

Calendar No. 531

112TH CONGRESS
2ND SESSION**S. 3578****[Report No. 112-221]**

To amend the Elementary and Secondary Education Act of 1965.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 2012

Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, reported the following original bill; which was read twice and placed on the calendar

A BILL

To amend the Elementary and Secondary Education Act of 1965.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Elementary and Sec-
5 ondary Education Reauthorization Act of 2011”.

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

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

- Sec. 3. References.
- Sec. 4. Transition.
- Sec. 5. Effective dates.
- Sec. 6. Table of contents of the Elementary and Secondary Education Act of 1965.
- Sec. 7. Authorization of appropriations.

TITLE I—ENSURING COLLEGE AND CAREER READINESS FOR ALL STUDENTS

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

PART A—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

- Sec. 1111. State and local requirements.
- Sec. 1112. Local educational agency plans.
- Sec. 1113. Eligible school attendance areas.
- Sec. 1114. Schoolwide programs.
- Sec. 1115. Targeted assistance schools.
- Sec. 1116. School performance.
- Sec. 1117. Blue ribbon schools.
- Sec. 1118. Parent and family engagement.
- Sec. 1119. Qualifications for teachers and paraprofessionals.
- Sec. 1120. Technical correction regarding complaint process for section 1120.
- Sec. 1121. Comparability of services.
- Sec. 1122. Coordination requirements.
- Sec. 1123. Grants for the outlying areas and the Secretary of the Interior.
- Sec. 1124. Allocations to States.
- Sec. 1125. Education finance incentive grant program.
- Sec. 1126. Grants for State assessments and related activities.

PART B—PATHWAYS TO COLLEGE

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

PART C—EDUCATION OF MIGRATORY CHILDREN

- Sec. 1301. Program purpose.
- Sec. 1302. Program authorized.
- Sec. 1303. State allocations.
- Sec. 1304. State applications; services.
- Sec. 1305. Secretarial approval; peer review.
- Sec. 1306. Comprehensive needs assessment and service-delivery plan; authorized activities.
- Sec. 1307. Bypass.
- Sec. 1308. National activities.
- Sec. 1309. Performance data; evaluations and study; State assistance.
- Sec. 1310. Definitions.

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

- Sec. 1401. Purpose and program authorization.

- Sec. 1402. Allocation of funds.
- Sec. 1403. State plan and State agency applications.
- Sec. 1404. Use of funds.
- Sec. 1405. Institution-wide projects.
- Sec. 1406. Transition services.
- Sec. 1407. Program evaluation.
- Sec. 1408. Purpose of local agency programs.
- Sec. 1409. Programs operated by local educational agencies.
- Sec. 1410. Local educational agency applications.
- Sec. 1411. Uses of funds.
- Sec. 1412. Program requirements for correctional facilities receiving funds under this section.
- Sec. 1413. Accountability.
- Sec. 1414. Program evaluations.
- Sec. 1415. Definitions.

PART E—EDUCATIONAL STABILITY OF CHILDREN IN FOSTER CARE

- Sec. 1501. Educational stability of children in foster care.

PART F—GENERAL PROVISIONS

- Sec. 1601. Reorganization.

TITLE II—SUPPORTING EXCELLENT TEACHERS AND PRINCIPALS

- Sec. 2101. Supporting excellent teachers and principals.

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

- Sec. 3001. Reorganization.
- Sec. 3002. Purposes.
- Sec. 3003. Formula grants to States.
- Sec. 3004. Native American and Alaska Native children in school.
- Sec. 3005. State educational agency plans.
- Sec. 3006. Within-State allocations.
- Sec. 3007. Subgrants to eligible entities.
- Sec. 3008. Local plans.
- Sec. 3009. Evaluations.
- Sec. 3010. Reporting requirements.
- Sec. 3011. Coordination with related programs.
- Sec. 3012. Rules of construction.
- Sec. 3013. Prohibition.
- Sec. 3014. National activities.
- Sec. 3015. Definitions.
- Sec. 3016. Parental notification.
- Sec. 3017. National Clearinghouse.
- Sec. 3018. Regulations.

TITLE IV—SUPPORTING SUCCESSFUL, WELL-ROUNDED STUDENTS

- Sec. 4101. Redesignations.
- Sec. 4102. Improving literacy instruction and student achievement.
- Sec. 4103. Improving science, technology, engineering, and math instruction and student achievement.

- Sec. 4104. Increasing access to a well-rounded education.
- Sec. 4105. Successful, safe, and healthy students.
- Sec. 4106. 21st Century Community Learning Centers.
- Sec. 4107. Promise neighborhoods.
- Sec. 4108. Parent and family information and resource centers.
- Sec. 4108. Programs of national significance.

TITLE V—PROMOTING INNOVATION

- Sec. 5001. Promoting innovation.

PART A—RACE TO THE TOP

- Sec. 5101. Race to the Top.

PART B—INVESTING IN INNOVATION

- Sec. 5201. Investing in innovation.

PART C—MAGNET SCHOOLS ASSISTANCE

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

PART D—PUBLIC CHARTER SCHOOLS

- Sec. 5401. Public charter schools.

PART E—VOLUNTARY PUBLIC SCHOOL CHOICE

- Sec. 5501. Voluntary public school choice.

TITLE VI—PROMOTING FLEXIBILITY; RURAL EDUCATION

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

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

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- Sec. 7112. Grants to local educational agencies, tribes, and tribal organizations.
- Sec. 7113. Amount of grants.
- Sec. 7114. Applications.
- Sec. 7115. Authorized services and activities.
- Sec. 7116. Integration of services authorized.
- Sec. 7117. Student eligibility forms.

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- Sec. 7121. Special programs and projects to improve educational opportunities for Indian children and youth.
- Sec. 7122. Improvement of educational opportunities for Indian children and youth.
- Sec. 7123. Professional development for teachers and education professionals.

SUBPART 3—NATIONAL ACTIVITIES

- Sec. 7131. National activities.

SUBPART 4—FEDERAL ADMINISTRATION

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

SUBPART 5—DEFINITIONS; AUTHORIZATION OF APPROPRIATIONS

- Sec. 7151. Definitions; authorization of appropriations.

PART B—NATIVE HAWAIIAN EDUCATION; ALASKA NATIVE EDUCATION

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

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

SUBPART 2—ALASKA NATIVE EDUCATION

- Sec. 7301. Alaska Native education.

TITLE VIII—IMPACT AID

- Sec. 8001. Purpose.
- Sec. 8002. Payments relating to Federal acquisition of real property.
- Sec. 8003. Payments for eligible federally connected children.
- Sec. 8004. Construction.
- Sec. 8005. Facilities.
- Sec. 8006. Federal administration.
- Sec. 8007. Definitions.
- Sec. 8008. Conforming amendment.
- Sec. 8009. Eligibility for impact aid payment.

TITLE IX—GENERAL PROVISIONS

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

TITLE X—COMMISSION ON EFFECTIVE REGULATION AND ASSESSMENT SYSTEMS FOR PUBLIC SCHOOLS

- Sec. 10011. Short title.
 Sec. 10012. Definitions.
 Sec. 10013. Establishment of Commission on Effective Regulation and Assessment Systems for Public Schools.
 Sec. 10014. Powers of the Commission.
 Sec. 10015. Duties of the Commission.
 Sec. 10016. Commission personnel matters.

TITLE XI—AMENDMENTS TO OTHER LAWS; MISCELLANEOUS
 PROVISIONS

PART A—AMENDMENTS TO OTHER LAWS

SUBPART 1—MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

- Sec. 11011. Short title.
 Sec. 11012. Education for homeless children and youth.

SUBPART 2—ADVANCED RESEARCH PROJECTS AGENCY-EDUCATION

- Sec. 11021. Advanced Research Projects Agency-Education.

PART B—MISCELLANEOUS PROVISIONS

- Sec. 11211. Technical and conforming amendments.

1 SEC. 3. REFERENCES.

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

8 SEC. 4. TRANSITION.

9 (a) **MULTI-YEAR AWARDS.**—Except as otherwise pro-
 10 vided in this Act, the recipient of a multi-year award
 11 under the Elementary and Secondary Education Act of
 12 1965, as that Act was in effect prior to the date of enact-
 13 ment of this Act, shall continue to receive funds in accord-

1 ance with the terms of that award, except that no addi-
2 tional funds may be awarded after September 30, 2012.

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

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

19 **SEC. 5. EFFECTIVE DATES.**

20 (a) **IN GENERAL.**—Except as otherwise provided in
21 this Act, this Act, and the amendments made by this Act,
22 shall be effective upon the date of enactment of this Act.

23 (b) **NONCOMPETITIVE PROGRAMS.**—With respect to
24 noncompetitive programs under which any funds are allot-
25 ted by the Secretary of Education to recipients on the

1 basis of a formula, this Act, and the amendments made
2 by this Act, shall take effect on July 1, 2012.

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

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

12 **SEC. 6. TABLE OF CONTENTS OF THE ELEMENTARY AND**
13 **SECONDARY EDUCATION ACT OF 1965.**

14 Section 2 is amended to read as follows:

15 **“SEC. 2. TABLE OF CONTENTS.**

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

“Sec. 1. Short title.

“Sec. 2. Table of contents.

“Sec. 3. Authorization of appropriations.

**“TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED**

“Sec. 1001. Purpose.

“Sec. 1002. State administration and State accountability and support.

**“PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL
AGENCIES**

“SUBPART 1—BASIC PROGRAM REQUIREMENTS

“Sec. 1111. State and local requirements.

“Sec. 1112. Local educational agency plans.

“Sec. 1113. Eligible school attendance areas.

“Sec. 1114. Schoolwide programs.

“Sec. 1115. Targeted assistance schools.

“Sec. 1116. School performance.

- “Sec. 1117. Blue ribbon schools.
- “Sec. 1118. Parent and family engagement.
- “Sec. 1119. Qualifications for teachers and paraprofessionals.
- “Sec. 1120. Participation of children enrolled in private schools.
- “Sec. 1120A. Fiscal requirements.
- “Sec. 1120B. Coordination requirements.

“SUBPART 2—ALLOCATIONS

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

“SUBPART 3—GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES

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

“PART B—PATHWAYS TO COLLEGE

“SUBPART 1—IMPROVING SECONDARY SCHOOLS

- “Sec. 1201. Secondary school reform.

“SUBPART 2—ACCELERATED LEARNING

- “Sec. 1221. Purposes.
- “Sec. 1222. Funding distribution rule.
- “Sec. 1223. Advanced Placement and International Baccalaureate examination fee program.
- “Sec. 1224. Advanced Placement and International Baccalaureate incentive program grants.
- “Sec. 1225. Supplement, not supplant.
- “Sec. 1226. Definitions.

“PART C—EDUCATION OF MIGRATORY CHILDREN

- “Sec. 1301. Program purpose.
- “Sec. 1302. Program authorized.
- “Sec. 1303. State allocations.
- “Sec. 1304. State applications; services.
- “Sec. 1305. Secretarial approval; peer review.
- “Sec. 1306. Comprehensive needs assessment and service-delivery plan; authorized activities.
- “Sec. 1307. Bypass.
- “Sec. 1308. National activities.
- “Sec. 1309. Performance data.
- “Sec. 1310. Evaluation and study.
- “Sec. 1311. State assistance in determining number of migratory children.
- “Sec. 1312. Definitions.

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

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

“SUBPART 1—STATE AGENCY PROGRAMS

- “Sec. 1411. Eligibility.
- “Sec. 1412. Allocation of funds.
- “Sec. 1413. State reallocation of funds.
- “Sec. 1414. State plan and State agency applications.
- “Sec. 1415. Use of funds.
- “Sec. 1416. Institution-wide projects.
- “Sec. 1417. Three-year programs or projects.
- “Sec. 1418. Transition services.
- “Sec. 1419. Program evaluation.

“SUBPART 2—LOCAL AGENCY PROGRAMS

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

“SUBPART 3—GENERAL PROVISIONS

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

“PART E—EDUCATIONAL STABILITY OF CHILDREN IN FOSTER CARE

- “Sec. 1501. Educational stability of children in foster care.
- “Sec. 1502. Definitions.

“PART F—GENERAL PROVISIONS

- “Sec. 1601. Federal regulations.
- “Sec. 1602. Agreements and records.
- “Sec. 1603. State administration.
- “Sec. 1604. Local educational agency spending audits.
- “Sec. 1605. Prohibition against Federal mandates, direction, or control.
- “Sec. 1606. Rule of construction on equalized spending.
- “Sec. 1607. State report on dropout data.
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“TITLE II—SUPPORTING EXCELLENT TEACHERS AND
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- “Sec. 2101. Purpose.
- “Sec. 2102. Definitions.

“SUBPART 1—GRANTS TO STATES

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

“SUBPART 2—SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES

- “Sec. 2121. Allocations to local educational agencies.
- “Sec. 2122. Local applications and needs assessment.
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“SUBPART 3—NATIONAL LEADERSHIP ACTIVITIES

- “Sec. 2131. National leadership activities.

“SUBPART 4—ACCOUNTABILITY

- “Sec. 2141. Accountability.

“SUBPART 5—PRINCIPAL RECRUITMENT AND TRAINING

- “Sec. 2151. Principal recruitment and training grant program.

“PART B—TEACHER PATHWAYS TO THE CLASSROOM

- “Sec. 2201. Teacher Pathways.

“PART C—TEACHER INCENTIVE FUND PROGRAM

- “Sec. 2301. Purposes; definitions.
- “Sec. 2302. Teacher incentive fund grants.

“PART D—ACHIEVEMENT THROUGH TECHNOLOGY AND INNOVATION

- “Sec. 2401. Short title.
- “Sec. 2402. Purposes and goals.
- “Sec. 2403. Definitions.
- “Sec. 2404. Allocation of funds; limitation; trigger.

“SUBPART 1—STATE AND LOCAL GRANTS

- “Sec. 2411. Allotment and reallocation.
- “Sec. 2412. Use of allotment by State.
- “Sec. 2413. State applications.
- “Sec. 2414. State activities.
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- “Sec. 2416. Local activities.

“SUBPART 2—STATE COMPETITIVE GRANTS

- “Sec. 2421. State competitive grants.

“SUBPART 3—INTERNET SAFETY

- “Sec. 2431. Internet safety.

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“Sec. 3101. Short title.

“Sec. 3102. Purposes.

“SUBPART 1—GRANTS AND SUBGRANTS FOR ENGLISH LANGUAGE ACQUISITION
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“Sec. 3113. State educational agency plans.

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“Sec. 3115. Subgrants to eligible entities.

“Sec. 3116. Local plans.

“SUBPART 2—ACCOUNTABILITY AND ADMINISTRATION

“Sec. 3121. Evaluations.

“Sec. 3122. Reporting requirements.

“Sec. 3123. Coordination with related programs.

“Sec. 3124. Rules of construction.

“Sec. 3125. Legal authority under State law.

“Sec. 3126. Civil rights.

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

“Sec. 3128. Prohibition.

“SUBPART 3—NATIONAL ACTIVITIES

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“Sec. 3132. Commission on Assessment of English Learners.

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“Sec. 3202. Parental notification.

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“Sec. 4103. Definitions.

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“Sec. 4105. State planning grants.

“Sec. 4106. State implementation grants.

“Sec. 4107. State activities.

“Sec. 4108. Subgrants to eligible entities in support of birth through kindergarten entry literacy.

“Sec. 4109. Subgrants to eligible entities in support of kindergarten through grade 12 literacy.

“Sec. 4110. National evaluation, information dissemination, and technical assistance.

“Sec. 4111. Consequences of insufficient progress, reporting requirements, and conflicts of interest.

“Sec. 4112. Rules of construction.

“PART B—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND
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- “Sec. 4204. Applications.
- “Sec. 4205. Authorized activities.
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- “Sec. 4302. Definitions.
- “Sec. 4303. Grant program.

“PART D—SUCCESSFUL, SAFE, AND HEALTHY STUDENTS

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- “Sec. 4403. Reservations.
- “Sec. 4404. Successful, safe, and healthy students State grants.
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- “Sec. 4406. Prohibited uses of funds.
- “Sec. 4407. Federal and State nondiscrimination laws.

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“PART C—MAGNET SCHOOLS ASSISTANCE

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- “Sec. 5418. Federal formula allocation during first year and for successive enrollment expansions.
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“SUBPART 2—CHARTER SCHOOL FACILITY ACQUISITION, CONSTRUCTION, AND RENOVATION

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“PART E—VOLUNTARY PUBLIC SCHOOL CHOICE PROGRAMS

- “Sec. 5501. Grants.
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“TITLE VI—PROMOTING FLEXIBILITY; RURAL EDUCATION

“PART A—TRANSFERABILITY

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“PART B—RURAL EDUCATION INITIATIVE

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- “Sec. 6202. Purpose.

“SUBPART 1—SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM

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“SUBPART 2—RURAL AND LOW-INCOME SCHOOL PROGRAM

- “Sec. 6221. Program authorized.
- “Sec. 6222. Uses of funds.
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- “Sec. 6231. Choice of participation.
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- “Sec. 7141. National Advisory Council on Indian Education.
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“TITLE VIII—IMPACT AID

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“Sec. 8007. Construction.

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

“Sec. 8010. Federal administration.

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“TITLE IX—GENERAL PROVISIONS

“PART A—DEFINITIONS

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

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

“Sec. 9202. Single local educational agency States.

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

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- “Sec. 9301. Purpose.
- “Sec. 9302. Optional consolidated State plans or applications.
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“PART D—WAIVERS

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

“PART E—UNIFORM PROVISIONS

“SUBPART 1—PRIVATE SCHOOLS

- “Sec. 9501. Participation by private school children and teachers.
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“SUBPART 2—OTHER PROVISIONS

- “Sec. 9521. Maintenance of effort.
- “Sec. 9522. Prohibition regarding State aid.
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- “Sec. 9527. Prohibitions on Federal Government and use of Federal funds.
- “Sec. 9528. Armed Forces recruiter access to students and student recruiting information.
- “Sec. 9529. Prohibition on federally sponsored testing.
- “Sec. 9530. Limitations on national testing or certification for teachers.
- “Sec. 9531. Prohibition on nationwide database.
- “Sec. 9532. Unsafe school choice option.
- “Sec. 9533. Prohibition on discrimination.
- “Sec. 9534. Civil rights.
- “Sec. 9535. Rulemaking.
- “Sec. 9536. Severability.

“SUBPART 3—TEACHER LIABILITY PROTECTION

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

“PART F—EVALUATIONS

- “Sec. 9601. Evaluation authority.

“PART G—MISCELLANEOUS PROVISIONS

“SUBPART 1—GUN POSSESSION

“Sec. 9701. Gun-free requirements.

“SUBPART 2—ENVIRONMENTAL TOBACCO SMOKE

“Sec. 9721. Short title.

“Sec. 9722. Definitions.

“Sec. 9723. Nonsmoking policy for children’s services.

“Sec. 9724. Preemption.”.

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

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

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

5 “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—

6 “(1) IN GENERAL.—There are authorized to be
7 appropriated to carry out part A of title I (except
8 for sections 1116(d) and 1125A and subpart 3 of
9 part A of such title) such sums as may be necessary
10 for fiscal year 2012 and each of the 4 succeeding fis-
11 cal years.

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

14 “(A) IN GENERAL.—There are authorized
15 to be appropriated to carry out section 1116(d)
16 such sums as may be necessary for fiscal year
17 2012 and each of the 4 succeeding fiscal years.

18 “(B) RESERVATION FOR NATIONAL ACTIVI-
19 TIES.—Of the amounts appropriated under sub-
20 paragraph (A) for a fiscal year, the Secretary
21 shall reserve not more than 2 percent for the

1 national activities described in section
2 1116(d)(6).

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

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

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

16 “(2) STATE ASSESSMENTS AND RELATED AC-
17 TIVITIES.—For the purpose of carrying out assess-
18 ment and related activities under subpart 3 of part
19 A of title I, there are authorized to be appropriated
20 such sums as may be necessary for fiscal year 2012
21 and each of the 4 succeeding fiscal years.

22 “(c) PATHWAYS TO COLLEGE.—For the purposes of
23 carrying out part B of title I, Pathways to College, there
24 are authorized to be appropriated such sums as may be

1 necessary for fiscal year 2012 and each of the 4 suc-
2 ceeding fiscal years.

3 “(d) EDUCATION OF MIGRATORY CHILDREN.—For
4 the purposes of carrying out part C of title I, Education
5 of Migratory Children, there are authorized to be appro-
6 priated such sums as may be necessary for fiscal year
7 2012 and each of the 4 succeeding fiscal years.

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

14 “(f) CONTINUOUS IMPROVEMENT AND SUPPORT FOR
15 TEACHERS AND PRINCIPALS.—

16 “(1) IN GENERAL.—For the purposes of car-
17 rying out subparts 1, 2, 3, and 4 of part A of title
18 II, there are authorized to be appropriated such
19 sums as may be necessary for fiscal year 2012 and
20 each of the 4 succeeding fiscal years.

21 “(2) PRINCIPAL RECRUITMENT AND TRAIN-
22 ING.—For the purposes of carrying out subpart 5 of
23 part A of title II, Principal Recruitment and Train-
24 ing, there are authorized to be appropriated such

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

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

8 “(h) TEACHER INCENTIVE FUND.—For the purposes
9 of carrying out part C of title II, Teacher Incentive Fund,
10 there are authorized to be appropriated such sums as may
11 be necessary for fiscal year 2012 and each of the 4 suc-
12 ceeding fiscal years.

13 “(i) ACHIEVEMENT THROUGH TECHNOLOGY AND IN-
14 NOVATION.—For the purposes of carrying out part D of
15 title II, Achievement through Technology and Innovation,
16 there are authorized to be appropriated such sums as may
17 be necessary for fiscal year 2012 and each of the 4 suc-
18 ceeding fiscal years.

19 “(j) ENGLISH LEARNERS AND IMMIGRANT STU-
20 DENTS.—For the purposes of carrying out title III, Lan-
21 guage and Academic Content Instruction for English
22 Learners and Immigrant Students, there are authorized
23 to be appropriated such sums as may be necessary for fis-
24 cal year 2012 and each of the 4 succeeding fiscal years.

1 “(k) IMPROVING LITERACY INSTRUCTION AND STU-
2 DENT ACHIEVEMENT.—For the purposes of carrying out
3 part A of title IV, Improving Literacy Instruction and
4 Student Achievement, there are authorized to be appro-
5 priated such sums as may be necessary for fiscal year
6 2012 and each of the 4 succeeding fiscal years.

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

15 “(m) INCREASING ACCESS TO A WELL-ROUNDED
16 EDUCATION.—For the purposes of carrying out part C of
17 title IV, Increasing Access to a Well-Rounded Education,
18 there are authorized to be appropriated such sums as may
19 be necessary for fiscal year 2012 and each of the 4 suc-
20 ceeding fiscal years.

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

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

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

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

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

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

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

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

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

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

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

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

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

11 “(z) INDIAN, NATIVE HAWAIIAN, AND ALASKA NA-
12 TIVE EDUCATION.—

13 “(1) IN GENERAL.—For the purposes of car-
14 rying out title VII, Indian, Native Hawaiian, and
15 Alaska Native Education, there are authorized to be
16 appropriated such sums as may be necessary for fis-
17 cal year 2012 and each of the 4 succeeding fiscal
18 years.

19 “(2) ALASKA NATIVE PROGRAMS.—There are
20 authorized to be appropriated to carry out section
21 7304 such sums as may be necessary for fiscal year
22 2012 and each of the 5 succeeding fiscal years.

23 “(aa) IMPACT AID.—For the purposes of carrying out
24 title VIII, Impact Aid, there are authorized to be appro-

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

3 “(1) PAYMENTS FOR FEDERAL ACQUISITION OF
4 REAL PROPERTY.—For the purpose of making pay-
5 ments under section 8002, there are authorized to
6 be appropriated such sums as may be necessary for
7 fiscal year 2012 and each of the 4 succeeding fiscal
8 years.

9 “(2) BASIC PAYMENTS; PAYMENTS FOR HEAV-
10 ILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—
11 For the purpose of making payments under section
12 8003(b), there are authorized to be appropriated
13 such sums as may be necessary for fiscal year 2012
14 and each of the 4 succeeding fiscal years.

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

20 “(4) CONSTRUCTION.—For the purpose of car-
21 rying out section 8007, there are authorized to be
22 appropriated such sums as may be necessary for fis-
23 cal year 2012 and each of the 4 succeeding fiscal
24 years.

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

6 **TITLE I—ENSURING COLLEGE**
 7 **AND CAREER READINESS FOR**
 8 **ALL STUDENTS**

9 **SEC. 1001. PURPOSE.**

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

12 **“SEC. 1001. PURPOSE.**

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

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

20 “(2) supporting high-quality teaching that uses
 21 student achievement data, professional collaboration,
 22 meaningful feedback, effective technologies, student
 23 engagement, multi-tiered systems of support, and
 24 other evidence-based practices to continuously im-

1 prove instruction and encourage new models of
2 teaching and learning;

3 “(3) removing barriers to, and encouraging
4 State and local innovation and leadership in, edu-
5 cation based on the evaluation of success and contin-
6 uous improvement, especially in providing excellent
7 instruction, high-quality assessments, meaningful ac-
8 countability, evidence-based supports and interven-
9 tions in underperforming schools, highly effective
10 educators, a well-rounded education, and other key
11 factors for success;

12 “(4) providing additional resources and sup-
13 ports to meet the needs of disadvantaged students,
14 including children from low-income families and
15 those attending high-poverty schools, English learn-
16 ers, migratory children, children with disabilities, In-
17 dian children, and neglected or delinquent children;

18 “(5) focusing on increasing student achievement
19 and closing achievement gaps, especially achievement
20 gaps between minority and nonminority students
21 and between disadvantaged children and their more
22 advantaged peers;

23 “(6) removing barriers and promoting integra-
24 tion across all levels of education, and across Fed-
25 eral education programs;

1 “(7) streamlining Federal requirements to re-
2 duce burdens on States, districts local educational
3 agencies, schools, and educators; and

4 “(8) strengthening parental engagement and
5 coordination of student, family, and community sup-
6 ports to promote student success.”.

