparable services described in  
6 subsection (g)(5), including  
7 transportation services, edu-  
8 cational services, and meals  
9 through school meals programs;  
10 and

11 “(dd) that homeless children  
12 and youths should not be stig-  
13 matized by school personnel; and

14 “(IV) provides contact informa-  
15 tion for the local liaison for homeless  
16 children and youths and the State Co-  
17 ordinator for Education of Homeless  
18 Children and Youths;

19 “(ii)(I) provide assistance to the par-  
20 ent or guardian of each homeless child or  
21 youth (or, in the case of an unaccompanied  
22 youth, the youth) to exercise the right to  
23 attend the parent’s or guardian’s (or  
24 youth’s) choice of schools, as provided in  
25 subsection (g)(4)(A); and

1           “(II) coordinate with the local edu-  
2           cational agency with jurisdiction for the  
3           school selected by the parent or guardian  
4           (or youth), to provide transportation and  
5           other necessary services;

6           “(iii) ensure that the parent or guard-  
7           ian (or, in the case of an unaccompanied  
8           youth, the youth) shall receive the informa-  
9           tion required by this subparagraph in a  
10          manner and form understandable to such  
11          parent or guardian (or youth), including, if  
12          necessary and to the extent feasible, in the  
13          native language of such parent or guardian  
14          (or youth); and

15          “(iv) demonstrate in the school’s ap-  
16          plication for funds under this subtitle that  
17          such school—

18                 “(I) is complying with clauses (i)  
19                 and (ii); and

20                 “(II) is meeting (as of the date  
21                 of submission of the application) the  
22                 same Federal and State standards,  
23                 regulations, and mandates as other  
24                 public schools in the State (such as  
25                 complying with sections 1111 and

1                   1116 of the Elementary and Sec-  
2                   ondary Education Act of 1965 and  
3                   providing a full range of education  
4                   and related services, including services  
5                   applicable to students with disabil-  
6                   ities).

7                   “(D) SCHOOL INELIGIBILITY.—A separate  
8                   school described in subparagraph (B) that fails  
9                   to meet the standards, regulations, and man-  
10                  dates described in subparagraph (C)(iv)(II)  
11                  shall not be eligible to receive funds under this  
12                  subtitle for programs carried out in such school  
13                  after the first date of such failure.

14                  “(E) LOCAL EDUCATIONAL AGENCY RE-  
15                  QUIREMENTS.—For the State to be eligible to  
16                  receive the funds described in subparagraph  
17                  (B), the local educational agency described in  
18                  subparagraph (B)(ii) shall—

19                         “(i) implement a coordinated system  
20                         for ensuring that homeless children and  
21                         youths—

22                                 “(I) are advised of the choice of  
23                                 schools provided in subsection  
24                                 (g)(4)(A);

1                   “(II) are immediately enrolled, in  
2                   accordance with subsection (g)(4)(C),  
3                   in the school selected under subsection  
4                   (g)(4)(A); and

5                   “(III) are promptly provided nec-  
6                   essary services described in subsection  
7                   (g)(5), including transportation, to  
8                   allow homeless children and youths to  
9                   exercise their choices of schools under  
10                  subsection (g)(4)(A);

11                  “(ii) document that written notice has  
12                  been provided—

13                  “(I) in accordance with subpara-  
14                  graph (C)(i) for each child or youth  
15                  enrolled in a separate school under  
16                  subparagraph (B); and

17                  “(II) in accordance with sub-  
18                  section (g)(7)(A)(vi);

19                  “(iii) prohibit schools within the agen-  
20                  cy’s jurisdiction from referring homeless  
21                  children or youths to, or requiring home-  
22                  less children and youths to enroll in or at-  
23                  tend, a separate school described in sub-  
24                  paragraph (B);

1                   “(iv) identify and remove any barriers  
2                   that exist in schools within the agency’s ju-  
3                   risdiction that may have contributed to the  
4                   creation or existence of separate schools  
5                   described in subparagraph (B); and

6                   “(v) not use funds received under this  
7                   subtitle to establish—

8                   “(I) new or additional separate  
9                   schools for homeless children or  
10                  youths; or

11                  “(II) new or additional sites for  
12                  separate schools for homeless children  
13                  or youths, other than the sites occu-  
14                  pied by the schools described in sub-  
15                  paragraph (B) in fiscal year 2000.

16                  “(F) REPORT.—

17                  “(i) PREPARATION.—The Secretary  
18                  shall prepare a report on the separate  
19                  schools and local educational agencies de-  
20                  scribed in subparagraph (B) that receive  
21                  funds under this subtitle in accordance  
22                  with this paragraph. The report shall con-  
23                  tain, at a minimum, information on—

24                  “(I) compliance with all require-  
25                  ments of this paragraph;

1                   “(II) barriers to school access in  
2                   the school districts served by the local  
3                   educational agencies; and

4                   “(III) the progress the separate  
5                   schools are making in integrating  
6                   homeless children and youths into the  
7                   mainstream school environment, in-  
8                   cluding the average length of student  
9                   enrollment in such schools.

10                  “(ii) COMPLIANCE WITH INFORMA-  
11                  TION REQUESTS.—For purposes of ena-  
12                  bling the Secretary to prepare the report,  
13                  the separate schools and local educational  
14                  agencies shall cooperate with the Secretary  
15                  and the State Coordinator for Education  
16                  of Homeless Children and Youths estab-  
17                  lished in the State under subsection (d)(2),  
18                  and shall comply with any requests for in-  
19                  formation by the Secretary and State Co-  
20                  ordinator for such State.

