

110TH CONGRESS
1ST SESSION

S. 2001

To amend the Elementary and Secondary Education Act of 1965, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2007

Mr. LIEBERMAN (for himself, Ms. LANDRIEU, and Mr. COLEMAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Elementary and Secondary Education Act of 1965, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “All Students Can
5 Achieve Act”.

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1 **TITLE I—GROWTH MODELS,**
 2 **DATA SYSTEMS, AND EFFEC-**
 3 **TIVE TEACHERS**

4 **SEC. 101. PURPOSE.**

5 The purposes of this title are to—

6 (1) require States to measure teacher and prin-
 7 cipal effectiveness;

8 (2) develop data systems to measure effective-
 9 ness and to permit growth models;

10 (3) provide States with the opportunity to opt
 11 out of the highly qualified teacher requirements of
 12 section 1119 of the Elementary and Secondary Edu-
 13 cation Act of 1965 (20 U.S.C. 6319) once a State
 14 implements a highly effective teacher system; and

15 (4) provide enhanced funding flexibility for
 16 States and local educational agencies with highly ef-
 17 fective teacher and principal systems described in
 18 section 1119A of such Act (as amended by this Act).

19 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

20 For the purpose of carrying out sections 104, 105,
 21 and 106, and the amendments made by these sections,
 22 there are authorized to be appropriated \$400,000,000 for
 23 fiscal year 2008, \$400,000,000 for fiscal year 2009,
 24 \$500,000,000 for fiscal year 2010, \$500,000,000 for fis-

1 cal year 2011, and \$600,000,000 for fiscal year 2012. The
 2 Secretary shall allot to each State—

3 (1) an amount that bears the same relation to
 4 50 percent of such funds as the number of students
 5 in kindergarten through grade 12 in the State bears
 6 to the number of all such students in all States; and

7 (2) an equal share of the remaining 50 percent
 8 of such funds.

9 **SEC. 103. REQUIRING STATES TO MEASURE TEACHER EF-**
 10 **ECTIVENESS AND PERMITTING GROWTH**
 11 **MODELS.**

12 Section 2112(b) of the Elementary and Secondary
 13 Education Act of 1965 (20 U.S.C. 6612(b)) is amended
 14 by adding at the end the following:

15 “(13) Not later than 4 years after the date of
 16 enactment of the All Students Can Achieve Act, a
 17 plan to implement a system of identifying highly ef-
 18 fective teachers and principals as required under sec-
 19 tion 1119A.”.

20 **SEC. 104. DATA SYSTEMS.**

21 Subpart 1 of part A of title I of the Elementary and
 22 Secondary Education Act of 1965 (20 U.S.C. 6311 et
 23 seq.) is amended by inserting after section 1120B the fol-
 24 lowing:

1 **“SEC. 1120C. DATA SYSTEMS AND REQUIREMENTS.**

2 “(a) IN GENERAL.—A State receiving assistance
3 under this part shall, not later than 4 years after the date
4 of enactment of the All Students Can Achieve Act—

5 “(1) develop a longitudinal data system for the
6 State or as part of a State consortium that meets
7 the requirements of this section; and

8 “(2) implement the data system after submit-
9 ting to the Secretary an independently conducted
10 audit certifying that the data system meets the re-
11 quirements of this section.

12 “(b) DATA SYSTEM ELEMENTS.—The data system
13 required by subsection (a) shall include the following:

14 “(1) The use of a unique statewide student
15 identifier for each student enrolled in a school in the
16 State that remains stable over time.

17 “(2) The ability to match the assessment
18 records to each individual student, for each year the
19 student is enrolled in a school in the State.

20 “(3) The collection and processing of data at
21 the student level, including—

22 “(A) information on students who have not
23 participated in the State academic assessments
24 described in section 1111(b)(3) and the reasons
25 those students did not participate;

1 “(B) student enrollment, demographic, in-
2 cluding English language proficiency and native
3 language, and academic and intervention pro-
4 gram participation information;

5 “(C) information regarding student partici-
6 pation in supplemental educational services
7 under section 1116(e), including—

8 “(i) the type of supplemental edu-
9 cational services provided;

10 “(ii) the dates of such services; and

11 “(iii) the identification of the pro-
12 viders of such services;

13 “(D) student transcript data; and

14 “(E) the existence of an individualized
15 educational plan and other evaluations.

16 “(4) Data for each group described in section
17 1111(b)(2)(c)(v)), regarding—

18 “(A) the graduation rate, as defined in sec-
19 tion 1111(b)(2)(C)(vi), and an on-time cohort
20 graduation rate; and

21 “(B) each other academic indicator used
22 by the State under section 1111(b)(2)(C)(vii)
23 for public elementary school students.

24 “(5) A statewide audit system to ensure the va-
25 lidity and reliability of data in such system.

1 “(6) A unique statewide teacher identifier for
2 each teacher employed in the State that—

3 “(A) remains stable over time and matches
4 student records, including assessments, to the
5 appropriate teacher; and

6 “(B) provides access to teacher data ele-
7 ments, including—

8 “(i) grade levels and subjects of teach-
9 ing assignment;

10 “(ii) preparation program participa-
11 tion; and

12 “(iii) professional development pro-
13 gram participation.

14 “(7) Ability to link information from the data
15 system to public higher education data systems in
16 the State, in order to gather information on postsec-
17 ondary education enrollment, placement, persistence,
18 and attainment.

19 “(c) DATA SYSTEM REQUIREMENTS.—A State imple-
20 menting a data system required under this section shall—

21 “(1) develop and implement such system in a
22 manner to ensure—

23 “(A) the privacy of student records in the
24 data system, in accordance with the ‘Family
25 Educational Rights and Privacy Act of 1974’

1 commonly known as Section 444 of the General
2 Education Provisions Act;

3 “(B) the use of effective data architecture
4 (including standard definitions and formatting)
5 and warehousing, including the ability to link
6 student records over time and across databases
7 and to produce standardized or customized re-
8 ports;

9 “(C) the interoperability among software
10 interfaces used to input, access, and analyze the
11 data of such system;

12 “(D) the interoperability with the system
13 linking migrant student records required under
14 part C;

15 “(E) the electronic portability of data and
16 records in the system; and

17 “(2) provide training for the individuals using
18 and operating such system.

19 “(d) PREEEXISTING DATA SYSTEMS.—A State that
20 has developed and implemented a longitudinal data system
21 before the date of enactment of the All Students Can
22 Achieve Act may utilize such system for purposes of this
23 section, if the State submits to the Secretary an independ-
24 ently conducted audit described in subsection (a)(2).

1 “(e) COMPLIANCE.—Beginning on the date that is 4
2 years after the date of enactment of the All Students Can
3 Achieve Act, if the Secretary finds, after notice and an
4 opportunity for a hearing, that a State has failed to meet
5 the requirements of this section, the Secretary may, at the
6 discretion of the Secretary, suspend or limit the State’s
7 eligibility for assistance under title I of the Elementary
8 and Secondary Education Act of 1965 (20 U.S.C. 6311
9 et seq.).

10 “(f) REGIONAL CONSORTIA DATA SYSTEM GRANT
11 PROGRAM.—

12 “(1) IN GENERAL.—From amounts authorized
13 under paragraph (5), the Secretary shall award
14 grants, in accordance with paragraph (3), to re-
15 gional consortia of States for the activities described
16 in paragraph (4).

17 “(2) APPLICATION.—A regional consortium de-
18 siring to receive a grant under this subsection shall
19 submit an application to the Secretary at such time,
20 in such manner, and containing such information as
21 the Secretary may require.

22 “(3) AWARD BASIS AND ALLOTMENTS.—The
23 Secretary shall reserve up to \$50,000,000 of the
24 funds authorized under section 102 to award grants,

1 on a competitive basis, to regional consortia of
2 States.

3 “(4) USE OF FUNDS.—A regional consortium
4 receiving a grant under this subsection shall use
5 grant funds to develop data systems for multi-State
6 use that meet the requirements of this section.”.

7 **SEC. 105. HIGHLY EFFECTIVE TEACHERS AND PRINCIPALS.**

8 Subpart 1 of part A of title I of the Elementary and
9 Secondary Education Act of 1965 (20 U.S.C. 6311 et
10 seq.) is amended by inserting after section 1119 the fol-
11 lowing:

12 **“SEC. 1119A. HIGHLY EFFECTIVE TEACHERS AND PRIN-**
13 **CIPALS.**

14 “(a) IN GENERAL.—Not later than 2 years after
15 completing the data system requirements in section 1120C
16 and not later than 6 years after the date of enactment
17 of the All Students Can Achieve Act, a State receiving
18 assistance under this title shall implement a highly effec-
19 tive teacher and principal system by—

20 “(1) determining the requirements necessary to
21 become a highly effective teacher in the State, which
22 shall—

23 “(A) be based primarily on objective meas-
24 ures of student achievement; and

1 “(B) at a minimum, include that the
2 teacher has demonstrated success in—

3 “(i) effectively conveying and explain-
4 ing academic subject matter, as evidenced
5 by the increased student academic achieve-
6 ment of the teacher’s students; and

7 “(ii) employing strategies that—

8 “(I) are based on scientifically
9 based research;

10 “(II) are specific to the academic
11 subject matter being taught; and

12 “(III) focus on the identification
13 of, and tailoring of academic instruc-
14 tion to, students’ specific learning
15 needs, particularly children with dis-
16 abilities, students with limited English
17 proficient, and students who are gift-
18 ed and talented;

19 “(2) determining the requirements necessary to
20 become a highly effective principal in the State,
21 which shall be based primarily on increased student
22 academic achievement of each group described in
23 section 1111(b)(2)(C)(v) in the principal’s school, as
24 compared to the achievement growth of other schools

1 with similar student populations to the principal's
2 school, as determined by the State; and

3 “(3) implementing a system of identifying
4 teachers and principals determined to be highly ef-
5 fective based on the requirements established by the
6 State under paragraphs (1) and (2).

7 “(b) PEER REVIEW PROCESS.—The Secretary shall
8 establish a peer review process to annually evaluate and
9 rate each State's highly effective teacher and principal re-
10 quirements, identification system, and resulting data.

11 “(c) RESERVATION OF FUNDS.—The Secretary shall
12 reserve not more than 10 percent of the funds appro-
13 priated for this section or \$60,000,000, whichever is
14 less—

15 “(1) to conduct, commission, and disseminate
16 research to determine the most effective methods of
17 determining teacher effectiveness based on objective
18 measures of growth in student achievement; and

19 “(2) to study the most effective uses of such
20 data in improving student achievement.

21 “(d) WAIVER OF HIGHLY QUALIFIED TEACHER RE-
22 QUIREMENTS.—

23 “(1) WAIVER APPLICATION.—A State estab-
24 lishing a highly effective teacher and principal sys-
25 tem under this section may request a waiver of the

1 highly qualified teacher requirements under subpara-
2 graphs (C) and (E) of section 1114(b)(1) and sec-
3 tions 1115(c)(1)(E) and 1119(a) for the State and
4 the local educational agencies within the State, by
5 submitting an application for a waiver to the Sec-
6 retary at such time, in such manner, and containing
7 such information as the Secretary may reasonably
8 require.

9 “(2) GRANTING OF WAIVER.—Notwithstanding
10 subparagraphs (C) and (E) of section 1114(b)(1)
11 and sections 1115(c)(1)(E) and 1119(a), the Sec-
12 retary shall waive the highly qualified teacher re-
13 quirements under such sections for a State and the
14 local educational agencies within the State—

15 “(A) if the State demonstrates, in the ap-
16 plication described in paragraph (1), that the
17 State—

18 “(i) has implemented a highly effec-
19 tive teacher and principal system that
20 meets the requirements of subsection (a)
21 for not less than 1 year; and

22 “(ii) has baseline data regarding stu-
23 dent achievement linked to teacher data
24 for the schools in the State for not less

1 than the 2 years preceding the year that
2 the system is implemented; and

3 “(B) the peer review panel described in
4 subsection (b) has determined the State’s sys-
5 tem to be meritorious for the preceding year.

6 “(e) FUNDING FLEXIBILITY.—The Secretary shall
7 waive, upon the request of a State that has a highly effec-
8 tive teacher and principal system that has been deter-
9 mined to be meritorious by the peer review panel described
10 in subsection (b), the limitations on transfers under sec-
11 tion 6123(a) and 6123(b).

12 “(f) CONSEQUENCES FOR TEACHERS WHO ARE NOT
13 HIGHLY EFFECTIVE.—

14 “(1) PROFESSIONAL DEVELOPMENT.—If a local
15 educational agency receiving assistance under this
16 part evaluates a teacher and finds that the teacher
17 is not highly effective, the local educational agency
18 shall provide the teacher with professional develop-
19 ment and other support specifically designed to en-
20 able such teacher to produce student learning gains
21 sufficient to become highly effective. Such profes-
22 sional development and support shall be provided
23 during not less than the 4 years following the teach-
24 er’s identification as not highly effective or until the
25 teacher is evaluated as effective.

1 “(2) PLACEMENT OF TEACHERS WHO DO NOT
2 BECOME HIGHLY EFFECTIVE.—A local educational
3 agency receiving assistance under this part shall not
4 employ in a school receiving assistance under this
5 part a teacher who has been evaluated as not highly
6 effective and, 4 years after such evaluation, is still
7 evaluated as not highly effective, until such time as
8 the teacher is evaluated as highly effective.

9 “(g) CONSEQUENCES FOR PRINCIPALS WHO ARE
10 NOT HIGHLY EFFECTIVE.—

11 “(1) PROFESSIONAL DEVELOPMENT.—If a local
12 educational agency receiving assistance under this
13 part evaluates a principal and finds that the prin-
14 cipal is not highly effective, the local educational
15 agency shall provide the principal with professional
16 development and other support specifically designed
17 to enable such principal to produce student learning
18 gains sufficient to become highly effective. Such pro-
19 fessional development and support shall be provided
20 during not less than 2 years following the identifica-
21 tion as not highly effective or until the principal is
22 evaluated as effective.

23 “(2) PLACEMENT OF PRINCIPALS WHO DO NOT
24 BECOME HIGHLY EFFECTIVE.—A State or local edu-
25 cational agency receiving assistance under this part

1 shall not employ in a school receiving assistance
2 under this part a principal who has been evaluated
3 as not highly effective and, 3 years after such eval-
4 uation, is still evaluated as not highly effective, until
5 such time as the principal is evaluated as highly ef-
6 fective.

7 “(h) BARGAINING AGREEMENT EXCEPTION AND RE-
8 STRICTIONS ON NEW AGREEMENTS.—

9 “(1) IN GENERAL.—The Secretary shall not de-
10 termine that a State or local educational agency has
11 failed to comply with section 1119A if the reason for
12 the agency’s non-compliance is a contract or collec-
13 tive bargaining agreement that was entered into
14 prior to the date of enactment of this Act.

15 “(2) RESTRICTIONS.—A local educational agen-
16 cy or State educational agency shall not enter into
17 a new contract or collective bargaining agreement or
18 renew or extend a contract or collective bargaining
19 agreement that prevents the local educational agency
20 or State educational agency from meeting the re-
21 quirements of section 1119A after the date of enact-
22 ment of this Act.”.

1 **SEC. 106. PERMITTING GROWTH MODEL SYSTEMS.**

2 Section 1111b of the Elementary and Secondary
3 Education Act of 1965 (20 U.S.C. 6311(b)) is amended
4 by adding at the end the following:

5 “(11) USE OF GROWTH MODEL SYSTEMS.—

6 “(A) DEFINITION OF GROWTH MODEL SYS-
7 TEM.—In this paragraph, the term ‘growth
8 model system’ means a system that—

9 “(i) calculates the academic growth of
10 each individual student served by a school
11 in the State over time;

12 “(ii) establishes growth targets for
13 each such student, including students who
14 already meet or exceed the proficient or
15 advanced level of academic achievement on
16 a State assessment required under section
17 1111(b)(3); and

18 “(iii) meets the minimum standards
19 regarding data systems and data quality
20 that the secretary establishes pursuant to
21 regulation, which standards shall include
22 requirements that the system—

23 “(I) matches the assessment
24 records of a student to the student for
25 each year the student is enrolled in a
26 public school in the State; and

1 “(II) measures student growth at
2 the classroom and school levels.

3 “(B) USE OF GROWTH MODEL SYSTEMS.—
4 Notwithstanding any other provision of law, for
5 purposes of any provision that requires the cal-
6 culation of a number or percentage of students
7 who meet or exceed the proficient level of aca-
8 demic achievement on a State assessment under
9 paragraph (3), a State authorized by the Sec-
10 retary to use a growth model system under sub-
11 paragraph (D) shall calculate such number or
12 percentage by counting—

13 “(i) the students who meet or exceed
14 the proficient level of academic achieve-
15 ment on the State assessment; and

16 “(ii) the students who are on a 3-year
17 growth trajectory toward meeting or ex-
18 ceeding the proficient level.

19 “(C) APPLICATION.—A State desiring to
20 develop, enhance, or implement a growth model
21 system shall submit an application to the Sec-
22 retary, at such time, in such manner, and con-
23 taining such information as the Secretary may
24 require. This application shall include a descrip-
25 tion of how students with disabilities and

1 English language learners will be included in
2 growth models.

3 “(D) AUTHORIZATION FOR A GROWTH
4 MODEL SYSTEM.—The Secretary shall authorize
5 a State that has submitted an application to
6 use a growth model system for the purposes of
7 calculating adequate yearly progress if the Sec-
8 retary determines that—

9 “(i) the State has the capacity to
10 track individual academic growth for not
11 less than the 2 school years preceding the
12 year of application; and

13 “(ii) the State has developed a plan
14 for implementing a highly effective teacher
15 and principal evaluation system.

16 “(E) RULE FOR EXISTING GROWTH MODEL
17 PILOT PROGRAMS.—Notwithstanding this sec-
18 tion, a State that, as of the day before the date
19 of enactment of the All Students Can Achieve
20 Act, has been approved by the Secretary to
21 carry out a growth model as a pilot program,
22 may continue to participate in the pilot pro-
23 gram instead of the requirements of this sec-
24 tion, at the Secretary’s discretion.”.

1 **SEC. 107. INNOVATIVE TEACHER AND SCHOOL INCENTIVE**
2 **PROGRAMS.**

3 Part C of title II of the Elementary and Secondary
4 Education Act of 1965 (20 U.S.C. 6671 et seq.) is amend-
5 ed by adding at the end the following:

6 **“Subpart 6—Innovative Teacher and School**
7 **Incentive Programs**

8 **“SEC. 2371. INNOVATIVE TEACHER AND SCHOOL INCENTIVE**
9 **PROGRAMS.**

10 “(a) GRANT FUND FOR INNOVATIVE TEACHER PRO-
11 GRAMS.—

12 “(1) GRANTS AUTHORIZED.—From amounts
13 appropriated for this subsection, the Secretary shall
14 award grants to eligible States to enable the eligible
15 States—

16 “(A) to implement programs to improve
17 professional development for public school edu-
18 cators such as—

19 “(i) establishing professional develop-
20 ment committees, which are primarily com-
21 posed of teachers, to evaluate the school’s
22 professional development activities and de-
23 velop a plan for future activities that bet-
24 ter meet the needs of the teachers and the
25 students the teachers serve; and

1 “(ii) providing funding to local edu-
2 cation agencies to increase the number of
3 professional development release days; and

4 “(B) to reform teacher compensation, as-
5 signment, and tenure policies, including policies
6 providing incentives to encourage the best
7 teachers to teach high-need subjects or in high-
8 need schools.

9 “(2) DEFINITION OF ELIGIBLE STATE.—In this
10 subsection, the term ‘eligible State’ means a State
11 that, in evaluating teachers, uses objective measures
12 of student learning growth as the primary indicators
13 of teacher performance.

14 “(3) APPLICATION.—An eligible State desiring
15 a grant under this subsection shall submit an appli-
16 cation at such time, in such manner, and containing
17 such information as the Secretary may require.

18 “(4) USE OF PEER REVIEW PANEL.—In award-
19 ing a grant under this subsection, the Secretary
20 shall—

21 “(A) establish a peer review process to pro-
22 vide recommendations to the Secretary regard-
23 ing awarding grants under this section; and

24 “(B) ensure that the participants in the
25 peer review process include experts or research-

1 ers with knowledge regarding appropriate sta-
2 tistical methodology for assessing teacher effec-
3 tiveness.

4 “(b) GRANTS FOR INNOVATIVE SCHOOL INCENTIVE
5 PROGRAMS.—

6 “(1) GRANTS AUTHORIZED.—From amounts
7 appropriated for this subsection, the Secretary shall
8 award grants, on a competitive basis, to States to
9 enable the States to implement school-based reward
10 systems that recognize the teamwork (for example,
11 among teachers, administrators, counselors, resource
12 staff, media specialists, and other staff) necessary to
13 improve eligible schools in low-income areas receiv-
14 ing assistance under title I.

15 “(2) APPLICATION.—A State desiring a grant
16 under this subsection shall submit an application at
17 such time, in such manner, and containing such in-
18 formation as the Secretary may reasonably require.

19 “(3) USE OF FUNDS.—A State receiving a
20 grant under this subsection shall use the grant to
21 implement a school-based reward system described
22 in paragraph (4) for eligible schools.

23 “(4) SCHOOL-BASED REWARD SYSTEM.—A
24 school-based reward system funded under this sub-
25 section shall—

1 “(A) provide award amounts to eligible
2 schools based on—

3 “(i) the degree of improvement of stu-
4 dent performance;

5 “(ii) the number of students in the
6 school; and

7 “(iii) the number of teachers, admin-
8 istrators, and staff serving the school;

9 “(B) give the eligible school the discretion
10 to determine the appropriate uses described in
11 subparagraph (C), with guidance and oversight
12 provided by the State educational agency; and

13 “(C) require that the awards be used by
14 the school for any of the following:

15 “(i) Non-recurring bonuses for teach-
16 ers, administrators, and staff at the school.

17 “(ii) The addition of temporary per-
18 sonnel to continue the school’s improve-
19 ment.

20 “(iii) Providing a limited number of
21 teachers with reduced teaching schedules
22 to permit the teachers to act as mentors at
23 the school or at other schools receiving as-
24 sistance under title I.

1 “(5) DEFINITION OF ELIGIBLE SCHOOL.—In
2 this subsection, the term ‘eligible school’ means an
3 elementary or secondary school that—

4 “(A) is in the highest third of schools in
5 the State in terms of the percentage of students
6 eligible for free or reduced-price lunches under
7 the Richard B. Russell National School Lunch
8 Act; and

9 “(B) shows significant improvement in stu-
10 dent performance, as compared to similar
11 schools.