7 **SEC. 1002. STATE RESERVATIONS.**

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

9 (1) by striking sections 1002 and 1003;

10 (2) by redesignating section 1004 as section
11 1002; and

12 (3) in section 1002 (as redesignated by para-
13 graph (2))—

14 (A) in the section heading, by inserting

15 “**AND STATE ACCOUNTABILITY AND SUP-**
16 **PORT**” before the period at the end;

17 (B) by redesignating paragraphs (1) and
18 (2) of subsection (a) as subparagraphs (A) and
19 (B), respectively, and by aligning the margins
20 of such subparagraphs with the margins of sub-
21 paragraph (A) of section 1111(a)(1);

22 (C) by redesignating subsection (b) as
23 paragraph (2) of subsection (a), and by aligning
24 the margins of such paragraph with the mar-
25 gins of paragraph (1) of section 1111(a);

1 (D) by striking “IN GENERAL.—Except as
2 provided in subsection (b)” and inserting the
3 following: “STATE ADMINISTRATION.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2)”;

6 (E) in subsection (a)(2), as redesignated
7 by subparagraph (C), by striking “subsection
8 (a)(1)” and inserting “paragraph (1)(A)”; and

9 (F) by adding at the end the following:

10 “(b) ACCOUNTABILITY AND SUPPORT.—

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

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

22 “(A) shall use not less than 90 percent of
23 that amount by allocating such sums directly to
24 local educational agencies for activities required
25 under section 1116; or

1 “(B) may, with the approval of the local
2 educational agency, directly provide for such ac-
3 tivities or arrange for their provision through
4 other entities such as educational service agen-
5 cies.

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

10 “(A) serve the lowest-achieving schools, in-
11 cluding schools identified under subsection (b)
12 or (c) of section 1116;

13 “(B) demonstrate the greatest need for
14 such funds; and

15 “(C) demonstrate the strongest commit-
16 ment to ensuring that such funds are used to
17 enable the lowest-achieving schools to improve
18 student achievement and outcomes.

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

1 educational agency shall allocate the excess amount
 2 to local educational agencies in accordance with—

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

6 “(B) section 1126(c).

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

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

21 **PART A—IMPROVING THE ACADEMIC**
 22 **ACHIEVEMENT OF THE DISADVANTAGED**

23 **SEC. 1111. STATE AND LOCAL REQUIREMENTS.**

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

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

2 “(a) ACADEMIC STANDARDS, ACADEMIC ASSESS-
3 MENTS, AND ACCOUNTABILITY REQUIREMENTS.—

4 “(1) REQUIREMENTS FOR COLLEGE AND CA-
5 REER READY STATE STANDARDS.—In order to re-
6 ceive a grant under this part, each State shall dem-
7 onstrate that the State meets the following require-
8 ments:

9 “(A) COLLEGE AND CAREER READY
10 ALIGNED STANDARDS FOR READING OR LAN-
11 GUAGE ARTS AND MATHEMATICS.—

12 “(i) IN GENERAL.—The State shall—

13 “(I) not later than December 31,
14 2013, adopt college and career ready
15 academic content standards in reading
16 or language arts, and mathematics,
17 that meet the requirements of clauses
18 (ii) and (iii); and

19 “(II) not later than the beginning
20 of the 2015–2016 school year, adopt
21 college and career ready student aca-
22 demic achievement standards in read-
23 ing or language arts, and mathe-
24 matics, that meet the requirements of
25 clauses (ii) and (iv).

1 “(ii) ALIGNMENT OF COLLEGE AND
2 CAREER READY STANDARDS.—Each State
3 plan shall demonstrate that the State has
4 adopted college and career ready academic
5 content standards and college and career
6 ready student academic achievement stand-
7 ards that are aligned with—

8 “(I) academic coursework, with-
9 out the need for remediation, at public
10 institutions of higher education in the
11 State;

12 “(II) relevant State career and
13 technical education standards; and

14 “(III) appropriate career skills.

15 “(iii) REQUIREMENTS FOR ACADEMIC
16 CONTENT STANDARDS.—College and career
17 ready academic content standards shall—

18 “(I) be used by the State, and by
19 local educational agencies, public ele-
20 mentary schools, and public secondary
21 schools in the State to carry out the
22 requirements of this part;

23 “(II) be the same standards that
24 the State applies to all public elemen-

1 tary and secondary schools and stu-
2 dents in the State;

3 “(III) include the same knowl-
4 edge, skills, and levels of achievement
5 expected of all elementary and sec-
6 ondary school students in the State;
7 and

8 “(IV) be evidence-based and in-
9 clude rigorous content and skills.

10 “(iv) REQUIREMENTS FOR STUDENT
11 ACADEMIC ACHIEVEMENT STANDARDS.—
12 College and career ready student academic
13 achievement standards for a subject
14 shall—

15 “(I) be aligned with the State’s
16 academic content standards described
17 in clause (iii); and

18 “(II) establish levels of perform-
19 ance (at a minimum, basic, on-track,
20 and advanced levels) that determine
21 how well students are mastering the
22 material in the State academic con-
23 tent standards.

24 “(v) METHOD.—A State may meet
25 the requirements in this subparagraph in-

1 dividually or through a consortium with 1
2 or more other States.

3 “(vi) NO REQUIREMENT TO SUBMIT
4 STANDARDS TO THE SECRETARY.—A State
5 shall not be required to submit the State’s
6 college and career ready academic content
7 standards or the State’s college and career
8 ready student academic achievement stand-
9 ards to the Secretary for review or ap-
10 proval.

11 “(B) SCIENCE STANDARDS.—A State—

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

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

22 “(iii) may choose to use such stand-
23 ards as part of the State’s accountability
24 system under paragraph (3), if such stand-

1 ards meet the requirements of clauses (ii)
2 through (iv) of subparagraph (A).

3 “(C) STANDARDS FOR OTHER SUB-
4 JECTS.—If a State adopts high-quality aca-
5 demic content standards and student academic
6 achievement standards in subjects other than
7 reading or language arts, mathematics, and
8 science, such State may choose to use such
9 standards as part of the State’s accountability
10 system, consistent with section 1116.

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

20 “(i) the determination about whether
21 the achievement of an individual student
22 should be measured against such standards
23 is made separately for each student in each
24 subject being assessed; and

1 “(ii) such alternate academic achieve-
2 ment standards—

3 “(I) are aligned with the State
4 academic content standards required
5 under this paragraph for the subject;

6 “(II) provide access to the gen-
7 eral curriculum and the student aca-
8 demic achievement standards required
9 under this paragraph for such subject;
10 and

11 “(III) reflect professional judg-
12 ment as to the highest possible stand-
13 ards achievable by such student.

14 “(E) ENGLISH LANGUAGE PROFICIENCY
15 STANDARDS.—A State shall, not later than De-
16 cember 31, 2014, adopt high-quality English
17 language proficiency standards that—

18 “(i) are aligned with the State’s aca-
19 demic content standards in reading or lan-
20 guage arts under subparagraph (A) so that
21 achieving English language proficiency, as
22 measured by the State’s English language
23 proficiency standards, indicates a sufficient
24 knowledge of English to allow the State to
25 validly and reliably measure the student’s

1 achievement on the State’s reading or lan-
2 guage arts student academic achievement
3 standards;

4 “(ii) ensure proficiency in English for
5 each of the domains of speaking, listening,
6 reading, and writing;

7 “(iii) address the different proficiency
8 levels of English learners; and

9 “(iv) are updated, not later than 1
10 year after the State adopts any new aca-
11 demic content standards in reading or lan-
12 guage arts under this paragraph, in order
13 to align the English language proficiency
14 standards with the new content standards.

15 “(F) NO FEDERAL CONTROL.—Nothing in
16 this section shall be construed to authorize an
17 officer or employee of the Federal Government
18 to mandate, direct, or control a State’s aca-
19 demic content standards or student academic
20 achievement standards developed in accordance
21 with this section.

22 “(G) EXISTING STANDARDS.—Nothing in
23 this part shall prohibit a State from revising,
24 consistent with this section, any standard
25 adopted under this part before, on, or after the

1 date of enactment of the Elementary and Sec-
2 ondary Education Reauthorization Act of 2011.

3 “(2) ACADEMIC ASSESSMENTS.—

4 “(A) STATE ASSESSMENTS.—The State
5 plan shall demonstrate that the State edu-
6 cational agency, in consultation with local edu-
7 cational agencies, shall, beginning not later
8 than the beginning of the 2015–2016 school
9 year, adopt and implement statewide assess-
10 ments that—

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

16 “(I) are aligned with the State’s
17 academic content standards in such
18 subjects under paragraph (1)(A);

19 “(II) are administered to all pub-
20 lic elementary and secondary school
21 students in the State;

22 “(III) measure individual aca-
23 demic achievement;

24 “(IV) in the case of a State de-
25 scribed in subsection (b)(1)(B), meas-

1 ure individual student growth, includ-
2 ing measuring whether students are
3 attaining growth in accordance with
4 clauses (i) and (ii) of such subsection;
5 and

6 “(V) may, at the State’s choos-
7 ing—

8 “(aa) be administered
9 through a single summative as-
10 sessment each year; or

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

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

6 “(I) student achievement relative
7 to the State’s science student aca-
8 demic achievement standards under
9 paragraph (1)(B);

10 “(II) individual academic achieve-
11 ment; and

12 “(III) in the case of a State de-
13 scribed in subsection (b)(1)(B), indi-
14 vidual student growth, including
15 measuring whether students are at-
16 taining growth in accordance with
17 clauses (i) and (ii) of such subsection;

18 “(iii) include the English language
19 proficiency assessments and any alternate
20 assessments described in subparagraphs
21 (D) and (E), respectively; and

22 “(iv) at the discretion of the State,
23 measure the proficiency of students in the
24 other academic subjects for which the
25 State has adopted academic content stand-

1 ards and student academic achievement
2 standards under paragraph (1)(C).

3 “(B) REQUIREMENTS FOR ASSESS-
4 MENTS.—The assessments administered under
5 this paragraph shall—

6 “(i) be the same academic assess-
7 ments used to measure the achievement of
8 all students;

9 “(ii) be used only for purposes for
10 which such assessments are valid and reli-
11 able, and be consistent with relevant, na-
12 tionally recognized professional and tech-
13 nical standards;

14 “(iii) be used only if the State edu-
15 cational agency provides to the Secretary
16 evidence that the assessments used are of
17 adequate technical quality for each purpose
18 required under this Act and are consistent
19 with the requirements of this section,
20 which evidence the Secretary may make
21 public;

22 “(iv) involve multiple measures of stu-
23 dent academic achievement, including
24 measures that assess higher-order thinking
25 skills and understanding;

1 “(v) provide for—

2 “(I) the participation in such as-
3 sessments of all students;

4 “(II) the reasonable adaptations
5 for children with disabilities necessary
6 to measure the academic achievement
7 of such children in a subject, relative
8 to the State academic content stand-
9 ards and State student academic
10 achievement standards under para-
11 graph (1) for such subject; and

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

21 “(IV) the inclusion of English
22 learners, who shall be assessed in a
23 valid and reliable manner and pro-
24 vided reasonable accommodations on
25 assessments administered to such stu-

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

17 “(vi) notwithstanding clause (v)(IV),
18 include the academic assessment (using
19 tests written in English) of reading or lan-
20 guage arts of any student who has at-
21 tended school in the United States (not in-
22 cluding Puerto Rico) for 3 or more con-
23 secutive school years, except that, if the
24 local educational agency determines, on a
25 case-by-case individual basis, that aca-

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

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

20 “(viii) produce individual student in-
21 terpretive, descriptive, and diagnostic re-
22 ports that allow parents, teachers, and
23 principals to understand and address the
24 specific academic needs of students and in-
25 clude information regarding achievement

1 on the academic assessments aligned with
2 State academic achievement standards,
3 and that are provided to parents, teachers,
4 and principals—

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

7 “(II) in an understandable and
8 uniform format; and

9 “(III) to the extent practicable,
10 in a language that parents can under-
11 stand;

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

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

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

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

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

23 “(xiv) consistent with paragraph
24 (3)(D), be administered to not less than 95
25 percent of all students, and not less than

1 95 percent of each subgroup of students
2 described in clause (ix), who are enrolled in
3 the school.

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

21 “(D) ASSESSMENTS OF ENGLISH LAN-
22 GUAGE PROFICIENCY.—

23 “(i) IN GENERAL.—Each State plan
24 shall demonstrate that local educational
25 agencies in the State will, not later than

1 the beginning of the 2015–2016 school
2 year, provide for the annual assessment of
3 English language proficiency of all English
4 learners in the schools served by the State
5 educational agency.

6 “(ii) REQUIREMENTS.—The English
7 language proficiency assessment described
8 in clause (i) shall—

9 “(I) be aligned with the State’s
10 English language proficiency stand-
11 ards under paragraph (1)(E);

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

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

20 “(E) ALTERNATE ASSESSMENTS FOR STU-
21 DENTS WITH THE MOST SIGNIFICANT COG-
22 NITIVE DISABILITIES.—A State may provide al-
23 ternate assessments that are aligned with alter-
24 nate academic achievement standards described

1 in paragraph (1)(D) for students with the most
2 significant cognitive disabilities, if the State—

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

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

1 secondary school diploma, as determined
2 by the State;

3 “(iii) provides evidence that students
4 with the most significant cognitive disabili-
5 ties are, to the maximum extent prac-
6 ticable, included in the general curriculum
7 and in assessments aligned with such cur-
8 riculum, as described in section
9 601(e)(5)(A) of the Individuals with Dis-
10 abilities Education Act;

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

22 “(v) develops, disseminates informa-
23 tion about, makes available, and promotes
24 the use of reasonable adaptations and valid
25 and reliable accommodations to increase

1 the number of students with the most sig-
2 nificant cognitive disabilities participating
3 in grade-level academic instruction and as-
4 sessments that are aligned with grade-level
5 academic standards, and promotes the use
6 of appropriate accommodations to increase
7 the number of students with the most sig-
8 nificant cognitive disabilities who are test-
9 ed against grade-level academic achieve-
10 ment standards;

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

20 “(vii) requires separate determina-
21 tions about whether a student should be
22 assessed using an alternate assessment for
23 each subject assessed.

24 “(F) ADAPTIVE ASSESSMENTS.—A State
25 may develop and administer computer adaptive

1 assessments as the assessments required under
2 subparagraph (A). If a State develops and ad-
3 ministers a computer adaptive assessment for
4 such purposes, the assessment shall meet the
5 requirements of this paragraph, except as fol-
6 lows:

7 “(i) Notwithstanding subparagraph
8 (A)(i)(I), the assessment shall measure, at
9 a minimum, whether each student is meet-
10 ing or exceeding the on-track level of per-
11 formance for the State academic content
12 standards for the student’s grade level,
13 and, if the State chooses—

14 “(I) may measure the student’s
15 level of performance in the grades
16 above or below the student’s grade
17 level; and

18 “(II) may be used to measure
19 student growth using assessment
20 items above and below grade level, in-
21 cluding for purposes of determining if
22 a student is attaining growth in ac-
23 cordance with clauses (i) and (ii) of
24 subsection (b)(1)(B), as applicable.

1 “(ii) Subparagraph (B)(i) shall not be
2 interpreted to require that all students tak-
3 ing the computer adaptive assessment be
4 administered the same assessment items.

5 “(G) REDUCING DUPLICATIVE ASSESS-
6 MENT.—The State shall include, in the State
7 plan under subsection (b), a description of how
8 the State will regularly analyze assessment and
9 accommodations practice and use, and reduce
10 duplicative assessment.

11 “(3) STATE-DESIGNED ACCOUNTABILITY SYS-
12 TEMS.—

13 “(A) ACCOUNTABILITY SYSTEM.—Each
14 State plan shall, not later than the beginning of
15 the 2013–2014 school year, demonstrate that
16 the State educational agency has developed and
17 is implementing a single, statewide account-
18 ability system that—

19 “(i) annually measures and reports
20 on—

21 “(I) the achievement of students
22 in all public elementary schools and
23 secondary schools and local edu-
24 cational agencies in the State on the

1 assessments described in paragraph
2 (2); and

3 “(II) for high schools in the
4 State, graduation rates;

5 “(ii) expects the continuous improve-
6 ment of all public schools in the State in
7 the academic achievement and outcomes of
8 all students, including the subgroups of
9 students described in section
10 1116(b)(1)(B);

11 “(iii) annually identifies schools that
12 need supports and interventions to prepare
13 college and career ready students;

14 “(iv) provides for the improvement,
15 through supports and interventions that
16 address student needs, of all schools that
17 are not identified under section 1116(b)
18 but are low-performing or have low-per-
19 forming subgroups of the students de-
20 scribed in section 1116(b)(1)(B);

21 “(v) develops the capacity of local
22 educational agencies and schools to effec-
23 tively educate their students and continu-
24 ously improve;

1 “(vi) recognizes, and encourages other
2 local educational agencies to replicate, the
3 practices of local educational agencies and
4 schools that are successful in effecting sig-
5 nificant student achievement or student
6 growth; and

7 “(vii) meets the requirements of sec-
8 tion 1116.

9 “(B) SUBJECTS COVERED.—The State
10 shall include in the accountability system the
11 subjects of reading or language arts and mathe-
12 matics and may include any other subject that
13 the State chooses through its State plan, if the
14 State has adopted academic content standards
15 and student academic achievement standards
16 under paragraph (1)(C) and assessments under
17 paragraph (2)(B) for the subject.

18 “(C) ACCOUNTABILITY FOR CHARTER
19 SCHOOLS.—The accountability provisions under
20 this Act shall be overseen for public charter
21 schools in accordance with State charter school
22 law.

23 “(D) STUDENTS WITH THE MOST SIGNIFI-
24 CANT COGNITIVE DISABILITIES.—In deter-
25 mining the percentage of students who are on

1 track to college and career readiness or, if ap-
2 plicable, attaining growth in accordance with
3 clauses (i) and (ii) of subsection (b)(1)(B), for
4 a subject for any purpose under this section or
5 section 1116 or 1117, a State educational agen-
6 cy may include, for all schools in the State, the
7 performance of the State’s students with the
8 most significant cognitive disabilities on alter-
9 nate assessments as described in paragraph
10 (2)(E) in the subjects included in the State’s
11 accountability system, if the total number of
12 those students in all grades assessed and for
13 each subject in the accountability system who
14 are on track to college and career readiness, ac-
15 cording to those alternate assessments, does not
16 exceed 1 percent of all students in the State in
17 the grades assessed in each subject.

18 “(4) TRANSITION PROVISIONS.—The Secretary
19 shall take such steps as are necessary to provide for
20 the orderly transition between the accountability sys-
21 tems required under section 1111(b)(2), as such sec-
22 tion was in effect on the day before the date of en-
23 actment of the Elementary and Secondary Edu-
24 cation Reauthorization Act of 2011, and the new ac-
25 countability systems required under this subsection.

1 “(5) VOLUNTARY PARTNERSHIPS.—A State
2 may enter into a voluntary partnership with another
3 State to develop and implement the academic assess-
4 ments, academic content standards, and student aca-
5 demic achievement standards required under this
6 section.

7 “(b) STATE PLANS.—

8 “(1) IN GENERAL.—For any State desiring to
9 receive a grant under this part, the State edu-
10 cational agency shall submit to the Secretary a plan,
11 developed by the State educational agency in con-
12 sultation with local educational agencies, teachers,
13 principals, specialized instructional support per-
14 sonnel, administrators, other staff, and parents,
15 that—

16 “(A) demonstrates the State’s compliance
17 with this section;

18 “(B) if the State chooses to use student
19 growth as a measure of academic progress and
20 to determine if students are on track to college
21 and career readiness, describes how the State
22 will measure student growth to ensure that—

23 “(i) a student performing below the
24 on-track level of performance for the stu-
25 dent’s grade level under subsection

1 (a)(1)(A)(iv) on the academic assessment
2 for the subject under subsection (a)(2) is
3 attaining a rate of academic growth in the
4 subject that indicates that the student will
5 be on track to college and career readiness
6 in not more than a specified number of
7 years; or

8 “(ii) a student who is performing at
9 or above the on-track level of performance
10 for the student’s grade level on the aca-
11 demic assessment for the subject is con-
12 tinuing to make academic growth;

13 “(C) is coordinated with the State plans
14 required by other programs under this Act, the
15 Individuals with Disabilities Education Act, the
16 Rehabilitation Act of 1973 (29 U.S.C. 701 et
17 seq.), the Carl D. Perkins Career and Technical
18 Education Act of 2006, the Head Start Act, the
19 Child Care and Development Block Grant Act
20 of 1990, and the Adult Education and Family
21 Literacy Act;

22 “(D) provides an assurance that the State
23 will continue to administer the academic assess-
24 ments required under paragraphs (3)(A) and
25 (7) of this subsection, as such paragraphs were

1 in effect on the day before the date of enact-
2 ment of the Elementary and Secondary Edu-
3 cation Reauthorization Act of 2011, and to in-
4 clude the results of such assessments in the
5 State’s accountability system, until the State
6 has implemented the assessments required
7 under subsection (a)(2);

8 “(E) provides an assurance that the State
9 will participate in the biennial State academic
10 assessments of grade 4 and grade 8 reading
11 and mathematics under the National Assess-
12 ment of Educational Progress carried out under
13 section 303(b)(2) of the National Assessment of
14 Educational Progress Authorization Act if the
15 Secretary pays the costs of administering such
16 assessments;

17 “(F) describes the State accountability sys-
18 tem under subsection (a)(3) and the State’s
19 plan for blue ribbon schools under section 1117
20 (if the State chooses to carry out such section);

21 “(G) describes the process the State will
22 utilize to review local educational agency plans
23 submitted pursuant to section 1112, including
24 the parent and family engagement plan de-

1 scribed in section 1118 and other provisions re-
2 lated to parent and family engagement;

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

9 “(I) describes how the State educational
10 agency has involved the committee of practi-
11 tioners established under section 1603(b) in de-
12 veloping the plan and monitoring its implemen-
13 tation;

14 “(J) describes how the State educational
15 agency will coordinate with the State Advisory
16 Council on Early Childhood Education and
17 Care, as appropriate;

18 “(K) describes how the State and State
19 educational agency will comply with the require-
20 ments of section 1501, and the State’s plan to
21 ensure such compliance;

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

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

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

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

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

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

3 “(ii) Teachers who are inexperienced.

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

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

9 “(v) Where applicable, teachers who
10 are in the highest or lowest rating cat-
11 egories of a teacher evaluation system that
12 is consistent with section 2301(b)(4).

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

16 “(3) DURATION OF THE PLAN.—

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

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

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

1 “(B) ADDITIONAL INFORMATION.—

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

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

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

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

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

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

1 “(I) represent a regionally di-
2 verse cross-section of States;

3 “(II) are representative of par-
4 ents, teachers, State educational agen-
5 cies, and local educational agencies;
6 and

7 “(III) are familiar with edu-
8 cational standards, assessments, ac-
9 countability, the needs of persistently
10 low-achieving schools as described in
11 section 1116(c)(2), and the needs of
12 disadvantaged students and other
13 educational needs of students;

14 “(iii) ensure that the peer-review
15 process provides timely feedback from the
16 peer-review panel to the States, and that
17 such feedback shall be made publicly avail-
18 able, including through electronic means;

19 “(iv) not decline approval of a State
20 plan before—

21 “(I) offering the State an oppor-
22 tunity to revise the State plan;

23 “(II) providing technical assist-
24 ance to the State to meet the require-

1 ments of this subsection and sub-
2 sections (a) and (c); and

3 “(III) upon the request of a
4 State, providing a hearing;

5 “(v) have the authority to disapprove
6 a State plan for not meeting the require-
7 ments of this part, and may deny approval
8 to a State plan under this subsection that
9 was recommended by the peer-review panel
10 by making available written findings of the
11 cause for such disapproval;

12 “(vi) approve a State plan not later
13 than 120 days after its submission unless
14 the Secretary determines that the plan
15 does not meet the requirements of this sec-
16 tion;

17 “(vii) if the Secretary determines that
18 the State plan does not meet the require-
19 ments of this subsection and subsection
20 (c), immediately notify the State in writing
21 of such determination and the reasons for
22 such determination; and

23 “(viii) not have the authority to re-
24 quire a State, as a condition of approval of
25 the State plan, to include in, or delete

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

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

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

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

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

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

4 “(C) improve child development;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(d) ANNUAL STATE REPORT CARDS.—

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

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

11 “(A) be uniform across the State;

12 “(B) be concise;

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

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

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

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

1 cess to the report card for the local edu-
2 cational agency or school, respectively; and

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

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

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

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

24 “(i) Student achievement at each per-
25 formance level on the State academic as-

1 assessments that are included in the State’s
2 accountability system under subsection
3 (a)(3).

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

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

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

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

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

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

1 “(vi) The number and percentage of
2 students with the most significant cog-
3 nitive disabilities that take an alternate as-
4 sessment under subsection (a)(2)(E), by
5 grade and subject.

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

14 “(viii) For each high school—

15 “(I) student graduation rates, in-
16 cluding—

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

20 “(bb) the cumulative grad-
21 uation rate, as defined in section
22 9101(30)(B); and

23 “(II) not later than the beginning
24 of the 2012–2013 school year, the
25 rate at which students who graduated

1 from the high school in the preceding
2 year enrolled in institutions of higher
3 education by the beginning of the next
4 school year; and

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

15 “(C) The school’s categorization, if appli-
16 cable, in the State school accountability and im-
17 provement system under section 1116.

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

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

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

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

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

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

20 “(D) indicators of school climate;

21 “(E) student attendance; and

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

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

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

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

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

11 “(C) in the case of a State report card,
12 shall include the data described in paragraph
13 (3)(B)(viii) disaggregated by status as a child
14 in foster care, except that such disaggregation
15 shall not be required in a case in which the
16 number of students in a category is insufficient
17 to yield statistically reliable information or the
18 results would reveal personally identifiable in-
19 formation about an individual student.

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

24 “(7) PREEXISTING REPORT CARDS.—A State
25 educational agency or local educational agency that

1 was providing public report cards on the perform-
2 ance of students, schools, local educational agencies,
3 or the State prior to the date of enactment of the
4 Elementary and Secondary Education Reauthoriza-
5 tion Act of 2011, may use those report cards for the
6 purpose of this subsection as long as any such report
7 card is modified, as may be needed, to contain the
8 information required by this subsection.

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

16 “(9) CROSS-TABULATED DATA NOT USED FOR
17 ACCOUNTABILITY.—Groups of students obtained by
18 cross-tabulating data under this subsection shall not
19 be considered to be subgroups under section 1116.
20 Such cross-tabulated data shall not be used to deter-
21 mine whether a school is identified under subsection
22 (b) or (c) of section 1116 or is a low-performing
23 school under section 1116(e).

24 “(e) REPORTING.—

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

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

8 “(B) information on the achievement of
9 students, in terms of being on track to college
10 and career readiness and, for States described
11 in subsection (b)(1)(B), in terms of attaining
12 growth in accordance with clauses (i) and (ii) of
13 such subsection, on such academic assessments,
14 including results disaggregated (except in a
15 case in which the number of students in a cat-
16 egory is insufficient to yield statistically reliable
17 information or the results would reveal person-
18 ally identifiable information about an individual
19 student) by the subgroups described in sub-
20 section (a)(2)(B)(ix) and by status as a child in
21 foster care;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 “(C) BIENNIAL REPORT.—The Secretary
24 shall transmit biennially to the authorizing
25 committees a report that provides national and

1 State-level data on the information collected
2 under paragraph (1).

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

8 “(g) PARENTS’ RIGHT-TO-KNOW.—

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

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

22 “(B) Whether the teacher is teaching
23 under emergency or other provisional status
24 through which State qualification or licensing
25 criteria have been waived.