21                  “(iii) SUBMISSION.—The Secretary  
22                  shall submit the report described in clause  
23                  (i) to—

24                                  “(I) the President;



1           “(C) any progress made by the State edu-  
2           cational agency and local educational agencies  
3           in the State in addressing such problems and  
4           difficulties; and

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

10          “(2) develop and carry out the State plan de-  
11          scribed in subsection (g);

12          “(3) collect data for and transmit to the Sec-  
13          retary, at such time and in such manner as the Sec-  
14          retary may require, reports containing such informa-  
15          tion as the Secretary determines is necessary to as-  
16          sess the educational needs of homeless children and  
17          youth within the State, including data requested  
18          pursuant to subsection (h) of section 724;

19          “(4) improve the provision of comprehensive  
20          education and related support services to homeless  
21          children and youth and their families, and to mini-  
22          mize educational disruption, through coordination of  
23          activities, and collaboration with—

1           “(A) educators, including teachers, admin-  
2 istrators, special education personnel, and child  
3 development and preschool program personnel;

4           “(B) providers of services to homeless chil-  
5 dren and youth and homeless families, public  
6 and private child welfare and social services  
7 agencies, law enforcement agencies, juvenile and  
8 family courts, agencies providing mental health  
9 services, domestic violence agencies, child care  
10 providers, runaway and homeless youth centers,  
11 and providers of services and programs funded  
12 under the Runaway and Homeless Youth Act  
13 (42 U.S.C. 5701 et seq.);

14           “(C) providers of emergency, transitional,  
15 and permanent housing to homeless children  
16 and youth, and their families, including public  
17 housing agencies, shelter operators, operators of  
18 transitional housing facilities, and providers of  
19 transitional living programs for homeless youth;

20           “(D) local educational agency liaisons des-  
21 ignated under subsection (g)(1)(J)(ii) for home-  
22 less children and youth; and

23           “(E) community organizations and groups  
24 representing homeless children and youth and  
25 their families;

1           “(5) provide professional development and tech-  
2           nical assistance to and conduct monitoring of local  
3           educational agencies, in coordination with local edu-  
4           cational agency liaisons designated under subsection  
5           (g)(1)(J)(ii), to ensure that local educational agen-  
6           cies comply with the requirements of paragraphs (3)  
7           through (7) of subsection (g), and subsection (h);  
8           and

9           “(6) make opportunities available for teachers  
10          and local educational agency liaisons designated  
11          under subsection (g)(1)(J)(ii) to participate in ongo-  
12          ing and relevant professional development programs  
13          and activities.

14          “(g) STATE PLAN.—

15                 “(1) IN GENERAL.—Each State shall submit to  
16                 the Secretary and implement a plan to provide for  
17                 the education of all homeless children and youth  
18                 within the State. Such plan shall include the fol-  
19                 lowing:

20                         “(A) A description of how such children  
21                         and youth are (or will be) given the oppor-  
22                         tunity—

23                                 “(i) to meet the same college and ca-  
24                                 reer ready State student academic achieve-

1           ment standards as all students are ex-  
2           pected to meet; and

3                   “(ii) to become college and career  
4           ready.

5                   “(B) A description of the procedures the  
6           State educational agency will use, in coordina-  
7           tion with local educational agencies, to identify  
8           such children and youth in the State and to as-  
9           sess their needs.

10                   “(C) A description of procedures for the  
11           prompt resolution of disputes arising under this  
12           subtitle, which shall—

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

16                           “(ii) be readily available and provided  
17                           in a written format and, to the extent  
18                           practicable, in a manner and form under-  
19                           standable to the parents and guardians of  
20                           homeless children and youth;

21                           “(iii) take into account the edu-  
22                           cational best interest of the homeless child  
23                           or youth, or unaccompanied youth, in-  
24                           volved; and

1                   “(iv) ensure that parents and guard-  
2                   ians of homeless children and youth, and  
3                   unaccompanied youth, who have exhausted  
4                   the procedures available under this para-  
5                   graph are able to appeal to the State edu-  
6                   cational agency, and are enrolled in school  
7                   pursuant to paragraph (4)(C) and receive  
8                   transportation pursuant to subparagraph  
9                   (J)(iii) pending final resolution of the dis-  
10                  pute.

11                  “(D) A description of programs for school  
12                  personnel (including the liaisons, principals, at-  
13                  tendance officers, teachers, enrollment per-  
14                  sonnel, and specialized instruction support per-  
15                  sonnel) to increase the awareness of such per-  
16                  sonnel of the specific needs of homeless adoles-  
17                  cents, including runaway and homeless youth.

18                  “(E) A description of procedures that en-  
19                  sure that homeless children and youth are able  
20                  to participate in Federal, State, or local nutri-  
21                  tion programs.

22                  “(F) A description of procedures that en-  
23                  sure that—

24                         “(i) homeless children have access to  
25                         public preschool programs, administered by

1 the State educational agency or local edu-  
2 cational agency, including through the poli-  
3 cies and practices required under para-  
4 graph (3);

5 “(ii) homeless youth, including youth  
6 separated from public schools, are identi-  
7 fied and accorded equal access to appro-  
8 priate and available secondary education  
9 and support services, including receiving  
10 appropriate credit for full or partial  
11 coursework satisfactorily completed while  
12 attending a prior school, and for work  
13 completed after their enrollment in a new  
14 school, consistent with State graduation re-  
15 quirements and accreditation standards;  
16 and

17 “(iii) homeless children and youth  
18 who meet the relevant eligibility criteria  
19 are able to participate in Federal, State, or  
20 local before- and after-school care, magnet  
21 schools, summer schools, career and tech-  
22 nical education, advanced placement, on-  
23 line learning opportunities, charter school  
24 programs, and relevant workforce invest-  
25 ment programs.

1           “(G) Strategies to address problems identi-  
2           fied in the reports provided to the Secretary  
3           under subsection (f)(3).

4           “(H) Strategies to address other problems  
5           with respect to the education of homeless chil-  
6           dren and youth, including enrollment problems  
7           related to—

8                   “(i) immunization and other required  
9                   health records and screenings;

10                   “(ii) residency requirements;

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

13                   “(iv) guardianship issues; or

14                   “(v) uniform or dress code require-  
15                   ments.

16           “(I) A demonstration that the State edu-  
17           cational agency, and local educational agencies  
18           and schools in the State, have developed and  
19           shall regularly review and revise their policies  
20           and practices to remove barriers to the identi-  
21           fication, enrollment, attendance, retention, and  
22           success of homeless children and youth in  
23           schools in the State.

24           “(J) Assurances that the following will be  
25           carried out:

1                   “(i) The State educational agency and  
2                   local educational agencies in the State will  
3                   adopt policies and practices to ensure that  
4                   homeless children and youth are not stig-  
5                   matized or segregated on the basis of their  
6                   status as homeless.