12 “(c) REPORT.—The Secretary shall annually report
13 to Congress on the grants awarded under subsections (a)
14 and (b) and shall evaluate the effectiveness of such grants.

15 “(d) AUTHORIZATION.—For the purpose of carrying
16 out this subsection, there are authorized to be appro-
17 priated \$200,000,000 for fiscal year 2008 and for each
18 of the 4 succeeding fiscal years.”.

19 **TITLE II—CLOSING THE**
20 **ACHIEVEMENT GAP**

21 **SEC. 201. PURPOSE.**

22 The purposes of this title are to—

23 (1) require the equitable distribution of effective
24 teachers and non-Federal funding;

1 (2) increase authorizations for school-improve-
2 ment funds; and

3 (3) provide incentives for States to maintain
4 rigorous assessments by distributing these school-im-
5 provement funds according to the number of schools
6 in need of improvement.

7 **SEC. 202. EQUITABLE DISTRIBUTION OF HIGHLY EFFEC-**
8 **TIVE TEACHERS AND NON-FEDERAL FUND-**
9 **ING.**

10 (a) IN GENERAL.—Subpart 1 of part A of title I of
11 the Elementary and Secondary Education Act of 1965 (20
12 U.S.C. 6311 et seq.) is further amended by adding at the
13 end the following:

14 **“SEC. 1120D. EQUITABLE DISTRIBUTION OF HIGHLY EFFEC-**
15 **TIVE TEACHERS AND NON-FEDERAL FUND-**
16 **ING.**

17 “(a) ANNUAL STATE EDUCATIONAL AGENCY RE-
18 PORT.—

19 “(1) IN GENERAL.—Each State educational
20 agency receiving assistance under this part shall an-
21 nually prepare and submit to the Secretary, and
22 make available to the public, a report on the equi-
23 table distribution of—

24 “(A) highly effective teachers and prin-
25 cipals in the State; or

1 “(B) in the case of a State that has not
2 yet implemented a highly effective teacher sys-
3 tem under section 1119A or for which highly ef-
4 fective teacher evaluations have not been com-
5 pleted, highly qualified teachers in the State.

6 “(2) STATE REPORT CONTENT.—The report de-
7 scribed in paragraph (1) shall include the following:

8 “(A) The percentage of public elementary
9 school and secondary school teachers in the
10 State who are not highly effective or highly
11 qualified, as applicable.

12 “(B) The specific steps the State edu-
13 cational agency is taking to address any dis-
14 proportionate assignment of teachers who are
15 not highly effective or highly qualified in the
16 schools and local educational agencies of the
17 State.

18 “(C) A description of progress made re-
19 garding the State’s capacity to implement a
20 system for measuring individual teacher effec-
21 tiveness.

22 “(D) A comparison between the elementary
23 and secondary schools in the State in the high-
24 est quartile in terms of the percentage of stu-
25 dents eligible for free and reduced-price lunches

1 under the Richard B. Russell National School
2 Lunch Act, and such schools in the lowest quar-
3 tile, with respect to each of the following:

4 “(i) The annual teacher attrition rate.

5 “(ii) The percentage of classes taught
6 by teachers who are not highly effective or
7 highly qualified, as applicable.

8 “(iii) The percentage of such schools
9 with principals who are not highly effec-
10 tive, if the State has implemented highly
11 effective principal evaluations under sec-
12 tion 1119A.

13 “(E) A comparison between the public
14 schools in the State in the highest quartile in
15 terms of the percentage of minority student en-
16 rollment, and such schools in the lowest quar-
17 tile, with respect to each category described in
18 clauses (i) through (iii) of subparagraph (D).

19 “(F) A compendium of statewide data and
20 local educational reports described in subsection
21 (b).

22 “(G) Such other information as the Sec-
23 retary may reasonably require.

24 “(b) ANNUAL LOCAL EDUCATIONAL AGENCY RE-
25 PORT.—

1 “(1) IN GENERAL.—Each local educational
2 agency receiving assistance under this part shall an-
3 nually prepare and submit to the State educational
4 agency, and make available to the public, a report on
5 the equitable distribution of—

6 “(A) highly effective teachers and prin-
7 cipals in the elementary and secondary schools
8 served by the local educational agency; or

9 “(B) in the case of a local educational
10 agency in a State that is not implementing a
11 highly effective teacher system under section
12 1119A or for which highly effective teacher
13 evaluations have not been completed, highly
14 qualified teachers in the elementary and sec-
15 ondary schools served by the local educational
16 agency.

17 “(2) REPORT CONTENTS.—The report required
18 under this subsection shall include—

19 “(A) The percentage of public elementary
20 school and secondary school teachers employed
21 by the local educational agency who are not
22 highly effective or highly qualified, as applica-
23 ble.

24 “(B) The specific steps the local edu-
25 cational agency is taking to address any dis-

1 proportionate assignment of teachers who are
2 not highly effective or highly qualified, as appli-
3 cable.

4 “(C) A comparison between the elementary
5 schools and secondary schools served by the
6 local educational agency in the highest quartile
7 in terms of the percentage of students eligible
8 for free and reduced-price lunches under the
9 Richard B. Russell National School Lunch Act,
10 and such schools in the lowest quartile, with re-
11 spect to each of the following:

12 “(i) The annual teacher attrition rate.

13 “(ii) The percentage of classes taught
14 by teachers who are not highly effective or
15 highly qualified, as applicable.

16 “(iii) The percentage of public schools
17 with principals who are not highly effec-
18 tive, in States that have implemented high-
19 ly effective principal evaluations under sec-
20 tion 1119A.

21 “(D) A comparison between the public
22 schools served by the local educational agency
23 in the highest quartile in terms of minority stu-
24 dent enrollment, and such schools in the lowest

1 the Secretary that the non-Federal funds used by
2 the State for public elementary and secondary edu-
3 cation, including those funds used for actual, and
4 not estimated or averaged, teacher salaries, based
5 upon classroom hours, for each fiscal year, are dis-
6 tributed equitably across the schools within each
7 local educational agency.

8 “(2) INFORMATION ON SCHOOL REPORT
9 CARDS.—If, for a fiscal year, a school receiving as-
10 sistance under this part receives significantly less
11 than the average non-Federal school funding pro-
12 vided to schools in the local educational agency for
13 such year, the local educational agency shall include
14 in the school report card required under section
15 1111(h)(2)(B)(ii) for such school the amount by
16 which the school’s non-Federal school funding is sig-
17 nificantly below the average non-Federal school
18 funding for schools served by the local educational
19 agency.

20 “(3) EVALUATION.—Two years after the date
21 of enactment of the All Students Can Achieve Act,
22 and every year thereafter, the Inspector General of
23 the Department shall—

24 “(A) evaluate 5 State educational agencies
25 that receive assistance under this part and 10

1 local educational agencies that receive assist-
2 ance under this part, to determine such agen-
3 cies' progress in meeting the requirements of
4 this section; and

5 “(B) prepare and distribute a report re-
6 garding the findings of the evaluation to the
7 Secretary and to the Committee on Health,
8 Education, Labor, and Pensions of the Senate
9 and the Committee on Education and Labor of
10 the House of Representatives.

11 “(b) REGULATIONS AND GUIDELINES.—

12 “(1) STATE EDUCATIONAL AGENCY REGULA-
13 TIONS.—Not later than 180 days after the date of
14 enactment of the All Students Can Achieve Act, the
15 Secretary shall promulgate regulations for State
16 educational agencies regarding how to review the
17 State educational agency's rules and guidelines and
18 work with local educational agencies to establish
19 plans and timelines for providing equitable non-Fed-
20 eral funding to all schools in the State who receive
21 assistance under this title.

22 “(2) GUIDELINES FOR LOCAL EDUCATIONAL
23 AGENCIES.—Not later than 1 year after the issuance
24 of the regulations described in paragraph (1), each

1 State educational agency receiving assistance under
2 this part shall—

3 “(A) develop guidelines for local edu-
4 cational agencies regarding the local educational
5 agencies’ responsibilities under this section; and

6 “(B) distribute such guidelines to the local
7 educational agencies and make such guidelines
8 publicly available.

9 “(3) LOCAL EDUCATIONAL AGENCY PLANS.—
10 Not later than 180 days after the receipt of the
11 State educational agency’s guidelines described in
12 paragraph (2), each local educational agency in the
13 State that receives assistance under this part shall
14 develop and submit to the State educational agency
15 a plan that—

16 “(A) describes how the local educational
17 agency will ensure the equitable distribution of
18 non-Federal funds;

19 “(B) includes a timeline that provides for
20 the implementation of the plan by not later
21 than 3 years after the local educational agency
22 has received the guidelines under paragraph
23 (3); and

24 “(C) shall be made publicly available.

1 “(c) DEFINITION OF NON-FEDERAL FUNDS.—In this
 2 section, the term ‘non-Federal funds’ means the amount
 3 of State and local funds provided to a school (including
 4 those State and local funds used for teacher salaries but
 5 not including any Federal funding).

6 **“SEC. 1120F. MAKE WHOLE PROVISIONS.**

7 “‘If a State has not achieved an equitable distribution,
 8 within local educational agencies, of effective teachers and
 9 non-Federal funds 3 years after the date of enactment of
 10 the All Students Can Achieve Act, the Secretary may with-
 11 hold a portion of the State’s funds under the All Students
 12 Can Achieve Act.’”.

13 (b) REPORT CARD.—Section 1111(h)(2)(B)(ii) of the
 14 Elementary and Secondary Education Act of 1965 (20
 15 U.S.C. 6311(h)(2)(B)(ii)) is amended—

16 (1) in subclause (I), by striking “and” after the
 17 semicolon;

18 (2) in subclause (II), by striking the period and
 19 inserting a semicolon and “and”; and

20 (3) by inserting after subclause (II), as so
 21 amended, the following:

22 “(III) the information required
 23 under section 1120E(a)(2), if required
 24 for such school; and”.

1 **SEC. 203. STRENGTHEN AND FOCUS STATE CAPACITY FOR**
2 **SCHOOL IMPROVEMENT EFFORTS.**

3 (a) SCHOOL IMPROVEMENT GRANT AUTHORIZATION
4 OF APPROPRIATIONS.—Section 1002(i) of the Elementary
5 and Secondary Education Act of 1965 (20 U.S.C. 6302(i))
6 is amended by striking “appropriated \$500,000,000” and
7 all that follows through the period and inserting “appro-
8 priated—

9 “(1) \$600,000,000 for fiscal year 2008;

10 “(2) \$700,000,000 for fiscal year 2009;

11 “(3) \$800,000,000 for fiscal year 2010;

12 “(4) \$900,000,000 for fiscal year 2011; and

13 “(5) \$1,000,000,000 for fiscal year 2012.”.

14 (b) STATE ADMINISTRATION.—Section 1003 of the
15 Elementary and Secondary Education Act of 1965 (20
16 U.S.C. 6303) is amended—

17 (1) in subsection (g)(2), by striking “the funds
18 received by the States, the Bureau of Indian Affairs,
19 and the outlying areas, respectively, for the fiscal
20 year under parts A, C, and D of this title.” and in-
21 sserting “the number of schools in the States, the
22 Department of Interior, and the outlying areas, re-
23 spectively, that are not making adequate yearly
24 progress for the most recent school year for which
25 information is available.”; and

26 (2) by adding at the end the following:

1 “(h) ADDITIONAL AMOUNTS FOR ADMINISTRATIVE
2 COSTS.—

3 “(1) IN GENERAL.—Notwithstanding sub-
4 sections (a), (b), and (g), in addition to the amounts
5 reserved under subsection (a) but not allocated
6 under subsection (b)(1) and the amounts of a grant
7 award described in subsection (g)(7), a State may
8 use an additional percentage of the amounts re-
9 served under subsection (a) and the grant award
10 under subsection (g), not to exceed 15 percent of the
11 sum of such reserved amounts and grant award, if
12 the State matches the dollar amount of such addi-
13 tional amount with an equal amount of State funds.

14 “(2) USE OF FUNDS.—A State that elects to
15 use an additional percentage described in paragraph
16 (1) shall use such funds, and the required matching
17 State funds, to build more capacity at the State level
18 to diagnose, intervene in, and assist schools—

19 “(A) by supporting State personnel in car-
20 rying out the responsibilities under this section;
21 or

22 “(B) by entering into contracts with non-
23 profit entities with a record of assisting in the
24 improvement of persistently low-performing
25 schools.”.

1 (c) EXTENDING THE FOUR PERCENT SCHOOL IM-
 2 PROVEMENT STATE RESERVATIONS.—Section 1003 of the
 3 Elementary and Secondary Education Act of 1965 (20
 4 U.S.C. 6303) is amended in subsection (a)—

5 (1) by striking “2 percent” and inserting “4
 6 percent”; and

7 (2) by striking “for fiscal years 2002” and all
 8 that follows through “2007,” and inserting “for
 9 each fiscal year”.

10 **TITLE III—ACHIEVING HIGH** 11 **STANDARDS**

12 **SEC. 301. PURPOSES.**

13 The purposes of this title are to—

14 (1) enhance the National Assessment Governing
 15 Board and the Board’s responsibilities to develop
 16 21st century performance-based American standards
 17 and assessments, including world-class alternate as-
 18 sessments for students with disabilities and English-
 19 language learners, with incentives for States to
 20 adopt voluntarily the American standards and as-
 21 sessments;

22 (2) align State curricula with college and work-
 23 place needs through State P–16 commissions cov-
 24 ering pre-kindergarten through college in the sub-

1 jects of reading or language arts, history, science,
2 technology, engineering, and mathematics; and

3 (3) require the Department of Education to re-
4 port annually on the quality and rigor of the model
5 American and the State standards and assessments.

6 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS.**

7 For the purpose of carrying out this title and the
8 amendments made by this title, in addition to other
9 amounts already authorized, there are authorized to be ap-
10 propriated \$250,000,000 for fiscal year 2008 and for each
11 of the 4 succeeding fiscal years.

12 **PART A—AMERICAN STANDARDS AND**
13 **ASSESSMENTS**

14 **SEC. 311. AMERICAN STANDARDS AND ASSESSMENTS.**

15 (a) NATIONAL ASSESSMENT GOVERNING BOARD.—
16 Section 302 of the National Assessment of Educational
17 Progress Authorization Act (20 U.S.C. 9621) is amend-
18 ed—

19 (1) in subsection (b)(1)—

20 (A) in subparagraph (G), by striking
21 “Three classroom teachers representing” and
22 inserting “Six classroom teachers with 2 each
23 representing”;

24 (B) in subparagraph (H), by striking “One
25 representative of business or industry” and in-

1 serting “Three representatives of business or
2 industry”; and

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

4 “(O) Two members from higher education.”;

5 (2) in subsection (e)—

6 (A) in paragraph (1)—

7 (i) in subparagraph (I), by striking
8 “and” after the semicolon;

9 (ii) in subparagraph (J), by striking
10 the period and inserting “; and”; and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(K)(i) create American content and per-
14 formance standards and assessments in lan-
15 guage arts or reading, mathematics, and science
16 for grades 3 through 12;

17 “(ii) create high-quality alternative assess-
18 ments for students with disabilities and
19 English-language learners for use by States;

20 “(iii) provide web-based mechanisms for
21 States to receive timely results from these as-
22 sessments and alternate assessments;

23 “(iv) extrapolate such standards and as-
24 sessments based on the National Assessment of
25 Educational Progress frameworks; and

1 “(v) ensure that such standards and as-
2 sessments are aligned with college and work-
3 place readiness skills.”; and

4 (B) by adding at the end the following:

5 “(7) REPORT ON AMERICAN STANDARDS.—The
6 Assessment Board shall issue a report to the Sec-
7 retary containing the model standards and describe
8 the assessments specified in paragraph (1)(K).”;

9 (3) in subsection (f)—

10 (A) in paragraph (2)(B), by striking “not
11 more than six”; and

12 (B) by adding at the end the following:

13 “(3) DETAILEES.—Any Federal Government
14 employee may be detailed to the Governing Board
15 without reimbursement from the Board, and such
16 detailee shall retain the rights, status, and privileges
17 of such employee’s regular employment without
18 interruption.”.

19 (b) AMENDMENT TO STATE PLANS.—Section 1111
20 of the Elementary and Secondary Education Act of 1965
21 (20 U.S.C. 6311) is amended—

22 (1) in subsection (c)(2), by striking “reading
23 and mathematics” and inserting “reading, mathe-
24 matics, and science”; and

25 (2) by adding at the end the following:

1 “(n) USE BY STATES OF MODEL AMERICAN STAND-
2 ARDS AND ASSESSMENTS.—

3 “(1) IN GENERAL.—Notwithstanding any other
4 provision of this Act, upon issuance of the report
5 under section 302(e)(7) of the National Assessment
6 of Educational Progress Authorization Act, each
7 State desiring to receive funding under this part
8 shall—

9 “(A) adopt the model American standards
10 and assessments specified in that report for use
11 in carrying out this section;

12 “(B) modify the State’s existing academic
13 standards and assessments to align with those
14 model American standards and assessments; or

15 “(C) continue using the State’s existing
16 academic standards and academic assessments
17 or those of a regional consortium.

18 “(2) SECRETARY TO EVALUATE STANDARDS
19 AND ASSESSMENTS OF STATES NOT ADOPTING
20 MODEL AMERICAN STANDARDS AND ASSESS-
21 MENTS.—The Secretary shall—

22 “(A) analyze the academic standards and
23 assessments of States that do not adopt the
24 model American standards and assessments;
25 and

1 “(B) compare such academic standards
2 and assessments to the model American stand-
3 ards and assessments, using a common scale.

4 “(3) ANNUAL REPORT.—The Secretary shall
5 annually report to Congress on any variance in qual-
6 ity and rigor between the model American standards
7 and assessments adopted by the Assessment Board
8 and the standards and assessments used by the
9 States. Until development and implementation of the
10 model American standards and assessments adopted
11 by the Assessment Board, the Secretary shall report
12 annually to the public on differences between State
13 assessment results and results from the National As-
14 sessment of Educational Progress.”.

15 (c) AMENDMENT TO LOCAL PLANS.—Section
16 1112(b)(1)(F) of the Elementary and Secondary Edu-
17 cation Act of 1965 (20 U.S.C. 6311(b)(1)(F)) is amended
18 by striking “reading and mathematics” and inserting
19 “reading, mathematics, and science”.

20 (d) NATIONAL ASSESSMENT GOVERNING BOARD.—
21 Section 303 of the National Assessment of Educational
22 Progress Authorization Act (20 U.S.C. 9621) is amend-
23 ed—

1 (1) in subsection (b)(1), by striking “reading,
2 mathematics” and inserting “reading, mathematics,
3 science”;

4 (2) in subsection (b)(2)(B), by striking “read-
5 ing and mathematics” and inserting “reading, math-
6 ematics, and science”;

7 (3) in subsection (b)(2)(C), by striking “read-
8 ing and mathematics” and inserting “reading, math-
9 ematics, and science”;

10 (4) in subsection (b)(2)(E), by striking “read-
11 ing and mathematics” and inserting “reading, math-
12 ematics, and science”;

13 (5) in subsection (b)(3)(A)(i), by striking
14 “reading and mathematics” and inserting “reading,
15 mathematics, and science”;

16 (6) in subsection (b)(3)(A)(ii), by striking
17 “reading and mathematics” and inserting “reading,
18 mathematics, and science”; and

19 (7) in subsection (b)(3)(C)(ii), by striking
20 “reading and mathematics” and inserting “reading,
21 mathematics, and science”.

22 **PART B—P-16 EDUCATION STEWARDSHIP**
23 **SYSTEMS**

24 **SEC. 321. P-16 EDUCATION STEWARDSHIP COMMISSION.**

25 (a) P-16 EDUCATION STEWARDSHIP COMMISSION.—

1 (1) IN GENERAL.—Each State that receives as-
2 sistance under part A of title I of the Elementary
3 and Secondary Education Act of 1965 (20 U.S.C.
4 6311 et seq.) shall establish a P–16 education stew-
5 ardship commission that has the policymaking abil-
6 ity to meet the requirements of this section.

7 (2) EXISTING COMMISSION.—The State may
8 designate an existing coordinating body or commis-
9 sion as the State P–16 education stewardship com-
10 mission for purposes of this title, if the body or com-
11 mission meets, or is amended to meet, the basic re-
12 quirements of this section.

13 (b) MEMBERSHIP.—

14 (1) COMPOSITION.—Each P–16 education stew-
15 ardship commission shall be composed of the Gov-
16 ernor of the State, or the designee of the Governor,
17 and the stakeholders of the statewide education com-
18 munity, as determined by the Governor or the des-
19 ignee of the Governor, such as—

20 (A) the chief State official responsible for
21 administering prekindergarten through grade
22 12 education in the State;

23 (B) the chief State official of the entity
24 primarily responsible for the supervision of in-
25 stitutions of higher education in the State;

1 (C) bipartisan representation from the
2 State legislative committee with jurisdiction
3 over prekindergarten through grade 12 edu-
4 cation and higher education;

5 (D) representatives of 2- and 4-year insti-
6 tutions of higher education in the State;

7 (E) public elementary and secondary
8 school teachers employed in the State;

9 (F) representatives of the business commu-
10 nity; and

11 (G) at the discretion of the Governor, or
12 the designee of the Governor, representatives
13 from pre-kindergarten through grade 12 and
14 higher education governing boards and other
15 organizations.

16 (2) CHAIRPERSON; MEETINGS.—The Governor
17 of the State, or the designee of the Governor, shall
18 serve as chairperson of the P–16 education steward-
19 ship commission and shall convene regular meetings
20 of the commission.

21 (c) DUTIES OF THE COMMISSION.—

22 (1) MEETINGS.—Each State P–16 education
23 stewardship commission shall convene regular meet-
24 ings.

1 (2) COMMISSION RECOMMENDATIONS.—Not
2 later than 18 months after a State receives funds
3 under section 303, and annually thereafter, the
4 State P-16 education stewardship commission in-
5 formed by the higher education institutions in the
6 State shall—

7 (A) develop recommendations to better
8 align the content knowledge requirements for
9 secondary school graduates with the knowledge
10 and skills needed to succeed in postsecondary
11 education and the workforce in the subjects of
12 reading or language arts, history, mathematics,
13 science, technology, and engineering, and, at
14 the discretion of the Commission, additional
15 academic content areas;

16 (B) develop recommendations regarding
17 the prerequisite skills and knowledge, patterns
18 of coursework, and other academic factors in-
19 cluding—

20 (i) the prerequisite skills and knowl-
21 edge expected of incoming freshmen at in-
22 stitutions of higher education to success-
23 fully engage in and complete postsec-
24 ondary-level general education coursework

1 without the prior need to enroll in develop-
2 mental coursework; and

3 (ii) patterns of coursework and other
4 academic factors that demonstrate the
5 highest correlation with success in com-
6 pleting postsecondary-level general edu-
7 cation coursework and degree or certifi-
8 cation programs, particularly with respect
9 to science, technology, engineering, and
10 mathematics; and

11 (C) develop recommendations and enact
12 policies to increase the success rate of students
13 in the students' transition from secondary
14 school to postsecondary education, including
15 policies to increase success rates for—

16 (i) students of economic disadvantage;

17 (ii) students of racial and ethnic mi-
18 norities;

19 (iii) students with disabilities; and

20 (iv) students with limited English pro-
21 ficiency.