1 “(C) The baccalaureate degree major of
2 the teacher and any other graduate certification
3 or degree held by the teacher, and the field of
4 discipline of the certification or degree.

5 “(D) Whether the student is provided serv-
6 ices by paraprofessionals and, if so, their quali-
7 fications.

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

13 “(A) information on the level of achieve-
14 ment of the student in each of the State aca-
15 demic assessments as required under this part;
16 and

17 “(B) timely notice that the student has
18 been assigned, or has been taught for 4 or more
19 consecutive weeks by, a teacher who is not a
20 highly qualified teacher.

21 “(3) FORMAT.—The notice and information
22 provided to parents under this subsection shall be in
23 an understandable and uniform format and, to the
24 extent practicable, provided in a language that the
25 parents can understand.

1 “(h) PRIVACY.—Information collected under this sec-
2 tion shall be collected and disseminated in a manner that
3 protects the privacy of individuals.

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

13 “(j) CONSTRUCTION.—Nothing in this part shall be
14 construed to prescribe the use of the academic assess-
15 ments described in this part for student promotion or
16 graduation purposes.

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

22 “(1) STATE ACCREDITED SCHOOLS.—Each such
23 school that is accredited by the State in which it is
24 operating shall use the assessments the State has
25 developed and implemented to meet the require-

1 ments of this section, or such other appropriate as-
 2 sessment as approved by the Secretary of the Inte-
 3 rior.

4 “(2) REGIONALLY ACCREDITED SCHOOLS.—
 5 Each such school that is accredited by a regional ac-
 6 crediting organization shall adopt appropriate as-
 7 sessments, in consultation with and with the ap-
 8 proval of, the Secretary of the Interior and con-
 9 sistent with assessments adopted by other schools in
 10 the same State or region, that meets the require-
 11 ments of this section.

12 “(3) TRIBALLY ACCREDITED SCHOOLS.—Each
 13 such school that is accredited by a tribal accrediting
 14 agency or tribal division of education shall use as-
 15 sessments developed by such agency or division, ex-
 16 cept that the Secretary of the Interior shall ensure
 17 that such assessments meet the requirements of this
 18 section.”.

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

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

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

23 “(a) PLANS REQUIRED.—

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

1 year only if such agency has on file with the State
2 educational agency a plan, approved by the State
3 educational agency, that is coordinated with other
4 programs under this Act, the Individuals with Dis-
5 abilities Education Act, the Carl D. Perkins Career
6 and Technical Education Act of 2006, the McKin-
7 ney-Vento Homeless Assistance Act, and other Acts,
8 as appropriate.

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

12 “(b) PLAN DEVELOPMENT AND DURATION.—

13 “(1) CONSULTATION.—Each local educational
14 agency plan shall be developed in consultation
15 with—

16 “(A) teachers, principals, administrators,
17 and other appropriate school personnel;

18 “(B) representatives of early childhood
19 education and care programs in the geographic
20 area served by the local educational agency, as
21 appropriate; and

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

24 “(2) DURATION.—Each local educational agen-
25 cy plan shall be submitted pursuant to this section

1 for the first year for which this part is in effect fol-
2 lowing the date of enactment of the Elementary and
3 Secondary Education Reauthorization Act of 2011
4 and shall remain in effect for the duration of the
5 agency's participation under this part.

6 “(3) REVIEW.—Each local educational agency
7 shall periodically review and, as necessary, revise its
8 plan to reflect changes in the local educational agen-
9 cy's strategies and programs under this part.

10 “(c) STATE APPROVAL.—

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

14 “(2) APPROVAL.—The State educational agency
15 shall approve a local educational agency's plan only
16 if the State educational agency determines that the
17 local educational agency's plan—

18 “(A) enables schools served under this part
19 to substantially help children served under this
20 part meet the academic content and student
21 academic achievement standards expected of all
22 children described in section 1111(a)(1); and

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

24 “(d) PLAN PROVISIONS.—In order to help low-achiev-
25 ing children meet college and career ready student aca-

1 demic achievement standards, and to close the achieve-
2 ment gap between high- and low-achieving children, espe-
3 cially achievement gaps between minority and nonminority
4 students, and between disadvantaged children and their
5 more advantaged peers, each local educational agency plan
6 shall describe each of the following:

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

9 “(A) develop and implement a comprehen-
10 sive program of instruction to meet the aca-
11 demic needs of all students;

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

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

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

23 “(E) identify and implement effective
24 methods and instructional strategies that are
25 based on scientifically valid research intended to

1 strengthen the core academic programs of the
2 schools, including multi-tiered systems of sup-
3 port, universal design for learning, and positive
4 behavioral interventions and supports.

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

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

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

1 educational agency or through a subcontract with
2 the Head Start agency designated by the Secretary
3 of Health and Human Services under section 641 of
4 the Head Start Act, or another comparable public
5 early childhood education and care program.

6 “(5) How activities under this part will be co-
7 ordinated and integrated with Federal, State, and
8 local services and programs, including programs sup-
9 ported under this Act, the Carl D. Perkins Career
10 and Technical Education Act of 2006, the Individ-
11 uals with Disabilities Education Act, the Rehabilita-
12 tion Act of 1973, the Head Start Act, the Child
13 Care and Development Block Grant Act of 1990,
14 and the Workforce Investment Act of 1998, violence
15 prevention programs, nutrition programs, and hous-
16 ing programs.

17 “(6) How the local educational agency will co-
18 ordinate and integrate services provided under this
19 part with local workforce development programs that
20 serve disadvantaged or out-of-school youth, such as
21 those providing workforce investment activities
22 under chapter 4 of subtitle B of title I of the Work-
23 force Investment Act of 1998, including a descrip-
24 tion of how the local educational agency will use
25 funds under this part to support such activities.

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

3 “(8) How teachers, in consultation with parents
4 and family members, administrators, and specialized
5 instructional support personnel, in targeted assist-
6 ance schools under section 1115, will identify the eli-
7 gible children most in need of services under this
8 part.

9 “(9) How the local educational agency will iden-
10 tify and address any disparities in the equitable dis-
11 tribution of teachers, consistent with the require-
12 ments of section 1111(b)(1)(L).

13 “(10) Data on the percentage and distribution
14 of more than 1, or an index that incorporates more
15 than 1, of the categories of teachers described in
16 subparagraphs (A) through (E) of subsection
17 (e)(10).

18 “(11) A general description of the nature of the
19 programs to be conducted by such agency’s schools
20 under sections 1114 and 1115 and, where appro-
21 priate, educational services outside such schools for
22 children living in local institutions for neglected or
23 delinquent children, and for neglected and delin-
24 quent children in community day school programs.

25 “(12) A description of—

1 “(A) how the local educational agency will
2 provide opportunities for the enrollment, at-
3 tendance, and success of homeless children and
4 youths; and

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

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

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

18 “(1) use the results of the academic assess-
19 ments required under section 1111(a)(2), and other
20 measures or indicators available to the agency, to re-
21 view annually the progress of each school served by
22 the agency and receiving funds under this part to
23 determine whether all of the schools are making the
24 progress necessary to ensure that all students will
25 meet the State’s on-track or advanced level of

1 achievement on the State academic assessments re-
2 quired under such section;

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

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

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

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

22 “(6) provide services to eligible children attend-
23 ing private elementary schools and secondary schools
24 in accordance with section 1120, and timely and

1 meaningful consultation with private school officials
2 regarding such services;

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

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

14 “(9) comply with the requirements of section
15 1501 that relate to the local educational agency and
16 describe the local educational agency’s plan to en-
17 sure such compliance; and

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

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

3 “(B) Teachers who are inexperienced.

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

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

9 “(E) Where applicable, teachers who are in
10 the highest or lowest categories of a teacher
11 evaluation system that is consistent with section
12 2301(b)(4).

13 “(f) PARENTAL NOTIFICATION REGARDING LAN-
14 GUAGE INSTRUCTION PROGRAMS.—

15 “(1) IN GENERAL.—Each local educational
16 agency using funds under this part to provide a lan-
17 guage instruction educational program as deter-
18 mined under part C of title III shall, not later than
19 30 days after the beginning of the school year, in-
20 form a parent or parents of an English learner iden-
21 tified for participation or participating in, such a
22 program of—

23 “(A) the reasons for the identification of
24 their child as an English learner and in need of

1 placement in a language instruction educational
2 program;

3 “(B) the child’s level of English pro-
4 ficiency, how such level was assessed, and the
5 status of the child’s academic achievement;

6 “(C) the methods of instruction used in
7 the program in which their child is, or will be,
8 participating, and the methods of instruction
9 used in other available programs, including how
10 such programs differ in content, instructional
11 goals, and the use of English and a native lan-
12 guage in instruction;

13 “(D) how the program in which their child
14 is, or will be, participating, will meet the edu-
15 cational strengths and needs of their child;

16 “(E) how such program will specifically
17 help their child learn English, and meet age-ap-
18 propriate academic achievement standards for
19 grade promotion and graduation;

20 “(F) the specific exit requirements for the
21 program, including the expected rate of transi-
22 tion from such program into classrooms that
23 are not tailored for English learners, and the
24 expected rate of graduation from secondary

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

3 “(G) in the case of a child with a dis-
4 ability, how such program meets the objectives
5 of the individualized education program of the
6 child; and

7 “(H) information pertaining to parental
8 rights that includes written guidance—

9 “(i) detailing—

10 “(I) the right that parents have
11 to have their child immediately re-
12 moved from such program upon their
13 request; and

14 “(II) the options that parents
15 have to decline to enroll their child in
16 such program or to choose another
17 program or method of instruction, if
18 available; and

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

23 “(2) NOTICE.—The notice and information pro-
24 vided in paragraph (1) to a parent or parents of a
25 child identified for participation in a language in-

1 instruction educational program for English learners
2 shall be in an understandable and uniform format
3 and, to the extent practicable, provided in a lan-
4 guage that the parents can understand.

5 “(3) SPECIAL RULE APPLICABLE DURING THE
6 SCHOOL YEAR.—For those children who have not
7 been identified as English learners prior to the be-
8 ginning of the school year and who are subsequently
9 so identified, the local educational agency shall no-
10 tify the parents of such children within the first 2
11 weeks of the child being placed in a language in-
12 struction educational program consistent with para-
13 graphs (1) and (2).

14 “(4) PARENTAL PARTICIPATION.—Each local
15 educational agency receiving funds under this part
16 shall implement an effective means of outreach to
17 parents and, to the extent practicable, family mem-
18 bers, of English learner students to inform the par-
19 ents and family members regarding how the parents
20 and family members can be involved in the education
21 of their children, and be active participants in assist-
22 ing their children to attain English proficiency,
23 achieve at high levels in core academic subjects, and
24 meet college and career ready State student aca-
25 demic achievement standards and State academic

1 content standards expected of all students, including
 2 holding, and sending notice of opportunities for, reg-
 3 ular meetings for the purpose of formulating and re-
 4 sponding to recommendations from parents and fam-
 5 ily members of students assisted under this part.

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

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

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

12 (1) in subsection (a)—

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

15 “(3) RANKING ORDER.—

16 “(A) IN GENERAL.—Except as provided in
 17 subparagraph (B), if funds allocated in accord-
 18 ance with subsection (c) are insufficient to serve
 19 all eligible school attendance areas, a local edu-
 20 cational agency shall—

21 “(i) annually rank, without regard to
 22 grade spans, such agency’s eligible school
 23 attendance areas in which the concentra-
 24 tion of children from low-income families
 25 exceeds 75 percent, or exceeds 50 percent

1 in the case of the high schools served by
2 such agency, from highest to lowest ac-
3 cording to the percentage of children from
4 low-income families; and

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

7 “(B) APPLICABILITY.—A local educational
8 agency shall not be required to reduce, in order
9 to comply with subparagraph (A), the amount
10 of funding provided under this part to elemen-
11 tary schools and middle schools from the
12 amount of funding provided under this part to
13 such schools for the fiscal year preceding the
14 data of enactment of the Elementary and Sec-
15 ondary Education Reauthorization Act of 2011
16 in order to provide funding under this part to
17 high schools pursuant to subparagraph (A).”;

18 (B) by striking paragraph (5) and insert-
19 ing the following:

20 “(5) MEASURES.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B), the local educational agency
23 shall use the same measure of poverty, which
24 measure shall be the number of children ages 5
25 through 17 in poverty counted in the most re-

1 cent census data approved by the Secretary, the
2 number of children eligible for free and reduced
3 priced lunches under the Richard B. Russell
4 National School Lunch Act, the number of chil-
5 dren in families receiving assistance under the
6 State program funded under part A of title IV
7 of the Social Security Act, or the number of
8 children eligible to receive medical assistance
9 under the Medicaid program, or a composite of
10 such indicators, with respect to all school at-
11 tendance areas in the local educational agen-
12 cy—

13 “(i) to identify eligible school attend-
14 ance areas;

15 “(ii) to determine the ranking of each
16 area; and

17 “(iii) to determine allocations under
18 subsection (c).

19 “(B) LOW-INCOME FAMILIES IN SEC-
20 ONDARY SCHOOLS.—For measuring the number
21 of students in low-income families in secondary
22 schools, the local educational agency shall use
23 the same measure of poverty, which shall be the
24 calculation producing the greater of the results
25 from among the following 2 calculations:

1 “(i) The calculation described under
2 subparagraph (A).

3 “(ii) A feeder pattern described in
4 subparagraph (C).

5 “(C) FEEDER PATTERN.—In this part, the
6 term ‘feeder pattern’ means an accurate esti-
7 mate of the number of students in low-income
8 families in a secondary school that is calculated
9 by applying the average percentage of students
10 in low-income families of the elementary school
11 attendance areas as calculated under subpara-
12 graph (A) that feed into the secondary school to
13 the number of students enrolled in such
14 school.”; and

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

16 “(8) RESERVATION FOR EARLY CHILDHOOD
17 EDUCATION AND CARE.—A local educational agency
18 may reserve funds made available to carry out this
19 section for early childhood education and care in eli-
20 gible school attendance areas before making alloca-
21 tions to high schools in eligible school attendance
22 areas pursuant to this section.”; and

23 (2) in subsection (c)—

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

1 “(3) RESERVATION FOR HOMELESS CHILDREN
2 AND YOUTH AND OTHER AT-RISK CHILDREN.—

3 “(A) FUNDS FOR HOMELESS CHILDREN
4 AND YOUTH AND OTHER AT-RISK CHILDREN.—

5 A local educational agency shall reserve such
6 funds as are necessary under this part to
7 serve—

8 “(i) homeless children who do not at-
9 tend participating schools, including pro-
10 viding educationally related support serv-
11 ices to children in shelters and other loca-
12 tions where children may live;

13 “(ii) children in local institutions for
14 neglected children;

15 “(iii) if appropriate, children in local
16 institutions for delinquent children, and
17 neglected or delinquent children in commu-
18 nity day programs; and

19 “(iv) children in foster care (as de-
20 fined in section 1502), including providing
21 points of contact (as described in section
22 1501(d)) in local educational agencies for
23 child welfare agencies and children in fos-
24 ter care.

1 “(B) RESERVATION OF FUNDS.—Notwith-
2 standing the requirements of subsections (b)
3 and (c) of section 1120A, funds reserved under
4 subparagraph (A) may be used to provide
5 homeless children and youths with services not
6 ordinarily provided to other students under this
7 part, including—

8 “(i) providing funding for the liaison
9 designated pursuant to section
10 722(g)(1)(J)(ii) of the McKinney-Vento
11 Homeless Assistance Act;

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

15 “(iii) providing services to preschool-
16 aged homeless children and homeless sec-
17 ondary school students;

18 “(iv) providing support services to
19 homeless children and youths in shelters
20 and other locations where they may live;
21 and

22 “(v) removing barriers to homeless
23 children and youths’ enrollment, attend-
24 ance, retention, and success in school.

1 “(C) AMOUNT RESERVED.—The amount of
2 funds reserved in accordance with subparagraph
3 (A)(i) shall be determined by an assessment of
4 the needs of homeless children and youths in
5 the local educational agency. Such needs assess-
6 ment shall include the following:

7 “(i) Information related to child,
8 youth, and family homelessness in the local
9 educational agency obtained through the
10 coordination and collaboration required
11 under subsections (f)(4) and (g)(5) of sec-
12 tion 722 of the McKinney-Vento Homeless
13 Assistance Act.

14 “(ii) The number of homeless children
15 and youths reported by the local edu-
16 cational agency to the State educational
17 agency under section 722(f)(3) of the
18 McKinney-Vento Homeless Assistance Act
19 for the previous school year.”; and

20 (B) in paragraph (4), by striking “eligible
21 under this section and identified for school im-
22 provement, corrective action, and restructuring
23 under section 1116(b)” and inserting “identi-
24 fied under section 1116(c)(2)”.

1 **SEC. 1114. SCHOOLWIDE PROGRAMS.**

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

3 (1) in subsection (a)—

4 (A) in paragraph (1), by adding at the end
5 the following: “Funds under this part may be
6 used to support activities that address needs
7 identified through the comprehensive needs as-
8 sessment under subsection (b)(1)(A) and con-
9 sistent with the schoolwide program.”;

10 (B) in paragraph (2)—

11 (i) in subparagraph (A)(ii), by strik-
12 ing “provide” and all that follows through
13 the period and inserting “identify par-
14 ticular services as supplemental.”; and

15 (ii) by striking subparagraph (B) and
16 inserting the following:

17 “(B) SUPPLEMENTAL FUNDS.—

18 “(i) IN GENERAL.—A local edu-
19 cational agency serving a school partici-
20 pating in a schoolwide program shall use
21 funds available to carry out this section
22 only to supplement the aggregate amount
23 of funds that would, in the absence of
24 funds under this part, be made available
25 from State and local sources for the school,
26 including funds needed to provide services

1 that are required by law for children with
2 disabilities and children who are English
3 learners.

4 “(ii) COMPLIANCE.—To demonstrate
5 compliance with clause (i), a local edu-
6 cational agency shall demonstrate that the
7 methodology it uses to allocate State and
8 local funds to each school receiving funds
9 under this part ensures the school receives
10 all of the State and local funds the school
11 would otherwise receive if it were not re-
12 ceiving funds under this part.

13 “(iii) NONAPPLICABILITY.—Section
14 1120A(b) shall not apply to schools oper-
15 ating schoolwide programs under this sec-
16 tion.”;

17 (C) in paragraph (3)(B)—

18 (i) by inserting “or” after “civil
19 rights,”; and

20 (ii) by striking “, services to private
21 school children, maintenance of effort,
22 comparability of services, uses of Federal
23 funds to supplement, not supplant non-
24 Federal funds, or the distribution of funds

1 to State educational agencies or local edu-
2 cational agencies”; and

3 (D) by striking paragraph (4);

4 (2) in subsection (b)—

5 (A) in paragraph (1)—

6 (i) in subparagraph (A)—

7 (I) by striking “section 1309(2)”
8 and inserting “section 1312”; and

9 (II) by striking “section
10 1111(b)(1)” and inserting “section
11 1111(a)(1)”; and

12 (ii) in subparagraph (B)—

13 (I) in clause (i)—

14 (aa) by striking “proficient
15 and advanced” and inserting
16 “on-track and advanced”; and

17 (bb) by striking “section
18 1111(b)(1)(D)” and inserting
19 “section 1111(a)(1)(A)(iv)”;

20 (II) in clause (ii), by striking
21 “scientifically based research” and in-
22 serting “scientifically valid research”;
23 and

24 (III) in clause (iii)—

25 (aa) in subclause (I)—

- 1 (AA) in item (aa), by
2 striking “pupil services” and
3 inserting “specialized in-
4 structional support serv-
5 ices”; and
- 6 (BB) in item (cc), by
7 striking “vocational and
8 technical education pro-
9 grams; and” and inserting
10 “career and technical edu-
11 cation programs;”; and
- 12 (bb) by adding at the end
13 the following:
- 14 “(III) a multi-tier system of sup-
15 ports and positive behavior supports;
16 and”;
- 17 (iii) in subparagraph (C), by inserting
18 “and highly rated” after “qualified”;
- 19 (iv) by striking subparagraphs (D)
20 and (F);
- 21 (v) by redesignating subparagraphs
22 (E), (G), (H), (I), and (J), as subpara-
23 graphs (D), (E), (F), (G), and (H), respec-
24 tively;

1 (vi) in subparagraph (D), as redesignated by clause (v), by inserting “and highly rated” after “qualified”;

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

5
6
7
8 (viii) in subparagraph (F), as redesignated by clause (v), by striking “section 1111(b)(3)” and inserting “section 1111(a)(2)”; and

9
10
11
12 (ix) in subparagraph (G), as redesignated by clause (v), by striking “proficient or advanced levels of academic achievement standards required by section 1111(b)(1)” and inserting “on-track and advanced levels of academic achievement standards required by section 1111(a)(1)(A)(iv)”; and
13
14
15
16
17
18
19 (B) in paragraph (2)—

20 (i) in subparagraph (A)—

21 (I) in the matter preceding clause
22 (i), by striking “No Child Left Behind Act of 2001), in consultation with the
23 local educational agency and its school
24 support team or other technical assist-
25

1 ance provider under section 1117,”
2 and inserting “Elementary and Sec-
3 ondary Education Reauthorization Act
4 of 2011), in consultation with the
5 local educational agency,”; and

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

9 (ii) in subparagraph (B)—

10 (I) in clause (i)—

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

16 (bb) in subclause (II), by
17 striking “the No Child Left Be-
18 hind Act of 2001” and inserting
19 “the Elementary and Secondary
20 Education Reauthorization Act of
21 2011”;

22 (II) in clause (ii), by striking
23 “pupil services personnel” and insert-
24 ing “specialized instructional support
25 personnel”; and

1 (III) in clause (v), by striking
2 “Reading First, Early Reading First,
3 Even Start,” and inserting “part A of
4 title IV,”; and

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

8 **SEC. 1115. TARGETED ASSISTANCE SCHOOLS.**

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

10 (1) in subsection (b)—

11 (A) in paragraph (1)(B)—

12 (i) by striking “challenging” and in-
13 serting “college and career ready”; and

14 (ii) by striking “except that” and all
15 that follows through the period at the end
16 and inserting “including children who are
17 at risk of failing to be ready for elemen-
18 tary school.”; and

19 (B) in paragraph (2)—

20 (i) in subparagraph (A), by striking
21 “or limited English proficient children”
22 and inserting “, or English learners”; and

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

1 “(B) HEAD START OR LITERACY PRO-
2 GRAMS.—A child who, at any time in the 2
3 years preceding the year for which the deter-
4 mination is made, participated in a Head Start
5 program, a program under part A of title IV,
6 or in preschool services under this title, is eligi-
7 ble for services under this part.”;

8 (2) in subsection (c)—

9 (A) in paragraph (1)—

10 (i) in the matter preceding subpara-
11 graph (A), by striking “challenging” and
12 inserting “college and career ready”;

13 (ii) in subparagraph (A), by striking
14 “challenging” and inserting “college and
15 career ready”;

16 (iii) in subparagraph (C)—

17 (I) in the matter preceding clause
18 (i), by striking “scientifically based
19 research” and inserting “scientifically
20 valid research”;

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

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

1 (IV) by adding at the end the fol-
2 lowing:

3 “(iv) may include a multi-tier system
4 of supports and positive behavioral sup-
5 ports;”;

6 (iv) in subparagraph (D), by striking
7 “Even Start, Early Reading First” and in-
8 sserting “programs under part A of title
9 IV,”;

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

12 (vi) in subparagraph (F)—

13 (I) by striking “subsection (e)(3)
14 and”; and

15 (II) by striking “pupil services
16 personnel” and inserting “specialized
17 instructional support personnel”; and

18 (B) in paragraph (2)—

19 (i) in the matter preceding subpara-
20 graph (A), by striking “proficient and ad-
21 vanced” and inserting “on-track and ad-
22 vanced”; and

23 (ii) in subparagraph (B), by striking
24 “challenging” and inserting “college and
25 career ready”; and

1 (3) in subsection (e)(2)(B)(iii), by striking
2 “pupil services personnel” and inserting “specialized
3 instructional support personnel”.

4 **SEC. 1116. SCHOOL PERFORMANCE.**

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

7 **“SEC. 1116. SCHOOL PERFORMANCE.**

8 “(a) SCHOOL ACCOUNTABILITY AND IMPROVEMENT
9 SYSTEM.—

10 “(1) IN GENERAL.—Each State receiving a
11 grant under this part shall, as part of the account-
12 ability system required under section 1111(a)(3), es-
13 tablish a school accountability and improvement sys-
14 tem to differentiate public elementary and secondary
15 schools by levels of performance, in accordance with
16 subsections (b) through (e), and to provide such
17 schools with intervention, as needed.

18 “(2) APPROVAL AND PEER REVIEW OF SYS-
19 TEM.—

20 “(A) IN GENERAL.—Not later than the be-
21 ginning of the 2013–2014 school year, a State
22 receiving a grant under this part shall develop
23 a school accountability and improvement system
24 that includes—

1 “(i) the identification of the public
2 schools in the State that are achievement
3 gap schools and persistently low-achieving
4 schools, and the school improvement strat-
5 egies or other consequences to be used for
6 such schools in accordance with this sec-
7 tion; and

8 “(ii) the implementation of the State-
9 designed accountability system, as de-
10 scribed in section 1111(a)(3).

11 “(B) REVIEW AND APPROVAL.—The State
12 shall include information describing the school
13 accountability and improvement system in the
14 State plan under section 1111(b), which shall
15 be subject to peer review and approval by the
16 Secretary as part of the State plan, in accord-
17 ance with such section.

18 “(b) ACHIEVEMENT GAP SCHOOLS.—

19 “(1) IDENTIFICATION OF ACHIEVEMENT GAP
20 SCHOOLS.—

21 “(A) IN GENERAL.—Each State receiving
22 a grant under this part shall define the cat-
23 egory of achievement gap schools for the State
24 as part of its State plan, and shall identify an-
25 nually, beginning in the 2013–2014 school year,

1 the schools in the category. A State shall in-
2 clude in its achievement gap schools the 5 per-
3 cent of public high schools in the State, and the
4 5 percent of public elementary schools and sec-
5 ondary schools in the State that are not high
6 schools, that are not identified as persistently
7 low-achieving under subsection (c)(2), and that
8 have the largest achievement gap among any of
9 the subgroups of students described in subpara-
10 graph (B) or have the lowest performance by
11 students in such subgroups in the State, with
12 respect to—

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

17 “(ii) in the case of high schools, the
18 graduation rate.

19 “(B) SUBGROUPS OF STUDENTS.—The
20 subgroups described in this subparagraph shall
21 be obtained by disaggregating students enrolled
22 in a school by each major racial and ethnic
23 group, by English proficiency status, by status
24 as a child with a disability, and by economically
25 disadvantaged status.