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

15                  “(iii) The State and local educational  
16                  agencies in the State will adopt policies  
17                  and practices to ensure that transportation  
18                  is provided at the request of the parent or  
19                  guardian involved (or in the case of an un-  
20                  accompanied youth, the liaison), to and  
21                  from the school of origin, for as long as  
22                  the student has the right to attend the  
23                  school of origin as determined in para-  
24                  graph (4)(A), in accordance with the fol-  
25                  lowing, as applicable:

1                   “(I) If the child or youth con-  
2                   tinues to live in the area served by the  
3                   local educational agency for the school  
4                   of origin, the child’s or youth’s trans-  
5                   portation to and from the school of  
6                   origin shall be provided or arranged  
7                   by the local educational agency for the  
8                   school of origin.

9                   “(II) If the child’s or youth’s liv-  
10                  ing arrangements in the area served  
11                  by the local educational agency of ori-  
12                  gin terminate and the child or youth,  
13                  though continuing the child’s or  
14                  youth’s education in the school of ori-  
15                  gin, begins living in an area served by  
16                  another local educational agency, the  
17                  local educational agency of origin and  
18                  the local educational agency for the  
19                  area in which the child or youth is liv-  
20                  ing shall agree upon a method to ap-  
21                  portion the responsibility and cost for  
22                  providing transportation to and from  
23                  the school of origin. If the local edu-  
24                  cational agencies are unable to agree  
25                  upon such method, the responsibility

1                   and costs for transportation shall be  
2                   shared equally between the agencies.

3                   “(iv) SCHOOL SUCCESS.—The State  
4                   educational agency and local educational  
5                   agencies will adopt policies and practices to  
6                   promote school success for homeless chil-  
7                   dren and youth, including access to full  
8                   participation in academic and extra-  
9                   curricular activities that are made available  
10                  to non-homeless students.

11                  “(2) COMPLIANCE.—

12                  “(A) IN GENERAL.—Each plan adopted  
13                  under this subsection shall also describe how  
14                  the State will ensure that local educational  
15                  agencies in the State will comply with the re-  
16                  quirements of paragraphs (3) through (7).

17                  “(B) COORDINATION.—Such plan shall in-  
18                  dicate what technical assistance the State will  
19                  furnish to local educational agencies and how  
20                  compliance efforts will be coordinated with the  
21                  local educational agency liaisons designated  
22                  under paragraph (1)(J)(ii).

23                  “(3) SCHOOL READINESS FOR HOMELESS CHIL-  
24                  DREN.—Each State plan adopted under this sub-  
25                  section shall ensure that entities carrying out pre-

1 school programs funded, administered, or overseen  
2 by the agency involved—

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

7 “(B) identify and prioritize homeless chil-  
8 dren for enrollment and increase their enroll-  
9 ment and attendance in early learning pro-  
10 grams, including through policies such as—

11 “(i) reserving spaces in preschool pro-  
12 grams for homeless children;

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

15 “(iii) waiving application deadlines;

16 “(iv) providing ongoing professional  
17 development for staff regarding the needs  
18 of homeless children and their families and  
19 strategies to serve the children and fami-  
20 lies; and

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

23 “(C) review the educational and related  
24 needs of homeless children and their families in  
25 such agency’s service area, in coordination with

1           the liaison designated under paragraph  
2           (1)(J)(ii).

3           “(4) LOCAL EDUCATIONAL AGENCY REQUIRE-  
4           MENTS.—

5                   “(A) IN GENERAL.—The local educational  
6           agency serving each child or youth to be as-  
7           sisted under this subtitle shall, according to the  
8           child’s or youth’s best interest—

9                           “(i) continue the child’s or youth’s  
10           education in the school of origin for the  
11           duration of homelessness—

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

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

20                                   “(ii) enroll the child or youth in any  
21           public school that nonhomeless students  
22           who live in the attendance area in which  
23           the child or youth is actually living are eli-  
24           gible to attend.

1           “(B) BEST INTEREST IN SCHOOL STA-  
2           BILITY.—In determining the best interest of the  
3           child or youth under subparagraph (A), the  
4           local educational agency shall—

5                   “(i) presume that keeping a homeless  
6                   child or youth in the school of origin is in  
7                   the child’s or youth’s best interest, except  
8                   when doing so is contrary to the wishes of  
9                   the child’s or youth’s parent or guardian;

10                   “(ii) consider student-centered factors  
11                   related to the child’s or youth’s best inter-  
12                   est, including factors related to the impact  
13                   of mobility on achievement, education,  
14                   health, and safety of homeless children and  
15                   youth, giving priority to the wishes of the  
16                   homeless child’s or youth’s parent or  
17                   guardian or the unaccompanied youth in-  
18                   volved;

19                   “(iii) if, after conducting the best in-  
20                   terest determination described in clause  
21                   (ii), the local educational agency deter-  
22                   mines that it is not in the child’s or  
23                   youth’s best interest to attend the school of  
24                   origin or the school requested by the par-  
25                   ent, guardian, or unaccompanied youth,

1 provide, in coordination with the local edu-  
2 cation agency liaison, the homeless child's  
3 or youth's parent or guardian or the unac-  
4 companied youth, with a written expla-  
5 nation in a manner or form understandable  
6 to such parent, guardian, or youth, to the  
7 extent practicable, including a statement  
8 regarding the right to appeal under sub-  
9 paragraph (E);

10 “(iv) in the case of an unaccompanied  
11 youth, ensure that the local educational  
12 agency liaison assists in placement or en-  
13 rollment decisions under this subpara-  
14 graph, gives priority to the views of such  
15 unaccompanied youth, and provides notice  
16 to such youth of the right to appeal under  
17 subparagraph (E); and

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

20 “(C) ENROLLMENT.—

21 “(i) ENROLLMENT.—The school se-  
22 lected in accordance with this paragraph  
23 shall immediately enroll the homeless child  
24 or youth, even if the child or youth—

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

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

9                   “(III) has missed application or  
10                  enrollment deadlines during any pe-  
11                  riod of homelessness.

12                  “(ii) CONTACTING SCHOOL LAST AT-  
13                  TENDED.—The enrolling school shall im-  
14                  mediately contact the school last attended  
15                  by the child or youth to obtain relevant  
16                  academic and other records.

17                  “(iii) RELEVANT HEALTH RECORDS.—  
18                  If the child or youth needs to obtain immu-  
19                  nizations or other required health records,  
20                  the enrolling school shall immediately refer  
21                  the parent or guardian of the child or  
22                  youth, or the unaccompanied youth, to the  
23                  local educational agency liaison designated  
24                  under paragraph (1)(J)(ii), who shall as-  
25                  sist in obtaining necessary immunizations

1 or screenings, or immunization or other re-  
2 quired health records in accordance with  
3 subparagraph (D).