22 **SEC. 322. P-16 EDUCATION STATE PLANS.**

23 (a) IN GENERAL.—Each State receiving assistance
24 under part A of title I of the Elementary and Secondary

1 Education Act of 1965 (20 U.S.C. 6311 et seq.) shall de-
2 velop a plan that includes, at a minimum, the following:

3 (1) A demonstration that the State will work
4 with the State P–16 education stewardship commis-
5 sion and others, as necessary, to examine the rela-
6 tionship among the content of postsecondary edu-
7 cation admission and placement exams, the pre-
8 requisite skills and knowledge required to success-
9 fully take postsecondary-level general education
10 coursework, the pre-kindergarten through grade 12
11 courses and academic factors associated with aca-
12 demic success at the postsecondary level, particularly
13 with respect to science, technology, engineering, and
14 mathematics, and existing academic standards and
15 aligned academic assessments.

16 (2) A description of how the State will, using
17 the information from the State P–16 education
18 stewardship commission, increase the percentage of
19 students taking courses that have the highest cor-
20 relation of academic success at the postsecondary
21 level, for each of the following groups of students:

22 (A) Economically disadvantaged students.

23 (B) Students from each major racial and
24 ethnic group within the State.

25 (C) Students with disabilities.

1 (D) Students with limited English pro-
2 ficiency.

3 (3) A description of how the State will dis-
4 tribute the information in the P-16 education stew-
5 ardship commission's report to the public in the
6 State, including public secondary schools, local edu-
7 cational agencies, school counselors, P-16 educators,
8 institutions of higher education, students, and par-
9 ents.

10 (4) An assurance that the State will continue to
11 pursue effective P-16 education alignment strate-
12 gies.

13 (b) SUBMISSION.—Each State shall submit the State
14 plan described in subsection (a) to the Secretary not later
15 than 1 year of the date of the enactment of this Act.

16 **SEC. 323. P-16 EDUCATION STEWARDSHIP SYSTEM GRANTS.**

17 (a) PROGRAM AUTHORIZED.—From amounts appro-
18 priated under this section, the Secretary shall award
19 grants, from allotments under subsection (b), to States to
20 enable the States—

21 (1) to establish P-16 education stewardship
22 commissions in accordance with section 321; and

23 (2) to carry out the activities and programs de-
24 scribed in the State plan submitted under section
25 322.

1 (b) ALLOTMENTS.—The Secretary shall allot the
2 amounts available for grants under this section equally
3 among the States that have submitted plans described in
4 section 322. Each such plan shall include a demonstration
5 that the State, not later than 5 months after receiving
6 grant funds under this section, will establish a P–16 edu-
7 cation stewardship commission described in section 321.

8 **SEC. 324. REPORTS.**

9 (a) IN GENERAL.—Not later than 18 months after
10 a State receives funds under this section, and annually
11 thereafter, the State P–16 education stewardship commis-
12 sion shall prepare and submit to the Governor, and make
13 easily accessible and available to the public, a clear and
14 concise report that shall include the recommendations de-
15 scribed in section 321(c)(2).

16 (b) DISTRIBUTION TO THE PUBLIC.—Not later than
17 60 days after the submission of a report under subsection
18 (a), each State P–16 education stewardship commission
19 shall publish and widely distribute the information in the
20 report in various concise and understandable formats to
21 targeted audiences such as—

- 22 (1) all public secondary schools and local edu-
23 cational agencies;
- 24 (2) school counselors;
- 25 (3) P–16 educators;

- 1 (4) institutions of higher education; and
2 (5) students and parents, especially students
3 and parents of students listed in subparagraphs (A)
4 through (D) of section 322(a)(2) and those entering
5 grade 9 in the next academic year, to assist students
6 and parents in making informed and strategic
7 course enrollment decisions.

8 **TITLE IV—STRENGTHENING**
9 **ACCOUNTABILITY**

10 **SEC. 401. PURPOSES.**

11 The purposes of this title are—

12 (1) to divide the accountability structure for
13 schools under the Elementary and Secondary Edu-
14 cation Act of 1965 to provide—

15 (A) comprehensive intervention for schools
16 that do not make adequate yearly progress be-
17 cause groups comprising collectively 50 percent
18 or more of the students in the school have not
19 achieve the State objectives under section
20 1111(b)(2)(G) of such Act; and

21 (B) focused intervention for schools that
22 do not make adequate yearly progress because
23 groups comprising collectively less than 50 per-
24 cent of the students in the school that have not
25 achieved such objectives;

1 (2) to strengthen the program of providing sup-
2 plemental educational services;

3 (3) to count all children and increase rigor by
4 ensuring that the State calculations of adequate
5 yearly progress have limits on student thresholds
6 and also on statistical confidence intervals that do
7 not exceed 95 percent confidence;

8 (4) to add science to the subjects included in
9 the adequate yearly progress calculations in the aca-
10 ademic assessments under section 1111(b)(3) of such
11 Act;

12 (5) to support research and development for
13 mathematics and science partnerships;

14 (6) to amend the provisions regarding the ac-
15 countability for students with disabilities and
16 English-language learners;

17 (7) to screen children entering schools identified
18 as in need of comprehensive intervention under sec-
19 tion 1116(b)(1) of such Act; and

20 (8) to develop the Adjunct Teacher Corps to
21 meet the country's needs for teachers in critical for-
22 eign languages and science, technology, engineering,
23 and mathematics.

1 **SEC. 402. AUTHORIZATIONS.**

2 For the purpose of carrying out this title and the
3 amendments made by this title, there are authorized to
4 be appropriated \$250,000,000 for fiscal year 2008 and for
5 each of the 4 succeeding fiscal years.

6 **SEC. 403. SCHOOL INTERVENTION PLAN DEVELOPMENT.**

7 Part A of title I of the Elementary and Secondary
8 Education Act of 1965 is further amended by inserting
9 before section 1116 the following:

10 **“SEC. 1115A. SCHOOL INTERVENTION PLAN DEVELOPMENT.**

11 “(a) IN GENERAL.—A school that does not make ade-
12 quate yearly progress but has not been so identified for
13 the immediate preceding year shall, not later than the end
14 of the first year following such identification—

15 “(1) develop, in conjunction with the local edu-
16 cational agency and in consultation with parents,
17 teachers, administrators, students, and school-inter-
18 vention specialists from the local educational agency
19 or the State educational agency, a school-interven-
20 tion plan;

21 “(2) obtain approval of the plan from the local
22 educational agency and certification from the super-
23 intendent that the plan meets the requirements of
24 this subparagraph and is reasonably designed to en-
25 sure that the school will meet adequate yearly
26 progress targets for the following year; and

1 “(3) after approval, make the school-interven-
2 tion plan publicly available.

3 “(b) CONTENTS OF PLAN.—A school plan under this
4 section shall—

5 “(1) analyze and address systemic causes for
6 the school’s inability to make adequate yearly
7 progress;

8 “(2) identify the specific reasons why the school
9 did not make adequate yearly progress; and

10 “(3) articulate a plan to improve instruction
11 and achievement that addresses how the school
12 will—

13 “(A) implement curriculum and benchmark
14 assessments that are aligned with the State
15 academic content standards and student aca-
16 demic achievement standards, if collectively
17 more than 50 percent of students are contained
18 within groups that did not meet adequate yearly
19 progress;

20 “(B) expand instructional time for stu-
21 dents who have not met the proficient level or
22 are not making sufficient progress toward
23 reaching such level on the State academic as-
24 sessments;

1 “(C) ensure that first-year teachers are not
2 disproportionately assigned to students de-
3 scribed in subparagraph (B);

4 “(D) ensure that all teachers in the school
5 receive assistance and support in implementing
6 the curriculum, evidence-based intervention
7 models, benchmark assessments, and additional
8 instructional time;

9 “(E) if the subgroup of limited English
10 proficient students does not make adequate
11 yearly progress, articulate how the school will
12 work with the local educational agency to rede-
13 ploy, as permitted, funds made available to the
14 local educational agency under title III;

15 “(F) if the subgroup of students with dis-
16 abilities did not make adequate yearly progress,
17 articulate how the school will work with the
18 local educational agency to redeploy, as per-
19 mitted, funds made available to the local edu-
20 cational agency under the Individuals with Dis-
21 abilities Education Act (20 U.S.C. 1411 et
22 seq.);

23 “(G) include data on the school, relevant
24 to the factors identified in the plan, from the

1 local educational agency’s report under section
2 1120D; and

3 “(H) identify specific actions that the local
4 educational agency will take to make supple-
5 mental educational services and public school
6 transfer available.”.

7 **SEC. 404. COMPREHENSIVE AND FOCUSED INTERVENTION.**

8 Section 1116 of the Elementary and Secondary Edu-
9 cation Act of 1965 (20 U.S.C. 6316) is amended—

10 (1) in subsection (a)(1)(B)—

11 (A) by striking “subject to school improve-
12 ment” and inserting in lieu thereof “subject to
13 comprehensive intervention or focused interven-
14 tion”; and

15 (B) by striking “for school improvement”
16 and inserting in lieu thereof “for comprehensive
17 intervention or focused intervention”;

18 (2) by striking subsection (b) and inserting the
19 following:

20 “(b) SCHOOL INTERVENTION.—

21 “(1) COMPREHENSIVE INTERVENTIONS.—

22 “(A) IDENTIFICATION.—

23 “(i) IN GENERAL.—A local edu-
24 cational agency shall identify, as in need of
25 comprehensive intervention, any elemen-

1 tary school or secondary school served
2 under this part that does not make, for 2
3 or more consecutive years, adequate yearly
4 progress as defined in the State’s plan
5 under section 1111(b)(2) because—

6 “(I) the group of all students at
7 the school did not meet the objectives
8 set by the State under section
9 1111(b)(2)(G); or

10 “(II) one or more groups of stu-
11 dents specified in section
12 1111(b)(2)(C)(v) that collectively rep-
13 resents 50 percent or more of the stu-
14 dents in the school’s enrollment did
15 not meet such objectives.

16 “(ii) TRANSFER TO FOCUSED INTER-
17 VENTION.—In the case of a school that has
18 been identified as in need of comprehensive
19 intervention under clause (i), the school
20 shall be transferred to the year under the
21 focused intervention timeline, as defined in
22 paragraph (2)(A)(i), where the school
23 would have fallen if the school had never
24 needed comprehensive intervention, if the
25 school—

1 “(I) makes adequate yearly
2 progress for 2 consecutive years for
3 groups that collectively contain more
4 than 50 percent of the students; and

5 “(II) does not make adequate
6 yearly progress for one or more sub-
7 groups for 2 or more consecutive
8 years for the same subgroups.

9 “(iii) EXITING COMPREHENSIVE
10 INTERVENTION.—In the case of a school
11 that has been identified as in need of com-
12 prehensive intervention under clause (i),
13 the school shall continue to be identified as
14 in need of comprehensive intervention and
15 subject to the requirements of this section
16 until—

17 “(I) the school makes adequate
18 yearly progress for 2 consecutive years
19 for groups that collectively contain
20 more than 50 percent of the students;
21 or

22 “(II) the school year following
23 the implementation of a comprehen-
24 sive restructuring plan under subpara-
25 graph (E).

1 “(B) HIRING, TRANSFERRING, AND PRO-
2 FESSIONAL DEVELOPMENT REQUIREMENTS FOR
3 IDENTIFIED SCHOOLS.—

4 “(i) IN GENERAL.—Subject to clause
5 (iii), a local educational agency or State
6 educational agency receiving assistance
7 under this part shall—

8 “(I) permit a school identified as
9 being in need of comprehensive inter-
10 vention under subparagraph (A) to
11 deny transfer requests from teachers;

12 “(II) provide such school with
13 priority in the hiring timeline for the
14 local educational agency or State edu-
15 cational agency; and

16 “(III) in the case of a school that
17 has been identified as being in need of
18 comprehensive intervention for 2 or
19 more years, allow the school to add
20 additional professional development
21 hours for teachers if the professional
22 development is included as part of the
23 approved intervention plan defined in
24 this subsection for the school.

1 “(ii) DETERMINATION BY SEC-
2 RETARY.—Each local educational agency
3 or State educational agency receiving as-
4 sistance under this part shall demonstrate
5 to the Secretary that the agency can meet
6 the requirements of clause (i) by not later
7 than 3 years after the date of enactment
8 of this Act. If the Secretary determines
9 that the local educational agency or State
10 educational agency has failed to meet this
11 requirement, the Secretary may withhold a
12 portion of funds to the State educational
13 agency under this title.

14 “(iii) BARGAINING AGREEMENT EX-
15 CEPTION AND RESTRICTIONS ON NEW
16 AGREEMENTS.—

17 “(I) IN GENERAL.—The Sec-
18 retary shall not determine that a
19 State educational agency has failed to
20 comply with clause (i) if the reason
21 for the agency’s non-compliance is a
22 contract or collective bargaining
23 agreement that was entered into prior
24 to the date of enactment of this Act.

1 “(II) RESTRICTIONS.—A local
2 educational agency or State edu-
3 cational agency shall not enter into a
4 new contract or collective bargaining
5 agreement, or renew or extend a con-
6 tract or collective bargaining agree-
7 ment, that prevents the local edu-
8 cational agency or State educational
9 agency from meeting the requirements
10 of clause (i) after the date of enact-
11 ment of the All Students Can Achieve
12 Act.

13 “(C) PLAN IMPLEMENTATION IN YEARS 1,
14 2, 3, AND 4.—

15 “(i) IN GENERAL.—In the case of a
16 school that has been identified as in need
17 of comprehensive intervention for less than
18 5 consecutive years—

19 “(I) the school shall implement
20 the approved school intervention plan
21 developed under section 1115A; and

22 “(II) not later than the beginning
23 of the first school year of intervention
24 plan implementation, and for each of
25 the succeeding years if the school re-

1 mains in need of comprehensive or fo-
2 cused intervention, the local edu-
3 cational agency shall arrange for the
4 provision of supplemental educational
5 services; and

6 “(III) by not later than 6 weeks
7 before the start of the first school
8 year of intervention plan implementa-
9 tion, the local educational agency
10 serving the school shall notify the par-
11 ents of the students attending the
12 school of the parents’ right to transfer
13 their child to another public school
14 that is not identified as in need of
15 comprehensive intervention including
16 the out of district transfer program in
17 section 503.

18 “(ii) PLAN AND PROGRESS REVIEW.—

19 In the case of a school that is required to
20 carry out a comprehensive school improve-
21 ment plan under this subparagraph, the
22 local educational agency and the State edu-
23 cational agency shall annually review the
24 school’s implementation of the plan and
25 progress for each year that the school is

1 designated as in need of comprehensive
2 intervention.

3 “(D) RESTRUCTURING PLAN DEVELOP-
4 MENT IN YEAR 4.—

5 “(i) IN GENERAL.—In the case of a
6 school identified as in need of comprehen-
7 sive intervention for 4 consecutive years,
8 the local educational agency, in consulta-
9 tion with the school and in addition to plan
10 implementation as defined in subparagraph
11 (C), shall, by not later than the end of the
12 year—

13 “(I) develop a comprehensive re-
14 structuring plan, in consultation with
15 school intervention specialists, where
16 available, from the State educational
17 agency, parent and community rep-
18 resentatives, and local government of-
19 ficials;

20 “(II) obtain—

21 “(aa) approval of the plan
22 from a peer review panel selected
23 by the chief State school officer;
24 and

1 “(bb) certification by the
2 chief State school officer that the
3 plan meets the requirements of
4 this subparagraph and is de-
5 signed to ensure that the school
6 will make adequate yearly
7 progress in the succeeding years;
8 and

9 “(III) make the comprehensive
10 restructuring plan public.

11 “(ii) RESTRUCTURING OPTIONS.—A
12 comprehensive restructuring plan for a
13 school subject to this subparagraph shall
14 include details sufficient to carry out one
15 of the following as consistent with State
16 law:

17 “(I) Closing and reopening the
18 school as a charter school even if the
19 addition of such school would exceed
20 the State’s limit on the number of
21 charter schools that may operate in
22 the State, city, county, or region.

23 “(II) Closing and reopening the
24 school under the management of a

1 private or non-profit organization with
2 a proven record of improving schools.

3 “(III) Closing and reopening the
4 school under the direct administration
5 of the State educational agency or the
6 chief executive officer of a State or
7 local government entity, such as a
8 governor or mayor.

9 “(IV) Reassigning the majority
10 of the staff at the school, and ensur-
11 ing that in the subsequent year the
12 staff serving the school does not have
13 a greater percentage of teachers who
14 are not highly effective than the aver-
15 age percentage of such teachers in the
16 schools served by the local educational
17 agency.

18 “(iii) MULTIPLE RESTRUCTURING EX-
19 CEPTION.—

20 “(I) EXCEPTION.—Notwith-
21 standing subparagraph (A) or clause
22 (i), if 10 percent or more of the
23 schools served by a local educational
24 agency are required to develop a com-
25 prehensive restructuring plan, the

1 local educational agency, with the ap-
2 proval and cooperation of the State
3 educational agency, may carry out the
4 requirements of this subparagraph for
5 a limited number of the lowest per-
6 forming of such schools, as described
7 in subclause (II).

8 “(II) LIMITED NUMBER OF
9 SCHOOLS.—The number of schools de-
10 scribed in this subclause shall be not
11 less than the greater of—

12 “(aa) 10 percent of the
13 number of the schools served by
14 the local educational agency; or

15 “(bb) 1.

16 “(III) RULE FOR NONSELECTED
17 SCHOOLS.—A school identified for
18 comprehensive restructuring that is
19 not one of the limited number of low-
20 est performing schools under this
21 clause shall be subject to comprehen-
22 sive restructuring in subsequent years
23 and comparable expenditures under
24 subparagraph (F) unless the school
25 exits comprehensive intervention.

1 “(E) YEAR 5—COMPREHENSIVE RESTRUC-
2 TURING PLAN IMPLEMENTATION.—A school
3 that has been identified as in need of com-
4 prehensive intervention for 5 consecutive years,
5 shall, subject to the exemption in subparagraph
6 (D)(iii), fully implement the comprehensive re-
7 structuring plan by not later than the end of
8 the year following such identification.

9 “(F) RULE OF CONSTRUCTION.—Nothing
10 in this section shall be construed to preclude a
11 local educational agency from implementing a
12 policy of carrying out a comprehensive restruc-
13 turing of a school more quickly than is required
14 by this section.

15 “(2) FOCUSED INTERVENTION.—

16 “(A) IDENTIFICATION.—

17 “(i) IN GENERAL.—If any elementary
18 school or secondary school served under
19 this part does not, for 2 or more consecu-
20 tive years, make adequate yearly progress
21 as defined in the State’s plan under section
22 1111(b)(2) but is not identified as in need
23 of comprehensive intervention, the local
24 educational agency shall identify the school
25 as in need of focused intervention with re-

1 spect to each group of students described
2 in section 1111(b)(2)(C)(v) that did not
3 meet the objectives set by the State under
4 section 1111(b)(2)(G) in the same subject
5 area for both years.

6 “(ii) TRANSFER TO COMPREHENSIVE
7 INTERVENTION.—In the case of a school
8 that has been identified as in need of fo-
9 cused intervention under clause (i), the
10 school will no longer be under focused
11 intervention if the school does not make
12 adequate yearly progress for 2 consecutive
13 years for groups that collectively contain
14 more than 50 percent of the students.

15 “(iii) EXITING FOCUSED INTERVEN-
16 TION.—In the case of a school that has
17 been identified as in need of focused inter-
18 vention with respect to a focused group
19 and focused subject under clause (i), the
20 school shall continue to be identified as in
21 need of focused intervention and subject to
22 the requirements of this section until the
23 focused group meets or exceeds the objec-
24 tives set by the State under section

1 1111(b)(2)(G) for the focused subject for 2
2 consecutive years.

3 “(B) DEFINITIONS.—In this paragraph—

4 “(i) the term ‘focused group’ means
5 the group of students described in sub-
6 paragraph (A)(i); and

7 “(ii) the term ‘focused subject’ means
8 each subject area for which the focused
9 group did not meet the objectives set by
10 the State under section 1111(b)(2)(G) for
11 both years.

12 “(C) MULTIPLE GROUPS.—A school may
13 be identified for focused improvement under
14 this paragraph for more than 1 focused group
15 of students and with respect to more than 1 fo-
16 cused subject, and shall carry out the require-
17 ments of this paragraph for each such group
18 and subject.

19 “(D) PLAN IMPLEMENTATION IN YEARS 1,
20 2, 3, AND 4.—In the case of a school identified
21 as in need of focused intervention for the same
22 focused group and 1 or more of the same fo-
23 cused subjects for 2 consecutive years—

24 “(i) the school shall implement the
25 school intervention plan under section

1 1115A and issue an annual progress report
2 regarding the implementation to the public
3 by not later than the following academic
4 year; and

5 “(ii) the local educational agency shall
6 target supplemental educational services to
7 students in the focused group while allow-
8 ing other students to participate in accord-
9 ance with subsection (E) by not later than
10 the following academic year.

11 “(E) PUBLIC SCHOOL TRANSFER IN YEAR
12 1.—In the case of a school identified as in need
13 of focused intervention for the same focused
14 group and 1 or more of the same focused sub-
15 jects for 2 consecutive years—

16 “(i) the school shall continue to imple-
17 ment the intervention plan and provide an-
18 nual progress reports, as required under
19 subparagraph (D)(i);

20 “(ii) the local educational agency shall
21 continue to provide supplemental edu-
22 cational services under subparagraph
23 (D)(ii); and

24 “(iii) by not later than 6 weeks before
25 the start of the first school year of inter-

1 vention plan implementation, the local edu-
2 cational agency serving the school shall no-
3 tify the parents of the students attending
4 the school of the parents' right to transfer
5 the students to another public school that
6 is not identified as in need of comprehen-
7 sive intervention and shall provide such
8 right.