1 “(C) DATA RULE.—In identifying achieve-
2 ment gap schools under this paragraph, a State
3 shall—

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

6 “(ii) average data for the most recent
7 2- to 3-year period for which data are
8 available.

9 “(D) PARENTAL NOTIFICATION.—Each
10 year, a State shall provide timely notification to
11 all parents of students enrolled in each school
12 identified under subparagraph (A) that the
13 school is one of the State’s achievement gap
14 schools for such year.

15 “(2) STATE AND LOCAL STRATEGIES.—

16 “(A) IMPROVEMENT STRATEGIES.—For
17 each achievement gap school identified under
18 paragraph (1), the local educational agency
19 serving the school shall, in accordance with the
20 State accountability system described in section
21 1111(a)(3), develop and implement a measur-
22 able and data-driven correction plan to improve
23 the performance of low-achieving subgroups in
24 the school in order to close achievement gaps.

1 “(B) FAILURE TO IMPROVE PERFORMANCE
2 AFTER 3 YEARS.—Notwithstanding any other
3 provision of law, any local educational agency
4 serving an achievement gap school that has
5 been identified as such for a period of more
6 than 3 consecutive years shall not be eligible for
7 any priority, preference, or special consideration
8 for any grant, subgrant, or other program fund-
9 ed under this Act.

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

11 “(1) LOWEST-ACHIEVING SCHOOLS IN THE
12 STATE.—

13 “(A) IN GENERAL.—Each State receiving
14 a grant under this part shall, beginning in the
15 2013–2014 school year and every year there-
16 after, determine the lowest-achieving schools in
17 the State, which shall include—

18 “(i) the lowest-achieving 5 percent of
19 public high schools, and the lowest-achiev-
20 ing 5 percent of public elementary schools
21 and secondary schools that are not high
22 schools, in the State, based on—

23 “(I) student performance on the
24 State academic assessments in read-
25 ing or language arts, and mathe-

1 matics, including student absolute
2 performance and, for a State de-
3 scribed in section 1111(b)(1)(B),
4 growth (defined, for the purposes of
5 this section, as the percentage of stu-
6 dents who are on track to college and
7 career readiness in a subject);

8 “(II) in the case of high schools,
9 graduation rates; and

10 “(III) if the State so chooses—

11 “(aa) schoolwide gains; and

12 “(bb) absolute student per-
13 formance and, in the case of a
14 State described in section
15 1111(b)(1)(B), student growth,
16 on other statewide assessments;
17 and

18 “(ii) the public high schools in the
19 State that have less than a 60 percent
20 graduation rate.

21 “(B) DATA RULE.—In identifying the low-
22 est-achieving schools under this paragraph, a
23 State shall—

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

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

4 “(C) PARENTAL NOTIFICATION.—Each
5 year, a State shall provide timely notification to
6 all parents of students enrolled in each school
7 identified under subparagraph (A) that the
8 school is one of the State’s lowest-achieving
9 schools for such year.

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

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

14 “(I) receive assistance under this
15 part;

16 “(II) are public high schools for
17 which not less than 50 percent of each
18 school’s students are from low-income
19 families, as determined by the local
20 educational agency under section
21 1113; or

22 “(III) are public high schools
23 that have less than a 60 percent grad-
24 uation rate;

1 “(ii) submit the list described in
2 clause (i) to the Secretary;

3 “(iii) distribute the list described in
4 clause (i) to the local educational agencies,
5 elementary schools, and secondary schools
6 in the State; and

7 “(iv) make such list publicly available,
8 including through the Internet.

9 “(2) IDENTIFICATION AS PERSISTENTLY LOW-
10 ACHIEVING.—

11 “(A) IDENTIFICATION.—For the 2013–
12 2014 school year, each State receiving a grant
13 under this part shall identify each school in-
14 cluded on the list under paragraph (1)(D)(i) for
15 the preceding school year as a persistently low-
16 achieving school. For the 2014–2015 school
17 year, and each subsequent school year, each
18 such State shall identify each school that has
19 been included on the list under such paragraph
20 for the 2 preceding consecutive school years as
21 a persistently low-achieving school.

22 “(B) 5-YEAR PERIOD.—A school that is
23 identified by the State under subparagraph (A)
24 shall be a persistently low-achieving school for

1 the 5-year period following the school’s identi-
2 fication, except as provided in paragraph (7).

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

12 “(4) NEEDS ANALYSIS.—Each local educational
13 agency receiving assistance under this part shall
14 conduct a data-driven needs analysis, which may in-
15 volve an external partner with expertise in con-
16 ducting such needs analysis, of each school identified
17 under paragraph (2) by the State to determine the
18 most appropriate school improvement strategies to
19 improve student performance. Such needs analysis
20 shall include—

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

23 “(B) an analysis of the school governance,
24 curriculum, instruction, student supports, con-
25 ditions for learning, and parent and family en-

1 gagement practices relative to the needs of the
2 student population; and

3 “(C) the resources, which may include
4 community-based supports and early childhood
5 education and care, available at the school, local
6 educational agency, and community levels to
7 meet student needs and support improved stu-
8 dent achievement and outcomes and the imple-
9 mentation of any school improvement strategy.

10 “(5) STATE AND LOCAL RESPONSIBILITIES.—

11 “(A) STATE RESPONSIBILITIES.—Each
12 State receiving a grant under this part shall en-
13 sure that a local educational agency receiving
14 assistance carries out the requirements of sub-
15 paragraph (B) for each persistently low-achiev-
16 ing school in the State.

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

23 “(i) establish a process for selecting
24 an appropriate school improvement strat-
25 egy for the school that uses information

1 from the needs analysis under paragraph
2 (4);

3 “(ii) select the school improvement
4 strategy to be used in each identified
5 school and the timeline for implementing
6 the selected school improvement strategy
7 in such school;

8 “(iii) develop a detailed budget cov-
9 ering the 5-year identification period, in-
10 cluding planned expenditures at the school
11 level for activities supporting full and ef-
12 fective implementation of the selected
13 school improvement strategy;

14 “(iv) implement a school improvement
15 strategy at the school in accordance with
16 the requirements of paragraph (6);

17 “(v) use appropriate measures to
18 monitor the effectiveness of the implemen-
19 tation;

20 “(vi) review and select turnaround
21 partners to assist in implementing school
22 improvement strategies;

23 “(vii) align other Federal, State, and
24 local resources with the school improve-
25 ment strategy;

1 “(viii) provide the school with the
2 operational flexibility, including autonomy
3 over staffing, time, and budget, needed to
4 enable full and effective implementation of
5 the selected strategy, including through the
6 modification of practices or policies, if nec-
7 essary;

8 “(ix) collect and use data on an ongo-
9 ing basis to adjust implementation of the
10 school improvement strategy to improve
11 student achievement;

12 “(x) provide an assurance that the im-
13 plementation of the selected school im-
14 provement strategy addresses the needs of
15 all the subgroups of students described in
16 subsection (b)(1)(B) in the school;

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

20 “(xii) provide technical assistance and
21 other support to ensure effective implemen-
22 tation of the school improvement strategy
23 in the school, which may include assistance
24 in—

25 “(I) data collection and analysis;

1 “(II) recruiting and retaining
2 staff;

3 “(III) teacher and principal eval-
4 uation;

5 “(IV) professional development;

6 “(V) parent and family engage-
7 ment;

8 “(VI) coordination of services
9 with early childhood education and
10 care providers;

11 “(VII) coordination of services to
12 address students’ social, emotional,
13 and health needs; and

14 “(VIII) monitoring the imple-
15 mentation of the school improvement
16 strategy selected under paragraph (6).

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

22 “(6) SCHOOL IMPROVEMENT STRATEGIES.—

23 “(A) REQUIRED ACTIVITIES FOR ALL
24 SCHOOL IMPROVEMENT STRATEGIES.—A local

1 educational agency implementing any strategies
2 under this paragraph for a school shall—

3 “(i) provide staff at the school with
4 ongoing professional development, con-
5 sistent with the needs analysis described in
6 paragraph (4);

7 “(ii) conduct regular evaluations for
8 the teachers and principals at the school
9 that provide specific feedback on areas of
10 strength and in need of improvement;

11 “(iii) provide time for collaboration
12 among instructional staff at the school to
13 improve student achievement;

14 “(iv) provide instructional staff at the
15 school with timely access to student data
16 to inform instruction and meet the aca-
17 demic needs of individual students, which
18 may include, in elementary school, school
19 readiness data;

20 “(v) collaborate with parents, the
21 community, teachers, and other school per-
22 sonnel at the school on the selection and
23 implementation of the strategy;

1 “(vi) use data to identify and imple-
2 ment a research-based instructional pro-
3 gram that—

4 “(I) analyzes student progress
5 and performance and develops appro-
6 priate interventions for students who
7 are not making adequate progress;
8 and

9 “(II) provides differentiated in-
10 struction and related instructional
11 supports;

12 “(vii) in the case of an elementary
13 school with kindergarten entry, consider
14 the issue of school readiness in such school
15 by—

16 “(I) examining factors that con-
17 tribute to school readiness as part of
18 the needs analysis conducted under
19 paragraph (4); and

20 “(II) if school readiness is identi-
21 fied in the needs analysis as an area
22 in need of improvement—

23 “(aa) coordinating with ap-
24 propriate early childhood pro-
25 grams, such as programs under

1 the Child Care Development and
2 Block Grant Act of 1990, the
3 Head Start Act, prekindergarten
4 programs, and other similar Fed-
5 eral, State, and local programs,
6 in order to align instruction to
7 better prepare students for ele-
8 mentary school; and

9 “(bb) developing a plan to
10 improve or expand early child-
11 hood options which may include
12 the use of funds under this part
13 for such purposes;

14 “(viii) provide ongoing mechanisms
15 for parent and family engagement; and

16 “(ix) provide appropriate services and
17 supports for students as identified in the
18 school’s needs analysis.

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

23 “(i) TRANSFORMATION STRATEGY.—A
24 local educational agency implementing a
25 transformation strategy in a school shall—

1 “(I) replace the principal, if the
2 principal has served in that role at the
3 school for more than 2 years, with a
4 principal who has—

5 “(aa) a demonstrated record
6 of success in increasing student
7 achievement;

8 “(bb) training or experience
9 in raising student achievement;
10 or

11 “(cc) training or experience
12 in turning around low-performing
13 schools;

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

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

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

1 “(I) replace the principal, if the
2 principal has served in that role at the
3 school for more than 2 years, with a
4 principal who has the demonstrated
5 record of success, training, or experi-
6 ence described in clause (i)(I);

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

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

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

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

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

5 “(I) replace the principal, if the
6 principal has served in that role at the
7 school for more than 2 years, with a
8 principal who has the demonstrated
9 record of success, training, or experi-
10 ence described in clause (i)(I); and

11 “(II) screen all teachers in the
12 school and retain not more than 65
13 percent of them.

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

1 mented experimental or quasi-experimental
2 study.

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

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

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

21 “(II) Ensure that the new
22 school—

23 “(aa) serves the grade levels
24 as the original school for which

1 the strategy is being imple-
2 mented; and

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

12 “(vi) SCHOOL CLOSURE STRATEGY.—

13 A local educational agency implementing a
14 school closure strategy for a school—

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

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

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

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

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

19 “(bb) supporting the new
20 school; and

21 “(cc) expanding and offering
22 student supports and services
23 within the new school, which may
24 include high-quality prekindergarten
25 programs and services.

1 “(C) FLEXIBILITY.—

2 “(i) FLEXIBILITY FOR CERTAIN
3 LOCAL EDUCATIONAL AGENCIES.—Not-
4 withstanding any other provision of this
5 paragraph—

6 “(I) a local educational agency
7 that is eligible for services under sub-
8 part 1 or 2 of part B of title VI, as
9 determined by the Secretary, may
10 modify not more than 1 of the ele-
11 ments or activities required under
12 subparagraph (A) of a school improve-
13 ment strategy selected for a school de-
14 scribed in paragraph (5)(A), in order
15 to better meet the needs of students
16 in such school; and

17 “(II) a State educational agency
18 may apply to the Secretary for a waiv-
19 er of clauses (i)(I), (ii)(I), and (iii)(I)
20 of subparagraph (B).

21 “(ii) STATE FLEXIBILITY.—

22 “(I) IN GENERAL.—Notwith-
23 standing any other provision of this
24 paragraph, a State educational agency
25 may, with the approval of the Sec-

1 retary, establish an alternative State-
2 determined school improvement strat-
3 egy that may be used by local edu-
4 cational agencies in addition to the
5 strategies described in subparagraph
6 (B).

7 “(II) EXCEPTION FOR REQUIRED
8 ACTIVITIES.—A local educational
9 agency implementing an approved al-
10 ternative State-determined school im-
11 provement strategy in accordance with
12 this subparagraph shall not be re-
13 quired to implement the activities de-
14 scribed in subparagraph (A).

15 “(D) PUBLIC SCHOOL CHOICE.—

16 “(i) IN GENERAL.—In addition to the
17 requirements of subparagraph (A) and the
18 school improvement strategy determined
19 under subparagraph (B) or (C)(ii), a local
20 educational agency shall, not later than 3
21 months before the first day of the school
22 year following identification under para-
23 graph (2), provide all students enrolled in
24 the identified school with the option to
25 transfer to another public school served by

1 the local educational agency that has not
2 been identified under such paragraph, un-
3 less such an option is prohibited by State
4 law.

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

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

20 “(iv) SPECIAL RULE.—A local edu-
21 cational agency shall permit a child who
22 transfers to another public school under
23 this subparagraph to remain in that school
24 until the child has completed the highest
25 grade in such school.

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

8 “(A) the State educational agency shall no
9 longer identify the school as a persistently low-
10 achieving school for any remainder of the 5-
11 year period; and

12 “(B) if an eligible entity, as defined in sub-
13 section (d)(1), was receiving school improve-
14 ment funds under subsection (d) for such
15 school, the eligible entity shall continue to re-
16 ceive such grant funds as are necessary, and
17 use such funds to carry out the grant activities
18 in such school, for the full period of such grant.

19 “(8) REPEATED CLASSIFICATION AS PERSIST-
20 ENTLY LOW-ACHIEVING.—For each public school
21 that is identified under paragraph (2) for any por-
22 tion of a 5-year period and that is re-identified
23 under such paragraph for the subsequent time pe-
24 riod, the local educational agency shall carry out the
25 requirements of this subsection for such subsequent

1 period by implementing, with respect to such school,
2 the restart strategy or school closure strategy under
3 clause (v) or (vi) of paragraph (6)(B).

4 “(d) SCHOOL IMPROVEMENT FUNDS.—

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

6 “(A) ELIGIBLE ENTITY.—the term ‘eligible
7 entity’ means—

8 “(i) a State educational agency;

9 “(ii) a local educational agency that
10 receives funds under this part and serves
11 at least 1 eligible school;

12 “(iii) a consortium of such local edu-
13 cational agencies; or

14 “(iv) an educational service agency
15 that serves at least 1 local educational
16 agency described in clause (ii).

17 “(B) ELIGIBLE SCHOOL.—The term ‘eligi-
18 ble school’ means a school identified under sub-
19 section (b) or paragraph (1) or (2) of sub-
20 section (c).

21 “(2) ALLOTMENTS TO STATES.—

22 “(A) IN GENERAL.—From the funds made
23 available to carry out this subsection under sec-
24 tion 3(a)(2) for a fiscal year, the Secretary
25 shall provide States that submit an application

1 described in paragraph (3) with school improve-
2 ment funds through an allotment, as deter-
3 mined under subparagraph (B) and in addition
4 to the amounts made available to States under
5 subpart 2, to enable the States to award sub-
6 grants and carry out the activities described in
7 this subsection to assist eligible schools.

8 “(B) ALLOTMENTS TO STATES.—From the
9 funds made available to carry out this sub-
10 section under section 3(a)(2) for a fiscal year,
11 the Secretary shall allot to each State with an
12 approved application an amount that bears the
13 same relation to such funds as the amount that
14 the State received under subpart 2 for the pre-
15 ceding fiscal year bears to the amount that all
16 States receive under such subpart for such fis-
17 cal year.

18 “(3) STATE APPLICATION.—A State that de-
19 sires to receive school improvement funds under this
20 subsection shall submit an application to the Sec-
21 retary at such time, in such manner, and accom-
22 panied by such information as the Secretary may re-
23 quire. Each application shall include a description
24 of—

1 “(A) the process and the criteria that the
2 State will use to award subgrants under para-
3 graph (5)(A)(i);

4 “(B) the process and the criteria the State
5 will use to determine whether the eligible enti-
6 ty’s proposal for each eligible school meets the
7 requirements of subparagraphs (B) and (C) of
8 paragraph (5), and paragraphs (4) and (6), of
9 subsection (c);

10 “(C) how the State will ensure geographic
11 diversity in making subgrants;

12 “(D) how the State will set priorities in
13 awarding subgrants to eligible entities approved
14 to serve schools identified under subsection (b),
15 if funds are available to do so;

16 “(E) how the State will monitor and evalu-
17 ate the implementation of school improvement
18 strategies by eligible entities, including how the
19 State will use the results of the evaluation to
20 improve State strategies for supporting schools
21 identified under subsection (b) or (c); and

22 “(F) how the State will reduce barriers for
23 schools in the implementation of school im-
24 provement strategies, including operational
25 flexibility that would enable complete implemen-

1 tation of the selected school improvement strat-
2 egy.

3 “(4) STATE ADMINISTRATION AND TECHNICAL
4 ASSISTANCE.—A State that receives an allotment
5 under this subsection may reserve not more than a
6 total of 5 percent of such allotment for the adminis-
7 tration of this subsection, which may include activi-
8 ties aimed at building State capacity to support the
9 local educational agency and school improvement,
10 such as providing technical assistance and other sup-
11 port (including regular site visits to monitor imple-
12 mentation of selected school improvement strategies
13 to eligible entities serving schools identified under
14 subsection (c)(2)), either directly or through edu-
15 cational service agencies or other public or private
16 organizations.

17 “(5) SCHOOL IMPROVEMENT ACTIVITIES.—

18 “(A) IN GENERAL.—A State that receives
19 school improvement funds under this subsection
20 shall use not less than 95 percent of such allot-
21 ment to carry out school improvement activities
22 for eligible schools by—

23 “(i) awarding subgrants, on a com-
24 petitive basis, to eligible entities to enable
25 the eligible entities to carry out the activi-

1 ties described in subparagraph (D) for eli-
2 gible schools; or

3 “(ii) if the State chooses and the local
4 educational agency serving an eligible
5 school agrees, directly providing the activi-
6 ties described in clauses (i) through (iii) of
7 subparagraph (D) to the eligible school
8 and the local educational agency, or ar-
9 ranging for other entities, such as school
10 support teams or educational service agen-
11 cies, to provide such activities to the
12 school.

13 “(B) PRIORITY.—In distributing grant
14 funds under this paragraph, a State shall assist
15 the schools identified under paragraph (1) or
16 (2) of subsection (c), including such schools
17 that have improved as provided for in sub-
18 section (c)(7), in the State before assisting eli-
19 gible schools that are identified under sub-
20 section (b).

21 “(C) SUBGRANTS.—

22 “(i) APPLICATIONS.—An eligible enti-
23 ty that desires a subgrant under this para-
24 graph shall submit an application to the
25 State at such time, in such manner, and

1 including such information as the State
2 shall require. The application shall include
3 a description of how the eligible entity will
4 carry out the requirements of subpara-
5 graphs (B) and (C) of paragraph (5), and
6 paragraphs (4) and (6), for each eligible
7 school to be served by the grant.

8 “(ii) DEMONSTRATION OF ADDI-
9 TIONAL RESPONSIBILITIES.—Each eligible
10 entity that desires a subgrant under this
11 paragraph shall demonstrate in its applica-
12 tion that the eligible entity has—

13 “(I) adopted human resource
14 policies that prioritize the recruit-
15 ment, retention, and placement of ef-
16 fective staff in eligible schools;

17 “(II) ensured that eligible schools
18 have access to resources to implement
19 the school improvement strategies de-
20 scribed in subsection (c)(6), such as
21 facilities, professional development,
22 and technology;

23 “(III) identified opportunities to
24 reduce duplication, increase efficiency,
25 and assist eligible schools in com-

1 plying with reporting requirements of
2 State and Federal programs;

3 “(IV) developed an early warning
4 indicator system that monitors school-
5 level data, and alerts the eligible
6 school when a student indicates
7 slowed progress toward high school
8 graduation, so that the school can
9 provide appropriate student interven-
10 tions; and

11 “(V) facilitated alignment and
12 coordination between early childhood
13 education and care programs and
14 services serving students who will at-
15 tend eligible schools that are elemen-
16 tary schools, and teachers and prin-
17 cipals of such eligible schools.

18 “(iii) SUBGRANT SIZE.—A State shall
19 award subgrants under this paragraph of
20 sufficient size to enable subgrant recipients
21 to fully and effectively implement the se-
22 lected school improvement strategies.

23 “(iv) SUBGRANT PERIOD.—Each
24 subgrant awarded under this paragraph
25 shall be for a 5-year period.

1 “(v) WITHHOLDING FINAL FUND-
2 ING.—In order for a State to award
3 subgrant funds to an eligible entity for the
4 final 2 years of the subgrant cycle, the eli-
5 gible entity shall demonstrate that the
6 schools receiving funds under this para-
7 graph have made significant progress on
8 the leading indicators.

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

12 “(i) carry out the requirements of
13 subparagraphs (B) and (C) of paragraph
14 (5), and paragraphs (4) and (6), in an eli-
15 gible school that has been identified under
16 subsection (c)(2) as of the date of the
17 grant award, which may include a max-
18 imum 1-year planning period;

19 “(ii) if all eligible schools identified
20 under subsection (c)(2) in the State have
21 received funds under this subsection,
22 apply, and carry out, the requirements of
23 subparagraphs (B) and (C) of paragraph
24 (5), and paragraphs (4) and (6), at other

1 eligible schools as if such schools had been
2 identified under subsection (c)(2);

3 “(iii) carry out activities at the local
4 educational agency level that directly sup-
5 port such implementation, such as—

6 “(I) assistance in data collection
7 and analysis;

8 “(II) recruiting and retaining
9 staff;

10 “(III) teacher and principal eval-
11 uation;

12 “(IV) professional development;

13 “(V) coordination of services to
14 address students’ social, emotional,
15 and health needs; and

16 “(VI) progress monitoring.

17 “(E) SUPPLEMENT, NOT SUPPLANT.—An
18 eligible entity or State shall use Federal funds
19 received under this subsection only to supple-
20 ment the funds that would, in the absence of
21 such Federal funds, be made available from
22 non-Federal sources for the education of pupils
23 participating in programs funded under this
24 subsection.

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

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

17 “(A) Activities focused on building State
18 and local educational agency capacity to turn
19 around schools identified under subsection
20 (c)(2) and schools in rural areas through activi-
21 ties such as—

22 “(i) identifying and disseminating ef-
23 fective school improvement strategies, in-
24 cluding in rural areas;

1 “(ii) making available targeted tech-
2 nical assistance, including planning and
3 implementation tools; and

4 “(iii) expanding the availability of
5 turnaround partners capable of assisting in
6 turning around schools identified under
7 subsection (c)(2), including in rural areas.

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

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

13 “(i) identify schools that are imple-
14 menting school improvement strategies ef-
15 fectively;

16 “(ii) identify effective school improve-
17 ment strategies; and

18 “(iii) collect and disseminate that in-
19 formation to States and local educational
20 agencies in a manner that facilitates rep-
21 lication of effective practices.

22 “(D) Other activities designed to support
23 State and local efforts to improve eligible
24 schools.

1 “(7) EVALUATION.—The Director of the Insti-
2 tute of Education Sciences shall conduct an evalua-
3 tion of the programs carried out under this sub-
4 section.

5 “(e) STATE RESPONSIBILITIES.—Consistent with
6 section 1111(a)(3)(A)(iv), a State educational agency re-
7 ceiving assistance under this part shall provide support for
8 the improvement of all schools that are not identified
9 under subsection (b) or (c)(2) but are low-performing or
10 have low-performing subgroups of students described in
11 subsection (b)(1)(B).

12 “(f) CONSTRUCTION.—Nothing in this section shall
13 be construed to alter or otherwise affect the rights, rem-
14 edies, and procedures afforded school or school district
15 employees under Federal, State, or local laws (including
16 applicable regulations or court orders) or under the terms
17 of collective bargaining agreements, memoranda of under-
18 standing, or other agreements between such employees
19 and their employers.”.

20 **SEC. 1117. BLUE RIBBON SCHOOLS.**

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

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

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

5 “(b) BLUE RIBBON SCHOOLS.—

6 “(1) IDENTIFICATION OF BLUE RIBBON
7 SCHOOLS.—Each State receiving a grant under this
8 part may—

9 “(A) define the category of blue ribbon
10 schools, consistent with paragraph (2), for the
11 State as part of its State plan in section
12 1111(b); and

13 “(B) identify, for each school year, the
14 schools in the State that are blue ribbon schools
15 for such year.

16 “(2) BLUE RIBBON SCHOOL CRITERIA.—

17 “(A) IN GENERAL.—If a State elects to
18 carry out this subsection, the State’s blue rib-
19 bon schools shall consist of the top 5 percent of
20 the State’s public elementary schools and sec-
21 ondary schools, as designated by the State
22 based on—

23 “(i) the percentage of students who
24 are on track to college and career readi-
25 ness for English or language arts, and
26 mathematics;

1 “(ii) in the case of high schools, the
2 school’s graduation rates;

3 “(iii) the performance of each cat-
4 egory of students described in subsection
5 (b)(1)(B);

6 “(iv) if the State chooses to measure
7 student growth in accordance with section
8 1111(b)(1)(B), the percentage of students
9 attaining growth in accordance with
10 clauses (i) and (ii) of such section; and

11 “(v) school gains.

12 “(B) NONELIGIBILITY FOR BLUE RIBBON
13 STATUS.—A school identified under subsection
14 (b) or (c)(2) of section 1116 for a year shall
15 not be eligible for blue ribbon school status for
16 the same year.

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

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

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

24 “(B) allow each blue ribbon school to have
25 flexibility in the use of any funds provided to

1 the school under this Act for any purpose al-
2 lowed under this Act (notwithstanding any
3 other provision of this Act), as long as such use
4 is consistent with the Civil Rights Act of 1964,
5 title IX of the Education Amendments of 1972,
6 section 504 of the Rehabilitation Act of 1973,
7 the Americans with Disabilities Act of 1990 (42
8 U.S.C. 12101), and part B of the Individuals
9 with Disabilities Education Act; and

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

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

24 “(A) improve student achievement; and

1 “(B) provide technical assistance to the
2 lowest-achieving schools in the State that have
3 characteristics similar to the blue ribbon school,
4 in accordance with the State plan under section
5 1111(b)(1)(F).”.