4 “(iv) NO LIABILITY.—Whenever the  
5 school selected enrolls an unaccompanied  
6 youth in accordance with this paragraph,  
7 no liability shall be imposed upon the  
8 school by reason of enrolling the youth  
9 without parent or guardian consent.

10 “(D) RECORDS.—Any record ordinarily  
11 kept by the school, including immunizations or  
12 medical records, academic records, birth certifi-  
13 cates, guardianship records, and evaluations for  
14 special services or programs, regarding each  
15 homeless child or youth shall be maintained—

16 “(i) so that the records involved are  
17 available when a homeless child or youth  
18 enters a new school or school district, even  
19 if the child or youth owes fees or fines or  
20 did not withdraw from the previous school  
21 in conformance with local withdrawal pro-  
22 cedures; and

23 “(ii) in a manner consistent with sec-  
24 tion 444 of the General Education Provi-  
25 sions Act (20 U.S.C. 1232g).

1           “(E) DISPUTES.—If a dispute arises over  
2           eligibility, enrollment, school selection, or serv-  
3           ice in a public school or public preschool, or any  
4           other issue relating to services under this sub-  
5           title—

6                   “(i) in the case of a dispute relating  
7                   to eligibility for enrollment or school selec-  
8                   tion, the child or youth shall be imme-  
9                   diately enrolled in the school in which en-  
10                  rollment is sought, pending final resolution  
11                  of the dispute including all available ap-  
12                  peals;

13                   “(ii) the parent or guardian of the  
14                   child or youth shall be provided with a  
15                   written explanation of the school’s decision  
16                   regarding eligibility for enrollment, school  
17                   selection, or services, made by the school  
18                   or the local educational agency, which shall  
19                   include information about the right to ap-  
20                   peal the decision;

21                   “(iii) the child, youth, parent, or  
22                   guardian shall be referred to the local edu-  
23                   cational agency liaison designated under  
24                   paragraph (1)(J)(ii), who shall carry out  
25                   the dispute resolution process as described

1 in paragraph (1)(C) as expeditiously as  
2 possible after receiving notice of such dis-  
3 pute; and

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

8 “(F) PLACEMENT CHOICE.—The choice re-  
9 garding placement shall be made regardless of  
10 whether the child or youth involved lives with  
11 the homeless parents or has been temporarily  
12 placed elsewhere.

13 “(G) SCHOOL OF ORIGIN DEFINED.—In  
14 this paragraph, the term ‘school of origin’  
15 means the school that the child or youth at-  
16 tended when permanently housed or the school  
17 in which the child or youth was last enrolled.

18 “(H) CONTACT INFORMATION.—Nothing  
19 in this subtitle shall prohibit a local educational  
20 agency from requiring a parent or guardian of  
21 a homeless child to submit contact information.

22 “(I) PRIVACY.—Information about a home-  
23 less child’s or youth’s living situation shall be  
24 treated as a student education record under  
25 section 444 of the General Education Provi-

1           sions Act (20 U.S.C. 1232g) and shall not be  
2           released to housing providers, employers, law  
3           enforcement personnel, or other persons or  
4           agencies not authorized to have such informa-  
5           tion under section 99.31 of title 34, Code of  
6           Federal Regulations, paying particular atten-  
7           tion to preventing disruption of the living situa-  
8           tion of the child or youth and to supporting the  
9           safety of such children and youth who are sur-  
10          vivors of domestic violence and unaccompanied  
11          youth.

12           “(J) ACADEMIC ACHIEVEMENT.—The  
13          school selected in accordance with this para-  
14          graph shall ensure that homeless children and  
15          youth have opportunities to meet the same col-  
16          lege and career ready State student academic  
17          achievement standards to which other students  
18          are held, including implementing the policies  
19          and practices required by paragraph (1)(J)(iv).

20           “(K) SCHOOL READINESS FOR HOMELESS  
21          CHILDREN.—Each local educational agency  
22          shall ensure school readiness for homeless chil-  
23          dren as described in paragraph (3).

24           “(5) COMPARABLE SERVICES.—In addition to  
25          receiving services provided for homeless children and

1 youth under this subtitle or other Federal, State, or  
2 local laws, regulations, policies, or practices, each  
3 homeless child or youth to be assisted under this  
4 subtitle also shall be provided services comparable to  
5 services offered to other students in the school se-  
6 lected under paragraph (4), including the following:

7 “(A) Transportation services.

8 “(B) Educational services for which the  
9 child or youth meets the eligibility criteria, in-  
10 cluding services provided under title I of the El-  
11 elementary and Secondary Education Act of 1965  
12 (20 U.S.C. 6301 et seq.), similar State or local  
13 programs, charter schools, magnet schools, edu-  
14 cational programs for children with disabilities,  
15 and educational programs for students with  
16 limited English proficiency.

17 “(C) Programs in career and technical  
18 education.

19 “(D) Programs for gifted and talented stu-  
20 dents.

21 “(E) School nutrition programs.

22 “(F) Health and counseling services, as  
23 appropriate.

24 “(6) COORDINATION.—

1                   “(A) IN GENERAL.—Each local educational  
2 agency shall coordinate—

3                   “(i) the provision of services under  
4 this subtitle with the services of local social  
5 services agencies and other agencies or en-  
6 tities providing services to homeless chil-  
7 dren and youth and their families, includ-  
8 ing services and programs funded under  
9 the Runaway and Homeless Youth Act (42  
10 U.S.C. 5701 et seq.); and

11                   “(ii) transportation, transfer of school  
12 records, and other interdistrict activities,  
13 with other local educational agencies.

14                   “(B) HOUSING ASSISTANCE.—Each State  
15 educational agency and local educational agency  
16 that receives assistance under this subtitle shall  
17 coordinate, if applicable, with State and local  
18 housing agencies responsible for developing  
19 comprehensive housing affordability strategy  
20 described in section 105 of the Cranston-Gon-  
21 zalez National Affordable Housing Act (42  
22 U.S.C. 12705) to minimize education disruption  
23 for children and youth who become homeless.

1           “(C) COORDINATION PURPOSE.—The co-  
2           ordination required under subparagraphs (A)  
3           and (B) shall be designed to—

4                   “(i) ensure that all homeless children  
5                   and youth are identified within a reason-  
6                   able time frame;

7                   “(ii) ensure that homeless children  
8                   and youth have access to and are in rea-  
9                   sonable proximity to available education  
10                  and related support services; and

11                  “(iii) raise the awareness of school  
12                  personnel and service providers of the ef-  
13                  fects of short-term stays in a shelter and  
14                  other challenges associated with homeless-  
15                  ness.