9 “(F) FOCUSED RESTRUCTURING PLAN DE-
10 VELOPMENT IN YEAR 4.—In the case of a
11 school identified as in need of focused interven-
12 tion for the same focused group and 1 or more
13 of the same focused subjects for 4 consecutive
14 years, the local educational agency, in consulta-
15 tion with the school and in addition to plan im-
16 plementation as defined in subparagraph (D),
17 shall carry out clauses (i) and (ii).

18 “(i) IN GENERAL.—The local edu-
19 cational agency, in consultation with school
20 intervention specialists from the local edu-
21 cational agency and the State educational
22 agency, and parent and community rep-
23 resentatives, shall—

24 “(I) develop a focused restruc-
25 turing plan that may utilize additional

1 school improvement funding provided
2 to the State educational agency;

3 “(II) obtain certification of the
4 plan from the chief school officer of
5 the local educational agency and the
6 chief State school officer attesting
7 that the plan meets the requirements
8 of this subparagraph and is reason-
9 ably designed to ensure that the
10 school will make adequate yearly
11 progress in the succeeding years; and

12 “(III) after certification, make
13 the focused restructuring plan publicly
14 available.

15 “(ii) CONTENTS.—A focused restruc-
16 turing plan for a school subject to this sub-
17 paragraph shall include a plan to carry out
18 1 or more of the following as consistent
19 with State law:

20 “(I) Reassigning the majority of
21 the staff at the school associated with
22 the subgroups that did not meet ade-
23 quate yearly progress, and ensuring
24 that, in the subsequent year, the staff
25 serving the students in these sub-

1 groups do not have a greater percent-
2 age of teachers who are not highly ef-
3 fective than the average percentage of
4 such teachers in the schools served by
5 the local educational agency.

6 “(II) Entering into an agreement
7 with a private or non-profit organiza-
8 tion with a proven record of improving
9 schools and school instruction to man-
10 age and staff the instructional areas
11 not meeting adequate yearly progress.

12 “(G) FOCUSED RESTRUCTURING PLAN IM-
13 PLEMENTATION IN YEAR 5.—In the case of a
14 school identified as in need of focused interven-
15 tion for the same focused group and 1 or more
16 of the same focused subjects for 5 consecutive
17 years, the local educational agency shall imple-
18 ment the certified focused restructuring plan in
19 the following school year.

20 “(H) CONTINUED PLAN IMPLEMENTATION
21 IN YEAR 6 AND BEYOND.—In the case of a
22 school identified as in need of focused interven-
23 tion for the same focused group and 1 or more
24 of the same focused subjects for 6 or more con-
25 secutive years, the local educational agency

1 shall continue refining the intervention plan
2 and the local educational agency shall use suffi-
3 cient funds available under this title to carry
4 out extended time instructional programs for
5 students in the focused group.

6 “(3) GENERAL PROVISIONS.—

7 “(A) DEADLINE.—The identification of a
8 school as in need of comprehensive intervention
9 under paragraph (1) or focused intervention
10 under paragraph (2) shall take place before the
11 beginning of the school year following the fail-
12 ure to make adequate yearly progress.

13 “(B) FOCUSED ASSISTANCE SCHOOLS.—To
14 determine if an elementary school or a sec-
15 ondary school that is conducting a targeted as-
16 sistance program under section 1115 should be
17 identified as in need of comprehensive interven-
18 tion or focused intervention under this section,
19 a local educational agency may choose to review
20 the progress of only the students in the school
21 who are served, or are eligible for services,
22 under this part.

23 “(4) OPPORTUNITY TO REVIEW AND PRESENT
24 EVIDENCE; TIME LIMIT.—

1 “(A) IDENTIFICATION.—Before identifying
2 an elementary school or a secondary school as
3 in need of comprehensive intervention or fo-
4 cused intervention under paragraphs (1) or (2),
5 the local educational agency shall provide the
6 school with an opportunity to review the school-
7 level data, including academic assessment data,
8 on which the proposed identification is based.

9 “(B) EVIDENCE.—If the principal of a
10 school proposed for identification as in need of
11 comprehensive intervention or focused attention
12 under paragraphs (1) or (2) believes, or a ma-
13 jority of the parents of the students enrolled in
14 such school believe, that the proposed identifica-
15 tion is in error for statistical or other sub-
16 stantive reasons, the principal may provide sup-
17 porting evidence to the State educational agen-
18 cy, which shall consider that evidence before
19 making a final determination within 30 days.

20 “(5) TECHNICAL ASSISTANCE.—

21 “(A) IN GENERAL.—For each school iden-
22 tified as in need of comprehensive intervention
23 or focused intervention under paragraph (1) or
24 (2), the local educational agency serving the
25 school shall ensure the provision of technical as-

1 sistance as the school develops and implements
2 the school plan under either such paragraph
3 throughout the plan’s duration.

4 “(B) SPECIFIC ASSISTANCE.—Such tech-
5 nical assistance—

6 “(i) shall include assistance in gath-
7 ering and analyzing data from assessments
8 and other examples of student work, to
9 identify and address—

10 “(I) problems in instruction; and

11 “(II) problems, if any, in imple-
12 menting the parental involvement re-
13 quirements described in section 1118,
14 the professional development require-
15 ments described in section 1119, and
16 the responsibilities of the school and
17 local educational agency under the
18 school plan; and

19 “(III) solutions to such problems;

20 “(ii) shall include assistance in identi-
21 fying and implementing professional devel-
22 opment, instructional strategies, and meth-
23 ods of instruction that are based on sci-
24 entifically based research and that have
25 proven effective in addressing the specific

1 instructional issues that caused the school
2 to be identified for school-improvement;

3 “(iii) shall include assistance in ana-
4 lyzing and revising the school’s budget so
5 that the school’s resources are more effec-
6 tively allocated to the activities most likely
7 to increase student academic achievement
8 and to remove the school from school-im-
9 provement status; and

10 “(iv) may be provided—

11 “(I) by the local educational
12 agency, through mechanisms author-
13 ized under section 1117; or

14 “(II) by the State educational
15 agency, an institution of higher edu-
16 cation (that is in full compliance with
17 all the reporting provisions of title II
18 of the Higher Education Act of
19 1965), a private not-for-profit organi-
20 zation or for-profit organization, an
21 educational service agency, or another
22 entity with experience in helping
23 schools improve academic achieve-
24 ment.

1 “(C) SCIENTIFICALLY BASED RE-
2 SEARCH.—Technical assistance provided under
3 this section by a local educational agency or an
4 entity approved by that agency shall be based
5 on scientifically based research.

6 “(6) INDEPENDENT AUDIT OF SPACE AVAIL-
7 ABILITY.—

8 “(A) IN GENERAL.—Each local educational
9 agency serving any school identified as in need
10 of comprehensive intervention under paragraph
11 (1) shall annually document (through an inde-
12 pendent audit that may be conducted by the
13 State educational agency) the space in public
14 schools served by such agency that are making
15 adequate yearly progress that is available for
16 transfers under paragraph (1)(C) or (2)(E).

17 “(B) RULE IF INADEQUATE SPACE.—The
18 Secretary shall deem a local educational agency
19 to have met its obligations under paragraph
20 (1)(C) or (2)(E) if—

21 “(i) an audit under subparagraph (A)
22 determines that the requirements of para-
23 graph (1)(C) or (2)(E) cannot be met be-
24 cause of—

1 “(I) the lack of physical space,
2 and the inability to reasonably acquire
3 additional physical space (such as the
4 lack of land to place portable class-
5 rooms);

6 “(II) the inability to acquire new
7 classroom space; or

8 “(III) State and local health or
9 safety laws and regulations; and

10 “(ii) the local educational agency
11 makes available for transfers under such
12 paragraph all the space determined by the
13 audit to be practically available.

14 “(7) NOTICE TO PARENTS.—A local educational
15 agency shall promptly provide to a parent or parents
16 of each student enrolled in an elementary school or
17 a secondary school identified for comprehensive
18 intervention or each student in a focused group in
19 an elementary school or secondary school identified
20 for focused intervention (in an understandable and
21 uniform format and, to the extent practicable, in a
22 language the parents can understand)—

23 “(A) an explanation of what the identifica-
24 tion means, and how the school compares in
25 terms of academic achievement to other elemen-

1 tary schools or secondary schools served by the
2 local educational agency and the State edu-
3 cational agency involved;

4 “(B) the reasons for the identification;

5 “(C) an explanation of what the school
6 identified is doing to address the problem of low
7 achievement;

8 “(D) an explanation of what the local edu-
9 cational agency or State educational agency is
10 doing to help the school address the achieve-
11 ment problem;

12 “(E) an explanation of how the parents
13 can become involved in addressing the academic
14 issues that caused the school to be identified for
15 school-improvement; and

16 “(F) an explanation of the parents’ option
17 to transfer their child to another public school
18 under paragraph (1)(C) or (2)(E), (with trans-
19 portation provided by the agency when required
20 by paragraph (9)) or to obtain supplemental
21 educational services for the child, under para-
22 graph (1) or (2) and in accordance with sub-
23 section (e).

24 “(8) DELAY.—Notwithstanding any other provi-
25 sion of this paragraph, the local educational agency

1 may delay, for a period not to exceed 1 year, imple-
2 mentation of restructuring if the school makes ade-
3 quate yearly progress for 1 year or if its failure to
4 make adequate yearly progress is due to exceptional
5 or uncontrollable circumstances, such as a natural
6 disaster or a precipitous and unforeseen decline in
7 the financial resources of the local educational agen-
8 cy or school. No such period shall be taken into ac-
9 count in determining the number of consecutive
10 years of failure to make adequate yearly progress.

11 “(9) TRANSPORTATION.—In the case of any
12 school identified as in need of comprehensive inter-
13 vention or focused intervention that is required to
14 provide public school transfer under paragraph
15 (1)(C) or (2)(E), the local educational agency shall
16 provide, or shall pay for the provision of, transpor-
17 tation for the student to the public school the stu-
18 dent attends.

19 “(10) FUNDS FOR TRANSPORTATION AND SUP-
20 PLEMENTAL EDUCATIONAL SERVICES.—

21 “(A) IN GENERAL.—Unless a lesser
22 amount is needed to comply with paragraph (9)
23 and to satisfy all requests for supplemental edu-
24 cational services under subsection (e), a local
25 educational agency shall spend an amount equal

1 to 20 percent of its allocation under subpart 2,
2 from which the agency shall spend—

3 “(i) an amount equal to 5 percent of
4 its allocation under subpart 2 to provide,
5 or pay for, transportation under paragraph
6 (8);

7 “(ii) an amount equal to 5 percent of
8 its allocation under subpart 2 to provide
9 supplemental educational services under
10 subsection (e); and

11 “(iii) an amount equal to the remain-
12 ing 10 percent of its allocation under sub-
13 part 2 for transportation under paragraph
14 (8), supplemental educational services
15 under subsection (e), or both, as the agen-
16 cy determines.

17 “(B) TOTAL AMOUNT.—The total amount
18 described in subparagraph (A)(ii) is the max-
19 imum amount the local educational agency shall
20 be required to spend under this part on supple-
21 mental educational services described in sub-
22 section (e).

23 “(C) INSUFFICIENT FUNDS.—If the
24 amount of funds described in subparagraph
25 (A)(ii) or (iii) and available to provide services

1 under this subsection is insufficient to provide
2 supplemental educational services to each child
3 whose parents request the services, the local
4 educational agency shall give priority to pro-
5 viding the services to the lowest-achieving chil-
6 dren.

7 “(D) PROHIBITION.—A local educational
8 agency shall not, as a result of the application
9 of this paragraph, reduce by more than 15 per-
10 cent the total amount made available under sec-
11 tion 1113(c) to a school described in paragraph
12 (7)(C) or (8)(A) of subsection (b).

13 “(11) SPECIAL RULES REGARDING SCHOOL
14 TRANSFER.—

15 “(A) CONTINUATION OF SCHOOLING.—A
16 local educational agency shall permit a child
17 who transferred to another school under this
18 subsection to remain in that school until the
19 child has completed the highest grade in that
20 school. The obligation of the local educational
21 agency to provide, or to provide for, transpor-
22 tation for the child ends at the end of a school
23 year if the local educational agency determines
24 that the school from which the child transferred

1 is no longer identified for as in need of com-
2 prehensive intervention or focused intervention.

3 “(B) SPECIAL VOLUNTARY SCHOOL
4 CHOICE PROGRAMS.—A local educational agency
5 receiving assistance under this part that offers
6 a voluntary school choice program, other than
7 the program specified in section 1116(i), for
8 students served by the local educational agency,
9 shall not offer such program before first mak-
10 ing the voluntary program available to all stu-
11 dents in schools served by the local educational
12 agency that are identified as in need of com-
13 prehensive intervention or focused intervention,
14 with priority to students in schools identified as
15 in need of comprehensive intervention.

16 “(C) COOPERATIVE AGREEMENT.—In any
17 case where a local educational agency is re-
18 quired to provide public school transfer under
19 paragraph (1)(C) or (2)(E) and all public
20 schools served by the local educational agency
21 to which a child may transfer are identified as
22 in need of comprehensive intervention, the
23 agency shall, to the extent practicable, establish
24 a cooperative agreement with other local edu-
25 cational agencies in the area for a transfer.

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

3 “(A) make technical assistance under sec-
4 tion 1117 available to schools identified as in
5 need of comprehensive intervention or focused
6 intervention under this subsection consistent
7 with section 1117(a)(2);

8 “(B) if the State educational agency deter-
9 mines that a local educational agency failed to
10 carry out its responsibilities under this sub-
11 section, take such corrective actions as the
12 State educational agency determines to be ap-
13 propriate and in compliance with State law;

14 “(C) ensure that academic assessment re-
15 sults under this part are provided to schools be-
16 fore any identification of a school may take
17 place under this subsection; and

18 “(D) for local educational agencies or
19 schools identified for comprehensive interven-
20 tion or in need of focused intervention under
21 this subsection, notify the Secretary of major
22 factors that were brought to the attention of
23 the State educational agency under section
24 1111(b)(9) that have significantly affected stu-
25 dent academic achievement.”;

1 (3) by striking paragraph (1) of subsection (c)
2 and inserting the following:

3 “(1) SUPPLEMENTAL EDUCATIONAL SERV-
4 ICES.—The local educational agency serving any
5 school required under paragraph (1) or (2) of sub-
6 section (b) to provide supplemental educational serv-
7 ices shall, subject to this subsection, arrange for the
8 provision of supplemental educational services to eli-
9 gible children in the school from a provider with a
10 demonstrated record of effectiveness, that is selected
11 by the parents and approved for that purpose by the
12 State educational agency in accordance with reason-
13 able criteria, consistent with paragraph (5), that the
14 State educational agency shall adopt.”;

15 (4) in subsection (g), by striking paragraphs
16 (3) and (4) and inserting the following:

17 “(3) SCHOOL-IMPROVEMENT FOR DEPARTMENT
18 OF INTERIOR SCHOOLS.—

19 “(A) CONTRACT AND GRANT SCHOOLS.—
20 For a school funded by the Department of Inte-
21 rior which is operated under a contract issued
22 by the Secretary of the Interior pursuant to the
23 Indian Self-Determination Act (25 U.S.C. 450
24 et seq.) or under a grant issued by the Sec-
25 retary of the Interior pursuant to the Tribally

1 Controlled Schools Act of 1988 (25 U.S.C.
2 2501 et seq.), the school board of such school
3 shall be responsible for meeting the require-
4 ments of subsection (b) relating to development
5 and implementation of any comprehensive inter-
6 vention plan or comprehensive restructuring
7 plan as described in subsection (b)(1) or fo-
8 cused intervention plan or focused restructuring
9 plan as described in subsection (b)(2), except
10 for the requirements to provide public school
11 transfer under paragraph (1)(C) or (2)(E) of
12 subsection (b). The Department of Interior
13 shall be responsible for meeting the require-
14 ments of subsection (b)(5) relating to technical
15 assistance.

16 “(B) DEPARTMENT OPERATED
17 SCHOOLS.—For schools operated by the Depart-
18 ment of the Interior, the Department shall be
19 responsible for meeting the requirements of
20 subsection (b) relating to development and im-
21 plementation of any comprehensive intervention
22 plan or comprehensive restructuring plan as de-
23 scribed in subsection (b)(1), or focused inter-
24 vention plan or focused restructuring plan as
25 described in subsection (b)(2), except for the re-

1 requirements to provide public school transfer
2 under paragraph (1)(C) or (2)(E) of subsection
3 (b).

4 “(4) CORRECTIVE ACTION AND RESTRUCTURING
5 FOR BUREAU-FUNDED SCHOOLS.—

6 “(A) CONTRACT AND GRANT SCHOOLS.—

7 For a school funded by the Department of Inte-
8 rior which is operated under a contract issued
9 by the Secretary of the Interior pursuant to the
10 Indian Self-Determination Act (25 U.S.C. 450
11 et seq.) or under a grant issued by the Sec-
12 retary of the Interior pursuant to the Tribally
13 Controlled Schools Act of 1988 (25 U.S.C.
14 2501 et seq.), the school board of such school
15 shall be responsible for meeting the require-
16 ments of paragraph (1) or (2) of subsection (b).
17 Any action taken by such school board under
18 subsection (b)(1)(D) shall take into account the
19 unique circumstances and structure of the De-
20 partment of Interior-funded school system and
21 the laws governing that system.

22 “(B) BUREAU OPERATED SCHOOLS.—For
23 schools operated by the Department of Interior,
24 the Department shall be responsible for meeting
25 the requirements of paragraph (1) or (2) of

1 subsection (b). Any action taken by the Depart-
2 ment under subsection (b)(1)(D) shall take into
3 account the unique circumstances and structure
4 of the Department of Interior-funded school
5 system and the laws governing that system.

6 “(5) ANNUAL REPORT.—On an annual basis,
7 the Secretary of the Interior shall report to the Sec-
8 retary of Education and to the appropriate commit-
9 tees of Congress regarding any schools funded by
10 the Department of Interior which have been identi-
11 fied for comprehensive intervention or focused inter-
12 vention. Such report shall include—

13 “(A) the identity of each school;

14 “(B) a statement from each affected school
15 board regarding the factors that lead to such
16 identification; and

17 “(C) an analysis by the Secretary of the
18 Interior, in consultation with the Secretary if
19 the Secretary of Interior requests the consulta-
20 tion, as to whether sufficient resources were
21 available to enable such school to achieve ade-
22 quate yearly progress.”; and

23 (5) in subsection (h), by striking “(b)(14)(D)”
24 and inserting “(b)(12)(D)”.

1 **SEC. 405. COUNTING ALL CHILDREN.**

2 (a) CONFIDENCE INTERVALS.—Subparagraph (G) of
3 section 1111(b)(2) of the Elementary and Secondary Edu-
4 cation Act of 1965 (20 U.S.C. 6311(b)(2)(G)) is amended
5 by adding at the end the following flush sentence:

6 “Confidence intervals of not greater than 95
7 percent may be used for purposes of this sub-
8 paragraph, except that a school that has imple-
9 mented a growth model system under section
10 1120D may not use confidence intervals.”.

11 (b) NUMBER OF STUDENTS NECESSARY FOR STATIS-
12 TICALLY RELIABLE INFORMATION.—Section 1111 of the
13 Elementary and Secondary Education Act of 1965 (20
14 U.S.C. 6311) is amended by adding at the end the fol-
15 lowing:

16 “(n) INSUFFICIENT NUMBER TO YIELD RELIABLE
17 INFORMATION.—For purposes of this section—

18 “(1) any group of 20 students or more shall be
19 deemed to be sufficient to yield statistically reliable
20 information; and

21 “(2) the Secretary may, upon the request of a
22 State educational agency, deem a group of students
23 too small if—

24 “(A) the group consists of more than 20
25 but less than 31 students; and

1 “(B) the Secretary determines that the
2 State educational agency has justified, through
3 documented evidence, the need for such an in-
4 terpretation.”.

5 **SEC. 406. INCLUDING ALREADY-REQUIRED SCIENCE AS-**
6 **SESSMENTS IN ADEQUATE YEARLY**
7 **PROGRESS.**

8 Section 1111(b)(2) of the Elementary and Secondary
9 Education Act of 1965 (20 U.S.C. 6311(b)(2)) is amend-
10 ed—

11 (1) in subparagraph (E), by inserting “Each
12 State, using data for the 2001–2002 school year for
13 mathematics and reading or language arts and data
14 for the 2007–2008 school year for science,” after
15 “Starting Point.”;

16 (2) by amending subparagraph (F) to read as
17 follows:

18 “(F) **TIMELINE.**—Each State shall estab-
19 lish a timeline for adequate yearly progress,
20 which shall ensure that, by the end of—

21 “(i) the 2013–2014 school year, all
22 students in each group described in sub-
23 paragraph (C)(v) will meet or exceed the
24 State’s proficient level of academic achieve-
25 ment on the State assessments of mathe-

1 matics and reading or language arts under
2 paragraph (3); and

3 “(ii) the 2019–2020 school year, all
4 students in each group described in sub-
5 paragraph (C)(v) will meet or exceed the
6 State’s proficient level of academic achieve-
7 ment on the State assessments of science
8 under paragraph (3).”; and

9 (3) in paragraph (G)(i), by striking “subsection
10 (a)(3)” and inserting “paragraph (3) and, beginning
11 in the 2008–2009 school year, science;”.