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

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

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

10 “(a) LOCAL EDUCATIONAL AGENCY PARENT AND
11 FAMILY ENGAGEMENT PLAN.—

12 “(1) IN GENERAL.—A local educational agency
13 may receive funds under this part only if such agen-
14 cy develops and implements a strategic, evidence-
15 based plan to support meaningful engagement of
16 parents and family members in education (referred
17 to in this section as the ‘parent and family engage-
18 ment plan’). Such plan shall be aligned through in-
19 corporation into the local educational agency’s plan
20 developed under section 1112 and shall include
21 strategies (especially in high-need schools) that are
22 planned and implemented in meaningful consultation
23 with—

1 “(A) parents and family members of par-
2 ticipating children, including districtwide parent
3 advisory committees, where applicable;

4 “(B) to the greatest extent practicable, in-
5 dividuals with expertise in effectively engaging
6 parents and family members in education; and

7 “(C) organizations that have a dem-
8 onstrated record of effectiveness in assisting
9 students in becoming college and career ready.

10 “(2) CONSULTATION AND DISSEMINATION.—

11 Each local educational agency that receives funds
12 under this part shall—

13 “(A) develop and implement the parent
14 and family engagement plan jointly with par-
15 ents and family members of participating chil-
16 dren and, where applicable, with a districtwide
17 parent advisory committee; and

18 “(B) develop a template for schools to use
19 in communicating—

20 “(i) parent and family engagement
21 strategies; and

22 “(ii) the content of the compact de-
23 scribed in subsection (e).

1 “(3) CONTENTS OF THE LOCAL EDUCATIONAL
2 AGENCY PARENT AND FAMILY ENGAGEMENT
3 PLAN.—

4 “(A) REQUIRED ELEMENTS.—The parent
5 and family engagement plan shall—

6 “(i) establish the local educational
7 agency’s expectations for, and commitment
8 to support, meaningful engagement strate-
9 gies;

10 “(ii) describe the process through
11 which the local educational agency will
12 equip parents and family members, with
13 particular attention to economically dis-
14 advantaged parents and family members,
15 to—

16 “(I) act in partnership with
17 school personnel to improve the aca-
18 demic achievement and development
19 of their children;

20 “(II) participate in school im-
21 provement strategies; and

22 “(III) communicate effectively
23 with educators and administrators,
24 such as through the establishment of
25 a districtwide parent advisory com-

1 mittee, if such committee does not al-
2 ready exist;

3 “(iii) describe how the local edu-
4 cational agency will provide the coordina-
5 tion, technical assistance, and other sup-
6 port necessary to assist participating
7 schools in planning and implementing ef-
8 fective parent and family engagement
9 strategies, such as—

10 “(I) making facilities of the local
11 educational agency available, as ap-
12 propriate; and

13 “(II) utilizing the expertise of,
14 and developing strategies with, organi-
15 zations that have a demonstrated
16 record of success in supporting parent
17 and family engagement;

18 “(iv) describe how the local edu-
19 cational agency will use data (including
20 data collected through the evaluation de-
21 scribed in subsection (b), a conditions for
22 learning measurement system as described
23 in section 4404(g), and surveys of parent
24 and family engagement) to continuously

1 improve and increase engagement strate-
2 gies; and

3 “(v) describe how the local edu-
4 cational agency will involve parents in the
5 development of the plan described in sec-
6 tion 1112.

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

21 “(b) EVALUATION.—The local educational agency
22 shall conduct, with the involvement of parents and family
23 members, an annual evaluation of the effectiveness of the
24 parent and family engagement plan in—

1 “(1) improving student academic achievement
2 and development;

3 “(2) improving the college and career readiness
4 of children; and

5 “(3) reducing barriers to greater participation
6 in the activities described in this section by parents
7 and family members, with particular attention to
8 parents and family members who are economically
9 disadvantaged.

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

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

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

20 “(3) USE OF FUNDS.—Funds reserved under
21 paragraph (1) may be used to carry out systemic,
22 evidence-based parent and family engagement strate-
23 gies, consistent with the local educational agency
24 parent and family engagement plan described in sub-
25 section (a), such as the following:

1 “(A) Designating or establishing a dedi-
2 cated office or dedicated personnel for parent
3 and family engagement.

4 “(B) Providing subgrants to schools work-
5 ing in partnership with an organization with a
6 demonstrated record of success in improving
7 and increasing parent and family engagement.

8 “(C) Professional development for school
9 personnel regarding parent and family engage-
10 ment strategies, which may be provided jointly
11 to teachers, school leaders, and parents and
12 family members.

13 “(D) Districtwide or school-based leader-
14 ship training for parents and family members
15 and other evidence-based leadership develop-
16 ment strategies.

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

20 “(F) Home visitation programs.

21 “(G) Volunteerism programs.

22 “(H) Other evidence-based or promising
23 strategies for improving and increasing parent
24 and family engagement, which may include

1 family and student supports, as defined in sec-
2 tion 4603.

3 “(I) Conducting the evaluation described in
4 subsection (b).

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

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

18 “(4) DISTRIBUTION OF FUNDS.—

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

23 “(B) PRIORITY.—In allocating the funds
24 described in subparagraph (A), each local edu-

1 educational agency shall give priority to high-need
2 schools.

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

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

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

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

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

23 “(C) explain to parents and family mem-
24 bers the right of the parents and family mem-

1 bers to be involved, and the benefits of mean-
2 ingful engagement;

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

11 “(3) at a minimum, provide parents and family
12 members with—

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

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

23 “(C) opportunities to develop leadership
24 skills and to engage school and local edu-

1 cational agency staff in decisions relative to the
2 education of their children; and

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

10 “(4) make the school safe and welcoming to
11 parents and family members;

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

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

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

22 “(8) provide such other support for parent and
23 family engagement strategies under this section as
24 parents and family members may request, to the ex-
25 tent practicable.

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

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

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

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

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

21 “(C) to the greatest extent practicable—

22 “(i) communicate with parents and
23 family members when children are chron-
24 ically absent from school, when children
25 are suspended or expelled, or when chil-

1 dren drop out of school, which may include
2 through home visits;

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

8 “(iii) offer evidence-based mentoring
9 programs to students;

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

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

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

22 “(C) monitoring their child’s school attend-
23 ance, homework, course completion, academic
24 achievement, and progress toward college and
25 career readiness; and

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

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

8 “(A) regular parent-teacher conferences;

9 “(B) frequent reports to family members
10 on—

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

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

15 “(C) providing parents and family mem-
16 bers with—

17 “(i) reasonable access to staff;

18 “(ii) opportunities to volunteer and
19 participate at school; and

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

23 “(D) to the extent practicable, providing
24 information required under this section, and
25 conducting any consultations required under

1 this section, in a language that parents can un-
2 derstand; and

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

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

17 **SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARA-**
18 **PROFESSIONALS.**

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

20 (1) by striking subsections (a) and (b) and in-
21 serting the following:

22 “(a) TEACHER QUALIFICATIONS.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), each local educational agency receiving
25 assistance under this part shall ensure that all

1 teachers teaching a core academic subject in a pro-
2 gram supported with funds under this part are high-
3 ly qualified teachers.

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

11 “(3) SPECIAL RULE FOR SMALL, RURAL, OR RE-
12 MOTE SCHOOLS.—In the case of a local educational
13 agency that is unable to provide a highly qualified
14 teacher to serve as an on-site classroom teacher for
15 a core academic subject in a small, rural, or remote
16 school, the local educational agency may meet the
17 requirements of this section by using distance learn-
18 ing to provide such instruction by a teacher who is
19 a highly qualified teacher for purposes of the core
20 academic subject, as long as—

21 “(A) the teacher who is a highly qualified
22 teacher in the core academic subject—

23 “(i) is responsible for providing at
24 least 50 percent of the direct instruction in

1 the core academic subject through distance
2 learning;

3 “(ii) is responsible for monitoring stu-
4 dent progress; and

5 “(iii) is the teacher who assigns the
6 students their grades; and

7 “(B) an on-site teacher who is a highly
8 qualified teacher for a subject other the core
9 academic subject taught through distance learn-
10 ing is present in the classroom throughout the
11 period of distance learning and provides sup-
12 porting instruction and assistance to the stu-
13 dents.

14 “(b) QUALIFICATIONS FOR AMERICAN INDIAN, ALAS-
15 KA NATIVE, OR NATIVE HAWAIIAN LANGUAGE, CULTURE,
16 OR HISTORY TEACHERS.—

17 “(1) LANGUAGE OR CULTURE.—

18 “(A) IN GENERAL.—Notwithstanding any
19 other provision of law, the requirements of sub-
20 section (a) on local educational agencies with
21 respect to highly qualified teachers shall not
22 apply to a teacher of American Indian, Alaska
23 Native, or Native Hawaiian language or cul-
24 ture, whether the teacher is teaching on a per-
25 manent, part-time, or occasional basis.

1 “(B) COMPETENCY.—A State may require
2 that a local tribe or tribal organization, as de-
3 fined in section 4 of the Indian Self-Determina-
4 tion and Education Assistance Act (25 U.S.C.
5 450b), verify the competency of a public school
6 teacher of American Indian, Alaska Native, or
7 Native Hawaiian language or culture to teach
8 such subject, to the chief administrative officer
9 of the local educational agency or the chief
10 State school officer.

11 “(2) HISTORY.—

12 “(A) IN GENERAL.—Notwithstanding any
13 other provision of law, the requirements of sub-
14 section (a) on local educational agencies with
15 respect to highly qualified teachers, shall not
16 apply to a teacher who is a Native elder or
17 other authority on American Indian, Alaska
18 Native, or Native Hawaiian history and who
19 provides instruction in such subject, whether on
20 a part-time or occasional basis.

21 “(B) COMPETENCY.—A State may require
22 that a local tribe or tribal organization, as de-
23 fined in section 4 of the Indian Self-Determina-
24 tion and Education Assistance Act (25 U.S.C.
25 450b), verify the competency of the instructor

1 described in subparagraph (A) of American In-
2 dian, Alaska Native, or Native Hawaiian his-
3 tory to teach such subject, to the chief adminis-
4 trative officer of the local educational agency or
5 the chief State school officer.”;

6 (2) in subsection (c)(1), by striking “hired after
7 the date of enactment of the No Child Left Behind
8 Act of 2001 and”;

9 (3) by striking subsections (d) and (l);

10 (4) by redesignating subsections (e), (f), (g),
11 (h), (i), (j), and (k), as subsections (d), (e), (f), (g),
12 (h), (i), and (j), respectively;

13 (5) in subsection (d), as redesignated by para-
14 graph (4), by striking “Subsections (c) and (d)” and
15 inserting “Subsection (c)”;

16 (6) by striking subsection (i), as redesignated
17 by paragraph (4), and inserting the following:

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

22 **SEC. 1120. TECHNICAL CORRECTION REGARDING COM-**
23 **PLAINT PROCESS FOR SECTION 1120.**

24 Section 1120(c)(2) (20 U.S.C. 6320(c)(2)) is amend-
25 ed by striking “9505” and inserting “9503”.

1 **SEC. 1121. COMPARABILITY OF SERVICES.**

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

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

4 and

5 (2) by striking subsection (c) and inserting the
6 following:

7 “(c) COMPARABILITY.—

8 “(1) IN GENERAL.—

9 “(A) COMPARABILITY.—Beginning for the
10 2015–2016 school year, a local educational
11 agency may receive funds under this part only
12 if the local educational agency demonstrates to
13 the State educational agency that the combined
14 State and local per-pupil expenditures (includ-
15 ing actual personnel and actual non-personnel
16 expenditures) in each school served under this
17 part, in the most recent year for which such
18 data were available, are not less than the aver-
19 age combined State and local per-pupil expendi-
20 tures for those schools that are not served
21 under this part.

22 “(B) ALTERNATIVE COMPARABILITY.—If
23 the local educational agency is serving all of the
24 schools under its jurisdiction under this part,
25 the agency shall demonstrate to the State edu-
26 cational agency that the average combined

1 State and local per-pupil expenditures (includ-
2 ing actual personnel and actual non-personnel
3 expenditures) for its high-poverty schools, in
4 the most recent year for which such data are
5 available, were not less than the average com-
6 bined State and local per-pupil expenditures for
7 its low-poverty schools.

8 “(C) BASIS.—A local educational agency
9 may meet the requirements of subparagraphs
10 (A) and (B) on a local educational agency-wide
11 basis or a grade-span by grade-span basis.

12 “(D) EXCLUSION OF FUNDS.—

13 “(i) IN GENERAL.—For the purpose
14 of complying with this paragraph, a local
15 educational agency shall exclude any State
16 or local funds expended in any school for—

17 “(I) excess costs of providing
18 services to English learners;

19 “(II) excess costs of providing
20 services to children with disabilities;

21 “(III) capital expenditures; and

22 “(IV) such other expenditures as
23 the Secretary determines appropriate.

24 “(ii) CHANGES AFTER THE BEGIN-
25 NING OF THE SCHOOL YEAR.—A local edu-

1 cational agency need not include unpredict-
2 able changes in student enrollment or per-
3 sonnel assignments that occur after the be-
4 ginning of a school year in determining
5 compliance under this subsection.

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

13 “(3) INAPPLICABILITY.—This subsection shall
14 not apply to a local educational agency that does not
15 have more than 1 building for each grade span.

16 “(4) PROCESS AND PROCEDURES.—

17 “(A) LOCAL EDUCATIONAL AGENCY RE-
18 SPONSIBILITIES.—Each local educational agen-
19 cy assisted under this part shall, by October 31,
20 2016, report to the State educational agency on
21 its compliance with the requirements of this
22 subsection for the preceding school year, includ-
23 ing a listing, by school, of actual combined per-
24 pupil State and local personnel and non-per-
25 sonnel expenditures.

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

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

15 “(5) TRANSITION PROVISIONS.—

16 “(A) SCHOOL YEARS PRECEDING THE 2015-
17 2016 SCHOOL YEAR.—For school years pre-
18 ceding the 2015-2016 school year, a local edu-
19 cational agency may receive funds under this
20 part only if the local educational agency dem-
21 onstrates to the State educational agency that
22 the local educational agency meets the require-
23 ments of this subsection, as in effect on the day
24 before the date of enactment of the Elementary

1 and Secondary Education Reauthorization Act
2 of 2011.

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

12 “(6) RULE OF CONSTRUCTION.—Nothing in
13 this subsection shall be construed to require a local
14 educational agency to transfer school personnel in
15 order to comply with this subsection.”.

16 **SEC. 1122. COORDINATION REQUIREMENTS.**

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

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

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

1 programs carried out under section 619 of such Act, and,
2 if feasible, other entities carrying out early childhood edu-
3 cation and care programs and services.

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

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

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

19 “(3) establishing ongoing communications be-
20 tween the early childhood education and care pro-
21 gram and the local educational agency for developing
22 continuity of developmentally appropriate instruc-
23 tional programs and shared expectations for chil-
24 dren’s learning and development as children transi-
25 tion to school;

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

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

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

12 “(7) helping parents of children who are
13 English learners understand—

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

19 “(B) as appropriate, the information pro-
20 vided to parents of English learners under sec-
21 tion 3202;

22 “(8) helping parents understand the instruc-
23 tional and other services provided by the school in
24 which their child will enroll after participation in a

1 Head Start program or other Federal early child-
2 hood care and education program; and

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

10 **SEC. 1123. GRANTS FOR THE OUTLYING AREAS AND THE**
11 **SECRETARY OF THE INTERIOR.**

12 Section 1121 (20 U.S.C. 6331) is amended—

13 (1) in subsection (a), by striking “section
14 1002(a) and 1125A(f)” and inserting “paragraphs
15 (1) and (3) of section 3(a)”;

16 (2) in subsection (b)(3)—

17 (A) in subparagraph (A), by striking “and
18 freely associated States”; and

19 (B) in subparagraph (C)(ii), by striking
20 “challenging State academic content standards”
21 and inserting “college and career ready State
22 academic content standards under section
23 1111(a)(1)”;

24 (3) by striking subsection (c) and inserting the
25 following:

1 “(c) DEFINITION OF OUTLYING AREA.—As used in
2 subsections (a) and (b), the term ‘outlying area’ has the
3 meaning given that term in subparagraphs (A) and (B)
4 of section 9101(42).”.

5 **SEC. 1124. ALLOCATIONS TO STATES.**

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

10 **SEC. 1125. EDUCATION FINANCE INCENTIVE GRANT PRO-**
11 **GRAM.**

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

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

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

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

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

20 **SEC. 1126. GRANTS FOR STATE ASSESSMENTS AND RE-**
21 **LATED ACTIVITIES.**

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

1 **“Subpart 3—Grants for State Assessments and**
2 **Related Activities**

3 **“SEC. 1131. GRANTS FOR STATE ASSESSMENTS AND RE-**
4 **LATED ACTIVITIES.**

5 “(a) GRANTS FOR STATE ASSESSMENTS.—From
6 amounts made available under subsection (c)(1) to carry
7 out this subsection, the Secretary shall make grants to
8 States—

9 “(1) to enable States to pay the costs of devel-
10 oping, improving, or administering State assess-
11 ments and standards consistent with section
12 1111(a), which may include the cost of working in
13 voluntary partnerships with other States, at the sole
14 discretion of each such State; and

15 “(2) in the case of States that have developed
16 the assessments and standards consistent with the
17 requirements of section 1111(a), to enable each such
18 State—

19 “(A) to administer such assessments; or

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

22 “(i) developing college and career
23 ready State academic content and student
24 academic achievement standards and
25 aligned assessments in academic subjects

1 for which standards and assessments are
2 not required under section 1111(a);

3 “(ii) developing or improving assess-
4 ments of English language proficiency nec-
5 essary to comply with section
6 1111(a)(2)(D);

7 “(iii) developing multiple measures of
8 student academic achievement, including
9 measures that assess higher-order thinking
10 skills and understanding, to increase the
11 reliability and validity of State assessment
12 systems;

13 “(iv) developing, enhancing, or admin-
14 istering, in publicly funded early childhood
15 care and education programs and elemen-
16 tary schools, early learning assessments
17 (including accommodations to provide ac-
18 cess for young children with disabilities) to
19 improve instruction for young children;

20 “(v) strengthening the capacity of
21 local educational agencies and schools to
22 provide all students with the opportunity
23 to increase educational achievement, in-
24 cluding carrying out professional develop-
25 ment activities aligned with State student

1 academic achievement standards and as-
2 sessments;

3 “(vi) expanding the range, and im-
4 proving the quality, of accommodations
5 available to English learners and students
6 with disabilities to improve the use of such
7 accommodations, including professional de-
8 velopment activities;

9 “(vii) improving the dissemination of
10 information about student achievement and
11 school performance to parents and fami-
12 lies, including the development of informa-
13 tion and reporting systems designed to—

14 “(I) identify best educational
15 practices based on scientifically valid
16 research; or

17 “(II) assist in linking records of
18 student achievement, length of enroll-
19 ment, and graduation over time;

20 “(viii) providing instructional sup-
21 ports, which may include formative assess-
22 ments;

23 “(ix) developing computer adaptive as-
24 sessments that meet the requirements of
25 section 1111(a); and

1 “(x) developing alternate assessments,
2 as described in section 1111(a)(2)(E),
3 aligned to alternate achievement standards.

4 “(b) GRANTS FOR ENHANCED ASSESSMENT SYS-
5 TEMS.—

6 “(1) GRANT PROGRAM AUTHORIZED.—From
7 amounts made available under subsection (c)(2) to
8 carry out this subsection, the Secretary shall award,
9 on a competitive basis, grants to State educational
10 agencies to enable the State educational agencies to
11 carry out the activities described in paragraph (3).

12 “(2) APPLICATION.—Each State educational
13 agency desiring to receive a grant under this section
14 shall submit an application to the Secretary at such
15 time, in such manner, and accompanied by such in-
16 formation as the Secretary may require.

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

20 “(A) enable States, or a consortia of
21 States, to collaborate with institutions of higher
22 education or other organizations or agencies to
23 improve the quality, validity, and reliability of
24 State academic assessments beyond the require-

1 ments for such assessments described in section
2 1111(a)(2);

3 “(B) measure student academic achieve-
4 ment using multiple measures of student aca-
5 demic achievement from multiple sources, in-
6 cluding measures that assess higher-order
7 thinking skills and understanding;

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

9 “(D) evaluate student academic achieve-
10 ment through the development of comprehensive
11 academic assessment instruments.

12 “(c) ALLOTMENT OF APPROPRIATED FUNDS.—

13 “(1) IN GENERAL.—For each fiscal year, the
14 Secretary shall use the amount of funds made avail-
15 able for this section for such year or \$400,000,000
16 of such funds, whichever is less, to—

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

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

21 “(C) from the amounts remaining after the
22 application of subparagraphs (A) and (B), allo-
23 cate to each State, for the purposes of carrying
24 out the activities under subsection (a), an
25 amount equal to—

1 “(i) \$3,000,000; and

2 “(ii) with respect to any amounts re-
3 maining after the allocation is made under
4 clause (i), an amount that bears the same
5 relationship to such total remaining
6 amounts as the number of students ages 5
7 through 17 in the State (as determined by
8 the Secretary on the basis of the most re-
9 cent satisfactory data) bears to the total
10 number of such students in all States.

11 “(2) REMAINDER.—Any amounts remaining for
12 a fiscal year after the Secretary carries out para-
13 graph (1) shall be made available to award funds
14 under subsection (b) to States according to the qual-
15 ity, needs, and scope of the State application under
16 this section. In determining the grant amount, the
17 Secretary shall ensure that a State’s grant shall in-
18 clude an amount that bears the same relationship to
19 the total funds available under this paragraph for
20 the fiscal year as the number of students ages 5
21 through 17 in the State (as determined by the Sec-
22 retary on the basis of the most recent satisfactory
23 data) bears to the total number of such students in
24 all States.

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

5 **PART B—PATHWAYS TO COLLEGE**

6 **SEC. 1201. IMPROVING SECONDARY SCHOOLS.**

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

9 (1) by striking the part heading and inserting
10 the following:

11 **“PART B—PATHWAYS TO COLLEGE”;**

12 and

13 (2) by striking subpart 1 and inserting the fol-
14 lowing:

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

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

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

23 “(b) DEFINITIONS.—In this section:

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

25 The term ‘competency-based learning model’ means

1 an education model in which educators use explicit
 2 measurable learning objectives to assist students to
 3 advance upon mastery of the objectives as deter-
 4 mined through relevant assessments.

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

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

14 “(4) ELIGIBLE SECONDARY SCHOOL.—The
 15 term ‘eligible secondary school’ means a high school
 16 that—

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

18 “(B) has a graduation rate below 75 per-
 19 cent;

20 “(C) does not receive grant funds under
 21 section 1116(d); and

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

24 “(5) EXTERNAL PARTNER.—The term ‘external
 25 partner’ means a public or private nonprofit organi-

1 zation, public or private nonprofit institution of
2 higher education, or nonprofit charter management
3 organization, with a demonstrated record of success-
4 ful secondary school reform.

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

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

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

16 “(c) GRANTS AUTHORIZED.—

17 “(1) IN GENERAL.—

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

1 “(B) GRANTS.—From the total amount of
2 funds appropriated to carry out this section for
3 a fiscal year and not reserved under subpara-
4 graph (A), the Secretary shall award grants, on
5 a competitive basis, to eligible entities, based on
6 the quality of the applications submitted, of
7 which—

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

11 “(ii) not less than 75 percent of grant
12 funds shall be used for activities described
13 in paragraphs (2) and (3) of subsection (e)
14 and subsection (f).

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

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

25 “(d) APPLICATION.—

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

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

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

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

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

1 “(i) An examination of each secondary
2 school’s data in the aggregate, and
3 disaggregated by each of the subgroups of
4 students described in section
5 1111(a)(2)(B)(ix), on the following:

6 “(I) Graduation rates and char-
7 acteristics of those students who are
8 not graduating, including such stu-
9 dents’ attendance, behavior, expulsion
10 rates, suspension rates, course per-
11 formance, and credit accumulation
12 rates.

13 “(II) Rates of dropout recovery
14 (re-entry).

15 “(III) Rates of enrollment and
16 remediation in institutions of higher
17 education, in accordance with section
18 1111(d)(3)(B)(viii).

19 “(IV) The percentage of students
20 who are 2 or more years over-aged or
21 under-credited for their grade level.

22 “(ii) An examination of each eligible
23 secondary school and feeder middle
24 school’s data in the aggregate, and
25 disaggregated by each of the subgroups of

1 students described in section
2 1111(a)(2)(B)(ix), as applicable, on the
3 following:

4 “(I) Student academic achieve-
5 ment, including the percentage of stu-
6 dents who have on-time credit accu-
7 mulation at the end of each grade and
8 the percent of students failing a core,
9 credit-bearing, reading or language
10 arts, science, or mathematics course,
11 or failing 2 or more of any courses.

12 “(II) Percentage of students who
13 have an attendance rate lower than 90
14 percent.

15 “(III) Annual rates of expulsions,
16 suspensions, school violence, harass-
17 ment, and bullying, as defined under
18 State or local laws or policies.

19 “(IV) Annual, average credit ac-
20 cumulation.

21 “(V) Annual, average attendance
22 rates.

23 “(VI) Annual rates of students
24 who move in and out of the school
25 within a school year

1 “(VII) Curriculum alignment
2 with college and career ready stand-
3 ards across all grade levels.

4 “(VIII) Support services to ad-
5 dress the nonacademic barriers that
6 impact student achievement.

7 “(IX) The number and percent-
8 age of students who do not transition
9 from grade 8 to grade 9 and who have
10 not transferred to and enrolled in a
11 school outside of the local educational
12 agency within the State.

13 “(iii) An examination, including a de-
14 scription, of each eligible secondary
15 school’s capacity to implement the school
16 reform activities under subsection (e)(3),
17 including—

18 “(I) the capacity and experience
19 levels of administrative, instructional,
20 and noninstructional staff; and

21 “(II) the budget, including how
22 Federal, State, and local funds are
23 being spent (as of the time of the as-
24 sessment) and can be better spent;
25 and

1 “(III) the technical assistance,
2 additional resources, and staff nec-
3 essary to implement the activities
4 identified in subsection (e).

5 “(iv) An assessment of the external
6 partner capacity to provide technical as-
7 sistance and resources to implement the
8 activities described in subsection (e).

9 “(D) The strategies chosen to be imple-
10 mented at the eligible secondary schools, includ-
11 ing a rationale for reform strategies, as de-
12 scribed in subsection (e)(3)(F), selected for
13 each of the eligible secondary schools, including
14 how the chosen strategy will most effectively ad-
15 dress the needs identified through the needs
16 analysis.