16           “(D) HOMELESS CHILDREN AND YOUTHS  
17           WITH DISABILITIES.—For children and youth  
18           who are to be assisted both under this subtitle,  
19           and under the Individuals with Disabilities  
20           Education Act (20 U.S.C. 1400 et seq.) or sec-  
21           tion 504 of the Rehabilitation Act of 1973 (29  
22           U.S.C. 794), each local educational agency shall  
23           coordinate the provision of services under this  
24           subtitle with the provision of programs for chil-  
25           dren with disabilities served by such local edu-



1 health care services, dental services, mental  
2 health and substance abuse services, hous-  
3 ing services, and other appropriate serv-  
4 ices;

5 “(v) the parents or guardians of  
6 homeless children and youth are informed  
7 of the educational and related opportuni-  
8 ties available to their children, including  
9 early learning opportunities, and are pro-  
10 vided with meaningful opportunities to par-  
11 ticipate in the education of their children;

12 “(vi) public notice of the educational  
13 rights of homeless children and youth is in-  
14 corporated into documents related to resi-  
15 dency requirements or enrollment, provided  
16 upon school enrollment and withdrawal,  
17 posted on the local educational agency’s  
18 website, and disseminated in locations fre-  
19 quented by parents or guardians of such  
20 children and youth, and unaccompanied  
21 youth, including schools, shelters, public li-  
22 braries, and soup kitchens, in a manner  
23 and form understandable to parents and  
24 guardians of homeless children and youth  
25 and unaccompanied youth;

1                   “(vii) disputes are resolved in accord-  
2                   ance with paragraph (4)(E);

3                   “(viii) the parent or guardian of a  
4                   homeless child or youth, and any unaccom-  
5                   panied youth, is fully informed of all trans-  
6                   portation services, including transportation  
7                   to the school of origin, as described in  
8                   paragraph (1)(J)(iii), and is assisted in ac-  
9                   cessing transportation to the school that is  
10                  selected under paragraph (4)(A);

11                  “(ix) school personnel are adequately  
12                  prepared to implement this subtitle and re-  
13                  ceive professional development, resource  
14                  materials, technical assistance, and other  
15                  support; and

16                  “(x) unaccompanied youth—

17                         “(I) are enrolled in school;

18                         “(II) have opportunities to meet  
19                         the same college and career ready  
20                         State student academic achievement  
21                         standards to which other students are  
22                         held, including through implementa-  
23                         tion of the policies and practices re-  
24                         quired by subparagraphs (F)(ii) and  
25                         (J)(iv) of paragraph (1); and

1                   “(III) are informed of their sta-  
2                   tus as independent students under  
3                   section 480 of the Higher Education  
4                   Act of 1965 (20 U.S.C. 1087vv), in-  
5                   cluding through school counselors that  
6                   have received professional develop-  
7                   ment about unaccompanied youth,  
8                   and receive verification of such status  
9                   for purposes of the Free Application  
10                  for Federal Student Aid described in  
11                  section 483 of such Act (20 U.S.C.  
12                  1090).

13                  “(B) NOTICE.—State Coordinators ap-  
14                  pointed under subsection (d)(3) and local edu-  
15                  cational agencies shall inform school personnel,  
16                  service providers, and advocates working with  
17                  homeless families and homeless children and  
18                  youth of the contact information and duties of  
19                  the local educational agency liaisons, including  
20                  publishing an annually updated list of the liai-  
21                  sons on the State educational agency’s website.

22                  “(C) LOCAL AND STATE COORDINATION.—  
23                  The local educational agency liaisons shall, as a  
24                  part of their duties, coordinate and collaborate  
25                  with the State Coordinators and community

1 and school personnel responsible for the provi-  
2 sion of education and related support services  
3 to homeless children and youth. Such coordina-  
4 tion shall include collecting and providing to the  
5 State Coordinator the reliable, valid, and com-  
6 prehensive data needed to meet the require-  
7 ments of paragraphs (1) and (3) of subsection  
8 (f).

9 “(D) PROFESSIONAL DEVELOPMENT.—The  
10 local educational agency liaisons shall partici-  
11 pate, as appropriate, in the professional devel-  
12 opment and other technical assistance activities  
13 provided by the State Coordinator pursuant to  
14 subsection (f)(5).

15 “(h) SPECIAL RULE FOR EMERGENCY ASSIST-  
16 ANCE.—

17 “(1) EMERGENCY ASSISTANCE.—

18 “(A) RESERVATION OF AMOUNTS.—Sub-  
19 ject to paragraph (4) and notwithstanding any  
20 other provision of this title, the Secretary shall  
21 use funds appropriated under section 726 for  
22 fiscal year 2012, for the purposes of providing  
23 emergency assistance through grants.

24 “(B) GENERAL AUTHORITY.—The Sec-  
25 retary may use the funds to make grants to

1 State educational agencies under paragraph (2),  
2 to enable the agencies to make subgrants to  
3 local educational agencies under paragraph (3),  
4 to provide activities described in section 723(d)  
5 for individuals referred to in subparagraph (C).

6 “(C) ELIGIBLE INDIVIDUALS.—Funds  
7 made available under this subsection shall be  
8 used to provide such activities for eligible indi-  
9 viduals, consisting of homeless children and  
10 youths, and their families, who—

11 “(i) have become homeless due to  
12 home foreclosure, including children and  
13 youths, and their families, who became  
14 homeless when lenders foreclosed on prop-  
15 erties rented by the families; or

16 “(ii) have become homeless due to a  
17 major disaster, including natural disasters  
18 such as hurricanes, tornadoes, and floods,  
19 or man-made disasters such as acts of ter-  
20 rorism.

21 “(2) GRANTS TO STATE EDUCATIONAL AGEN-  
22 CIES.—

23 “(A) DISBURSEMENT.—The Secretary  
24 shall make grants with funds provided under  
25 paragraph (1)(A) to State educational agencies

1 based on need, consistent with the number of  
2 eligible individuals described in paragraph  
3 (1)(C) in the States involved, as determined by  
4 the Secretary.