12 **SEC. 407. MATHEMATICS AND SCIENCE PARTNERSHIPS.**

13 Section 2202 (20 U.S.C. 6662) is amended—

14 (1) by striking subparagraph (C) of subsection
15 (b)(2) and inserting the following:

16 “(C)(i) a description of how the activities
17 to be carried out by the eligible partnership will
18 be based on a review of scientifically based re-
19 search on mathematics and science education
20 programs that are effective in improving stu-
21 dent academic achievement, which may include
22 programs identified by the Director of the Na-
23 tional Science Foundation for replication on a
24 more expansive basis; and

1 “(ii) an explanation of how the activities
2 are expected to improve student academic
3 achievement and strengthen the quality of
4 mathematics and science instruction;”;

5 (2) by redesignating subsections (e) through (f)
6 as subsections (d) through (g), respectively;

7 (3) by inserting after subsection (b) the fol-
8 lowing:

9 “(c) SPECIAL CONSIDERATION.—In awarding grants
10 pursuant to subsection (a)(1) or awarding subgrants pur-
11 suant to subsection (a)(2), the Secretary or the State edu-
12 cational agency, respectively, shall give special consider-
13 ation to eligible partnerships that carry out activities mod-
14 eled after programs identified by the Director of the Na-
15 tional Science Foundation for replication on a more expan-
16 sive basis.”;

17 (4) by striking paragraph (2) of subsection (e)
18 (as redesignated by paragraph (2)) and inserting the
19 following:

20 “(2) NATIONAL SCIENCE FOUNDATION.—In
21 carrying out the activities authorized by this part,
22 the Secretary shall—

23 “(A) consult with the Director of the Na-
24 tional Science Foundation, particularly in the
25 conduct of summer workshops, institutes, or

1 partnerships to improve mathematics and
2 science teaching in elementary schools and sec-
3 ondary schools; and

4 “(B) consult with the Director of the Na-
5 tional Science Foundation regarding the dis-
6 semination of model programs identified by the
7 Director of the National Science Foundation to
8 be replicated on a more expansive basis.”; and
9 (5) in subsection (f) (as redesignated by para-

10 graph (2))—

11 (A) in paragraph (2)—

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

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

16 (iii) by adding at the end the fol-
17 lowing:

18 “(D) shall describe how the activities as-
19 sisted under this section will be coordinated
20 with other programs to improve mathematics
21 and science academic achievement that are
22 being implemented by the local educational
23 agency that is a member of the partnership.”;
24 and

25 (B) by adding at the end the following:

1 “(3) REPORTS.—

2 “(A) ELIGIBLE PARTNERSHIP REPORTS.—

3 Each eligible partnership receiving a grant or
4 subgrant under this part shall report annually
5 to the Secretary regarding the eligible partner-
6 ship’s progress in meeting the objectives de-
7 scribed in the accountability plan of the part-
8 nership under paragraph (2).

9 “(B) SECRETARY REPORTS.—The Sec-
10 retary shall annually report to the appropriate
11 committees of Congress on the effectiveness of
12 programs assisted under this part in improving
13 student mathematics and science academic
14 achievement.

15 “(4) REVOCATION.—If the Secretary or State
16 educational agency, as applicable, determines that
17 an eligible partnership is not making substantial
18 progress in meeting the objectives described in the
19 accountability plan of the partnership under para-
20 graph (2) by the end of the second year of the grant
21 or subgrant under this part, then the Secretary or
22 State educational agency shall not make a grant or
23 subgrant payment under this part to the eligible
24 partnership for the third year of the grant or
25 subgrant.”.

1 **SEC. 408. CHILDREN WITH DISABILITIES AND CHILDREN**
2 **WHO ARE LIMITED ENGLISH PROFICIENT.**

3 (a) STUDENTS WITH DISABILITIES.—Paragraph (2)
4 of section 1111(b) (20 U.S.C. 6311(b)(2)) is amended by
5 inserting after subparagraph (L) the following:

6 “(M) STUDENTS WITH DISABILITIES.—

7 “(i) IN GENERAL.—Subject to clause
8 (ii), in determining whether students with
9 disabilities meet or exceed the objectives
10 set by the State under subparagraph (G)—

11 “(I) students with significant
12 cognitive disabilities may be assessed
13 against alternative standards using al-
14 ternative assessments; and

15 “(II) students described in clause
16 (iii) may be assessed against modified
17 achievement standards that measure
18 the same academic content as the reg-
19 ular student academic achievement
20 standards under paragraph (1)(D).

21 “(ii) NUMERICAL LIMITS.—

22 “(I) STUDENTS WITH SIGNIFI-
23 CANT COGNITIVE DISABILITIES.—A
24 local educational agency may not
25 claim the exception under clause (i)(I)
26 for more than 1 percent of the stu-

1 dents attending schools served by the
2 local educational agency for each
3 school year.

4 “(II) TOTAL LIMIT.—A local edu-
5 cational agency may not claim the ex-
6 ceptions under subclauses (I) and (II)
7 of clause (i) for more than 2 percent
8 of the students attending schools
9 served by the local educational agency.

10 “(iii) STUDENTS ASSESSED WITH
11 MODIFIED STANDARDS.—A student is de-
12 scribed in this clause if—

13 “(I) the student has a disability
14 other than a significant cognitive dis-
15 ability; and

16 “(II) the Secretary determines by
17 regulations that the type and level of
18 such disability warrants the use of
19 modified achievement standards.

20 “(iv) SEPARATE STANDARDS.—The
21 determination of whether subclause (I) or
22 (II) of clause (i) applies to a student shall
23 be made separately from other categoriza-
24 tions of disabilities.

25 “(v) EXCEPTION.—

1 “(I) Each State educational
2 agency shall provide for necessary ex-
3 ceptions to permit increased limits in
4 this subparagraph where a larger limit
5 is justified, such as a specialized facil-
6 ity in the local educational agency
7 that results in a larger percentage of
8 students than average requiring alter-
9 native assessments with alternative or
10 modified standards.

11 “(II) The State educational agen-
12 cy must provide notification to the
13 Secretary when providing exceptions
14 to a local educational agency and pro-
15 vide an annual report to the Secretary
16 and to the public on all the local edu-
17 cational agencies receiving exemptions
18 under this paragraph. The report
19 shall include the resulting assessment
20 percentages associated with the ap-
21 proved exemptions and such addi-
22 tional information as the Secretary
23 may reasonably require.

24 “(III) Exceptions should not be
25 granted on the basis of poor or inac-

1 curate identification or the inappro-
2 priate use of alternate achievement
3 standards.

4 “(IV) Exception requests are ap-
5 propriate where a local educational
6 agency addresses issues such as high
7 rates of students with the most sig-
8 nificant cognitive disabilities; cir-
9 cumstances in the local education
10 agency that would explain the higher
11 rates such as specialized health pro-
12 grams or facilities; and documentation
13 that the local educational agency has
14 implemented safeguards that limit the
15 inappropriate use of alternative
16 achievement standards. These safe-
17 guards may include implementing
18 State guidelines through the Individ-
19 ualized Educational Plan process; in-
20 forming parents about the actual
21 achievement of students; reporting, to
22 the extent possible, on test-taking pat-
23 terns; including these students in the
24 general curriculum; providing infor-
25 mation about the use of appropriate

1 accommodations; and ensuring that
2 teachers and other educators partici-
3 pate in appropriate professional devel-
4 opment about alternate assessments.

5 “(vi) STATE PLAN.—Each State plan
6 shall demonstrate how the provisions of
7 this section are to be communicated to all
8 public school principals and special edu-
9 cation teachers in the State. The State
10 plan shall also demonstrate that each local
11 educational agency within the State mon-
12 itors the implementation of this subpara-
13 graph to ensure that the subparagraph is
14 uniformly applied to all schools served by
15 such agency.”.

16 (b) STUDENTS WHO ARE LIMITED ENGLISH PRO-
17 FICIENT.—Paragraph (2) of section 1111(b) of such Act
18 is amended by inserting after subparagraph (M) the fol-
19 lowing:

20 “(N) STUDENTS WHO ARE LIMITED
21 ENGLISH PROFICIENT.—

22 “(i) IN GENERAL.—Notwithstanding
23 this section, a State may—

24 “(I) exempt a recently arrived
25 limited English proficient student

1 from taking the assessments during
2 the first year that the student is en-
3 rolled in a school in the United
4 States, and not include such student
5 in determining the percentage of stu-
6 dents enrolled in a school that are re-
7 quired to take the assessments under
8 subparagraph (I); and

9 “(II) choose to not include the
10 assessment results of all recently ar-
11 rived limited English proficient stu-
12 dents in the State for the first year in
13 which the students are enrolled in a
14 school in the United States for the
15 purposes of determining if a group de-
16 scribed in subparagraph (C)(v) has
17 met or exceeded the objectives set by
18 the State under subparagraph (G) for
19 a school year.

20 “(ii) RETENTION IN LIMITED
21 ENGLISH PROFICIENT STUDENT GROUP.—

22 “(I) IN GENERAL.—Notwith-
23 standing this subparagraph, in deter-
24 mining whether the subgroup of lim-
25 ited English proficient students met

1 or exceeded the objectives for a school
2 or local educational agency, a State
3 may include in such subgroup the as-
4 sessment results of students who—

5 “(aa) were limited English
6 proficient, as determined by the
7 State; and

8 “(bb) whose English pro-
9 ficiency has improved so that the
10 students are no longer limited
11 English proficient, as determined
12 by the State.

13 “(II) TIME PERIOD.—A State
14 may include a student described in
15 subclause (I) in the subgroup of lim-
16 ited English proficient students only
17 during the 3 school years following
18 the determination that the student is
19 no longer limited English proficient.

20 “(iii) RULE OF CONSTRUCTION.—
21 Nothing in this subparagraph shall be con-
22 strued to relieve a State or local edu-
23 cational agency from its responsibility
24 under applicable law to provide recently ar-
25 rived limited English proficient students

1 and students who were limited English
2 proficient but who are no longer limited
3 English proficient, as determined by the
4 State, with appropriate instruction to as-
5 sist such students in gaining English-lan-
6 guage proficiency as well as meeting or ex-
7 ceeding the proficient levels of achievement
8 in mathematics, reading or language arts,
9 and science.”.

10 **SEC. 409. EARLY CHILDHOOD DEVELOPMENT.**

11 Paragraph (1) of section 1116(b) (20 U.S.C.
12 6316(b)) is amended by adding at the end the following
13 new subparagraph:

14 “(G) EARLY CHILDHOOD EDUCATION IM-
15 PROVEMENT.—

16 “(i) IN GENERAL.—In the case of an
17 elementary school identified as in need of
18 comprehensive or focused intervention, the
19 local educational agency shall administer
20 developmental screens and assessments to
21 preschool and kindergarten students who
22 are enrolled in the school or as provided
23 for in clause (iv), for purposes of—

24 “(I) identifying areas for which
25 instructional intervention is necessary

1 in the areas of pre-literacy and pre-
2 numeracy for each cohort of preschool
3 or kindergarten students;

4 “(II) improving instruction and
5 services being offered to preschool and
6 kindergarten students; and

7 “(III) determining whether diag-
8 nostic assessments are necessary to
9 identify needed interventions, includ-
10 ing in the areas of literacy and mathe-
11 matics.

12 “(ii) DEVELOPMENT SCREENS AND
13 ASSESSMENTS.—The developmental
14 screens and assessments described in
15 clause (i) shall be screens and assessments
16 scientifically determined to be valid, reli-
17 able, and appropriate for the population
18 for whom the screens and assessments are
19 being used.

20 “(iii) RESTRICTIONS ON USE.—The
21 results of the screens and assessments de-
22 scribed in clause (i) shall be used for im-
23 proving instruction and services, and shall
24 not be used for accountability-based deci-

1 sions regarding students, schools, or local
2 educational agencies.

3 “(iv) EARLIEST GRADE.—An elemen-
4 tary school that does not have preschool or
5 kindergarten shall administer such screens
6 and assessments before or during entrance
7 into the earliest grade offered by the
8 school.”.

9 **SEC. 410. ADJUNCT TEACHER CORPS.**

10 Subpart 3 of part C of title II of the Elementary and
11 Secondary Education Act of 1965 (20 U.S.C. 6711 et
12 seq.) is amended to read as follows:

13 **“Subpart 3—Adjunct Teacher Corps**

14 **“SEC. 2341. DECLARATION OF PURPOSE.**

15 “‘It is the purpose of this subpart to create opportuni-
16 ties for professionals and other individuals with subject-
17 matter expertise to teach secondary school courses in the
18 core academic subjects, particularly mathematics, science,
19 and critical foreign languages, on an adjunct basis.

20 **“SEC. 2342. ADJUNCT TEACHER PROGRAM.**

21 “(a) PROGRAM AUTHORIZED.—The Secretary shall
22 award grants, on a competitive basis, to eligible entities
23 to enable the eligible entities to recruit and train well-
24 qualified individuals to serve as adjunct teachers in sec-
25 ondary school courses in the core academic subjects, and

1 to place such individuals as adjunct teachers in secondary
2 schools.

3 “(b) ELIGIBLE ENTITY.—For the purpose of this
4 subpart, an eligible entity is—

5 “(1) a local educational agency;

6 “(2) a public or private entity (which may be a
7 State educational agency); or

8 “(3) a partnership consisting of a local edu-
9 cational agency and a public or private entity.

10 “(c) DURATION OF GRANTS.—The Secretary shall
11 award each grant under this subpart for a period of not
12 more than 5 years.

13 “(d) PRIORITIES.—In awarding grants under this
14 subpart, the Secretary shall give priority to eligible entities
15 that propose to—

16 “(1) serve local educational agencies that have
17 a large number or percentage of students performing
18 below grade level, including local educational agen-
19 cies that are not making adequate yearly progress as
20 defined in the State plan under section 1111(b)(2);

21 “(2) recruit and train adjunct teachers in math-
22 ematics, science, or critical foreign languages, and
23 provide schools with the adjunct teachers; and

24 “(3) recruit adjunct teachers to serve in schools
25 that have an insufficient number of teachers with ex-

1 pertise in the subjects the adjunct teachers will
2 teach.

3 “(e) APPLICATION.—

4 “(1) IN GENERAL.—An eligible entity desiring a
5 grant under this subpart shall submit an application
6 to the Secretary at such time, in such manner, and
7 containing such information as the Secretary may
8 reasonably require.

9 “(2) CONTENTS.—The application shall, at a
10 minimum, include a description of—

11 “(A) the need for, and expected benefits of
12 using, adjunct teachers in the participating
13 schools, which may include information on the
14 difficulty participating schools face in recruiting
15 effective faculty and the achievement levels of
16 students in those schools;

17 “(B) the goals and objectives for the
18 project, including the number of adjunct teach-
19 ers the eligible entity intends to place in class-
20 rooms and the specific gains in academic
21 achievement intended to be achieved;

22 “(C) how the eligible entity will recruit ex-
23 perienced individuals and appropriate public
24 and private entities to participate in the pro-
25 gram;

1 “(D) the participating schools at which,
2 and the grade levels and subjects in which, the
3 eligible entity proposes to have the adjunct fac-
4 ulty teach;

5 “(E) how the eligible entity will use funds
6 received under this subpart, including how the
7 eligible entity will use funds to evaluate the suc-
8 cess of the program;

9 “(F) how the eligible entity will ensure
10 that low-income students, defined through their
11 eligibility for free and reduced-price lunches
12 under the Richard B. Russell National School
13 Lunch Act, in participating schools and local
14 educational agencies will, during the period of
15 the grant, receive instruction in the core aca-
16 demic subjects from a teacher with expertise in
17 the subject taught;

18 “(G) the eligible entity’s commitment,
19 after the project period ends, to continue to
20 hire and employ adjunct teachers, as needed, to
21 teach secondary school courses, particularly
22 mathematics, science, and critical foreign lan-
23 guages; and

24 “(H) how the eligible entity will overcome
25 legal, contractual, or administrative barriers to

1 the employment of adjunct faculty in each par-
2 ticipating State educational agency or local edu-
3 cational agency.

4 “(f) USES OF FUNDS.—Each eligible entity that re-
5 ceives a grant under this subpart shall use the grant funds
6 only to carry out 1 or more of the following:

7 “(1) To develop the capacity of the local edu-
8 cational agency or the State educational agency par-
9 ticipating in the eligible entity to identify, recruit,
10 and train qualified individuals outside of the elemen-
11 tary and secondary education system (including indi-
12 viduals in business and government, and individuals
13 who would participate through distance-learning ar-
14 rangements) to become adjunct teachers.

15 “(2) To provide financial incentives to adjunct
16 teachers.

17 “(3) To reimburse outside entities for the costs
18 associated with allowing an employee to serve as an
19 adjunct teacher, except that the costs shall not ex-
20 ceed the corresponding total costs of salary and ben-
21 efits for teachers with comparable experience or ex-
22 pertise in the local educational agency.

23 “(4) To collect and report such performance in-
24 formation as the Secretary may require, including

1 information needed for the national evaluation con-
2 ducted under subsection (h).

3 “(g) MATCHING REQUIREMENT.—Each eligible enti-
4 ty that receives a grant under this section shall match the
5 grant funds with non-Federal funds, in cash or in kind.

6 “(h) NATIONAL EVALUATION.—From the amount
7 made available for any fiscal year under subsection (k),
8 the Secretary shall reserve such sums as may be necessary
9 to conduct an independent evaluation, by grant or by con-
10 tract, of the adjunct teacher corps program carried out
11 under this subpart, which shall include an assessment of
12 the impact of the program on student academic achieve-
13 ment. The Secretary shall report the results of this evalua-
14 tion to the appropriate committees of Congress.

15 “(i) PROGRAM PERFORMANCE.—

16 “(1) FINAL REPORT.—Each eligible entity re-
17 ceiving a grant under this section shall prepare and
18 submit to the Secretary a final report on the results
19 of the grant that shall include—

20 “(A) information on the academic achieve-
21 ment of students receiving instruction from an
22 adjunct teacher; and

23 “(B) such other information as the Sec-
24 retary may require.

1 “(2) CONTENTS.—The information required for
2 the report under this subsection shall be—

3 “(A) reported in a manner that provides
4 for a comparison of student achievement data
5 prior to, during, and after implementation of
6 the adjunct teacher corps program under this
7 subpart; and

8 “(B) disaggregated by race, ethnicity, dis-
9 ability status, limited english proficient status,
10 and status as economically disadvantaged, ex-
11 cept that such disaggregation shall not be re-
12 quired in a case in which—

13 “(i) the number of students in a cat-
14 egory is insufficient to yield statistically re-
15 liable information; or

16 “(ii) the result would reveal personally
17 identifiable information about an individual
18 student.

19 “(j) DEFINITIONS.—In this subpart:

20 “(1) ADJUNCT TEACHER.—The term ‘adjunct
21 teacher’ means a teacher who—

22 “(A) possesses, at a minimum, a bacca-
23 laurate degree;

24 “(B) has demonstrated expertise in the
25 subject matter the teacher teaches;

1 “(C) during the first year assists the
2 teacher of record or shall receive other men-
3 toring services;

4 “(D) is subject to the same teacher effec-
5 tiveness provisions as other teachers; and

6 “(E) is not required to meet the other re-
7 quirements of section 9101(23).

8 “(2) CRITICAL FOREIGN LANGUAGE.—The term
9 ‘critical foreign language’ means a foreign language
10 considered most critical to ensure future United
11 States national security and economic prosperity, as
12 determined by the Secretary.

13 “(3) SECONDARY SCHOOL COURSE.—The term
14 ‘secondary school course’ means a course in 1 of the
15 core academic subjects (as that term is defined in
16 section 9101) provided to students in grades 6
17 through 12.

18 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to carry out this subpart
20 \$25,000,000 for fiscal year 2008 and such sums as may
21 be necessary for each of the 4 succeeding years.”.

22 **TITLE V—ENHANCEMENTS**

23 **SEC. 501. PURPOSES.**

24 The purposes of this title are to—

1 (1) permit low-income students in schools not
2 making adequate yearly progress with the option to
3 go to another public school outside of their own dis-
4 trict and have Federal funds follow the child;

5 (2) provide incentives for the equitable distribu-
6 tion of funds to public charter schools;

7 (3) improve programs for parental involvement;

8 (4) provide evidence-based intervention models
9 to improve access to early intervention, early identi-
10 fication, and improved academic outcomes for all
11 students;

12 (5) incorporate universal design for learning
13 properties to provide a research-based framework for
14 designing curricula including goals, teaching meth-
15 ods, instructional materials, and assessments, that
16 enables all individuals to gain knowledge, skills, and
17 enthusiasm for learning;

18 (6) double over 3 years the research and devel-
19 opment investment to develop innovative education
20 models and strengthen the scientifically based infor-
21 mation necessary under the Elementary and Sec-
22 ondary Education Act of 1965;

23 (7) expand access to supplemental educational
24 services;

1 (8) increase support for foster children and
2 youth;

3 (9) disaggregate graduation rates and hold
4 schools accountable for closing the achievement gap
5 in graduation rates; and

6 (10) develop high school improvement plans.

7 **SEC. 502. AUTHORIZATIONS.**

8 For the purpose of carrying out this title, in addition
9 to other amounts already authorized, there are to be ap-
10 propriated \$750,000,000 for fiscal year 2008 and such
11 sums as may be necessary for each of the 4 succeeding
12 fiscal years.

13 **SEC. 503. PUBLIC SCHOOL CHOICE.**

14 Section 1116 (20 U.S.C. 6316) is amended by adding
15 at the end the following:

16 “(i) OUT-OF-DISTRICT TRANSFER PROGRAM TO AN-
17 OTHER PUBLIC SCHOOL.—

18 “(1) PROGRAM AUTHORIZED.—From amounts
19 authorized under paragraph (5), the Secretary is au-
20 thorized to make payments to local education agen-
21 cies on behalf of eligible students attending schools
22 that are in need of comprehensive intervention, to
23 enable such students to transfer to elementary or
24 secondary schools served by other local educational
25 agencies.

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

2 “(A) ELIGIBLE STUDENT.—The term ‘eli-
3 gible student’ means an elementary or sec-
4 ondary school student who—

5 “(i) is from a low-income family as
6 determined by eligibility for free and re-
7 duced-price lunches under the Richard B.
8 Russell National School Lunch Act;

9 “(ii) at the time of application, is en-
10 rolled in a school that is in need of com-
11 prehensive intervention; and

12 “(iii) is unable to take advantage of
13 public school choice under subsection
14 (b)(1)(D) because—

15 “(I) all public schools in the local
16 educational agency for the student’s
17 grade are identified as in need of com-
18 prehensive intervention; or

19 “(II) all public schools that are
20 not so identified do not have avail-
21 ability to take additional students.

22 “(B) RECEIVING SCHOOL.—The term ‘re-
23 ceiving school’ means a public elementary or
24 secondary school that—

1 “(i) is served by a local educational
2 agency and is located nearby the student’s
3 home school;

4 “(ii) is not identified as being in need
5 of comprehensive intervention for the
6 school year preceding the year the student
7 participates in the program under this sub-
8 section; and

9 “(iii) agrees to accept students par-
10 ticipating in the program under this sub-
11 section.

12 “(3) AWARD BASIS.—If the amounts appro-
13 priated under paragraph (5) for a fiscal year are not
14 sufficient to award payments, the Secretary shall
15 give a priority to students in States or localities that
16 offer matching grants or cost sharing with the Fed-
17 eral funding.

18 “(4) PAYMENTS.—

19 “(A) IN GENERAL.—For each student that
20 participates in the program under this section,
21 the Secretary shall make a payment to the local
22 educational agency that serves the receiving
23 school that accepts such student, to be used to-
24 ward the costs of providing a quality public
25 education to the eligible students.