17 “(E) The performance indicators and tar-
18 gets the eligible entity will use to assess the ef-
19 fectiveness of the activities implemented under
20 this section including—

21 “(i) graduation rates;

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

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

1 “(iv) percentage of students who have
2 on-time credit accumulation at the end of
3 each grade and the percentage of students
4 failing a core subject course;

5 “(v) rates of expulsions, suspensions,
6 school violence, harassment, and bullying,
7 as defined under State or local laws or
8 policies;

9 “(vi) annual, average attendance
10 rates;

11 “(vii) annual rates of student mobil-
12 ity;

13 “(viii) college remediation, enrollment,
14 persistence, and completion rates; and

15 “(ix) percentage of students success-
16 fully—

17 “(I) completing Advanced Place-
18 ment or International Baccalaureate
19 courses;

20 “(II) completing rigorous post-
21 secondary education courses while at-
22 tending a secondary school; or

23 “(III) enrolling in and com-
24 pleting, career and technical edu-
25 cation, as defined in section 3 of the

1 Carl D. Perkins Career and Technical
2 Education Act of 2006, and registered
3 apprenticeship programs, as defined
4 in section 173A(b) of the Workforce
5 Investment Act of 1998.

6 “(e) REQUIRED USES OF FUNDS.—

7 “(1) IN GENERAL.—An eligible entity that re-
8 ceives a grant under this section shall use the grant
9 funds to—

10 “(A) implement an early warning indicator
11 system to help high schools, and their feeder
12 middle schools, served by the eligible entity’s
13 local educational agency, to identify struggling
14 students and create a system of evidence-based
15 interventions, by—

16 “(i) identifying and analyzing indica-
17 tors that most reliably predict dropping
18 out of secondary school;

19 “(ii) analyzing the distribution of
20 struggling students in secondary schools
21 across all grades;

22 “(iii) analyzing student progress and
23 performance on the indicators identified
24 under clause (i);

1 “(iv) analyzing academic indicators to
2 determine—

3 “(I) whether students will grad-
4 uate on track to college and career
5 readiness; and

6 “(II) which students are 2 or
7 more years over-aged or under-cred-
8 ited for on-time secondary school
9 graduation;

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

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

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

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

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

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

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

9 “(i) a flexible school schedule;

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

13 “(iii) the provision of support services;

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

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

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

1 lies with high-quality, easily accessible informa-
2 tion about—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 “(i) contextual learning opportunities;

19 “(ii) internship opportunities;

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

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

24 “(v) developing an individual gradua-
25 tion plan for each student that defines

1 each student’s career and postsecondary
2 education goals, and provides the individ-
3 ualized evidence-based interventions nec-
4 essary to meet the goals;

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

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

12 “(E) improve curriculum and instruction,
13 by—

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

18 “(ii) increasing rigor through the use
19 of Advanced Placement or International
20 Baccalaureate courses; and

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

1 “(i) Graduation Promise Academies,
2 which include—

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

6 “(II) Career Academies for upper
7 grades;

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

14 “(IV) an after-hours credit recov-
15 ery program;

16 “(V) curriculum coaches who
17 provide high-quality professional de-
18 velopment and support;

19 “(VI) partnerships among par-
20 ents, teachers, administrators, com-
21 munity-based organizations, and com-
22 munity members focused on improving
23 student achievement; and

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

4 “(ii) Career Academies, which—

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

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

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

20 “(IV) modernize career-related
21 equipment utilized by students; and

22 “(V) provide dual enrollment op-
23 portunities with college credit-bearing
24 courses, including accelerated certifi-
25 cate programs with community col-

1 leges or other recognized postsec-
2 ondary credentials.

3 “(iii) Early College Schools, which—

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

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

11 “(III) design curricula and se-
12 quences of courses in collaboration
13 with teachers from the eligible sec-
14 ondary school and faculty from the
15 partner institution of higher education
16 so that students may simultaneously
17 earn credits towards a high school di-
18 ploma and either an associate degree
19 or transferable postsecondary edu-
20 cation credits toward a postsecondary
21 degree at no cost to students or their
22 families;

23 “(IV) coordinate secondary and
24 postsecondary support services, and
25 academic calendars to allow students

1 to visit and take courses at the insti-
2 tutions of higher education; and

3 “(V) provide academic and sup-
4 port services, including financial aid
5 counseling for postsecondary edu-
6 cation.

7 “(f) ALLOWABLE USES OF FUNDS.—An eligible enti-
8 ty that receives a grant under this section may use grant
9 funds to—

10 “(1) improve parent and family engagement in
11 the educational attainment and achievement of
12 struggling students and dropouts to be on track to
13 college and career readiness by—

14 “(A) leveraging community-based services
15 and opportunities; and

16 “(B) providing parents and families with
17 the necessary information, including data on
18 their child’s academic achievement and how to
19 navigate the public school system;

20 “(2) provide extended learning opportunities, by
21 extending the school day, week, or year to increase
22 the total number of school hours to include addi-
23 tional time for instruction in academic subjects and
24 enrichment activities that contribute to a well-round-
25 ed education;

1 “(3) increase student supports through activi-
2 ties such as student advisories, school counseling op-
3 portunities, and one-to-one mentoring; and

4 “(4) create smaller learning communities.

5 “(g) MATCHING FUNDS.—

6 “(1) IN GENERAL.—An eligible entity that re-
7 ceives a grant under this section shall provide
8 matching funds, from non-Federal sources, in an
9 amount equal to not less than 20 percent of the
10 amount of grant funds awarded in the first 3 years
11 of the grant, not less than 50 percent of the amount
12 awarded in the fourth year of the grant, and not less
13 than 75 percent of the amount awarded in the fifth
14 year of the grant, as applicable.

15 “(2) WAIVER.—The Secretary may waive all or
16 part of the matching requirement described in para-
17 graph (1) for a fiscal year for an eligible entity, on
18 a case-by-case basis, if the Secretary determines that
19 applying the matching requirement to such eligible
20 entity would result in serious hardship or an inabil-
21 ity to carry out the authorized activities described in
22 subsection (e).

23 “(h) SUPPLEMENT NOT SUPPLANT.—An eligible en-
24 tity shall use Federal funds received under this section
25 only to supplement the funds that would, in the absence

1 of such Federal funds, be made available from other Fed-
2 eral and non-Federal sources for the activities described
3 in this section, and not to supplant such funds.”.

4 **SEC. 1202. ACCELERATED LEARNING.**

5 Subpart 2 of part B of title I (20 U.S.C. 6371 et
6 seq.) is amended to read as follows:

7 **“Subpart 2—Accelerated Learning**

8 **“SEC. 1221. PURPOSES.**

9 “The purposes of this subpart are—

10 “(1) to raise student academic achievement
11 by—

12 “(A) increasing the number of teachers
13 serving high-need schools who are qualified to
14 teach Advanced Placement or International
15 Baccalaureate courses; and

16 “(B) increasing the number of students at-
17 tending high-need schools who—

18 “(i) enroll and succeed in Advanced
19 Placement or International Baccalaureate
20 courses; and

21 “(ii) take Advanced Placement or
22 International Baccalaureate examinations;

23 “(2) to increase, and to support statewide and,
24 as applicable, districtwide, efforts to increase the
25 availability of, and enrollment in, Advanced Place-

1 ment or International Baccalaureate courses, and
2 pre-Advanced Placement or pre-International Baccalaureate
3 courses, in high-need schools; and

4 “(3) to provide high-quality professional development
5 for teachers of Advanced Placement or
6 International Baccalaureate courses, and pre-Advanced
7 Placement or pre-International Baccalaureate
8 courses, in high-need schools.

9 **“SEC. 1222. FUNDING DISTRIBUTION RULE.**

10 “From amounts appropriated to carry out this subpart
11 for a fiscal year, the Secretary shall give priority to
12 funding activities under section 1223 and shall distribute
13 any remaining funds under section 1224.

14 **“SEC. 1223. ADVANCED PLACEMENT AND INTERNATIONAL
15 BACCALAUREATE EXAMINATION FEE PROGRAM.
16 GRAM.**

17 “(a) GRANTS AUTHORIZED.—From amounts made
18 available to carry out this subpart for a fiscal year, the
19 Secretary shall award grants to State educational agencies
20 having applications approved under this section to enable
21 the State educational agencies to pay, on behalf of low-
22 income students, part or all of the costs of Advanced
23 Placement or International Baccalaureate examination
24 fees, if the low-income students—

1 “(1) are enrolled in an Advanced Placement or
2 International Baccalaureate course; and

3 “(2) plan to take an Advanced Placement or
4 International Baccalaureate examination.

5 “(b) AWARD BASIS.—In determining the amount of
6 the grant awarded to a State educational agency under
7 this section for a fiscal year, the Secretary shall consider
8 the number of children eligible to be counted under section
9 1124(c) in the State in relation to the number of such
10 children so counted in all States.

11 “(c) INFORMATION DISSEMINATION.—A State edu-
12 cational agency that is awarded a grant under this section
13 shall make publicly available information regarding the
14 availability of Advanced Placement or International Bac-
15 calaureate examination fee payments under this section,
16 and shall disseminate such information to eligible sec-
17 ondary school students and parents, including through
18 secondary school teachers and counselors.

19 “(d) APPLICATIONS.—Each State educational agency
20 desiring to receive a grant under this section shall submit
21 an application to the Secretary at such time, in such man-
22 ner, and accompanied by such information as the Sec-
23 retary may require. At a minimum, each State educational
24 agency application shall—

1 “(1) describe the Advanced Placement or Inter-
2 national Baccalaureate examination fees the State
3 educational agency will pay on behalf of low-income
4 students in the State from grant funds awarded
5 under this section;

6 “(2) provide an assurance that any grant funds
7 awarded under this section shall be used only to pay
8 for Advanced Placement or International Baccalaureate
9 examination fees; and

10 “(3) contain such information as the Secretary
11 may require to demonstrate that the State edu-
12 cational agency will ensure that a student is eligible
13 for payments authorized under this section, includ-
14 ing ensuring that the student is a low-income stu-
15 dent.

16 “(e) REGULATIONS.—The Secretary shall prescribe
17 such regulations as are necessary to carry out this section.

18 “(f) REPORT.—

19 “(1) IN GENERAL.—Each State educational
20 agency awarded a grant under this section shall,
21 with respect to each Advanced Placement or Inter-
22 national Baccalaureate course subject, annually re-
23 port to the Secretary the following data for the pre-
24 ceding year:

1 “(A) The number of students in the State
2 who are taking an Advanced Placement or
3 International Baccalaureate course in such sub-
4 ject.

5 “(B) The number of Advanced Placement
6 or International Baccalaureate examinations
7 taken by students in the State who have taken
8 an Advanced Placement or International Bacca-
9 laureate course in such subject.

10 “(C) The number of students in the State
11 scoring at each level on Advanced Placement or
12 International Baccalaureate examinations in
13 such subject.

14 “(D) Demographic information regarding
15 students in the State taking Advanced Place-
16 ment or International Baccalaureate courses
17 and Advanced Placement or International Bac-
18 calaureate examinations in that subject,
19 disaggregated by race, ethnicity, sex, English
20 proficiency status, and socioeconomic status.

21 “(2) REPORT TO CONGRESS.—The Secretary
22 shall annually compile the information received from
23 each State educational agency under paragraph (1)
24 and report to the authorizing committees regarding
25 the information.

1 “(g) BIA AS SEA.—For purposes of this section, the
2 Bureau of Indian Affairs shall be treated as a State edu-
3 cational agency.

4 **“SEC. 1224. ADVANCED PLACEMENT AND INTERNATIONAL**
5 **BACCALAUREATE INCENTIVE PROGRAM**
6 **GRANTS.**

7 “(a) GRANTS AUTHORIZED.—

8 “(1) IN GENERAL.—From amounts made avail-
9 able to carry out this subpart for a fiscal year, the
10 Secretary shall award grants, on a competitive basis,
11 to eligible entities to enable such entities to carry
12 out the authorized activities described in subsection
13 (e).

14 “(2) DURATION, RENEWAL, AND PAYMENTS.—

15 “(A) DURATION.—The Secretary shall
16 award a grant under this section for a period
17 of not more than 3 years.

18 “(B) RENEWAL.—The Secretary may
19 renew a grant awarded under this section for
20 an additional period of not more than 2 years,
21 if an eligible entity—

22 “(i) is achieving the objectives of the
23 grant; and

24 “(ii) has shown improvement against
25 baseline data on the performance measures

1 described in subparagraphs (A) through
2 (E) of subsection (g)(1).

3 “(C) PAYMENTS.—The Secretary shall
4 make grant payments under this section on an
5 annual basis.

6 “(b) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
7 tion, the term ‘eligible entity’ means—

8 “(1) a State educational agency;

9 “(2) a high-need local educational agency; or

10 “(3) a partnership consisting of—

11 “(A) a national, regional, or statewide pub-
12 lic or nonprofit organization with expertise and
13 experience in providing Advanced Placement or
14 International Baccalaureate course services;
15 and

16 “(B) a State educational agency or a high-
17 need local educational agency.

18 “(c) APPLICATION.—

19 “(1) IN GENERAL.—Each eligible entity desir-
20 ing a grant under this section shall submit an appli-
21 cation to the Secretary at such time, in such man-
22 ner, and accompanied by such information as the
23 Secretary may require.

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

1 “(A) the goals and objectives for the
2 project supported by the grant under this sec-
3 tion, including—

4 “(i) increasing the number of teachers
5 serving high-need schools who are qualified
6 to teach Advanced Placement or Inter-
7 national Baccalaureate courses;

8 “(ii) increasing the number of Ad-
9 vanced Placement or International Bacca-
10 laureate courses that are offered at high-
11 need schools; and

12 “(iii) increasing the number of stu-
13 dents attending a high-need school, par-
14 ticularly low-income students, who succeed
15 in—

16 “(I) Advanced Placement or
17 International Baccalaureate courses;
18 and

19 “(II) if offered by the school,
20 pre-Advanced Placement or pre-Inter-
21 national Baccalaureate courses;

22 “(B) how the eligible entity will ensure
23 that students have access to courses, including
24 pre-Advanced Placement or pre-International
25 Baccalaureate courses, that will prepare stu-

1 dents to succeed in Advanced Placement or
2 International Baccalaureate courses;

3 “(C) how the eligible entity will provide
4 professional development for teachers that will
5 further the goals and objectives of the grant
6 project;

7 “(D) how the eligible entity will ensure
8 that teachers serving high-need schools are
9 qualified to teach Advanced Placement or Inter-
10 national Baccalaureate courses;

11 “(E) how the eligible entity will provide for
12 the involvement of business and community or-
13 ganizations and other entities, including institu-
14 tions of higher education, in carrying out the
15 activities described in subsection (e);

16 “(F) how the eligible entity will use funds
17 received under this section; and

18 “(G) how the eligible entity will evaluate
19 the outcome of the grant project.

20 “(d) PRIORITY.—In awarding grants under this sec-
21 tion, the Secretary shall give priority to applications from
22 eligible entities that—

23 “(1) are part of a statewide or districtwide
24 strategy, as applicable, for increasing the availability
25 of Advanced Placement or International Bacca-

1 laureate courses, and pre-Advanced Placement or
2 pre-International Baccalaureate courses, in high-
3 need schools;

4 “(2) demonstrate a focus on increasing the
5 availability of Advanced Placement or International
6 Baccalaureate courses in core academic subjects;
7 and

8 “(3) propose to carry out activities that target
9 high-need schools.

10 “(e) AUTHORIZED ACTIVITIES.—

11 “(1) IN GENERAL.—Each eligible entity that re-
12 ceives a grant under this section shall use the grant
13 funds to carry out activities designed to increase—

14 “(A) the number of teachers serving high-
15 need schools who are qualified to teach Ad-
16 vanced Placement or International Bacca-
17 laureate courses; and

18 “(B) the number of students attending
19 high-need schools who succeed in the examina-
20 tions for such courses, including through reim-
21 bursing low-income students attending high-
22 need schools for part or all of the cost of Ad-
23 vanced Placement or International Bacca-
24 laureate examination fees.

1 “(2) ALLOWABLE ACTIVITIES.—In addition to
2 the activities described in paragraph (1), an eligible
3 entity that receives a grant under this section may
4 use grant funds for—

5 “(A) high-quality teacher professional de-
6 velopment, in order to expand the pool of teach-
7 ers in the participating State, high-need local
8 educational agency, or high-need school who are
9 qualified to teach Advanced Placement or Inter-
10 national Baccalaureate courses, including
11 through innovative models, such as online acad-
12 emies and training institutes;

13 “(B) pre-Advanced Placement or pre-Inter-
14 national Baccalaureate teacher and counselor
15 high-quality professional development in sec-
16 ondary school to prepare students for success in
17 Advanced Placement or International Bacca-
18 laureate courses and in institutions of higher
19 education;

20 “(C) coordination and articulation between
21 grade levels to prepare students to succeed in
22 Advanced Placement or International Bacca-
23 laureate courses;

1 “(D) purchase of instructional materials
2 for Advanced Placement or International Bac-
3 calaureate courses;

4 “(E) activities to increase the availability
5 of, and participation in, online Advanced Place-
6 ment or International Baccalaureate courses;

7 “(F) carrying out the requirements of sub-
8 section (g); and

9 “(G) in the case of an eligible entity de-
10 scribed in subsection (b)(1), awarding sub-
11 grants to high-need local educational agencies
12 to enable the high-need local educational agen-
13 cies to carry out authorized activities described
14 in subparagraphs (A) through (F).

15 “(f) CONTRACTS.—An eligible entity that is awarded
16 a grant to provide online Advanced Placement or Inter-
17 national Baccalaureate courses under this subpart may
18 enter into a contract with an organization to provide the
19 online Advanced Placement or International Bacca-
20 laureate courses, including contracting for necessary sup-
21 port services.

22 “(g) COLLECTING AND REPORTING REQUIRE-
23 MENTS.—

24 “(1) REPORT.—Each eligible entity receiving a
25 grant under this section shall collect and report to

1 the Secretary annually such data regarding the re-
2 sults of the grant as the Secretary may reasonably
3 require, including—

4 “(A) the number of students served by the
5 eligible entity enrolling in Advanced Placement
6 or International Baccalaureate courses, and
7 pre-Advanced Placement or pre-International
8 Baccalaureate courses, disaggregated by grade
9 level of the student, and the grades received by
10 such students in the courses;

11 “(B) the number of students taking an Ad-
12 vanced Placement or International Bacca-
13 laureate examination and the distribution of
14 scores on those examinations, disaggregated by
15 the grade level of the student at the time of ex-
16 amination;

17 “(C) the number of teachers who are cur-
18 rently, as of the date of the report, receiving
19 training to teach Advanced Placement or Inter-
20 national Baccalaureate courses and will teach
21 such courses in the next school year;

22 “(D) the number of teachers becoming
23 qualified to teach Advanced Placement or Inter-
24 national Baccalaureate courses; and

1 “(E) the number of qualified teachers who
2 are teaching Advanced Placement or Inter-
3 national Baccalaureate courses in high-need
4 schools served by the eligible entity.

5 “(2) REPORTING OF DATA.—Each eligible enti-
6 ty receiving a grant under this section shall report
7 the data required under paragraph (1)—

8 “(A) disaggregated by subject area;

9 “(B) in the case of student data,
10 disaggregated in the same manner as informa-
11 tion is disaggregated under section
12 1111(a)(2)(B)(ix); and

13 “(C) in a manner that allows for an as-
14 sessment of the effectiveness of the grant pro-
15 gram.

16 “(h) EVALUATION.—From the amount appropriated
17 for this subpart and reserved for evaluation activities in
18 accordance with section 9601(a), the Secretary, acting
19 through the Director of the Institute of Education
20 Sciences, shall, in consultation with the relevant program
21 office at the Department, evaluate the implementation and
22 impact of the activities supported under this section, con-
23 sistent with section 9601, including progress as measured
24 by the performance measures established under subpara-
25 graphs (A) through (E) of subsection (g)(1).

1 “(i) MATCHING REQUIREMENT.—

2 “(1) IN GENERAL.—Subject to paragraph (3),
3 each eligible entity that receives a grant under this
4 section shall provide toward the cost of the activities
5 assisted under the grant, from non-Federal sources,
6 an amount equal to 100 percent of the amount of
7 the grant, except that an eligible entity that is a
8 high-need local educational agency shall provide an
9 amount equal to not more than 50 percent of the
10 amount of the grant.

11 “(2) MATCHING FUNDS.—The eligible entity
12 may provide the matching funds described in para-
13 graph (1) in cash or in-kind, fairly evaluated, but
14 may not provide more than 50 percent of the match-
15 ing funds in-kind. The eligible entity may provide
16 the matching funds from State, local, or private
17 sources.

18 “(3) WAIVER.—The Secretary may waive all or
19 part of the matching requirement described in para-
20 graph (1) for any fiscal year for an eligible entity
21 described in paragraph (1) or (2) of subsection (b),
22 if the Secretary determines that applying the match-
23 ing requirement to such eligible entity would result
24 in serious hardship or an inability to carry out the
25 authorized activities described in subsection (e).

1 **“SEC. 1225. SUPPLEMENT, NOT SUPPLANT.**

2 “Grant funds provided under this subpart shall sup-
3 plement, and not supplant, other non-Federal funds that
4 are available to assist low-income students to pay for the
5 cost of Advanced Placement or International Bacca-
6 laureate examination fees or to expand access to Advanced
7 Placement or International Baccalaureate courses, and
8 pre-Advanced Placement or pre-International Bacca-
9 laureate courses.

10 **“SEC. 1226. DEFINITIONS.**

11 “In this subpart:

12 “(1) HIGH-NEED SCHOOL.—The term ‘high-
13 need school’ means a secondary school—

14 “(A) with a demonstrated need for Ad-
15 vanced Placement or International Bacca-
16 laureate courses; and

17 “(B) that—

18 “(i) has a high concentration of low-
19 income students; or

20 “(ii) is designated with a school locale
21 code of 33, 41, 42, or 43, as determined
22 by the Secretary.

23 “(2) LOW-INCOME STUDENT.—The term ‘low-
24 income student’ means a student who is eligible for
25 free or reduced-price lunch under the Richard B.

1 Russell National School Lunch Act (42 U.S.C. 1751
2 et seq.).”.

3 **SEC. 1203. REORGANIZATION.**

4 Part B of title I, as amended by this part, is further
5 amended by striking subparts 3 and 4.

6 **PART C—EDUCATION OF MIGRATORY CHILDREN**

7 **SEC. 1301. PROGRAM PURPOSE.**

8 Section 1301 (20 U.S.C. 6391) is amended to read
9 as follows:

10 **“SEC. 1301. PROGRAM PURPOSE.**

11 “It is the purpose of this part to assist States in pro-
12 viding high-quality and comprehensive educational pro-
13 grams (including, as appropriate, instructional and educa-
14 tionally related support services), during the regular
15 school year and summer or intersession periods, that ad-
16 dress the unique educational needs of migratory children
17 arising from their migratory lifestyle, in order to help such
18 children—

19 “(1) succeed in school;

20 “(2) meet the same State college and career
21 ready academic content and student academic
22 achievement standards under section 1111(a)(1)
23 that all children are expected to meet;

24 “(3) graduate high school ready for higher edu-
25 cation and careers; and

1 “(4) overcome educational disruption, cultural
2 and language barriers, social isolation, various
3 health-related problems, and other factors that in-
4 hibit the ability of such children to succeed in
5 school.”.

6 **SEC. 1302. PROGRAM AUTHORIZED.**

7 Section 1302 (20 U.S.C. 6392) is amended—

8 (1) by striking “In order to carry out the pur-
9 pose of this part” and inserting “From the amounts
10 made available under section 3(d) for a fiscal year
11 to carry out this part”;

12 (2) by striking “combinations” and inserting
13 “consortia”; and

14 (3) by striking “to establish” and inserting “to
15 enable such agencies or consortia to establish”.

16 **SEC. 1303. STATE ALLOCATIONS.**

17 Section 1303 (20 U.S.C. 6393) is amended—

18 (1) by striking subsection (a) and inserting the
19 following:

20 “(a) STATE ALLOCATIONS.—Except as provided in
21 subsection (b), the amount awarded to each State (other
22 than the Commonwealth of Puerto Rico) under this part
23 for each fiscal year shall be an amount equal to the prod-
24 uct of—

25 “(1) the sum of—

1 “(A) the average number of identified eligi-
2 ble migratory children aged 3 through 21, re-
3 siding in the State, based on data for the pre-
4 ceding 3 years; and

5 “(B) the number of identified eligible mi-
6 gratory children, aged 3 through 21, who re-
7 ceived services under this part in summer or
8 intersession programs provided by the State
9 during the previous year; multiplied by

10 “(2) 40 percent of the average per-pupil ex-
11 penditure in the State, except that the amount cal-
12 culated under this paragraph shall not be less than
13 32 percent, or more than 48 percent, of the average
14 per-pupil expenditure in the United States.”;

15 (2) by redesignating subsections (b) through (e)
16 as subsections (c) through (f), respectively;

17 (3) by inserting after subsection (a) the fol-
18 lowing:

19 “(b) **HOLD HARMLESS.**—Notwithstanding subsection
20 (a), for each of fiscal years 2011 through 2013, no State
21 receiving an allocation under this section shall receive less
22 than 90 percent of the State’s allocation under this section
23 for the previous year.”;

24 (4) in subsection (c), as redesignated by para-
25 graph (2)—

1 (A) by striking paragraphs (2) and (3);

2 (B) by striking “PUERTO RICO.—” and all
3 that follows through “For each” and inserting
4 the following: “PUERTO RICO.—For each”;

5 (C) by redesignating subparagraphs (A)
6 and (B) as paragraphs (1) and (2), respectively,
7 and by aligning such paragraphs with the mar-
8 gins of paragraph (1) of subsection (e), as re-
9 designated by paragraph (2);

10 (D) in the matter preceding paragraph (1),
11 as redesignated by subparagraph (C)—

12 (i) by striking “which” and inserting
13 “that”; and

14 (ii) by striking “subsection (a)(1)(A)”
15 and inserting “subsection (g)”;

16 (E) in paragraph (1), as redesignated by
17 subparagraph (C)—

18 (i) by striking “which” and inserting
19 “that”; and

20 (ii) by inserting “, except that the
21 percentage calculated under this paragraph
22 shall not be less than 85 percent” before
23 the semicolon at the end; and

24 (5) in subsection (d), as redesignated by para-
25 graph (2)—

1 (A) in paragraph (1)—

2 (i) by striking “IN GENERAL.—(A)
3 If,” and all that follows through “this
4 part” and inserting the following: “IN
5 GENERAL.—

6 “(A) RATABLE REDUCTIONS.—If the
7 amount available for allocations to States under
8 this part”; and

9 (ii) in subparagraph (B), by striking
10 “If additional” and inserting “REALLOCA-
11 TION.—If additional”;

12 (B) in paragraph (2)—

13 (i) by striking “SPECIAL RULE.—(A)
14 The” and inserting the following: “SPE-
15 CIAL RULE.—

16 “(A) FURTHER REDUCTIONS.—The”;

17 (ii) in subparagraph (A), by striking
18 “required under section 1304” and insert-
19 ing “needed to carry out the approved ac-
20 tivities in the application under section
21 1304”;

22 (iii) in subparagraph (B), by striking
23 “The Secretary shall” and inserting “RE-
24 ALLOCATION.—The Secretary shall”; and

1 (iv) by adding at the end the fol-
2 lowing:

3 “(C) ADDITIONAL REQUIREMENTS.—The
4 Secretary—

5 “(i) shall—

6 “(I) develop and implement a
7 procedure for monitoring the accuracy
8 of the information described in sub-
9 paragraph (A); and

10 “(II) issue, through regulations
11 or guidance, criteria for a system of
12 State quality control for the accuracy
13 of State counts of eligible migratory
14 children; and

15 “(ii) may not reduce the amount of a
16 State allocation under this paragraph on
17 the basis of unintentional errors in such
18 counts for States implementing a system of
19 State quality control that meets the cri-
20 teria described in clause (i)(II), if the dis-
21 crepancy between the initial State count
22 and any subsequent revisions is minimal.”;

23 (6) in subsection (f), as redesignated by para-
24 graph (2)—

1 (A) in the matter preceding paragraph (1),
2 by inserting “best serve migratory children
3 under this part and” after “In order to”;

4 (B) in paragraph (1), by striking “such in-
5 formation as the Secretary finds” and inserting
6 “the most recent information that”;

7 (C) by redesignating paragraphs (2)
8 through (4) as paragraphs (3) through (5), re-
9 spectively;

10 (D) by inserting after paragraph (1) the
11 following:

12 “(2) develop and implement a procedure for
13 monitoring the accuracy of such information, if such
14 a procedure does not create barriers to the families
15 of migratory children who are eligible for services
16 under this part;”;

17 (E) in paragraph (3), as redesignated by
18 subparagraph (C), by striking “develop and im-
19 plement a procedure for more accurately reflect-
20 ing” and inserting “update such procedure, and
21 implement the updated procedure, to more ac-
22 curately reflect the”;

23 (F) in paragraph (4)(A), as redesignated
24 by subparagraph (C), by inserting “of high-

1 quality, sustained, and intensive education serv-
2 ices” after “special programs”; and

3 (G) in paragraph (5), as redesignated by
4 subparagraph (C), by striking “the child whose
5 education has been interrupted” and inserting
6 “migratory children”; and

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

8 “(g) NONPARTICIPATING STATES.—In the case of a
9 State desiring to receive an allocation under this part for
10 a fiscal year that did not receive an allocation for the pre-
11 vious fiscal year or that has been participating for less
12 than 3 consecutive years, the Secretary shall calculate the
13 State’s number of identified migratory children aged 3
14 through 21 for purposes of subsection (a)(1)(A) by using
15 the most recent data available that identifies the migra-
16 tory children residing in the State until data is available
17 to calculate the 3-year average number of such children
18 in accordance with such subsection.”.