5 “(B) ASSURANCE.—To be eligible to re-  
6 ceive a grant under this paragraph, a State  
7 educational agency shall provide an assurance  
8 to the Secretary that the State educational  
9 agency, and each local educational agency re-  
10 ceiving a subgrant from the State educational  
11 agency under this subsection shall ensure that  
12 the activities carried out under this subsection  
13 are consistent with the activities described in  
14 section 723(d).

15 “(3) SUBGRANTS TO LOCAL EDUCATIONAL  
16 AGENCIES.—A State educational agency that re-  
17 ceives a grant under paragraph (2) shall use the  
18 funds made available through the grant to make  
19 subgrants to local educational agencies. The State  
20 educational agency shall make the subgrants to local  
21 educational agencies based on need, consistent with  
22 the number of eligible individuals described in para-  
23 graph (1)(C) in the areas served by the local edu-  
24 cational agencies, as determined by the State edu-  
25 cational agency.

1           “(4) RESTRICTION.—The Secretary—

2                   “(A) shall determine the amount (if any)  
3           by which the funds appropriated under section  
4           726 for fiscal year 2009 exceed \$70,000,000;  
5           and

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

8           “(i) SCHOOL READINESS FOR HOMELESS CHIL-  
9           DREN.—Each State educational agency and local edu-  
10          cational agency receiving assistance under this subtitle  
11          shall ensure that programs serving public preschool chil-  
12          dren comply with the requirements of this subtitle.

13   **“SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**  
14                   **THE EDUCATION OF HOMELESS CHILDREN**  
15                   **AND YOUTH.**

16          “(a) GENERAL AUTHORITY.—

17                   “(1) IN GENERAL.—The State educational  
18          agency shall, in accordance with section 722(e), and  
19          from amounts made available to such agency under  
20          section 726, make subgrants to local educational  
21          agencies for the purpose of facilitating the identifica-  
22          tion, enrollment, attendance, and success in school  
23          of homeless children and youth.

24                   “(2) SERVICES.—

1                   “(A) IN GENERAL.—Services under para-  
2 graph (1)—

3                   “(i) may be provided through pro-  
4 grams on school grounds or at other facili-  
5 ties; and

6                   “(ii) shall, to the maximum extent  
7 practicable, be provided through existing  
8 programs and mechanisms that integrate  
9 homeless children and youth with non-  
10 homeless children and youth.

11                   “(B) SERVICES ON SCHOOL GROUNDS.—If  
12 services under paragraph (1) are provided to  
13 homeless children and youth on school grounds,  
14 the school involved may use funds under this  
15 subtitle to provide the same services to other  
16 children and youth who are determined by the  
17 local educational agency serving the school to be  
18 at risk of failing in, or dropping out of, school.

19                   “(3) REQUIREMENT.—Services provided under  
20 this section shall not replace the regular academic  
21 program and shall be designed to expand upon or  
22 improve services provided as part of the school’s reg-  
23 ular academic program.

1           “(4) DURATION OF GRANTS.—Subgrants  
2           awarded under this section shall be for terms of not  
3           to exceed 3 years.

4           “(b) APPLICATION.—A local educational agency that  
5           desires to receive a subgrant under this section shall sub-  
6           mit an application to the State educational agency at such  
7           time, in such manner, and containing or accompanied by  
8           such information as the State educational agency may rea-  
9           sonably require. Such application shall include the fol-  
10          lowing:

11           “(1) An assessment of the educational and re-  
12          lated needs of homeless children and youth in the  
13          area served by the local educational agency (which  
14          may be undertaken as part of a needs assessment  
15          for another disadvantaged group).

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

19           “(3) An assurance that the local educational  
20          agency’s combined fiscal effort per student, or the  
21          aggregate expenditures of that agency and the State  
22          with respect to the provision of free public education  
23          by such agency for the fiscal year preceding the fis-  
24          cal year for which the subgrant determination is  
25          made, was not less than 90 percent of such com-

1 bined fiscal effort or aggregate expenditures for the  
2 second fiscal year preceding the fiscal year for which  
3 the determination is made.

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

7 “(5) A description of policies and procedures  
8 that the agency will implement to ensure that activi-  
9 ties carried out by the agency will not isolate or stig-  
10 matize homeless children and youth.

11 “(6) An assurance that the local educational  
12 agency will collect and promptly provide data re-  
13 quested by the State Coordinator pursuant to para-  
14 graphs (1) and (3) of section 722(f).

15 “(7) An assurance that the local educational  
16 agency has removed the policies and practices that  
17 have created barriers to the identification, enroll-  
18 ment, attendance, retention, and success in school of  
19 all homeless children and youth.

20 “(c) AWARDS.—

21 “(1) IN GENERAL.—The State educational  
22 agency shall, in accordance with the requirements of  
23 this subtitle and from amounts made available to it  
24 under section 722(a), make subgrants on a competi-  
25 tive basis to local educational agencies that submit

1 applications under subsection (b). Such subgrants  
2 shall be awarded on the basis of the need of such  
3 agencies for assistance under this subtitle and the  
4 quality of the applications submitted.

5 “(2) NEED.—

6 “(A) IN GENERAL.—In determining need  
7 under paragraph (1), the State educational  
8 agency may consider the number of homeless  
9 children and youth enrolled in preschool, ele-  
10 mentary schools, and secondary schools within  
11 the area served by the local educational agency,  
12 and shall consider the needs of such children  
13 and youth and the ability of the local edu-  
14 cational agency to meet such needs.

15 “(B) OTHER CONSIDERATIONS.—The  
16 State educational agency may also consider the  
17 following:

18 “(i) The extent to which the proposed  
19 use of funds will facilitate the identifica-  
20 tion, enrollment, attendance, retention, and  
21 educational success of homeless children  
22 and youth.

23 “(ii) The extent to which the applica-  
24 tion reflects coordination with other local

1                   and State agencies that serve homeless  
2                   children and youth.

3                   “(iii) The extent to which the appli-  
4                   cant exhibits in the application and in cur-  
5                   rent practice (as of the date of submission  
6                   of the application) a commitment to edu-  
7                   cation for all homeless children and youth.

8                   “(iv) Such other criteria as the State  
9                   agency determines to be appropriate.

10                  “(3) QUALITY.—In determining the quality of  
11                  applications under paragraph (1), the State edu-  
12                  cational agency shall consider each of the following:

13                  “(A) The applicant’s needs assessment  
14                  under subsection (b)(2) and the likelihood that  
15                  the program presented in the application will  
16                  meet such needs.