1 “(B) AMOUNT.—The amount of a payment
2 provided on behalf of a student under this sec-
3 tion shall be up to \$5,000 a year, of which—

4 “(i) not more than the average
5 amount of Federal funds per student from
6 title I and title V of the Elementary and
7 Secondary Education Act of 1965 in the
8 originating local educational agency shall
9 be transferred from the originating local
10 educational agency of the school in need of
11 comprehensive intervention to the receiving
12 local educational agency;

13 “(ii) not more than \$4,000 shall be
14 used by the receiving local educational
15 agency for tuition, fees, and transportation
16 related to providing public education to eli-
17 gible students; and

18 “(iii) not more than \$1,000 shall be
19 used to provide mentoring for eligible stu-
20 dents transferring to the new school and to
21 offer parental involvement programs for
22 the eligible student.

23 “(5) AUTHORIZATION OF APPROPRIATIONS.—

24 From the amounts authorized to be appropriated
25 under section 502 of the All Students Can Achieve

1 Act, there are authorized to be appropriated to carry
2 out this section \$50,000,000 for fiscal year 2008
3 and for the 4 succeeding fiscal years.”.

4 **SEC. 504. PUBLIC CHARTER SCHOOLS.**

5 (a) IDEA AND CHARTER SCHOOLS.—Section
6 5205(a) (20 U.S.C. 7221(d)) is amended by adding at the
7 end the following:

8 “(6) To provide technical assistance to public
9 charter schools on how to meet the requirements of
10 part B of the Individuals with Disabilities Education
11 Act (20 U.S.C. 1411 et seq.).”.

12 (b) CHARTER SCHOOL EQUITABLE FUNDING.—Sec-
13 tion 5202(e)(3) (20 U.S.C. 7221e(e)(3)) is amended by
14 adding at the end the following:

15 “(D) The State—

16 “(i) provides public charter schools
17 with funding commensurate with that pro-
18 vided to other public schools, including
19 provision for school facilities; and

20 “(ii) ensures that each local edu-
21 cational agency sends to the charter
22 schools the Federal, State and local dollars
23 to which the charter schools are entitled in
24 a timely manner.”.

1 (c) AUTHORIZATION OF APPROPRIATIONS FOR PUB-
2 LIC CHARTER SCHOOL PROGRAMS.—Section 5211 (20
3 U.S.C. 7221j) is amended to read as follows:

4 **“SEC. 5211. AUTHORIZATION OF APPROPRIATIONS.**

5 “There are authorized to be appropriated—

6 “(1) to carry out this subpart (except for sec-
7 tion 5205(b)), \$250,000,000 for fiscal year 2008
8 and each of the 4 succeeding fiscal years; and

9 “(2) to carry out section 5205(b), \$30,000,000
10 for fiscal year 2008 and each of the 4 succeeding fis-
11 cal years.”.

12 **SEC. 505. PARENTAL INVOLVEMENT.**

13 Section 1118 (20 U.S.C. 6318) is amended—

14 (1) in subsection (a)(2)—

15 (A) in subparagraph (E), by striking
16 “and” after the semicolon;

17 (B) in subparagraph (F), by striking the
18 period and inserting “; and”; and

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

20 “(G) in the case of a State where a paren-
21 tal information and resource center is estab-
22 lished, integrate the center in the policy and
23 utilize the center to—

24 “(i) disseminate information and ma-
25 terials to parents; and

1 “(ii) provide valuable assistance to
2 schools that have not achieved adequate
3 yearly progress.”; and

4 (2) by striking subsection (h) and inserting the
5 following:

6 “(h) STATE EDUCATIONAL AGENCY RESPONSIBIL-
7 ITIES.—

8 “(1) REVIEW.—Each State educational agency
9 receiving assistance under this part shall review the
10 local educational agency’s parental involvement poli-
11 cies and practices to determine if the policies and
12 practices meet the requirements of this section.

13 “(2) OVERSIGHT.—Each State educational
14 agency receiving assistance under this part shall des-
15 ignate an office or position within the State edu-
16 cational agency that shall—

17 “(A) oversee the proper implementation of
18 the requirements pertaining to parental involve-
19 ment of this part;

20 “(B) maintain records of all comments
21 made to or about any local educational agency
22 in the State with respect to the local edu-
23 cational agency’s development and implementa-
24 tion of the parental involvement policy under
25 subsection (a); and

1 “(C) in the case of a State that has a pa-
 2 rental information and resource center, annu-
 3 ally prepare and submit a report to the center
 4 that includes, for each local educational agency
 5 and public school in the State, that—

6 “(i) lists the scores for each local edu-
 7 cational agency and public school in the
 8 State on the State academic assessments
 9 for each group described in section
 10 1111(b)(2)(C)(v);

11 “(ii) lists each agency or school’s re-
 12 sult for each indicator of adequate yearly
 13 progress, as defined under section
 14 1111(b)(3)(C), for each such group; and

15 “(iii) provides information on each
 16 agency or school’s compliance with the re-
 17 quirements pertaining to parental involve-
 18 ment under this part.”.

19 **SEC. 506. RESPONSE TO INTERVENTION.**

20 (a) INCLUSION IN LOCAL EDUCATIONAL AGENCY
 21 PLANS UNDER SECTION 1112.—Subparagraph (C) of sec-
 22 tion 1112(b)(1) of the Elementary and Secondary Edu-
 23 cation Act of 1965 is amended by inserting before the
 24 semicolon “, such as through an evidence-based interven-
 25 tion model described in section 1114(b)(1)(B)(v)”.

1 (b) INCLUSION IN SCHOOLWIDE REFORM STRATE-
2 GIES OF SCHOOLS UNDER SECTION 1114.—Subpara-
3 graph (B) of section 1114(b)(1) of such Act is amended—

4 (1) by striking “and” at the end of clause (iii);

5 (2) by striking the period at the end of clause
6 (iv) and inserting a semicolon; and

7 (3) by adding at the end the following new
8 clauses:

9 “(iv) coordinate with early intervening
10 services under section 613(f) of the Indi-
11 viduals with Disabilities Education Act;
12 and

13 “(v) provide evidence-based interven-
14 tion models that include high-quality in-
15 struction, universal screening, progress
16 monitoring, research-based interventions
17 matched to student needs, and educational
18 decision-making using learning rate over
19 time and level of performance.”.

20 (c) INCLUSION IN READING FIRST STRATEGIES.—
21 Clause (ii) of section 1202(c)(7)(A) of such Act is amend-
22 ed—

23 (1) by striking “and” at the end of subclause
24 (I);

1 (2) by striking the period at the end of sub-
2 clause (II) and inserting “; and”; and

3 (3) by adding at the end the following new sub-
4 clause:

5 “(III) includes an evidence-based
6 intervention model described in sec-
7 tion 1114(b)(1)(B)(v) to support the
8 activities required or permitted under
9 this paragraph.”.

10 (d) INCLUSION IN PROFESSIONAL DEVELOPMENT
11 FUNDING.—

12 (1) SECTION 2113(c)(2).—Paragraph (2) of
13 section 2113(c) of such Act is amended—

14 (A) by striking “and” at the end of sub-
15 paragraph (A);

16 (B) by striking the period at the end of
17 subparagraph (B) and inserting “; and”; and

18 (C) by adding at the end the following new
19 subparagraph:

20 “(C) enable teachers to provide services
21 under an evidence-based intervention model de-
22 scribed in section 1114(b)(1)(B)(v).”.

23 (2) SECTION 2123(a)(3)(B).—Subparagraph
24 (B) of section 2123(a)(3) of such Act is amended—

1 (A) by redesignating clauses (iv) and (v) as
2 clauses (v) and (vi), respectively; and

3 (B) by inserting after clause (iii) the fol-
4 lowing new clause:

5 “(iv) provide training to enable teach-
6 ers to provide services under an evidence-
7 based intervention model described in sec-
8 tion 1114(b)(1)(B)(v).”.

9 **SEC. 507. UNIVERSAL DESIGN FOR LEARNING.**

10 (a) SECTION 1111(b)(1)(D)(i).—Section
11 1111(b)(1)(D)(i) of such Act is amended—

12 (1) by striking “and” at the end of subclause
13 (II); and

14 (2) by adding at the end the following new sub-
15 clause:

16 “(IV) may incorporate the prin-
17 cipals of universal design for learn-
18 ing;”.

19 (b) SECTION 1111(b)(3)(C).—Section 1111(b)(3)(C)
20 of such Act is amended—

21 (1) by striking “and” at the end of clause (xiv);

22 (2) by striking the period and adding “; and”
23 to the end of clause (xv); and

24 (3) by adding at the end a new clause:

1 “(xvi) to the extent feasible, be uni-
2 versally designed assessments that are de-
3 signed from the outset to enable all stu-
4 dents, including those with disabilities, to
5 demonstrate their knowledge, skills, and
6 abilities in accordance with intended learn-
7 ing standards and instructional goals.

8 Based on the principles of universal design
9 for learning, such assessments—

10 “(I) minimize the effect of con-
11 struct-irrelevant factors, such as phys-
12 ical, sensory, cultural, learning, or
13 cognitive disabilities, or language bar-
14 riers, that may interfere with the ac-
15 curacy of the assessment; and

16 “(II) provide appropriate sup-
17 ports for students to demonstrate the
18 knowledge, skills, and abilities accord-
19 ing to the intended learning stand-
20 ards.”.

21 (c) SECTION 1111(c).—Section 1111(c) of such Act
22 is amended—

23 (1) by striking “and” at the end of paragraph
24 (13);

1 (2) by striking the period and adding “; and”
2 at the end of paragraph (14); and

3 (3) by adding at the end a new paragraph:

4 “(15) the State educational agency, to the ex-
5 tent that it is involved in selecting and recom-
6 mending textbooks and other instructional materials,
7 will encourage the purchase of textbooks and mate-
8 rials that are consistent with the principles of uni-
9 versal design for learning.”.

10 (d) SECTION 1111(h)(5).—Section 1111(h)(5) of
11 such Act is amended by striking the period and inserting
12 the following: “a comprehensive plan developed in con-
13 sultation with the experts in the field and stakeholders to
14 address the implementation of universal design for learn-
15 ing. The plan must be sufficiently detailed to provide sub-
16 stantial guidance for activities that include research,
17 model demonstrations, technical assistance and dissemina-
18 tion, technology innovations, personnel preparation, staff
19 development and other means to develop and apply uni-
20 versal design for learning to standards, curriculum, teach-
21 ing methods, instructional materials and assessments. The
22 plan shall include proposed funding levels and timelines
23 for implementing the various research, development and
24 dissemination activities, and other components of the
25 plan.”.

1 (e) SECTION 1112(c)(1).—Section 1112(c)(1) of such
2 Act is amended—

3 (1) by striking “and” at the end of subclause
4 (N);

5 (2) by striking the period and adding “; and”
6 at the end of subclause (O); and

7 (3) by adding at the end the following:

8 “(P) Encourage the use of curriculum,
9 teaching methods, instructional materials and
10 assessments that are consistent with the prin-
11 ciples of universal design for learning.”.

12 (f) SECTION 2112(b).—Section 2112(b) of such Act
13 is amended by adding at the end the following:

14 “(12) A description of how the State edu-
15 cational agency will use funds under this part to
16 provide training in the use of teaching methods con-
17 sistent with the principles of universal design for
18 learning.”.

19 (g) SECTION 2112(c)(2).—Section 2112(c)(2) of such
20 Act is amended by inserting “general and special edu-
21 cation” after “involvement of”, and inserting “consistent
22 with the principals of universal learning” after “teaching
23 skills”.

24 (h) SECTION 2402(a).—Section 2402(a) of such Act
25 is amended by adding at the end the following:

1 “(9) To permit the purchase and implementa-
2 tion of universally designed technology, including
3 staff development and technical support; to ensure
4 that all students, including those with disabilities,
5 will have an opportunity to benefit from the integra-
6 tion of technology into the general education cur-
7 riculum; to provide frequent experiences in the use
8 of universally designed technologies that may be ap-
9 plied to large scale assessments; and to measure the
10 impact of universally designed technologies on the
11 learning and achievement of all learners.”.

12 (i) SECTION 6111(1).—Section 6111(1) of such Act
13 is amended by inserting “and universally designed assess-
14 ments under section 1111 (b)(3)(C)(xvi)” after “required
15 by section 1111(b)”.

16 (j) SECTION 9101.—Section 9101 of such Act is
17 amended by adding at the end the following:

18 “(44) UNIVERSAL DESIGN.—The term ‘uni-
19 versal design’, as defined in section 3 of the Assist-
20 ive Technology Act of 1998 (29 U.S.C. 3002),
21 means a concept or philosophy for designing and de-
22 livering products and services that are usable by
23 people with the widest range of possible functional
24 capabilities, which include products and services that
25 are directly usable (without requiring assistive tech-

1 nologies) and products and services that are made
2 usable with assistive technologies.

3 “(45) UNIVERSAL DESIGN FOR LEARNING.—

4 The term ‘universal design for learning’ extends the
5 concept of universal design to the field of education.
6 It is a research-based framework for designing cur-
7 rriculum, including goals, methods, materials, and as-
8 sessments, that enables all individuals to gain knowl-
9 edge, skills, and enthusiasm for learning. Universal
10 design for learning provides curricular flexibility (in
11 activities, in the ways information is presented, in
12 the ways students respond or demonstrate knowl-
13 edge, and in the ways students are engaged) to re-
14 duce barriers, provide appropriate supports and
15 challenges, and maintain high achievement stand-
16 ards for all students, including students with disabil-
17 ities.

18 “(46) UNIVERSALLY DESIGNED TECH-
19 NOLOGY.—The term ‘universally designed tech-
20 nology’ means hardware and software that—

21 “(A) include the features necessary for use
22 by all learners or supports integration with the
23 necessary assistive hardware and software tech-
24 nologies to ensure that the hardware and soft-

1 ware are accessible and optimized for all learn-
2 ers; and

3 “(B) provide flexibility in the ways that in-
4 formation is presented, in the ways that stu-
5 dents respond or demonstrate knowledge, and
6 in the ways in which students are engaged in
7 order to provide appropriate support and chal-
8 lenge and enhance the performance for a typi-
9 cally diverse spectrum of learners.”.

10 **SEC. 508. DOUBLING SCIENTIFIC-BASED EDUCATION RE-**
11 **SEARCH AT DEPARTMENT OF EDUCATION.**

12 There are authorized to be appropriated for research,
13 development, and dissemination activities for the Institute
14 of Education Sciences of the Department of Education—

15 (1) \$163,000,000 for fiscal year 2008;

16 (2) \$218,000,000 for fiscal year 2009;

17 (3) \$272,000,000 for fiscal year 2010;

18 (4) \$326,000,000 for fiscal year 2011; and

19 (5) \$380,000,000 for fiscal year 2012;

20 To enhance research and development on primary and sec-
21 ondary education reform through scientifically based re-
22 search and innovative models for education and learning.

1 **SEC. 509. SUPPLEMENTAL EDUCATIONAL SERVICES.**

2 (a) USE OF SCHOOL FACILITIES IN PROVIDING SUP-
 3 PLEMENTAL EDUCATIONAL SERVICES.—Paragraph (2) of
 4 section 1116(e) of such Act is amended—

5 (1) by striking “and” at the end of subpara-
 6 graph (C);

7 (2) by striking the period at the end of sub-
 8 paragraph (D) and inserting “; and”; and

9 (3) by inserting after subparagraph (D) the fol-
 10 lowing new subparagraph:

11 “(E) establish a process (which may in-
 12 clude, after consultation with parents receiving
 13 such services, reasonable limits) for approved
 14 providers to provide such services at schools
 15 which otherwise permit nonschool-affiliated
 16 groups to use school facilities.”.

17 (b) USE OF MULTI-DISTRICT CONSORTIUMS TO SAT-
 18 ISFY SES REQUIREMENTS.—Subsection (e) of section
 19 1116 of such Act is amended—

20 (1) by redesignating paragraph (12) as para-
 21 graph (13); and

22 (2) by inserting after paragraph (11) the fol-
 23 lowing new paragraph:

24 “(12) CONSORTIUMS.—

25 “(A) USE OF MULTI-DISTRICT CONSOR-
 26 TIUMS TO SATISFY SES REQUIREMENTS.—Local

1 educational agencies may form consortiums to
 2 carry out the functions of such agencies under
 3 this subsection.

4 “(B) POOLING OF ELIGIBLE STUDENTS.—
 5 Nothing in this section shall be construed to
 6 prohibit students eligible for supplemental edu-
 7 cational services from pooling together to at-
 8 tract additional provider options.”.

9 **SEC. 510. INCREASING SUPPORT FOR FOSTER CHILDREN**
 10 **AND YOUTH.**

11 (a) ELEMENTARY AND SECONDARY EDUCATION ACT
 12 OF 1965.—

13 (1) SECTION 1112(b)(1)(E)(ii).—Section
 14 1112(b)(1)(E)(ii) of the Elementary and Secondary
 15 Education Act of 1965 is amended by inserting “fos-
 16 ter children and youth,” after “homeless children,”.

17 (2) SECTION 1112(b)(1)(O).—Section
 18 1112(b)(1)(O) of the Elementary and Secondary
 19 Education Act of 1965 is amended by inserting “and
 20 foster children and youth” after “homeless chil-
 21 dren,”.

22 (3) SECTION 1113(b)(3)(A).—Section
 23 1113(b)(3)(A) of the Elementary and Secondary
 24 Education Act of 1965 is amended by inserting “and

1 foster children and youth” after “homeless chil-
2 dren”.

3 (4) SECTION 1115(b)(2).—Section 1115(b)(2)
4 of the Elementary and Secondary Education Act is
5 amended by inserting at the end the following:

6 “(F) FOSTER CHILDREN AND YOUTH.—A
7 child or youth who is in the foster care system
8 and attending any school served by the local
9 educational agency is eligible for services under
10 this part.

11 **“Subtitle B—Education for Eligible**
12 **Children and Youths**

13 **“SEC. 721. STATEMENT OF POLICY.**

14 “The following is the policy of the Congress:

15 “(1) Each State educational agency shall en-
16 sure that each child of a homeless individual and
17 each eligible child or youth has equal access to the
18 same free, appropriate public education, including a
19 public preschool education, as provided to other chil-
20 dren and youths.

21 “(2) In any State that has a compulsory resi-
22 dency requirement as a component of the State’s
23 compulsory school attendance laws or other laws,
24 regulations, practices, or policies that may act as a
25 barrier to the enrollment, attendance, or success in

1 school of eligible children and youths, the State will
2 review and undertake steps to revise such laws, reg-
3 ulations, practices, or policies to ensure that eligible
4 children and youths are afforded the same free, ap-
5 propriate public education as provided to other chil-
6 dren and youths.

7 “(3) Homelessness alone is not sufficient reason
8 to separate students from the mainstream school en-
9 vironment.

10 “(4) Eligible children and youths should have
11 access to the education and other services that such
12 children and youths need to ensure that such chil-
13 dren and youths have an opportunity to meet the
14 same challenging State student academic achieve-
15 ment standards to which all students are held.

16 **“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
17 **THE EDUCATION OF ELIGIBLE CHILDREN**
18 **AND YOUTHS.**

19 “(a) GENERAL AUTHORITY.—The Secretary is au-
20 thorized to make grants to States in accordance with the
21 provisions of this section to enable such States to carry
22 out the activities described in subsections (d) through (g).

23 “(b) APPLICATION.—No State may receive a grant
24 under this section unless the State educational agency
25 submits an application to the Secretary at such time, in

1 such manner, and containing or accompanied by such in-
2 formation as the Secretary may reasonably require.

3 “(c) ALLOCATION AND RESERVATIONS.—

4 “(1) ALLOCATION.—(A) Subject to subpara-
5 graph (B), the Secretary is authorized to allot to
6 each State an amount that bears the same ratio to
7 the amount appropriated for such year under section
8 726 that remains after the Secretary reserves funds
9 under paragraph (2) and uses funds to carry out
10 section 724(d) and (h), as the amount allocated
11 under section 1122 of the Elementary and Sec-
12 ondary Education Act of 1965 to the State for that
13 year bears to the total amount allocated under sec-
14 tion 1122 of such Act to all States for that year, ex-
15 cept that no State shall receive less than the greater
16 of—

17 “(i) \$150,000;

18 “(ii) one-fourth of 1 percent of the amount
19 appropriated under section 726 for that year;
20 or

21 “(iii) the amount such State received
22 under this section for fiscal year 2001.

23 “(B) If there are insufficient funds in a fiscal
24 year to allot to each State the minimum amount
25 under subparagraph (A), the Secretary shall ratably

1 reduce the allotments to all States based on the pro-
2 portionate share that each State received under this
3 subsection for the preceding fiscal year.

4 “(2) RESERVATIONS.—(A) The Secretary is au-
5 thorized to reserve 0.1 percent of the amount appro-
6 priated for each fiscal year under section 726 to be
7 allocated by the Secretary among the United States
8 Virgin Islands, Guam, American Samoa, and the
9 Commonwealth of the Northern Mariana Islands, ac-
10 cording to their respective need for assistance under
11 this subtitle, as determined by the Secretary.

12 “(B)(i) The Secretary shall transfer 1 percent
13 of the amount appropriated for each fiscal year
14 under section 726 to the Department of the Interior
15 for programs for Indian students served by schools
16 funded by the Secretary of the Interior, as deter-
17 mined under the Indian Self-Determination and
18 Education Assistance Act (25 U.S.C. 450 et seq.),
19 that are consistent with the purposes of the pro-
20 grams described in this subtitle.

21 “(ii) The Secretary and the Secretary of the In-
22 terior shall enter into an agreement, consistent with
23 the requirements of this subtitle, for the distribution
24 and use of the funds described in clause (i) under
25 terms that the Secretary determines best meet the

1 purposes of the programs described in this subtitle.
2 Such agreement shall set forth the plans of the Sec-
3 retary of the Interior for the use of the amounts
4 transferred, including appropriate goals, objectives,
5 and milestones.

6 “(3) STATE DEFINED.—For purposes of this
7 subsection, the term ‘State’ does not include the
8 United States Virgin Islands, Guam, American
9 Samoa, or the Commonwealth of the Northern Mar-
10 iana Islands.

11 “(d) ACTIVITIES.—Grants under this section shall be
12 used for the following:

13 “(1) To carry out the policies set forth in sec-
14 tion 721 in the State.

15 “(2) To provide activities for, and services to,
16 eligible children and youths (including eligible chil-
17 dren and youths of preschool age) that enable chil-
18 dren and youths described in this paragraph to en-
19 roll in, attend, and succeed in school, or, if appro-
20 priate, in preschool programs.

21 “(3) To establish or designate an Office of Co-
22 ordinator for Education of Homeless Children and
23 Youths in the State educational agency in accord-
24 ance with subsection (f).