19 **SEC. 1304. STATE APPLICATIONS; SERVICES.**

20 Section 1304 (20 U.S.C. 6394) is amended—

21 (1) in subsection (b)—

22 (A) in paragraph (1)—

23 (i) in the matter preceding subpara-
24 graph (A)—

1 (I) by striking “special” and in-
2 serting “unique”; and

3 (II) by inserting “and out of
4 school migratory children” after “pre-
5 school migratory children”; and

6 (ii) in subparagraph (B)—

7 (I) by striking “migrant” and in-
8 serting “migratory”; and

9 (II) by striking “part A or B of
10 title III” and inserting “part A of
11 title III”;

12 (B) in paragraph (2)—

13 (i) by striking “migratory students”
14 and inserting “migratory children”; and

15 (ii) by striking “same challenging”
16 and all that follows through “standards
17 that” and inserting “same State college
18 and career ready academic content and
19 student academic achievement standards
20 adopted under section 1111(a)(1) that”;

21 (C) by striking paragraph (6);

22 (D) by redesignating paragraphs (3)
23 through (5) as paragraphs (4) through (6), re-
24 spectively;

1 (E) by inserting after paragraph (2) the
2 following:

3 “(3) a description of how the State will meet
4 the requirements of section 1308(b) for the timely
5 electronic transfer of student records and how the
6 State will use such records transfer to meet the
7 unique educational needs of migratory students and
8 remove barriers to the proper enrollment and reten-
9 tion of migratory children in schools;”;

10 (F) in paragraph (4), as redesignated by
11 subparagraph (D)—

12 (i) by striking “require, the State”
13 and inserting “require and using the link-
14 age system described in section 1308(b),
15 the State and each of its local operating
16 agencies”;

17 (ii) by striking “another” and insert-
18 ing “another or from 1 school district to
19 another”; and

20 (iii) by striking “such move” and in-
21 serting “such a move”;

22 (G) in paragraph (7)—

23 (i) by striking “family literacy serv-
24 ices” and inserting “family literacy activi-
25 ties”;

1 (ii) by striking “program or project
2 serves” and inserting “programs and
3 projects serve”;

4 (iii) by striking “who have parents
5 who” and inserting “whose parents”; and

6 (iv) by striking the period at the end
7 and inserting “; and”; and

8 (H) by adding at the end the following:

9 “(8) such budgetary and other information as
10 the Secretary may require.”;

11 (2) in subsection (c)—

12 (A) in paragraph (2), by striking “part I”
13 and inserting “part F”;

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

16 “(3) in the planning and operation of programs
17 and projects at both the State and local agency op-
18 erating levels, there is consultation with parent advi-
19 sory councils for programs of not less than 1 school
20 year in duration, and that all such programs and
21 projects are—

22 “(A) conducted in a manner that provides
23 for the same parental involvement as is re-
24 quired for programs and projects under section
25 1118, including, to the extent practicable, de-

1 descriptions required for parental involvement
2 under section 1118(a)(3)(A), unless extraor-
3 dinary circumstances make such provision im-
4 practical; and

5 “(B) are developed in a format and lan-
6 guage understandable to the parents;”;

7 (C) in paragraph (4), by inserting “and
8 migratory children who are not attending
9 school” before the semicolon at the end;

10 (D) in paragraph (6), by striking subpara-
11 graph (C) and inserting the following:

12 “(C) family literacy programs that are de-
13 termined to be high quality;” and

14 (E) by striking paragraph (7) and insert-
15 ing the following:

16 “(7) the State has procedures in place to verify
17 the accuracy and completeness of any data regarding
18 the counting of migratory children that is submitted
19 to the Secretary under this part.”; and

20 (3) in subsection (d)—

21 (A) by striking “who are failing” and all
22 that follows through the period and inserting
23 the following: “who have made a move within
24 the previous 1-year period and who—

1 “(1) are failing, or most at risk of failing, to
2 meet the State college and career ready academic
3 content standards and student academic achieve-
4 ment standards adopted under section 1111(a)(1);
5 or

6 “(2) have dropped out of school.”; and

7 (B) in subsection (e)—

8 (i) in paragraph (2), by striking “1”
9 and inserting “one”; and

10 (ii) in paragraph (3), by striking “sec-
11 ondary school students” and inserting
12 “students”.

13 **SEC. 1305. SECRETARIAL APPROVAL; PEER REVIEW.**

14 Section 1305(b) (20 U.S.C. 6395(b)) is amended by
15 striking “may” and inserting “shall, to the extent prac-
16 ticable,”.

17 **SEC. 1306. COMPREHENSIVE NEEDS ASSESSMENT AND**
18 **SERVICE-DELIVERY PLAN; AUTHORIZED AC-**
19 **TIVITIES.**

20 Section 1306 (20 U.S.C. 6396) is amended—

21 (1) in subsection (a)(1)—

22 (A) in the matter preceding subparagraph

23 (A)—

24 (i) by striking “special” and inserting
25 “unique”; and

1 (ii) by inserting “, consistent with the
2 purposes of this part,” after “migratory
3 children”;

4 (B) by striking subparagraph (B);

5 (C) by redesignating subparagraphs (C)
6 through (G) as subparagraphs (E) through (I),
7 respectively;

8 (D) by inserting after subparagraph (A)
9 the following:

10 “(B) addresses the unique educational
11 needs of migratory children;

12 “(C) is developed in collaboration with par-
13 ents of migratory children;

14 “(D) is not used to supplant State efforts
15 regarding, or administrative funding for, this
16 part;”;

17 (E) in subparagraph (E), as redesignated
18 by subparagraph (C), by striking “same chal-
19 lenging” and all that follows through “stand-
20 ards that” and inserting “same State college
21 and career ready academic content and student
22 academic achievement standards adopted under
23 section 1111(a)(1) that”; and

24 (F) in subparagraph (H), as redesignated
25 by subparagraph (C)—

1 (i) by striking “early childhood pro-
2 grams,” and inserting “early childhood
3 care and education programs,”; and

4 (ii) by striking “part A or B of title
5 III” and inserting “part A of title III”;

6 (2) in subsection (b)—

7 (A) in paragraph (1), by striking “local
8 educational” and inserting “local operating”;

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

11 “(2) UNMET NEEDS.—Funds provided under
12 this part shall be used to meet the needs of migra-
13 tory children that are not met by services available
14 from other Federal or non-Federal programs, except
15 that migratory children who are eligible to receive
16 services under part A may receive those services
17 through funds provided under that part or through
18 funds under this part that remain after the agency
19 meets the needs described in paragraph (1).”; and

20 (C) in paragraph (4), by striking “special
21 educational” and inserting “unique edu-
22 cational”.

23 **SEC. 1307. BYPASS.**

24 Section 1307 (20 U.S.C. 6397) is amended, in the
25 matter preceding paragraph (1), by striking “make ar-

1 rangements with” and inserting “award grants to, or
2 enter into contracts with,”.

3 **SEC. 1308. NATIONAL ACTIVITIES.**

4 Section 1308 (20 U.S.C. 6398) is amended—

5 (1) by striking the section heading and insert-
6 ing “**NATIONAL ACTIVITIES.**”;

7 (2) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) by striking “nonprofit entities to
10 improve” and inserting the following: “en-
11 tities to—

12 “(A) improve”;

13 (ii) by inserting “through” before
14 “the establishment”;

15 (iii) by striking the period at the end
16 and inserting “; and”; and

17 (iv) by adding at the end the fol-
18 lowing:

19 “(B) improve the coordination between
20 State educational agencies, local operating
21 agencies, and their counterparts in other na-
22 tions in educating migratory children who move
23 between the United States and such nations.”;
24 and

1 (B) in paragraph (2), by inserting “or con-
2 tracts” after “Grants”;

3 (3) in subsection (b)—

4 (A) by striking paragraph (1) and insert-
5 ing the following:

6 “(1) ASSISTANCE.—In order to determine the
7 number of migratory children in each State, the Sec-
8 retary shall assist each State in maintaining an ef-
9 fective system for the electronic transfer of student
10 records.”;

11 (B) in paragraph (2)—

12 (i) in subparagraph (A)—

13 (I) in the matter preceding clause
14 (i), by striking “The Secretary, in
15 consultation” and all that follows
16 through “may include—” and insert-
17 ing the following: “The Secretary, in
18 consultation with the States, shall
19 continue to ensure the linkage of mi-
20 gratory child record systems for the
21 purpose of electronically exchanging,
22 within and among the States, health
23 and educational information regarding
24 all migratory children eligible under
25 this part. The Secretary shall ensure

1 such linkage occurs in a cost-effective
2 manner, utilizing systems used by the
3 State prior to, or developed after, the
4 date of enactment of the Elementary
5 and Secondary Education Reauthor-
6 ization Act of 2011. The Secretary
7 shall determine the minimum data ele-
8 ments that each State receiving funds
9 under this part shall collect, maintain,
10 and exchange, and the requirements
11 of the linkage system that States shall
12 meet for the timely submission of ac-
13 cess to such information. Such min-
14 imum data elements may include—”;
15 and

16 (II) in clause (ii), by striking
17 “section 1111(b)” and inserting “sec-
18 tion 1111(a)(2)”;

19 (ii) by striking subparagraph (B) and
20 inserting the following:

21 “(B) CONSULTATION.—The Secretary
22 shall maintain ongoing consultation with the
23 States, local educational agencies, and other mi-
24 gratory student service providers on—

1 “(i) the effectiveness of the system of
2 electronic records transfer described in
3 subparagraph (A); and

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

6 (C) in paragraph (4)—

7 (i) in subparagraph (A)—

8 (I) by striking “2003” and in-
9 serting “2012, and every 2 years
10 thereafter,”; and

11 (II) by striking “the Committee
12 on Health, Education, Labor, and
13 Pensions of the Senate and the Com-
14 mittee on Education and the Work-
15 force of the House of Representa-
16 tives” and inserting “the authorizing
17 committees”; and

18 (ii) in subparagraph (B)—

19 (I) in clause (ii), by striking “the
20 development and linkage of” and in-
21 serting “maintaining”; and

22 (II) in clause (iii), by striking
23 “measures that may be taken to en-
24 sure” and inserting “improving”;

1 (4) by redesignating subsection (c) as sub-
2 section (f), and transferring such subsection so as to
3 follow subsection (e);

4 (5) by inserting after subsection (b) the fol-
5 lowing:

6 “(c) TECHNICAL ASSISTANCE.—The Secretary may
7 provide technical assistance designed to support State ef-
8 forts to meet the needs of migratory children, which may
9 include supporting the attendance of State and local oper-
10 ating agency staff, and other appropriate individuals, at
11 special meetings convened by the Secretary in order to
12 carry out activities consistent with this section.”;

13 (6) in subsection (d)—

14 (A) by striking “, pursuant to criteria that
15 the Secretary shall establish,”; and

16 (B) by striking “whose education is inter-
17 rupted” and inserting “described in section
18 1304(d)”;

19 (7) by striking subsection (e) and inserting the
20 following:

21 “(e) IMPROVEMENTS AND COORDINATION.—From
22 any funds made available under this section and remaining
23 after carrying out the requirements under subsections (b)
24 and (d), the Secretary, in consultation with the States,
25 may make grants to, or enter into contracts with, State

1 educational agencies, local educational agencies, institu-
 2 tions of higher education, and other public and private
 3 nonprofit entities to improve the interstate and intrastate
 4 coordination among such agencies' and entities' programs
 5 available to migratory students consistent with this sec-
 6 tion, including the establishment or improvement of pro-
 7 grams for academic credit accrual and exchange.”.

8 **SEC. 1309. PERFORMANCE DATA; EVALUATIONS AND**
 9 **STUDY; STATE ASSISTANCE.**

10 Part C of title I (20 U.S.C. 6391 et seq.) is further
 11 amended—

12 (1) by redesignating section 1309 as section
 13 1312; and

14 (2) by inserting after section 1308 the fol-
 15 lowing:

16 **“SEC. 1309. PERFORMANCE DATA.**

17 “Consistent with section 1111(d)(3)(B), and in a
 18 manner prescribed by the Secretary, each State that re-
 19 ceives a grant under this part shall annually submit to
 20 the Secretary, and make public, data on—

21 “(1) the academic achievement of migratory
 22 students, as measured by the State assessments re-
 23 quired under section 1111(a)(2);

24 “(2) such students' high school graduation
 25 rates and rates of enrollment and persistence in, and

1 completion of a program of study at, institutions of
2 higher education; and

3 “(3) the results of such other performance
4 measures and targets as the Secretary may pre-
5 scribe.

6 **“SEC. 1310. EVALUATION AND STUDY.**

7 “(a) PROGRAM EVALUATION.—From the amount re-
8 served for evaluation activities in accordance with section
9 9601(a), the Secretary, acting through the Director of the
10 Institute of Education Sciences, shall, in consultation with
11 the relevant program office at the Department, evaluate
12 the implementation and impact of the activities supported
13 under this part, consistent with section 9601.

14 “(b) STUDY.—The Secretary shall conduct a pilot
15 study, funded as part of the 2012 National Assessment
16 of Educational Progress, on the feasibility of using the
17 National Assessment of Educational Progress for assess-
18 ing and reporting on the academic achievement of migra-
19 tory children in grades 4 and 8 in reading and mathe-
20 matics.

21 **“SEC. 1311. STATE ASSISTANCE IN DETERMINING NUMBER**
22 **OF MIGRATORY CHILDREN.**

23 “Each State that desires to receive assistance under
24 this part shall assist the Secretary in determining the
25 number of migratory children in such State under para-

1 graphs (1) and (2) of subsection (a), and subsection (g),
2 of section 1303 through such procedures as the Secretary
3 may require, except that the Secretary shall not require
4 additional information that is not directly related to deter-
5 mining the migratory status of the child or the administra-
6 tion of this part.”.

7 **SEC. 1310. DEFINITIONS.**

8 Section 1312 (20 U.S.C. 6399), as redesignated by
9 section 1309(1), is amended—

10 (1) by redesignating paragraphs (1) and (2) as
11 paragraphs (3) and (5), respectively;

12 (2) by inserting before paragraph (3), as redesi-
13 gnated by paragraph (1), the following:

14 “(1) **FOOD PROCESSOR.**—The term ‘food proc-
15 essor’ means a position working with a raw agricul-
16 tural, dairy, or fishing product and transforming the
17 product into a more refined product up to the point
18 of an initial commercial sale.

19 “(2) **INITIAL COMMERCIAL SALE.**—The term
20 ‘initial commercial sale’ means the first point of sale
21 of an agricultural, dairy, or fishing product—

22 “(A) for refining to the next-stage proc-
23 essor;

24 “(B) to the wholesaler;

25 “(C) to the retailer; or

1 “(D) directly to the consumer.”;

2 (3) by inserting after paragraph (3), as redesignig-
3 nated by paragraph (1), the following:

4 “(4) MIGRATORY AGRICULTURAL WORKER.—
5 The term ‘migratory agricultural worker’ means an
6 individual who—

7 “(A) made a qualifying move in the pre-
8 ceding 36-month period; and

9 “(B) after making such move, sought or
10 engaged in employment in agricultural work,
11 which may be dairy work or the initial proc-
12 essing of raw agricultural products.”; and

13 (4) by striking paragraph (5), as redesignated
14 by paragraph (1), and inserting the following:

15 “(5) MIGRATORY CHILD.—The term ‘migratory
16 child’ means a child who—

17 “(A) is, or whose parent or spouse is, a
18 migratory agricultural worker or migratory fish-
19 er who is currently engaged in, or seeking to
20 obtain, temporary or seasonal employment, usu-
21 ally for not longer than 15 months, in agricul-
22 tural or fishing work until the point of the ini-
23 tial commercial sale (including employment as a
24 migratory dairy worker, a food processor, or a
25 migratory fisher); and

1 “(B) in the preceding 36 months—

2 “(i) has moved from 1 school district
3 to another;

4 “(ii) in a State that is comprised of a
5 single school district, has moved from 1
6 administrative area to another within such
7 district; or

8 “(iii) resides in a school district of
9 more than 15,000 square miles, and mi-
10 grates a distance of 20 miles or more to a
11 temporary residence to engage in, or to ac-
12 company a parent or spouse engaging in, a
13 fishing activity.

14 “(6) MIGRATORY FISHER.—The term ‘migra-
15 tory fisher’ means an individual who made a quali-
16 fying move in the preceding 36 months and, after
17 doing so, sought or engaged in employment in fish-
18 ing work.

19 “(7) QUALIFYING MOVE.—The term ‘qualifying
20 move’—

21 “(A) means—

22 “(i) a move from 1 school district to
23 another, or from 1 administrative area to
24 another within a State that is comprised of
25 a single school district; and

1 “(ii) in the case of a migratory fisher
2 who resides in a school district of more
3 than 15,000 square miles, includes migrat-
4 ing a distance of 20 miles or more to a
5 temporary residence; and

6 “(B) with respect to a qualifying move for
7 a parent or spouse of a migratory child, means
8 a move described in subparagraph (A) that is
9 separated by not more than 1 year from the
10 move or migration described in paragraph
11 (5)(B) of the migratory child.”.

12 **PART D—PREVENTION AND INTERVENTION PRO-**
13 **GRAMS FOR CHILDREN AND YOUTH WHO**
14 **ARE NEGLECTED, DELINQUENT, OR AT-RISK**

15 **SEC. 1401. PURPOSE AND PROGRAM AUTHORIZATION.**

16 Section 1401 (20 U.S.C. 6421) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (1), by striking “chal-
19 lenging State academic content standards and
20 challenging State student academic achievement
21 standards” and inserting “college and career
22 ready academic content standards and student
23 academic achievement standards under section
24 1111(a)(1)”; and

1 (B) in paragraph (3), by striking “to pre-
2 vent at-risk youth from dropping out of school,
3 and”; and

4 (2) in subsection (b), by striking “1002(d)” and
5 inserting “3(e)”.

6 **SEC. 1402. ALLOCATION OF FUNDS.**

7 Paragraph (2) of section 1412(b) (20 U.S.C.
8 6432(b)) is amended to read as follows:

9 “(2) MINIMUM PERCENTAGE.—The percentage
10 in paragraph (1)(A) shall not be less than 85 per-
11 cent.”.

12 **SEC. 1403. STATE PLAN AND STATE AGENCY APPLICATIONS.**

13 Section 1414 (20 U.S.C. 6434) is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1)(B)—

16 (i) by striking “from” and inserting
17 “between”; and

18 (ii) by striking “to” and inserting
19 “and”;

20 (B) in paragraph (2)—

21 (i) in subparagraph (A), by striking
22 “academic, vocational, and technical skills”
23 and inserting “college and career readiness
24 (as determined based on the State college
25 and career ready academic content and

1 student academic achievement standards
2 under section 1111(a)(1)”; and

3 (ii) in subparagraph (B), by striking
4 “and” after the semicolon;

5 (C) in subparagraph (C)(iv), by striking
6 the period at the end and inserting “; and”;
7 and

8 (D) by adding at the end the following:

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

11 “(i) procedures to ensure that each
12 student who has been placed in the juve-
13 nile justice system is promptly re-enrolled
14 in secondary school or placed in a re-entry
15 program that best meets the educational
16 and social needs of the student;

17 “(ii) procedures for facilitating the
18 transfer of credits that such students
19 earned during placement; and

20 “(iii) opportunities for such students
21 to participate in higher education or career
22 pathways.”; and

23 (2) in subsection (c)—

24 (A) in paragraph (1)—

1 (i) by inserting “and respond to”
2 after “assess”; and

3 (ii) by inserting “, including an as-
4 sessment upon entry into a correctional fa-
5 cility” before the semicolon at the end;

6 (B) in paragraph (8), by striking “voca-
7 tional” and inserting “career”;

8 (C) in paragraph (9)—

9 (i) by striking “encourage” and insert
10 “require, to the extent practicable,”;

11 (ii) by inserting “and after” after
12 “prior to”; and

13 (iii) by inserting “and that transition
14 plans are in place” before the semicolon at
15 the end;

16 (D) in paragraph (11)—

17 (i) by inserting “such” after “transi-
18 tion of”;

19 (ii) by striking “from” and inserting
20 “between”; and

21 (iii) by striking “institution to locally
22 operated” and inserting “institution and
23 locally operated education”;

24 (E) in paragraph (16)—

1 (i) by inserting “and obtain a sec-
2 ondary school diploma” after “reenter
3 school”; and

4 (ii) by inserting “that leads to eco-
5 nomic self-sufficiency” after “employ-
6 ment”; and

7 (F) in paragraph (17), by inserting “cer-
8 tified or licensed” before “teachers”.

9 **SEC. 1404. USE OF FUNDS.**

10 Section 1415(a) (20 U.S.C. 6435(a)) is amended—

11 (1) in paragraph (1)(B), by striking “voca-
12 tional” and inserting “career”; and

13 (2) in paragraph (2)—

14 (A) in subparagraph (B)—

15 (i) in clause (i), by striking “chal-
16 lenging academic content standards and
17 student academic achievement standards”
18 and inserting “college and career ready
19 academic content standards and student
20 academic achievement standards under sec-
21 tion 1111(a)(1)”; and

22 (ii) in clause (iii), by striking “chal-
23 lenging” and inserting “such”;

24 (B) in subparagraph (C)—

1 (i) by striking “part I” and inserting
2 “part F”; and

3 (ii) by striking “and” after the semi-
4 colon;

5 (C) in subparagraph (D), by striking the
6 period at the end and inserting “; and”; and

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

8 “(E) may include the costs of testing for
9 such children and youth for a recognized equiv-
10 alent of a secondary school diploma.”.

11 **SEC. 1405. INSTITUTION-WIDE PROJECTS.**

12 Section 1416 (20 U.S.C. 6436) is amended—

13 (1) in paragraph (3), by striking “challenging
14 State academic content standards and student aca-
15 demic achievement standards” and inserting “college
16 and career ready academic content standards and
17 student academic achievement standards under sec-
18 tion 1111(a)(1)”;

19 (2) in paragraph (4)—

20 (A) by striking “pupil services” and insert-
21 ing “specialized instructional support services”;
22 and

23 (B) by inserting “and the development and
24 implementation of transition plans” before the
25 semicolon; and

1 (3) in paragraph (6), by inserting “and im-
2 prove” after “assess”.

3 **SEC. 1406. TRANSITION SERVICES.**

4 Section 1418(a) (20 U.S.C. 6438(a)) is amended—

5 (1) in paragraph (1)—

6 (A) by striking “from” and inserting “be-
7 tween”; and

8 (B) by striking “to schools” and inserting
9 “and schools”; and

10 (2) in paragraph (2), by striking “vocational”
11 each place the term appears and inserting “career”.

12 **SEC. 1407. PROGRAM EVALUATION.**

13 Section 1419 is amended to read as follows:

14 **“SEC. 1419. PROGRAM EVALUATION.**

15 “From the amount reserved for evaluation activities
16 in accordance with section 9601(a), the Secretary, acting
17 through the Director of the Institute for Education
18 Sciences, shall, in consultation with the relevant program
19 office of the Department, evaluate the implementation and
20 impact of the activities supported under this part, con-
21 sistent with section 9601.”.

22 **SEC. 1408. PURPOSE OF LOCAL AGENCY PROGRAMS.**

23 Section 1421(1) (20 U.S.C. 6451(1)) is amended by
24 striking “, training, employment, or further education”
25 and inserting “and college and career readiness (as deter-

1 mined based on the State college and career ready aca-
2 demic content and student academic achievement stand-
3 ards under section 1111(a)(1))”.

4 **SEC. 1409. PROGRAMS OPERATED BY LOCAL EDUCATIONAL**
5 **AGENCIES.**

6 Section 1422(d) (20 U.S.C. 6452(d)) is amended—

7 (1) by striking “meet the transitional” and in-
8 serting “meet the transitional needs (including the
9 social and emotional needs)”; and

10 (2) by striking “meeting the transitional” and
11 inserting “meeting such transitional”.

12 **SEC. 1410. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

13 Section 1423 (20 U.S.C. 6453) is amended—

14 (1) in paragraph (6), by striking “, at-risk chil-
15 dren or youth, and other participating children or
16 youth,” and inserting “and at-risk children or
17 youth,”;

18 (2) in paragraph (8), by inserting “and family
19 members” after “parents”; and

20 (3) in paragraph (9), by striking “vocational”
21 and inserting “career”.