17                  “(B) The types, intensity, and coordination  
18                  of the services to be provided under the pro-  
19                  gram.

20                  “(C) The extent to which the applicant will  
21                  promote meaningful involvement of parents or  
22                  guardians of homeless children or youth in the  
23                  education of their children.

1           “(D) The extent to which homeless chil-  
2           dren and youth will be integrated into the reg-  
3           ular education program involved.

4           “(E) The quality of the applicant’s evalua-  
5           tion plan for the program.

6           “(F) The extent to which services provided  
7           under this subtitle will be coordinated with  
8           other services available to homeless children  
9           and youth and their families, including housing  
10          and social services and services provided under  
11          the Individuals with Disabilities Education Act  
12          (20 U.S.C. 1400 et seq.), title I of the Elemen-  
13          tary and Secondary Education Act of 1965 (20  
14          U.S.C. 6301 et seq.), and similar State and  
15          local programs.

16          “(G) The extent to which the local edu-  
17          cational agency will use the subgrant to lever-  
18          age resources, including by maximizing  
19          nonsubgrant funding for the position of the liai-  
20          son described in section 722(g)(1)(J)(ii) and  
21          the provision of transportation.

22          “(H) The local educational agency’s use of  
23          funds to serve homeless children and youth  
24          under section 1113(c)(3) of the Elementary and

1           Secondary Education Act of 1965 (20 U.S.C.  
2           6313(c)(3)).

3           “(I) The extent to which the applicant’s  
4           program meets such other measures as the  
5           State educational agency considers to be indic-  
6           ative of a high-quality program, including the  
7           extent to which the local educational agency will  
8           provide services to unaccompanied youth and  
9           preschool-aged children.

10           “(J) The extent to which the application  
11           describes how the applicant will meet the re-  
12           quirements of section 722(g)(4).

13           “(d) AUTHORIZED ACTIVITIES.—A local educational  
14           agency may use funds awarded under this section for ac-  
15           tivities that carry out the purpose of this subtitle, includ-  
16           ing the following:

17           “(1) The provision of tutoring, supplemental in-  
18           struction, and enriched educational services that are  
19           linked to the achievement of the same college and  
20           career ready State academic content standards and  
21           college and career ready State student academic  
22           achievement standards as the State establishes for  
23           other children and youth.

24           “(2) The provision of expedited evaluations of  
25           the strengths, needs, and eligibility of homeless chil-

1       dren and youth, including needs and eligibility for  
2       programs and services (including educational pro-  
3       grams for gifted and talented students, children with  
4       disabilities, and students with limited English pro-  
5       ficiency, charter school programs, magnet school  
6       programs, and programs in career and technical  
7       education, and school nutrition programs).

8               “(3) Professional development and other activi-  
9       ties for educators and specialized instruction support  
10       personnel that are designed to heighten the under-  
11       standing and sensitivity of such educators and per-  
12       sonnel to the needs of homeless children and youth,  
13       the rights of such children and youth under this sub-  
14       title, and the specific educational needs of runaway  
15       and homeless youth.

16               “(4) The provision of referral services to home-  
17       less children and youth for medical, dental, mental,  
18       and other health services.

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

23               “(6) The provision of developmentally appro-  
24       priate early childhood and care programs, not other-

1 wise provided through Federal, State, or local fund-  
2 ing.

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

9 “(8) The provision for homeless children and  
10 youth of before- and after-school, mentoring, and  
11 summer programs in which a teacher or other quali-  
12 fied individual provides tutoring, homework assist-  
13 ance, and supervision of educational activities.

14 “(9) If necessary, the payment of fees and  
15 other costs associated with tracking, obtaining, and  
16 transferring records necessary to facilitate the ap-  
17 propriate placement of homeless children and youth  
18 in school, including birth certificates, immunization  
19 or other required health records, academic records,  
20 guardianship records, and evaluations for special  
21 programs or services.

22 “(10) The provision of education and training  
23 to the parents of homeless children and youth about  
24 the rights of, and resources available to, such chil-  
25 dren and youth, and other activities designed to in-

1       crease the meaningful involvement of families of  
2       homeless children or youth in the education of their  
3       children.

4               “(11) The development of coordination of ac-  
5       tivities between schools and agencies providing serv-  
6       ices to homeless children and youth, as described in  
7       section 722(g)(6).

8               “(12) The provision of specialized instruction  
9       support services (including counseling) and referrals  
10      for such services.

11              “(13) Activities to address the particular needs  
12      of homeless children and youth that may arise from  
13      domestic violence and parental mental health or sub-  
14      stance abuse problems.

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

19              “(15) The provision of school supplies, includ-  
20      ing supplies to be distributed at shelters or tem-  
21      porary housing facilities, or other appropriate loca-  
22      tions.

23              “(16) The provision of assistance to defray the  
24      cost of the position of liaison designated pursuant to

1 section 722(g)(1)(J)(ii), not otherwise provided  
2 through Federal, State, or local funding.

3 “(17) The provision of other extraordinary or  
4 emergency assistance needed to enable homeless chil-  
5 dren and youth to enroll, attend, and succeed in  
6 school, including in early learning programs.

7 **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

8 “(a) REVIEW OF STATE PLANS.—In reviewing the  
9 State plan submitted by a State educational agency under  
10 section 722(g), the Secretary shall use a peer review proc-  
11 ess and shall evaluate whether State laws, policies, and  
12 practices described in such plan adequately address the  
13 problems of all homeless children and youth relating to  
14 access to education and placement as described in such  
15 plan.

16 “(b) TECHNICAL ASSISTANCE.—The Secretary—

17 “(1) shall provide support and technical assist-  
18 ance to State educational agencies to assist such  
19 agencies in carrying out their responsibilities under  
20 this subtitle; and

21 “(2) may designate an individual who shall co-  
22 ordinate services and activities for the education of  
23 homeless children and youth.

24 “(c) NOTICE.—

1           “(1) IN GENERAL.—The Secretary shall, before  
2           the next school year that begins after the date of en-  
3           actment of the McKinney-Vento Homeless Education  
4           Reauthorization Act of 2011, develop and dissemi-  
5           nate a public notice of the educational rights of  
6           homeless children and youth. The notice shall in-  
7           clude information regarding the definition of home-  
8           less children and youth in section 725.