1 “(4) To prepare and carry out the State plan
2 described in subsection (g).

3 “(5) To develop and implement professional de-
4 velopment programs for school personnel to heighten
5 their awareness of, and capacity to respond to, spe-
6 cific problems in the education of eligible children
7 and youths.

8 “(e) STATE AND LOCAL SUBGRANTS.—

9 “(1) MINIMUM DISBURSEMENTS BY STATES.—

10 From the sums made available each year to carry
11 out this subtitle, the State educational agency shall
12 distribute not less than 75 percent in subgrants to
13 local educational agencies for the purposes of car-
14 rying out section 723, except that States funded at
15 the minimum level set forth in subsection (c)(1)
16 shall distribute not less than 50 percent in sub-
17 grants to local educational agencies for the purposes
18 of carrying out section 723.

19 “(2) USE BY STATE EDUCATIONAL AGENCY.—

20 A State educational agency may use funds made
21 available for State use under this subtitle to conduct
22 activities under subsection (f) directly or through
23 grants or contracts.

24 “(3) PROHIBITION ON SEGREGATING ELIGIBLE
25 CHILDREN AND YOUTHS.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B) and section 723(a)(2)(B)(ii),
3 in providing a free public education to an eligi-
4 ble child or youth, no State receiving funds
5 under this subtitle shall segregate such child or
6 youth in a separate school, or in a separate pro-
7 gram within a school, based on such child’s or
8 youth’s status as an eligible child or youth.

9 “(B) EXCEPTION.—Notwithstanding sub-
10 paragraph (A), paragraphs (1)(J)(i) and (3) of
11 subsection (g), section 723(a)(2), and any other
12 provision of this subtitle relating to the place-
13 ment of eligible children or youths in schools, a
14 State that has a separate school for eligible
15 children or youths that was operated in fiscal
16 year 2000 in a covered county shall be eligible
17 to receive funds under this subtitle for pro-
18 grams carried out in such school if—

19 “(i) the school meets the requirements
20 of subparagraph (C);

21 “(ii) any local educational agency
22 serving a school that the eligible children
23 and youths enrolled in the separate school
24 are eligible to attend meets the require-
25 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 eligible children and youths are
22 eligible to attend, as provided in
23 subsection (g)(3)(A);

24 “(bb) that no eligible child
25 or youth is required to attend a

1 separate school for eligible chil-
2 dren or youths;

3 “(cc) that eligible children
4 and youths shall be provided
5 comparable services described in
6 subsection (g)(4), including
7 transportation services, edu-
8 cational services, and meals
9 through school meals programs;
10 and

11 “(dd) that eligible 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 eligible
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 eligible 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)(3)(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 eligible children and
21 youths—

22 “(I) are advised of the choice of
23 schools provided in subsection
24 (g)(3)(A);

1 “(II) are immediately enrolled, in
2 accordance with subsection (g)(3)(C),
3 in the school selected under subsection
4 (g)(3)(A); and

5 “(III) are promptly provided nec-
6 essary services described in subsection
7 (g)(4), including transportation, to
8 allow eligible children and youths to
9 exercise their choices of schools under
10 subsection (g)(3)(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)(6)(A)(v);

19 “(iii) prohibit schools within the agen-
20 cy’s jurisdiction from referring eligible chil-
21 dren or youths to, or requiring eligible chil-
22 dren and youths to enroll in or attend, a
23 separate school described in subparagraph
24 (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 eligible children or youths;
10 or

11 “(II) new or additional sites for
12 separate schools for eligible 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 eli-
6 gible 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)(3),
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.—Not later than 2
22 years after the date of enactment of the
23 McKinney-Vento Homeless Education As-
24 sistance Improvements Act of 2001, the

1 Secretary shall submit the report described
2 in clause (i) to—

3 “(I) the President;

4 “(II) the Committee on Edu-
5 cation and the Workforce of the
6 House of Representatives; and

7 “(III) the Committee on Health,
8 Education, Labor, and Pensions of
9 the Senate.

10 “(G) DEFINITION.—For purposes of this
11 paragraph, the term ‘covered county’ means—

12 “(i) San Joaquin County, California;

13 “(ii) Orange County, California;

14 “(iii) San Diego County, California;

15 and

16 “(iv) Maricopa County, Arizona.

17 “(f) FUNCTIONS OF THE OFFICE OF COORDI-
18 NATOR.—The Coordinator for Education of Homeless
19 Children and Youths established in each State shall—

20 “(1) gather reliable, valid, and comprehensive
21 information on the nature and extent of the prob-
22 lems eligible children and youths have in gaining ac-
23 cess to public preschool programs and to public ele-
24 mentary schools and secondary schools, the difficul-
25 ties in identifying the special needs of such children

1 and youths, any progress made by the State edu-
2 cational agency and local educational agencies in the
3 State in addressing such problems and difficulties,
4 and the success of the programs under this subtitle
5 in allowing eligible children and youths to enroll in,
6 attend, and succeed in, school;

7 “(2) develop and carry out the State plan de-
8 scribed in subsection (g);

9 “(3) collect and transmit to the Secretary, at
10 such time and in such manner as the Secretary may
11 require, a report containing such information as the
12 Secretary determines is necessary to assess the edu-
13 cational needs of eligible children and youths within
14 the State;

15 “(4) facilitate coordination between the State
16 educational agency, the State social services agency,
17 and other agencies (including agencies providing
18 mental health services) to provide services to eligible
19 children and youths (including eligible children and
20 youths of preschool age), and to families of children
21 and youths described in this paragraph;

22 “(5) in order to improve the provision of com-
23 prehensive education and related services to eligible
24 children and youths and their families, coordinate
25 and collaborate with—

1 “(A) educators, including child develop-
2 ment and preschool program personnel;

3 “(B) providers of services to foster, run-
4 away, and eligible children and youths, and
5 homeless families (including domestic violence
6 agencies, shelter operators, transitional housing
7 facilities, runaway and homeless youth centers,
8 and transitional living programs for eligible
9 children and youth);

10 “(C) local educational agency liaisons des-
11 ignated under subsection (g)(1)(J)(ii) for eligi-
12 ble children and youths; and

13 “(D) community organizations and groups
14 representing eligible children and youths and
15 their families; and

16 “(6) provide technical assistance to local edu-
17 cational agencies in coordination with local edu-
18 cational agency liaisons designated under subsection
19 (g)(1)(J)(ii), to ensure that local educational agen-
20 cies comply with the requirements of section
21 722(e)(3) and paragraphs (3) through (7) of sub-
22 section (g).

23 “(g) STATE PLAN.—

24 “(1) IN GENERAL.—Each State shall submit to
25 the Secretary a plan to provide for the education of

1 eligible children and youths within the State. Such
2 plan shall include the following:

3 “(A) A description of how such children
4 and youths are (or will be) given the oppor-
5 tunity to meet the same challenging State aca-
6 demic achievement standards all students are
7 expected to meet.

8 “(B) A description of the procedures the
9 State educational agency will use to identify
10 such children and youths in the State and to
11 assess their special needs.

12 “(C) A description of procedures for the
13 prompt resolution of disputes regarding the
14 educational placement of eligible children and
15 youths.

16 “(D) A description of programs for school
17 personnel (including principals, attendance offi-
18 cers, teachers, enrollment personnel, and pupil
19 services personnel) to heighten the awareness of
20 such personnel of the specific needs of foster,
21 runaway, and eligible children and youths.

22 “(E) A description of procedures that en-
23 sure that eligible children and youths who meet
24 the relevant eligibility criteria are able to par-

1 participate in Federal, State, or local food pro-
2 grams.

3 “(F) A description of procedures that en-
4 sure that—

5 “(i) eligible children and youths of
6 preschool age have equal access to the
7 same public preschool programs, adminis-
8 tered by the State agency, as provided to
9 other children in the State;

10 “(ii) eligible children and youths of
11 secondary school age and youths separated
12 from the public schools are identified and
13 accorded equal access to appropriate sec-
14 ondary education and support services; and

15 “(iii) eligible children and youths who
16 meet the relevant eligibility criteria are
17 able to participate in Federal, State, or
18 local before- and after-school care pro-
19 grams.

20 “(G) Strategies to address problems identi-
21 fied in the report provided to the Secretary
22 under subsection (f)(3).

23 “(H) Strategies to address other problems
24 with respect to the education of eligible children

1 and youths, including problems resulting from
2 enrollment delays that are caused by—

3 “(i) immunization and medical records
4 requirements;

5 “(ii) residency requirements;

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

8 “(iv) guardianship issues; or

9 “(v) uniform or dress code require-
10 ments.

11 “(I) A demonstration that the State edu-
12 cational agency and local educational agencies
13 in the State have developed, and shall review
14 and revise, policies to remove barriers to the en-
15 rollment and retention of eligible children and
16 youths in schools in the State.

17 “(J) Assurances that—

18 “(i) the State educational agency and
19 local educational agencies in the State will
20 adopt policies and practices to ensure that
21 eligible children and youths are not stig-
22 matized or segregated on the basis of their
23 status as eligible children and youths;

24 “(ii) local educational agencies will
25 designate an appropriate staff person, who

1 may also be a coordinator for other Fed-
2 eral programs, as a local educational agen-
3 cy liaison for eligible children and youths,
4 to carry out the duties described in para-
5 graph (6)(A); and

6 “(iii) the State and its local edu-
7 cational agencies will adopt policies and
8 practices to ensure that transportation is
9 provided, at the request of the parent or
10 guardian (or in the case of an unaccom-
11 panied youth, the liaison), to and from the
12 school of origin, as determined in para-
13 graph (3)(A), in accordance with the fol-
14 lowing, as applicable:

15 “(I) If the eligible child or youth
16 continues to live in the area served by
17 the local educational agency in which
18 the school of origin is located, the
19 child’s or youth’s transportation to
20 and from the school of origin shall be
21 provided or arranged by the local edu-
22 cational agency in which the school of
23 origin is located.

24 “(II) If the eligible child’s or
25 youth’s living arrangements in the

1 area served by the local educational
2 agency of origin terminate and the
3 child or youth, though continuing his
4 or her education in the school of ori-
5 gin, begins living in an area served by
6 another local educational agency, the
7 local educational agency of origin and
8 the local educational agency in which
9 the eligible child or youth is living
10 shall agree upon a method to appor-
11 tion the responsibility and costs for
12 providing the child with transpor-
13 tation to and from the school of ori-
14 gin. If the local educational agencies
15 are unable to agree upon such meth-
16 od, the responsibility and costs for
17 transportation shall be shared equally.

18 “(2) COMPLIANCE.—

19 “(A) IN GENERAL.—Each plan adopted
20 under this subsection shall also describe how
21 the State will ensure that local educational
22 agencies in the State will comply with the re-
23 quirements of paragraphs (3) through (7).

24 “(B) COORDINATION.—Such plan shall in-
25 dicate what technical assistance the State will

1 furnish to local educational agencies and how
2 compliance efforts will be coordinated with the
3 local educational agency liaisons designated
4 under paragraph (1)(J)(ii).

5 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-
6 MENTS.—

7 “(A) IN GENERAL.—The local educational
8 agency serving each child or youth to be as-
9 sisted under this subtitle shall, according to the
10 child’s or youth’s best interest—

11 “(i) continue the child’s or youth’s
12 education in the school of origin for the
13 duration of homelessness, or jurisdiction of
14 the public child welfare agency, as the case
15 may be—

16 “(I) in any case in which a fam-
17 ily becomes homeless between aca-
18 demic years or during an academic
19 year; or

20 “(II) in any case in which a child
21 or youth is placed in the jurisdiction
22 of the public child welfare agency be-
23 tween academic years or during an
24 academic year; or

1 “(III) for the remainder of the
2 academic year, if the child or youth
3 becomes permanently housed during
4 an academic year; or

5 “(ii) enroll the child or youth in any
6 public school that students who are not eli-
7 gible children and youths and who live in
8 the attendance area in which the child or
9 youth is actually living are eligible to at-
10 tend.

11 “(B) BEST INTEREST.—In determining the
12 best interest of the child or youth under sub-
13 paragraph (A), the local educational agency
14 shall—

15 “(i) to the extent feasible, keep an eli-
16 gible child or youth in the school of origin,
17 except when doing so is contrary to the
18 wishes of the child’s or youth’s parent or
19 guardian;

20 “(ii) provide a written explanation, in-
21 cluding a statement regarding the right to
22 appeal under subparagraph (E), to the eli-
23 gible child’s or youth’s parent or guardian,
24 if the local educational agency sends such
25 child or youth to a school other than the

1 school of origin or a school requested by
2 the parent or guardian; and

3 “(iii) in the case of an unaccompanied
4 youth, ensure that the liaison designated
5 under paragraph (1)(J)(ii) assists in place-
6 ment or enrollment decisions under this
7 subparagraph, considers the views of such
8 unaccompanied youth, and provides notice
9 to such youth of the right to appeal under
10 subparagraph (E).

11 “(C) ENROLLMENT.—(i) The school se-
12 lected in accordance with this paragraph shall
13 immediately enroll the eligible child or youth,
14 even if the child or youth is unable to produce
15 records normally required for enrollment, such
16 as previous academic records, medical records,
17 proof of residency, or other documentation.

18 “(ii) The enrolling school shall immediately
19 contact the school last attended by the child or
20 youth to obtain relevant academic and other
21 records.

22 “(iii) If the child or youth needs to obtain
23 immunizations, or immunization or medical
24 records, the enrolling school shall immediately
25 refer the parent or guardian of the child or

1 youth to the local educational agency liaison
2 designated under paragraph (1)(J)(ii), who
3 shall assist in obtaining necessary immuniza-
4 tions, or immunization or medical records, in
5 accordance with subparagraph (D).

6 “(D) RECORDS.—Any record ordinarily
7 kept by the school, including immunization or
8 medical records, academic records, birth certifi-
9 cates, guardianship records, and evaluations for
10 special services or programs, regarding each eli-
11 gible child or youth shall be maintained—

12 “(i) so that the records are available,
13 in a timely fashion, when a child or youth
14 enters a new school or school district; and

15 “(ii) in a manner consistent with sec-
16 tion 444 of the General Education Provi-
17 sions Act (20 U.S.C. 1232g).

18 “(E) ENROLLMENT DISPUTES.—If a dis-
19 pute arises over eligibility for school services,
20 school selection, enrollment in a school, or any
21 other issue under this subtitle—

22 “(i) the child or youth shall be imme-
23 diately enrolled in the school in which en-
24 rollment is sought, pending final resolution

1 of the dispute, including all available ap-
2 peals;

3 “(ii)(I) the unaccompanied youth or
4 the parent or guardian of the child or
5 youth shall be provided with written expla-
6 nations of any related decisions made by
7 the school, the local educational agency, or
8 the State educational agency, which shall
9 include information about the right to ap-
10 peal the decisions; and

11 “(II) if the child or youth is in out-
12 of-home care, the responsible local child
13 welfare agency and the court involved shall
14 also be provided with such written expla-
15 nation and shall, in turn, provide such
16 written explanations to individuals involved
17 in the child’s or youth’s care, as appro-
18 priate;

19 “(iii) the child, youth, parent, or
20 guardian shall be referred to the local edu-
21 cational agency liaison designated under
22 paragraph (1)(J)(ii), who shall carry out
23 the dispute resolution process as described
24 in paragraph (1)(C) as expeditiously as

1 possible after receiving notice of the dis-
2 pute; and

3 “(iv) in the case of an unaccompanied
4 youth, the liaison shall ensure that the
5 youth is immediately enrolled in school
6 pending resolution of the dispute, including
7 all available appeals.

8 “(F) PLACEMENT CHOICE.—The choice re-
9 garding placement shall be made regardless of
10 whether the child or youth lives with the home-
11 less parents or has been temporarily placed
12 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 an eligible child to submit contact information.

22 “(4) COMPARABLE SERVICES.—Each eligible
23 child or youth to be assisted under this subtitle shall
24 be provided services comparable to services offered

1 to other students in the school selected under para-
2 graph (3), including the following:

3 “(A) Transportation services.

4 “(B) Educational services for which the
5 child or youth meets the eligibility criteria, such
6 as services provided under title I of the Elemen-
7 tary and Secondary Education Act of 1965 or
8 similar State or local programs, educational
9 programs for children with disabilities, and edu-
10 cational programs for students with limited
11 English proficiency.

12 “(C) Programs in vocational and technical
13 education.

14 “(D) Programs for gifted and talented stu-
15 dents.

16 “(E) School nutrition programs.

17 “(5) COORDINATION.—

18 “(A) IN GENERAL.—Each local educational
19 agency serving eligible children and youths that
20 receives assistance under this subtitle shall co-
21 ordinate—

22 “(i) the provision of services under
23 this subtitle with local social services agen-
24 cies and other agencies or programs pro-
25 viding services to eligible children and

1 youths and their families, including serv-
2 ices and programs funded under the Run-
3 away and Homeless Youth Act (42 U.S.C.
4 5701 et seq.); and

5 “(ii) with other local educational
6 agencies on interdistrict issues, such as
7 transportation or transfer of school
8 records.

9 “(B) HOUSING ASSISTANCE.—If applica-
10 ble, each State educational agency and local
11 educational agency that receives assistance
12 under this subtitle shall coordinate with State
13 and local housing agencies responsible for devel-
14 oping the comprehensive housing affordability
15 strategy described in section 105 of the Cran-
16 ston-Gonzalez National Affordable Housing Act
17 (42 U.S.C. 12705) to minimize educational dis-
18 ruption for children and youths who become
19 homeless.

20 “(C) COORDINATION PURPOSE.—The co-
21 ordination required under subparagraphs (A)
22 and (B) shall be designed to—

23 “(i) ensure that eligible children and
24 youths have access and reasonable prox-

1 imity to available education and related
2 support services; and

3 “(ii) raise the awareness of school
4 personnel and service providers of the ef-
5 fects of short-term stays in a shelter and
6 other challenges associated with homeless-
7 ness and being in the foster care system.

8 “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

9 “(A) DUTIES.—Each local educational
10 agency liaison for eligible children and youths,
11 designated under paragraph (1)(J)(ii), shall en-
12 sure that—

13 “(i) eligible children and youths are
14 identified by school personnel and through
15 coordination activities with other entities
16 and agencies;

17 “(ii) eligible children and youths en-
18 roll in, and have a full and equal oppor-
19 tunity to succeed in, schools of that local
20 educational agency;

21 “(iii) eligible children and youths and
22 homeless families receive educational serv-
23 ices for which such children and youths
24 and families are eligible, including Head
25 Start and Even Start programs and pre-

1 school programs administered by the local
2 educational agency, and referrals to health
3 care services, dental services, mental health
4 services, and other appropriate services;

5 “(iv) the parents or guardians of eligi-
6 ble children and youths are informed of the
7 educational and related opportunities avail-
8 able to their children and are provided
9 with meaningful opportunities to partici-
10 pate in the education of their children;

11 “(v) public notice of the educational
12 rights of eligible children and youths is dis-
13 seminated where such children and youths
14 receive services under this Act, such as
15 schools, family shelters, and soup kitchens;

16 “(vi) enrollment disputes are mediated
17 in accordance with paragraph (3)(E); and

18 “(vii) the parent or guardian of an eli-
19 gible child or youth, and any unaccom-
20 panied youth, is fully informed of all trans-
21 portation services, including transportation
22 to the school of origin, as described in
23 paragraph (1)(J)(iii), and is assisted in ac-
24 cessing transportation to the school that is
25 selected under paragraph (3)(A).

1 “(B) NOTICE.—State coordinators estab-
2 lished under subsection (d)(3) and local edu-
3 cational agencies shall inform school personnel,
4 service providers, and advocates working with
5 homeless families of the duties of the local edu-
6 cational agency liaisons.

7 “(C) LOCAL AND STATE COORDINATION.—
8 Local educational agency liaisons for eligible
9 children and youths shall, as a part of their du-
10 ties, coordinate and collaborate with State coor-
11 dinators and community and school personnel
12 responsible for the provision of education and
13 related services to eligible children and youths.

14 “(7) REVIEW AND REVISIONS.—

15 “(A) IN GENERAL.—Each State edu-
16 cational agency and local educational agency
17 that receives assistance under this subtitle shall
18 review and revise any policies that may act as
19 barriers to the enrollment of eligible children
20 and youths in schools that are selected under
21 paragraph (3).

22 “(B) CONSIDERATION.—In reviewing and
23 revising such policies, consideration shall be
24 given to issues concerning transportation, im-
25 munization, residency, birth certificates, school

1 records and other documentation, and guard-
 2 ianship.

3 “(C) SPECIAL ATTENTION.—Special atten-
 4 tion shall be given to ensuring the enrollment
 5 and attendance of eligible children and youths
 6 who are not currently attending school.

7 **“SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**
 8 **THE EDUCATION OF ELIGIBLE CHILDREN**
 9 **AND YOUTHS.**

10 “(a) GENERAL AUTHORITY.—

11 “(1) IN GENERAL.—The State educational
 12 agency shall, in accordance with section 722(e), and
 13 from amounts made available to such agency under
 14 section 726, make subgrants to local educational
 15 agencies for the purpose of facilitating the enroll-
 16 ment, attendance, and success in school of eligible
 17 children and youths.

18 “(2) SERVICES.—

19 “(A) IN GENERAL.—Services under para-
 20 graph (1)—

21 “(i) may be provided through pro-
 22 grams on school grounds or at other facili-
 23 ties;

24 “(ii) shall, to the maximum extent
 25 practicable, be provided through existing

1 programs and mechanisms that integrate
2 eligible children and youths with non-
3 eligible children and youths; and

4 “(iii) shall be designed to expand or
5 improve services provided as part of a
6 school’s regular academic program, but not
7 to replace such services provided under
8 such program.

9 “(B) SERVICES ON SCHOOL GROUNDS.—If
10 services under paragraph (1) are provided on
11 school grounds, schools—

12 “(i) may use funds under this subtitle
13 to provide the same services to other chil-
14 dren and youths who are determined by
15 the local educational agency to be at risk
16 of failing in, or dropping out of, school,
17 subject to the requirements of clause (ii);
18 and

19 “(ii) except as otherwise provided in
20 section 722(e)(3)(b), shall not provide
21 services in settings within a school that
22 segregate eligible children and youths from
23 other children and youths, except as nec-
24 essary for short periods of time—

1 “(I) for health and safety emer-
2 gencies; or

3 “(II) to provide temporary, spe-
4 cial, and supplementary services to
5 meet the unique needs of eligible chil-
6 dren and youths.

7 “(3) REQUIREMENT.—Services provided under
8 this section shall not replace the regular academic
9 program and shall be designed to expand upon or
10 improve services provided as part of the school’s reg-
11 ular academic program.