9           “(2) DISSEMINATION.—The Secretary shall dis-  
10          seminate the notice nationally. The Secretary also  
11          shall disseminate such notice to heads of other De-  
12          partment of Education offices, including those re-  
13          sponsible for special education programs, higher  
14          education, and programs under parts A, B, C, D, G,  
15          and H of title I, title III, title IV, and part B of title  
16          V of the Elementary and Secondary Education Act  
17          of 1965 (20 U.S.C. 6311 et seq., 6361 et seq., 6391  
18          et seq., 6421 et seq., 6531 et seq., 6551 et seq.,  
19          6801 et seq., 7102 et seq., and 7221 et seq.). The  
20          Secretary shall also disseminate such notice to heads  
21          of other Federal agencies, and grant recipients and  
22          other entities carrying out federally funded pro-  
23          grams, including Head Start programs, grant recipi-  
24          ents under the Health Care for the Homeless pro-  
25          gram of the Health Resources and Services Adminis-

1       tration of the Department of Health and Human  
2       Services, grant recipients under the Emergency  
3       Food and Shelter National Board Program of the  
4       Federal Emergency Management Agency, grant re-  
5       cipients under the Runaway and Homeless Youth  
6       Act (42 U.S.C. 5701 et seq.), grant recipients under  
7       the John H. Chafee Foster Care Independence pro-  
8       gram, grant recipients under homeless assistance  
9       programs administered by the Department of Hous-  
10      ing and Urban Development, and recipients of Fed-  
11      eral funding for programs carried out by the Admin-  
12      istration on Children, Youth and Families of the De-  
13      partment of Health and Human Services.

14      “(d) EVALUATION AND DISSEMINATION.—The Sec-  
15      retary shall conduct evaluation, dissemination, and tech-  
16      nical assistance activities for programs that are designed  
17      to meet the educational needs of homeless preschool, ele-  
18      mentary school, and secondary school students, and may  
19      use funds appropriated under section 726 to conduct such  
20      activities.

21      “(e) SUBMISSION AND DISTRIBUTION.—The Sec-  
22      retary shall require applications for grants under section  
23      722 to be submitted to the Secretary not later than the  
24      expiration of the 120-day period beginning on the date  
25      that funds are available for purposes of making such

1 grants and shall make such grants not later than the expi-  
2 ration of the 180-day period beginning on such date.

3 “(f) DETERMINATION BY SECRETARY.—The Sec-  
4 retary, based on the information received from the States  
5 and information gathered by the Secretary under sub-  
6 section (h), shall determine the extent to which State edu-  
7 cational agencies are ensuring that each homeless child or  
8 youth has access to a free appropriate public education,  
9 as described in section 721(1). The Secretary shall provide  
10 support and technical assistance to State educational  
11 agencies in areas in which barriers to a free appropriate  
12 public education persist.

13 “(g) PUBLICATION.—The Secretary shall develop,  
14 issue, and publish in the Federal Register, not later than  
15 90 days after the date of enactment of the McKinney-  
16 Vento Homeless Education Reauthorization Act of 2011,  
17 a summary of the changes enacted by that Act and related  
18 strategies, which summary shall include—

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

22 “(2) strategies by which a State can review and  
23 revise State policies and procedures that may  
24 present barriers to the identification, enrollment, at-

1       tendance, and success of homeless children and  
2       youth in school; and

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

6       “(h) INFORMATION.—

7               “(1) IN GENERAL.—From funds appropriated  
8       under section 726, the Secretary shall, directly or  
9       through grants, contracts, or cooperative agree-  
10      ments, periodically but no less frequently than every  
11      2 years, collect and disseminate publicly data and in-  
12      formation regarding—

13              “(A) the number of homeless children and  
14      youth;

15              “(B) the education and related support  
16      services such children and youth receive;

17              “(C) the extent to which the needs of  
18      homeless children and youth are being met;

19              “(D) the academic progress being made by  
20      homeless children and youth, including the per-  
21      cent or number of homeless children and youth  
22      participating in State assessments; and

23              “(E) such other data and information as  
24      the Secretary determines to be necessary and  
25      relevant to carry out this subtitle.



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

4           “(B) includes—

5           “(i) children and youth who—

6           “(I) are sharing the housing of  
7 other persons due to loss of housing,  
8 economic hardship, or a similar rea-  
9 son;

10           “(II) are living in motels, hotels,  
11 trailer parks, or camping grounds due  
12 to the lack of alternative adequate ac-  
13 commodations;

14           “(III) are living in emergency or  
15 transitional shelters;

16           “(IV) are abandoned in hospitals;  
17 or

18           “(V) are awaiting foster care  
19 placement;

20           “(ii) children and youth who have a  
21 primary nighttime residence that is a pub-  
22 lic or private place not designed for or or-  
23 dinary used as a regular sleeping accom-  
24 modation for human beings (within the  
25 meaning of section 103(a)(2)(C));

1                   “(iii) children and youth who are liv-  
2                   ing in cars, parks, public spaces, aban-  
3                   doned buildings, substandard housing, bus  
4                   or train stations, or similar settings; and

5                   “(iv) migratory children (as such term  
6                   is defined in section 1312 of the Elemen-  
7                   tary and Secondary Education Act of  
8                   1965) who qualify as homeless for the pur-  
9                   poses of this subtitle because the children  
10                  are living in circumstances described in  
11                  clauses (i) through (iii).

12                  “(3) LOCAL EDUCATIONAL AGENCY; STATE  
13                  EDUCATIONAL AGENCY.—The terms ‘local edu-  
14                  cational agency’ and ‘State educational agency’ have  
15                  the meanings given such terms in section 9101 of  
16                  the Elementary and Secondary Education Act of  
17                  1965 (20 U.S.C. 7801).

18                  “(4) SECRETARY.—The term ‘Secretary’ means  
19                  the Secretary of Education.

20                  “(5) STATE.—The term ‘State’ means each of  
21                  the 50 States, the District of Columbia, and the  
22                  Commonwealth of Puerto Rico.

23                  “(6) UNACCOMPANIED YOUTH.—The term ‘un-  
24                  accompanied youth’ means a homeless child or youth

1 not in the physical custody of a parent or legal  
2 guardian.

3 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

4 “For the purpose of carrying out this subtitle, there  
5 are authorized to be appropriated such sums as may be  
6 necessary for fiscal year 2012 and each of the 6 suc-  
7 ceeding fiscal years.”.