12 “(b) APPLICATION.—A local educational agency that
13 desires to receive a subgrant under this section shall sub-
14 mit an application to the State educational agency at such
15 time, in such manner, and containing or accompanied by
16 such information as the State educational agency may rea-
17 sonably require. Such application shall include the fol-
18 lowing:

19 “(1) An assessment of the educational and re-
20 lated needs of eligible children and youths in the
21 area served by such agency (which may be under-
22 taken as part of needs assessments for other dis-
23 advantaged groups).

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

4 “(3) An assurance that the local educational
5 agency’s combined fiscal effort per student, or the
6 aggregate expenditures of that agency and the State
7 with respect to the provision of free public education
8 by such agency for the fiscal year preceding the fis-
9 cal year for which the determination is made, was
10 not less than 90 percent of such combined fiscal ef-
11 fort or aggregate expenditures for the second fiscal
12 year preceding the fiscal year for which the deter-
13 mination is made.

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

17 “(5) A description of policies and procedures,
18 consistent with section 722(e)(3), that the agency
19 will implement to ensure that activities carried out
20 by the agency will not isolate or stigmatize eligible
21 children and youths.

22 “(c) AWARDS.—

23 “(1) IN GENERAL.—The State educational
24 agency shall, in accordance with the requirements of
25 this subtitle and from amounts made available to it

1 under section 726, make competitive subgrants to
2 local educational agencies that submit applications
3 under subsection (b). Such subgrants shall be
4 awarded on the basis of the need of such agencies
5 for assistance under this subtitle and the quality of
6 the applications submitted.

7 “(2) NEED.—In determining need under para-
8 graph (1), the State educational agency may con-
9 sider the number of eligible children and youths en-
10 rolled in preschool, elementary, and secondary
11 schools within the area served by the local edu-
12 cational agency, and shall consider the needs of such
13 children and youths and the ability of the local edu-
14 cational agency to meet such needs. The State edu-
15 cational agency may also consider the following:

16 “(A) The extent to which the proposed use
17 of funds will facilitate the enrollment, retention,
18 and educational success of eligible children and
19 youths.

20 “(B) The extent to which the application—
21 “(i) reflects coordination with other
22 local and State agencies that serve eligible
23 children and youths; and

1 “(ii) describes how the applicant will
2 meet the requirements of section
3 722(g)(3).

4 “(C) The extent to which the applicant ex-
5 hibits in the application and in current practice
6 a commitment to education for all eligible chil-
7 dren and youths.

8 “(D) Such other criteria as the State agen-
9 cy determines appropriate.

10 “(3) QUALITY.—In determining the quality of
11 applications under paragraph (1), the State edu-
12 cational agency shall consider the following:

13 “(A) The applicant’s needs assessment
14 under subsection (b)(1) 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 involvement of parents or guard-
21 ians of eligible children or youths in the edu-
22 cation of their children.

23 “(D) The extent to which eligible children
24 and youths will be integrated within the regular
25 education program.

1 “(E) The quality of the applicant’s evalua-
2 tion plan for the program.

3 “(F) The extent to which services provided
4 under this subtitle will be coordinated with
5 other services available to eligible children and
6 youths and their families.

7 “(G) Such other measures as the State
8 educational agency considers indicative of a
9 high-quality program, such as the extent to
10 which the local educational agency will provide
11 case management or related services to unac-
12 companied youths.

13 “(4) DURATION OF GRANTS.—Grants awarded
14 under this section shall be for terms not to exceed
15 3 years.

16 “(d) AUTHORIZED ACTIVITIES.—A local educational
17 agency may use funds awarded under this section for ac-
18 tivities that carry out the purpose of this subtitle, includ-
19 ing the following:

20 “(1) The provision of tutoring, supplemental in-
21 struction, and enriched educational services that are
22 linked to the achievement of the same challenging
23 State academic content standards and challenging
24 State student academic achievement standards the
25 State establishes for other children and youths.

1 “(2) The provision of expedited evaluations of
2 the strengths and needs of eligible children and
3 youths, including needs and eligibility for programs
4 and services (such as educational programs for gift-
5 ed and talented students, children with disabilities,
6 and students with limited English proficiency, serv-
7 ices provided under title I of the Elementary and
8 Secondary Education Act of 1965 or similar State
9 or local programs, programs in vocational and tech-
10 nical education, and school nutrition programs).

11 “(3) Professional development and other activi-
12 ties for educators and pupil services personnel that
13 are designed to heighten the understanding and sen-
14 sitivity of such personnel to the needs of eligible chil-
15 dren and youths, the rights of such children and
16 youths under this subtitle, and the specific edu-
17 cational needs of foster, runaway, and eligible chil-
18 dren and youths.

19 “(4) The provision of referral services to eligible
20 children and youths for medical, dental, mental, and
21 other health services.

22 “(5) The provision of assistance to defray the
23 excess cost of transportation for students under sec-
24 tion 722(g)(4)(A), not otherwise provided through
25 Federal, State, or local funding, where necessary to

1 enable students to attend the school selected under
2 section 722(g)(3).

3 “(6) The provision of developmentally appro-
4 priate early childhood education programs, not oth-
5 erwise provided through Federal, State, or local
6 funding, for eligible children and youths of preschool
7 age.

8 “(7) The provision of services and assistance to
9 attract, engage, and retain eligible children and
10 youths, and unaccompanied youths, in public school
11 programs and services provided to noneligible chil-
12 dren and youths.

13 “(8) The provision for eligible children and
14 youths of before- and after-school, mentoring, and
15 summer programs in which a teacher or other quali-
16 fied individual provides tutoring, homework assist-
17 ance, and supervision of educational activities.

18 “(9) If necessary, the payment of fees and
19 other costs associated with tracking, obtaining, and
20 transferring records necessary to enroll eligible chil-
21 dren and youths in school, including birth certifi-
22 cates, immunization or medical records, academic
23 records, guardianship records, and evaluations for
24 special programs or services.

1 “(10) The provision of education and training
2 to the parents of eligible children and youths about
3 the rights of, and resources available to, such chil-
4 dren and youths.

5 “(11) The development of coordination between
6 schools and agencies providing services to eligible
7 children and youths, as described in section
8 722(g)(5).

9 “(12) The provision of pupil services (including
10 violence prevention counseling) and referrals for
11 such services.

12 “(13) Activities to address the particular needs
13 of eligible children and youths that may arise from
14 domestic violence.

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 those supplies to be distributed at shelters or
21 temporary housing facilities, or other appropriate lo-
22 cations.

23 “(16) The provision of other extraordinary or
24 emergency assistance needed to enable eligible chil-
25 dren and youths to attend school.

1 **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

2 “(a) REVIEW OF STATE PLANS.—In reviewing the
3 State plan submitted by a State educational agency under
4 section 722(g), the Secretary shall use a peer review pro-
5 cess and shall evaluate whether State laws, policies, and
6 practices described in such plan adequately address the
7 problems of eligible children and youths relating to access
8 to education and placement as described in such plan.

9 “(b) TECHNICAL ASSISTANCE.—The Secretary shall
10 provide support and technical assistance to a State edu-
11 cational agency to assist such agency in carrying out its
12 responsibilities under this subtitle, if requested by the
13 State educational agency.

14 “(c) NOTICE.—The Secretary shall, before the next
15 school year that begins after the date of enactment of the
16 McKinney-Vento Homeless Education Assistance Im-
17 provements Act of 2001, create and disseminate nation-
18 wide a public notice of the educational rights of eligible
19 children and youths and disseminate such notice to other
20 Federal agencies, programs, and grantees, including Head
21 Start grantees, Health Care for the Homeless grantees,
22 Emergency Food and Shelter grantees, and homeless as-
23 sistance programs administered by the Department of
24 Housing and Urban Development.

25 “(d) EVALUATION AND DISSEMINATION.—The Sec-
26 retary shall conduct evaluation and dissemination activi-

1 ties of programs designed to meet the educational needs
2 of eligible children and youths who are elementary and
3 secondary school students, and may use funds appro-
4 priated under section 726 to conduct such activities.

5 “(e) SUBMISSION AND DISTRIBUTION.—The Sec-
6 retary shall require applications for grants under this sub-
7 title to be submitted to the Secretary not later than the
8 expiration of the 60-day period beginning on the date that
9 funds are available for purposes of making such grants
10 and shall make such grants not later than the expiration
11 of the 120-day period beginning on such date.

12 “(f) DETERMINATION BY SECRETARY.—The Sec-
13 retary, based on the information received from the States
14 and information gathered by the Secretary under sub-
15 section (h), shall determine the extent to which State edu-
16 cational agencies are ensuring that each eligible child or
17 youth has access to a free appropriate public education,
18 as described in section 721(1).

19 “(g) GUIDELINES.—The Secretary shall develop,
20 issue, and publish in the Federal Register, not later than
21 60 days after the date of enactment of the McKinney-
22 Vento Homeless Education Assistance Improvements Act
23 of 2001, school enrollment guidelines for States with re-
24 spect to eligible children and youths. The guidelines shall
25 describe—

1 “(1) successful ways in which a State may as-
2 sist local educational agencies to immediately enroll
3 eligible children and youths in school; and

4 “(2) how a State can review the State’s require-
5 ments regarding immunization and medical or school
6 records and make such revisions to the requirements
7 as are appropriate and necessary in order to enroll
8 eligible children and youths in school immediately.

9 “(h) INFORMATION.—

10 “(1) IN GENERAL.—From funds appropriated
11 under section 726, the Secretary shall, directly or
12 through grants, contracts, or cooperative agree-
13 ments, periodically collect and disseminate data and
14 information regarding—

15 “(A) the number and location of eligible
16 children and youths;

17 “(B) the education and related services
18 such children and youths receive;

19 “(C) the extent to which the needs of eligi-
20 ble children and youths are being met; and

21 “(D) such other data and information as
22 the Secretary determines to be necessary and
23 relevant to carry out this subtitle.

24 “(2) COORDINATION.—The Secretary shall co-
25 ordinate such collection and dissemination with

1 other agencies and entities that receive assistance
2 and administer programs under this subtitle.

3 “(i) REPORT.—Not later than 4 years after the date
4 of enactment of the McKinney-Vento Homeless Education
5 Assistance Improvements Act of 2001, the Secretary shall
6 prepare and submit to the President and the Committee
7 on Education and the Workforce of the House of Rep-
8 resentatives and the Committee on Health, Education,
9 Labor, and Pensions of the Senate a report on the status
10 of education of eligible children and youths, which shall
11 include information on—

12 “(1) the education of eligible children and
13 youths; and

14 “(2) the actions of the Secretary and the effec-
15 tiveness of the programs supported under this sub-
16 title.

17 **“SEC. 725. DEFINITIONS.**

18 “For purposes of this subtitle:

19 “(1) The term ‘eligible children and youths’ in-
20 cludes—

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

24 “(B)(i) children and youths who—

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

4 “(II) are living in motels, hotels, trail-
5 er parks, or camping grounds due to the
6 lack of alternative adequate accommoda-
7 tions;

8 “(III) are living in emergency or tran-
9 sitional shelters;

10 “(IV) are abandoned in hospitals; or

11 “(V) are awaiting foster care place-
12 ment;

13 “(ii) children and youths who have a pri-
14 mary nighttime residence that is a public or
15 private place not designed for or ordinarily used
16 as a regular sleeping accommodation for human
17 beings (within the meaning of section
18 103(a)(2)(C));

19 “(iii) children and youths who are living in
20 cars, parks, public spaces, abandoned buildings,
21 substandard housing, bus or train stations, or
22 similar settings; and

23 “(iv) migratory children (as such term is
24 defined in section 1309 of the Elementary and
25 Secondary Education Act of 1965) who are con-

1 sidered eligible for the purposes of this subtitle
2 because the children are living in circumstances
3 described in clauses (i) through (iii); and

4 “(C) children and youths in out-of-home
5 care under the jurisdiction of the responsible
6 public child welfare agency, including foster
7 care, kinship care, care in a group home, and
8 care in a child care institution.

9 “(2) The terms ‘enroll’ and ‘enrollment’ include
10 attending classes and participating fully in school
11 activities.

12 “(3) The terms ‘local educational agency’ and
13 ‘State educational agency’ have the meanings given
14 such terms in section 9101 of the Elementary and
15 Secondary Education Act of 1965.

16 “(4) The term ‘parent or guardian’, used with
17 respect to a child or youth in out-of-home care,
18 means—

19 “(A) the person who is the birth or adop-
20 tive parent or legal guardian of the child or
21 youth, unless—

22 “(i) such person’s right to make edu-
23 cational decisions for the child or youth
24 has been terminated or suspended by a
25 court; or

1 “(ii) the person cannot be indentified
2 or located after reasonable efforts, is not
3 available with reasonable promptness to as-
4 sist in enrollment or placement decisions,
5 or is not acting in the best educational in-
6 terests of the child in enrollment or place-
7 ment decisions; or

8 “(B) in a situation described in clause (i)
9 or (ii) of subparagraph (A), a person appointed
10 by a court to make educational decisions for the
11 child or youth under this Act, after considering
12 (in the case of a child or youth who is eligible
13 for services under the Individuals with Disabil-
14 ities Education Act (20 U.S.C. 1400 et seq.))
15 whether the person considered to be the parent
16 of the child or youth for purposes of that Act
17 should serve as the person to make those edu-
18 cational decisions.

19 “(5) The term ‘Secretary’ means the Secretary
20 of Education.

21 “(6) The term ‘State’ means each of the 50
22 States, the District of Columbia, and the Common-
23 wealth of Puerto Rico.

1 “(7) The term ‘unaccompanied youth’ includes
2 a youth not in the physical custody of a parent or
3 guardian.

4 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

5 “For the purpose of carrying out this subtitle, there
6 are authorized to be appropriated \$150,000,000 for fiscal
7 year 2008 and such sums as may be necessary for each
8 of the 4 succeeding years.”.

9 **SEC. 511. GRADUATION RATES.**

10 (a) DISAGGREGATION OF GRADUATION RATES AND
11 ELEMENTARY SCHOOL INDICATOR IN DETERMINING
12 ADEQUATE YEARLY PROGRESS.—Subparagraph (D) of
13 section 1111(b)(2) of such Act is amended—

14 (1) by striking “and” at the end of clause (i);

15 (2) by redesignating clause (ii) as clause (iii);

16 and

17 (3) by inserting after clause (i) the following
18 new clause:

19 “(ii) shall determine adequate yearly progress using
20 graduation rates of public secondary school students
21 (measured separately for each group described in subpara-
22 graph (C)(v)); and”.

23 (b) GOALS FOR INCREASING GRADUATION RATES
24 FOR GROUPS OF STUDENTS.—

1 (1) IN GENERAL.—Subparagraph (G) of section
2 1111(b)(2) of such Act is amended—

3 (A) by striking “and” at the end of clause
4 (iv);

5 (B) by striking the period at the end of
6 clause (v) and inserting “; and”; and

7 (C) by adding at the end the following new
8 clause:

9 “(vi) shall ensure each group of stu-
10 dents described in subparagraph (C)(v)
11 meets the graduation rate for public sec-
12 ondary school students.”.

13 (2) SAFE HARBOR.—Clause (i) of section
14 1111(b)(2)(I) of such Act is amended to read as fol-
15 lows:

16 “(i) each group of students described
17 in subparagraph (C)(v) must meet or ex-
18 ceed the objectives set by the State under
19 subparagraph (G), except that if any group
20 described in subparagraph (C)(v) does not
21 meet those objectives in any particular
22 year, the school shall be considered to have
23 made adequate yearly progress if—

24 “(I) except in the case of the ob-
25 jectives described in subparagraph

1 (G)(vi), the percentage of students in
2 that group who did not meet or ex-
3 ceed the proficient level of academic
4 achievement on the State assessments
5 under paragraph (3) for that year de-
6 creased by 10 percent of that percent-
7 age from the preceding school year
8 and that group made progress on one
9 or more of the academic indicators de-
10 scribed in subparagraph (C)(vi) or
11 (vii); and

12 “(II) in the case of the objectives
13 described in subparagraph (G)(vi)—

14 “(aa) the school meets the
15 objectives described in subpara-
16 graph (G)(vi), or for any school
17 year prior to the school year
18 which is at the end of the
19 timeline described in subpara-
20 graph (F), meets the inter-
21 mediate goals for such objectives
22 described in subparagraph (H);
23 or

24 “(bb) there is less than a 5
25 percentage point difference be-

1 between the group described in sub-
2 paragraph (C)(v) having the
3 highest rate and the group so de-
4 scribed having the lowest rate
5 (except that students with dis-
6 abilities who are not assessed
7 against grade level content stand-
8 ards shall not be taken into ac-
9 count in determining adequate
10 yearly progress for public sec-
11 ondary school students and pub-
12 lic elementary school students);
13 and”.

14 (c) GRADUATION RATES DETERMINED USING 4-
15 YEAR ADJUSTED COHORT RATE.—Subparagraph (C) of
16 section 1111(b)(2) of such Act is amended—

17 (1) by striking “(defined as the percentage of
18 students who graduate from secondary school with a
19 regular diploma in the standard number of years)”
20 in clause (vi); and

21 (2) by adding at the end the following new
22 flush sentence:

23 “Graduation rates under clause (vi) shall be determined
24 using a 4-year adjusted cohort rate, which compares the
25 number of students enrolling in the 9th grade to the num-

1 ber of students who graduate from the 12th grade 4 years
2 later, controlling for students transferring to other schools
3 and allowing for children with disabilities and limited-
4 English proficient children to have additional time to
5 graduate. The period of additional time described in the
6 preceding sentence shall be defined in regulation by the
7 Secretary. A similar 3-year such cohort rate shall be used
8 for secondary schools with only 3 grades.”.

9 **SEC. 512. DISTRICT WIDE HIGH SCHOOLS REFORM.**

10 (a) IN GENERAL.—Paragraph (1) of section 1112(b)
11 of the Elementary and Secondary Education Act of 1965
12 is amended—

13 (1) by striking “and” at the end of subpara-
14 graph (P);

15 (2) by striking the period at the end of sub-
16 paragraph (Q) and inserting “; and”; and

17 (3) by adding at the end the following new sub-
18 paragraph:

19 “(R) a description of the districtwide
20 school improvement plan (meeting the require-
21 ments of paragraph (3)(B)) that the local edu-
22 cational agency will implement if such agency is
23 required by paragraph (3)(A) to implement
24 such a plan as of the beginning of any year.”.

1 (b) REQUIREMENTS.—Subsection (b) of section 1112
2 of such Act is amended by adding at the end the following
3 new paragraph:

4 “(3) DISTRICTWIDE SCHOOL IMPROVEMENT
5 PLANS.—

6 “(A) IN GENERAL.—A local educational
7 agency shall implement its districtwide school
8 improvement plan as of the beginning of any
9 year if—

10 “(i)(I) at least 50 percent of the stu-
11 dents served by such agency are enrolled in
12 secondary schools which did not make ade-
13 quate yearly progress (as set out in the
14 State’s plan under section 1111(b)(2)) for
15 the preceding year; or

16 “(II) at least 50 percent of the sec-
17 ondary schools served by such agency did
18 not make such progress for such preceding
19 year; and

20 “(ii) attendance rates at the sec-
21 ondary schools served by such agency that
22 did not make such progress for such pre-
23 ceding year, and the attendance rates of
24 8th grade students (or the highest grade
25 before entering secondary school) who

1 would otherwise enter such schools for
2 such preceding year, are in the bottom
3 quartile compared to all schools served by
4 such agency.

5 “(B) DISTRICTWIDE PLAN REQUIRE-
6 MENTS.—A districtwide school improvement
7 program meets the requirements of this sub-
8 paragraph if—

9 “(i) the plan requires the local edu-
10 cational agency, in determining the inter-
11 ventions necessary to improve achievement
12 at secondary schools served by the agency,
13 to consider—

14 “(I) the status of schools in mak-
15 ing adequate yearly progress (as set
16 out in the State’s plan under section
17 1111(b)(2));

18 “(II) graduation rates (within
19 the meaning of section
20 1111(b)(2)(C)(vi)) for each group de-
21 scribed in section 1111(b)(2)(C)(v);

22 “(III) assessment results and at-
23 tendance rates for the highest grade
24 at elementary schools whose students

1 attend such agency's secondary
2 schools; and

3 “(IV) the level of credit accumu-
4 lation by students as of the end of the
5 lowest grade in secondary school; and

6 “(ii) such plan requires the local edu-
7 cational agency—

8 “(I) to focus on the secondary
9 schools which resulted in meeting the
10 requirement of subparagraph (A)(i) in
11 order to reduce the number of stu-
12 dents at those schools who do not
13 meet a proficient level of academic
14 performance;

15 “(II) to do a resource allocation
16 analysis of the needs of the secondary
17 schools served by such agency with re-
18 spect to staffing, professional develop-
19 ment, instruction, and student attend-
20 ance and behavior;

21 “(III) to develop a research-
22 based plan which meets the require-
23 ments of subparagraph (C) to ad-
24 dress—

1 “(aa) the instructional, cur-
2 riculum, and capacity needs of
3 the local educational agency’s
4 ability to assist secondary schools
5 in increasing achievement; and

6 “(bb) the instructional needs
7 of its schools;

8 “(IV) increase attendance and
9 earned, on-time grade promotion; and

10 “(V) take steps designed to en-
11 sure students graduate from sec-
12 ondary school ready for college and
13 the workplace.

14 “(C) PLAN TO MEET INSTRUCTIONAL
15 NEEDS.—A plan meets the requirements of this
16 subparagraph if the plan requires the local edu-
17 cational agency to consider—

18 “(i) ensuring alignment between the
19 curriculum used by the school district and
20 State standards;

21 “(ii) the use of formative assessments;

22 “(iii) the use of data to improve in-
23 struction;

24 “(iv) the incorporation of staff-focused
25 professional development;

1 “(v) the hiring, placement, and dis-
2 tribution of highly effective principals;

3 “(vi) the hiring and distribution of
4 highly effective teachers; and

5 “(vii) the use of an extended school
6 day and school year.

7 “(D) PEER REVIEW BEFORE STATE AP-
8 PROVAL.—The State educational agency may
9 approve a local educational agency’s plan under
10 this section only after—

11 “(i) considering the results of a peer
12 review of the districtwide school improve-
13 ment plan referred to in paragraph (1)(R);
14 and

15 “(ii) consulting with State officials re-
16 sponsible for juvenile justice and alter-
17 native education placements.

18 The State educational agency shall provide
19 technical assistance to local educational agen-
20 cies in the development of such districtwide
21 school improvement plans.”.

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