22 **SEC. 1411. USES OF FUNDS.**

23 Section 1424 (20 U.S.C. 6454) is amended—

24 (1) in paragraph (2), by striking “, including”
25 and all that follows through “gang members”; and

1 (2) in paragraph (4), by striking “vocational
2 and technical education” and inserting “career and
3 technical education, costs associated with testing for
4 a recognized equivalent of a secondary school di-
5 ploma”.

6 **SEC. 1412. PROGRAM REQUIREMENTS FOR CORRECTIONAL**
7 **FACILITIES RECEIVING FUNDS UNDER THIS**
8 **SECTION.**

9 Section 1425 (20 U.S.C. 6455) is amended—

10 (1) in paragraph (9), by striking “vocational”
11 and inserting “career”;

12 (2) in paragraph (10), by striking “and” after
13 the semicolon;

14 (3) in paragraph (11), by striking the period at
15 the end and inserting a semicolon; and

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

17 “(12) develop an initial educational services and
18 transition plan for each child or youth served under
19 this subpart upon entry into the correctional facility,
20 in partnership with the child or youth’s family mem-
21 bers and the local educational agency that most re-
22 cently provided services to the child or youth (if ap-
23 plicable), consistent with section 1414(a)(1); and

24 “(13) consult with the local educational agency
25 for a period jointly determined necessary by the cor-

1 rectional facility and local educational agency upon
2 discharge from that facility, to coordinate edu-
3 cational services so as to minimize disruption to the
4 child's or youth's achievement.”.

5 **SEC. 1413. ACCOUNTABILITY.**

6 Section 1426 (20 U.S.C. 6456) is amended to read
7 as follows:

8 **“SEC. 1426. ACCOUNTABILITY.**

9 “The State educational agency—

10 “(1) shall require correctional facilities or insti-
11 tutions for delinquent children and youth to annually
12 report on the number of children and youth released
13 from the correctional facility or institution who re-
14 turned or did not return to school, the number of
15 children and youth obtaining a secondary school di-
16 ploma or its recognized equivalent, and the number
17 of children and youth obtaining employment; and

18 “(2) may require correctional facilities or insti-
19 tutions for delinquent children and youth to dem-
20 onstrate, after receiving assistance under this sub-
21 part for 3 years, that there has been an increase in
22 the number of children and youth returning to
23 school, obtaining a secondary school diploma or its
24 recognized equivalent, or obtaining employment after
25 such children and youth are released.”.

1 **SEC. 1414. PROGRAM EVALUATIONS.**

2 Section 1431(a)(1) (20 U.S.C. 6471(a)(1)) is amend-
3 ed by inserting “, including the ability to become college
4 and career ready, as determined under the State academic
5 content and student academic achievement standards
6 under section 1111(a)(1), and to graduate high school in
7 the standard number of years” before the semicolon at the
8 end.

9 **SEC. 1415. DEFINITIONS.**

10 Section 1432(2) (20 U.S.C. 6472(2)) is amended to
11 read as follows:

12 “(2) AT-RISK.—The term ‘at-risk’, when used
13 with respect to a child, youth, or student, means a
14 school-aged individual who—

15 “(A) is at risk of academic failure; and

16 “(B) has a drug or alcohol problem, is
17 pregnant or is a parent, has come into contact
18 with the juvenile justice system or has been de-
19 termined to be neglected in the past, is a gang
20 member, or has dropped out of school in the
21 past.”.

1 **PART E—EDUCATIONAL STABILITY OF CHILDREN**
 2 **IN FOSTER CARE**

3 **SEC. 1501. EDUCATIONAL STABILITY OF CHILDREN IN FOS-**
 4 **TER CARE.**

5 (a) IN GENERAL.—Part E of title I (20 U.S.C. 6491
 6 et seq.) is amended to read as follows:

7 **“PART E—EDUCATIONAL STABILITY OF**
 8 **CHILDREN IN FOSTER CARE**

9 **“SEC. 1501. EDUCATIONAL STABILITY OF CHILDREN IN FOS-**
 10 **TER CARE.**

11 **“(a) OBLIGATIONS TO COLLABORATE WITH CHILD**
 12 **WELFARE AGENCIES.—**

13 **“(1) IN GENERAL.—**Each State educational
 14 agency receiving assistance under part A shall col-
 15 laborate with the State agency responsible for ad-
 16 ministering the State plans under parts B and E of
 17 title IV of the Social Security Act (42 U.S.C. 621
 18 et seq., 670 et seq.) to develop and implement a plan
 19 to ensure that the following occurs, for each child in
 20 the State, when the child moves to a new school at-
 21 tendance area as a result of being placed in foster
 22 care (as described in section 1502(1)), changing fos-
 23 ter care placements, or leaving foster care:

24 **“(A) ATTENDANCE AT A SCHOOL OF ORI-**
 25 **GIN.—**

1 “(i) IN GENERAL.—The child enrolls
2 or remains in the child’s school of origin,
3 unless a determination is made that it is in
4 the child’s best interest to attend a dif-
5 ferent school.

6 “(ii) LIMITATION.—A child who leaves
7 foster care shall only be entitled to remain
8 in the child’s school of origin for the re-
9 mainder of the school year.

10 “(B) IMMEDIATE ENROLLMENT.—When a
11 determination is made regarding the school that
12 it is in the best interest of a child in foster care
13 to attend, the child shall be immediately en-
14 rolled in such school, even if the child is unable
15 to produce records normally required for enroll-
16 ment, such as previous academic records, im-
17 munization and medical records, a birth certifi-
18 cate, guardianship records, proof of residency,
19 or other documentation.

20 “(C) RECORDS TRANSFER.—Any records
21 ordinarily kept by a school, including records of
22 immunizations, health screenings, and other re-
23 quired health records, academic records, birth
24 certificates, evaluations for special services or
25 programs, and any individualized education pro-

1 grams (as defined in section 602 of the Individ-
2 uals with Disabilities Education Act (20 U.S.C.
3 1401)), regarding a child in foster care shall
4 be—

5 “(i) maintained so that the records in-
6 volved are available, in a timely fashion,
7 when a child in foster care enters a new
8 school; and

9 “(ii) immediately transferred to the
10 enrolling school, even if the child owes fees
11 or fines or was not withdrawn from pre-
12 vious schools in conformance with local
13 withdrawal procedures.

14 “(2) IMPLEMENTATION.—Each State edu-
15 cational agency receiving assistance under part A
16 shall ensure that the plan described in paragraph
17 (1) is implemented by the local educational agencies
18 in the State.

19 “(b) CREDIT TRANSFER AND DIPLOMAS.—Each
20 State that receives assistance under part A shall have poli-
21 cies for ensuring that—

22 “(1) a child in foster care who is changing
23 schools can transfer school credits and receive par-
24 tial credits for coursework satisfactorily completed

1 while attending a prior school or educational pro-
2 gram;

3 “(2) a child in foster care is afforded opportuni-
4 ties to recover school credits lost due to placement
5 instability while in foster care; and

6 “(3) a child in foster care who has changed sec-
7 ondary schools can receive a secondary school di-
8 ploma either from one of the schools in which the
9 child was enrolled or through a State-issued sec-
10 ondary school diploma system, consistent with State
11 graduation requirements.

12 “(c) TRANSPORTATION.—Not later than 1 year after
13 the date of enactment of the Elementary and Secondary
14 Education Reauthorization Act of 2011, the State edu-
15 cational agency shall enter into an agreement with the
16 State agency responsible for administering the State plans
17 under parts B and E of title IV of the Social Security
18 Act to ensure that children in foster care, and children
19 leaving foster care, who are attending their schools of ori-
20 gin receive transportation to and from those schools, in
21 accordance with subsection (a)(1) and with section
22 475(1)(G) of the Social Security Act (42 U.S.C.
23 675(1)(G)). The agreement shall include a description of
24 the following:

1 “(1) How foster care maintenance payments
2 will be used to help fund the transportation of chil-
3 dren in foster care to their schools of origin.

4 “(2) How children who leave foster care will re-
5 ceive transportation to maintain their enrollment in
6 their schools of origin for the remainder of the aca-
7 demic year, if remaining in their schools of origin is
8 in their best interests.

9 “(d) POINTS OF CONTACT.—

10 “(1) LOCAL EDUCATIONAL AGENCIES.—A State
11 that receives assistance under part A shall ensure
12 that each local educational agency in the State des-
13 ignates an individual employed by the agency to
14 serve as a point of contact for the child welfare
15 agencies responsible for children in foster care en-
16 rolled in the local educational agency and to oversee
17 the implementation of the local educational agency
18 requirements under this section. A local educational
19 agency’s point of contact shall not be the individual
20 designated as its local educational agency liaison
21 under section 722(g)(1)(J)(ii) of the McKinney-
22 Vento Homeless Assistance Act, unless such indi-
23 vidual has the capacity, resources, and time to per-
24 form both roles.

1 “(2) STATE EDUCATIONAL AGENCIES.—Each
2 State educational agency receiving assistance under
3 part A shall designate an individual to serve as a
4 point of contact for child welfare agencies and to
5 oversee the implementation of the State educational
6 agency requirements under this section. A State
7 educational agency’s point of contact shall not be the
8 individual designated as the State’s Coordinator for
9 Education of Homeless Children and Youths under
10 section 722(d)(3) of the McKinney-Vento Homeless
11 Assistance Act, unless such individual has the capac-
12 ity, resources, and time to perform both roles.

13 **“SEC. 1502. DEFINITIONS.**

14 “In this part:

15 “(1) CHILD IN FOSTER CARE.—The term ‘child
16 in foster care’ means a child whose care and place-
17 ment is the responsibility of the agency that admin-
18 isters a State plan under part B or E of title IV of
19 the Social Security Act (42 U.S.C. 621 et seq., 670
20 et seq.), without regard to whether foster care main-
21 tenance payments are made under section 472 of the
22 Social Security Act (42 U.S.C. 672) on behalf of the
23 child.

1 “(2) SCHOOL ATTENDANCE AREA.—The term
2 ‘school attendance area’ has the meaning given the
3 term in section 1113(a)(2).

4 “(3) SCHOOL OF ORIGIN.—The term ‘school of
5 origin’ means, with respect to a child in foster care,
6 any of the following:

7 “(A) The public school in which the child
8 was enrolled prior to entry into foster care.

9 “(B) The public school in which the child
10 is enrolled when a change in foster care place-
11 ment occurs.

12 “(C) The public school the child attended
13 when last permanently housed, as such term is
14 used in section 722(g)(3)(G) of the McKinney-
15 Vento Homeless Assistance Act (42 U.S.C.
16 11432(g)(3)(G)), if such child was eligible for
17 assistance under such Act before the child be-
18 came a child in foster care.”.

19 (b) GUIDANCE.—Not later than 90 days after the
20 date of enactment of this Act, the Secretary, in collabora-
21 tion with the Secretary of Health and Human Services,
22 is directed to issue guidance on the implementation of part
23 E of title I of the Elementary and Secondary Education
24 Act of 1965, including how State and local agencies will

1 work together to ensure that transportation for children
2 in foster care is provided to the school of origin.

3 **PART F—GENERAL PROVISIONS**

4 **SEC. 1601. REORGANIZATION.**

5 (a) IN GENERAL.—Title I (20 U.S.C. 6301 et seq.)
6 is further amended—

7 (1) by striking parts F through H;

8 (2) by redesignating part I as part F; and

9 (3) by redesignating sections 1901 through
10 1908 as sections 1601 through 1608, respectively.

11 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
12 Part F of title I, as redesignated by subsection (a)(2), is
13 further amended—

14 (1) in section 1601(b)(4)(A) (20 U.S.C.
15 6571(b)(4)(A)), as redesignated by subsection
16 (a)(3), by striking “No Child Left Behind Act of
17 2001” and inserting “Elementary and Secondary
18 Education Reauthorization Act of 2011”;

19 (2) in section 1602(a) (20 U.S.C. 6572(a)), as
20 redesignated by subsection (a)(3), by striking
21 “1901” and inserting “1601”;

22 (3) in section 1603(b)(2)(G) (20 U.S.C.
23 6573(b)(2)(G)), as redesignated by subsection
24 (a)(3), by striking “pupil services personnel” and in-

1 serting “specialized instructional support personnel”;
2 and

3 (4) in section 1608 (20 U.S.C. 6578), as redese-
4 signated by subsection (a)(3), by striking “No Child
5 Left Behind Act of 2001” and inserting “Elemen-
6 tary and Secondary Education Reauthorization Act
7 of 2011”.

8 **TITLE II—SUPPORTING EXCEL-**
9 **LENT TEACHERS AND PRIN-**
10 **CIPALS**

11 **SEC. 2101. SUPPORTING EXCELLENT TEACHERS AND PRIN-**
12 **CIPALS.**

13 (a) TECHNICAL AMENDMENTS.—Title II (20 U.S.C.
14 6601 et seq.) is amended—

15 (1) by striking the title heading and inserting
16 **“SUPPORTING EXCELLENT TEACHERS**
17 **AND PRINCIPALS”**;

18 (2) by redesignating subpart 3 of part D as
19 part H of title IV, and transferring such part H so
20 as to follow part G of title IV, as added by section
21 4108 of this Act;

22 (3) in part H of title IV, as redesignated by
23 paragraph (2), by striking the part heading and in-
24 serting the following: **“READY-TO-LEARN”**;

1 (4) by redesignating section 2431 as section
2 4801;

3 (5) in section 4801, as redesignated by para-
4 graph (4)—

5 (A) by striking the section heading and in-
6 serting the following: “**READY-TO-LEARN**”;

7 (B) in subsection (a)—

8 (i) in paragraph (1)(E)(ii)—

9 (I) by striking “Even Start pro-
10 viders,”; and

11 (II) by striking “family literacy
12 services” and inserting “family lit-
13 eracy activities”;

14 (ii) in paragraph (2)—

15 (I) by striking “Even Start pro-
16 viders,”; and

17 (II) by striking “family literacy
18 services” and inserting “family lit-
19 eracy activities”;

20 (iii) in paragraph (4)(B), by striking
21 “Even Start, and”;

22 (C) in subsection (c)(2), by striking “rel-
23 evant committees of Congress” and inserting
24 “authorizing committees”; and

1 (D) by striking subsection (e) and insert-
2 ing the following:

3 “(e) FUNDING RULE.—Not less than 60 percent of
4 the amount appropriated to carry out this section for each
5 fiscal year shall be used to carry out activities under sub-
6 paragraphs (B) through (D) of subsection (a)(1).”;

7 (6) by redesignating subpart 5 of part C as
8 subpart 3 of part E of title IX, and transferring
9 such subpart 3 so as to follow subpart 2 of part E
10 of title IX;

11 (7) by redesignating sections 2361, 2362, 2363,
12 2364, 2365, 2366, 2367, and 2368, as sections
13 9541, 9542, 9543, 9544, 9545, 9546, 9547, and
14 9548, respectively; and

15 (8) in section 9546(b), as redesignated by para-
16 graph (7), by striking the matter following para-
17 graph (2) and inserting the following:

18 “(3) A State law that makes a limitation of li-
19 ability inapplicable if the civil action was brought by
20 an officer of a State or local government pursuant
21 to State or local law.”.

22 (b) TROOPS-TO-TEACHERS.—

23 (1) TRANSFER OF FUNCTIONS.—

24 (A) TRANSFER.—The responsibility and
25 authority for operation and administration of

1 the Troops-to-Teachers Program in chapter A
 2 of subpart 1 of part C of title II (20 U.S.C.
 3 6671 et seq.), as in effect on the day before the
 4 date of enactment of this Act, is transferred
 5 from the Secretary of Education to the Sec-
 6 retary of Defense.

7 (B) EFFECTIVE DATE.—The transfer
 8 under subparagraph (A) shall take effect on the
 9 first day of the first month beginning more
 10 than 180 days after the date of enactment of
 11 this Act, or on such earlier date as the Sec-
 12 retary of Education and the Secretary of De-
 13 fense may jointly provide.

14 (2) ENACTMENT AND MODIFICATION OF PRO-
 15 GRAM AUTHORITY IN TITLE 10, UNITED STATES
 16 CODE.—

17 (A) IN GENERAL.—Chapter 58 of title 10,
 18 United States Code, is amended by adding at
 19 the end the following new section:

20 **“§ 1154. Assistance to eligible members to obtain em-**
 21 **ployment as teachers: Troops-to-Teachers**
 22 **Program**

23 “(a) DEFINITIONS.—In this section:

24 “(1) CHARTER SCHOOL.—The term ‘charter
 25 school’ has the meaning given that term in section

1 5210 of the Elementary and Secondary Education
2 Act of 1965 (20 U.S.C. 7221i).

3 “(2) PROGRAM.—The term ‘Program’ means
4 the Troops-to-Teachers Program authorized by this
5 section.

6 “(3) ADDITIONAL TERMS.—The terms ‘elemen-
7 tary school’, ‘highly qualified teacher’, ‘local edu-
8 cational agency’, ‘secondary school’, and ‘State’ have
9 the meanings given those terms in section 9101 of
10 the Elementary and Secondary Education Act of
11 1965 (20 U.S.C. 7801).

12 “(b) PROGRAM AUTHORIZATION.—The Secretary of
13 Defense may carry out a program (to be known as the
14 ‘Troops-to-Teachers Program’)—

15 “(1) to assist eligible members of the Armed
16 Forces described in subsection (c) to obtain certifi-
17 cation or licensing as elementary school teachers,
18 secondary school teachers, or vocational or technical
19 teachers, and to become highly qualified teachers;
20 and

21 “(2) to facilitate the employment of such mem-
22 bers—

23 “(A) by local educational agencies or pub-
24 lic charter schools that the Secretary of Edu-
25 cation identifies as—

1 “(i) receiving grants under part A of
2 title I of the Elementary and Secondary
3 Education Act of 1965 (20 U.S.C. 6311 et
4 seq.) as a result of having within their ju-
5 risdictions concentrations of children from
6 low-income families; or

7 “(ii) experiencing a shortage of highly
8 qualified teachers, in particular a shortage
9 of science, mathematics, special education,
10 or vocational or technical teachers; and

11 “(B) in elementary schools or secondary
12 schools, or as vocational or technical teachers.

13 “(c) ELIGIBILITY AND APPLICATION PROCESS.—

14 “(1) ELIGIBLE MEMBERS.—The following mem-
15 bers of the Armed Forces are eligible for selection
16 to participate in the Program:

17 “(A) Any member who—

18 “(i) on or after the date of the enact-
19 ment of the Elementary and Secondary
20 Education Reauthorization Act of 2011,
21 becomes entitled to retired or retainer pay
22 under this title or title 14;

23 “(ii) has an approved date of retire-
24 ment that is within 1 year after the date

1 on which the member submits an applica-
2 tion to participate in the Program; or

3 “(iii) transfers to the Retired Reserve.

4 “(B) Any member who, on or after the
5 date of the enactment of the Elementary and
6 Secondary Education Reauthorization Act of
7 2011—

8 “(i)(I) is separated or released from
9 active duty after 4 or more years of contin-
10 uous active duty immediately before the
11 separation or release; or

12 “(II) has completed a total of at least
13 10 years of active duty service, 10 years of
14 service computed under section 12732 of
15 this title, or 10 years of any combination
16 of such service; and

17 “(ii) executes a reserve commitment
18 agreement for a period of not less than 3
19 years under paragraph (5)(B).

20 “(C) Any member who, on or after the
21 date of the enactment of the Elementary and
22 Secondary Education Reauthorization Act of
23 2011, is retired or separated for physical dis-
24 ability under chapter 61 of this title.

1 “(2) SUBMISSION OF APPLICATIONS.—(A) Se-
2 lection of eligible members of the Armed Forces to
3 participate in the Program shall be made on the
4 basis of applications submitted to the Secretary. An
5 application shall be in such form and contain such
6 information as the Secretary may require.

7 “(B) An application may be considered to be
8 submitted on a timely basis under subparagraph
9 (A)(i), (B), or (C) of paragraph (1) if the applica-
10 tion is submitted not later than 2 years after the
11 date on which the member is retired or separated or
12 released from active duty, whichever applies to the
13 member.

14 “(3) SELECTION CRITERIA; EDUCATIONAL
15 BACKGROUND REQUIREMENTS AND HONORABLE
16 SERVICE REQUIREMENT.—(A) Subject to subpara-
17 graphs (B) and (C), the Secretary shall prescribe
18 the criteria to be used to select eligible members of
19 the Armed Forces to participate in the Program.

20 “(B)(i) If a member of the Armed Forces is ap-
21 plying for assistance for placement as an elementary
22 school or secondary school teacher, the Secretary
23 shall require the member to have received a baccalaureate or advanced degree from an accredited in-
24 stitution of higher education.
25

1 “(ii) If a member of the Armed Forces is apply-
2 ing for assistance for placement as a vocational or
3 technical teacher, the Secretary shall require the
4 member—

5 “(I) to have received the equivalent of 1
6 year of college from an accredited institution of
7 higher education and have 3 or more years of
8 military experience in a vocational or technical
9 field; or

10 “(II) to otherwise meet the certification or
11 licensing requirements for a vocational or tech-
12 nical teacher in the State in which the member
13 seeks assistance for placement under the Pro-
14 gram.

15 “(C) A member of the Armed Forces is eligible
16 to participate in the Program only if the member’s
17 last period of service in the Armed Forces was hon-
18 orable, as characterized by the Secretary concerned.
19 A member selected to participate in the Program be-
20 fore the retirement of the member or the separation
21 or release of the member from active duty may con-
22 tinue to participate in the Program after the retire-
23 ment, separation, or release only if the member’s
24 last period of service is characterized as honorable
25 by the Secretary concerned.

1 “(4) SELECTION PRIORITIES.—In selecting eli-
2 gible members of the Armed Forces to receive assist-
3 ance under the Program, the Secretary shall give
4 priority to members who—

5 “(A) have educational or military experi-
6 ence in science, mathematics, special education,
7 or vocational or technical subjects; and

8 “(B) agree to seek employment as science,
9 mathematics, or special education teachers in
10 elementary schools or secondary schools or in
11 other schools under the jurisdiction of a local
12 educational agency.

13 “(5) OTHER CONDITIONS ON SELECTION.—(A)
14 The Secretary may not select an eligible member of
15 the Armed Forces to participate in the Program and
16 receive financial assistance unless the Secretary has
17 sufficient appropriations for the Program available
18 at the time of the selection to satisfy the obligations
19 to be incurred by the United States under subsection
20 (d) with respect to the member.

21 “(B) The Secretary may not select an eligible
22 member of the Armed Forces described in paragraph
23 (1)(B)(i) to participate in the Program under this
24 section and receive financial assistance under sub-
25 section (d) unless the member executes a written

1 agreement to serve as a member of the Selected Re-
2 serve of a reserve component of the Armed Forces
3 for a period of not less than 3 years (in addition to
4 any other reserve commitment the member may
5 have).

6 “(d) PARTICIPATION AGREEMENT AND FINANCIAL
7 ASSISTANCE.—

8 “(1) PARTICIPATION AGREEMENT.—(A) An eli-
9 gible member of the Armed Forces selected to par-
10 ticipate in the Program under subsection (c) and re-
11 ceive financial assistance under this subsection shall
12 be required to enter into an agreement with the Sec-
13 retary in which the member agrees—

14 “(i) within such time as the Secretary may
15 require, to obtain certification or licensing as an
16 elementary school teacher, secondary school
17 teacher, or vocational or technical teacher, and
18 to become a highly qualified teacher; and

19 “(ii) to accept an offer of full-time employ-
20 ment as an elementary school teacher, sec-
21 ondary school teacher, or vocational or technical
22 teacher for not less than 3 school years with a
23 local educational agency or public charter school
24 receiving grants under part A of title I of the

1 Elementary and Secondary Education Act of
2 1965 (20 U.S.C.6311 et seq.).

3 “(B) The Secretary may waive the 3-year com-
4 mitment described in subparagraph (A)(ii) for a par-
5 ticipant if the Secretary determines the waiver to be
6 appropriate. If the Secretary provides the waiver,
7 the participant shall not be considered to be in viola-
8 tion of the agreement and shall not be required to
9 provide reimbursement under subsection (e), for fail-
10 ure to meet the 3-year commitment.

11 “(2) VIOLATION OF PARTICIPATION AGREE-
12 MENT; EXCEPTIONS.—A participant in the Program
13 shall not be considered to be in violation of the par-
14 ticipation agreement entered into under paragraph
15 (1) during any period in which the participant—

16 “(A) is pursuing a full-time course of
17 study related to the field of teaching at an in-
18 stitution of higher education;

19 “(B) is serving on active duty as a member
20 of the Armed Forces;

21 “(C) is temporarily totally disabled for a
22 period of time not to exceed 3 years as estab-
23 lished by sworn affidavit of a qualified physi-
24 cian;

1 “(D) is unable to secure employment for a
2 period not to exceed 12 months by reason of the
3 care required by a spouse who is disabled;

4 “(E) is a highly qualified teacher who is
5 seeking and unable to find full-time employ-
6 ment as a teacher in an elementary school or
7 secondary school or as a vocational or technical
8 teacher for a single period not to exceed 27
9 months; or

10 “(F) satisfies such other criteria as may be
11 prescribed by the Secretary.

12 “(3) STIPEND FOR PARTICIPANTS.—(A) Subject
13 to subparagraph (B), the Secretary may pay to a
14 participant in the Program selected under this sec-
15 tion a stipend in an amount of not more than
16 \$5,000.

17 “(B) The total number of stipends that may be
18 paid under subparagraph (A) in any fiscal year may
19 not exceed 5,000.

20 “(4) BONUS FOR PARTICIPANTS.—(A) Subject
21 to subparagraph (B), the Secretary may, in lieu of
22 paying a stipend under paragraph (3), pay a bonus
23 of \$10,000 to a participant in the Program selected
24 under this section who agrees in the participation
25 agreement under paragraph (1) to become a highly

1 qualified teacher and to accept full-time employment
2 as an elementary school teacher, secondary school
3 teacher, or vocational or technical teacher for not
4 less than 3 school years in a high-need school.

5 “(B) The total number of bonuses that may be
6 paid under subparagraph (A) in any fiscal year may
7 not exceed 3,000.

8 “(C) For purposes of subparagraph (A), the
9 term ‘high-need school’ means a public elementary
10 school, public secondary school, or public charter
11 school that meets 1 or more of the following criteria:

12 “(i) At least 50 percent of the students en-
13 rolled in the school were from low-income fami-
14 lies (as described in subsection (b)(2)(A)(i)).

15 “(ii) The school has a large percentage of
16 students who qualify for assistance under part
17 B of the Individuals with Disabilities Education
18 Act (20 U.S.C. 1411 et seq.).

19 “(5) TREATMENT OF STIPEND AND BONUS.—A
20 stipend or bonus paid under this subsection to a
21 participant in the Program shall be taken into ac-
22 count in determining the eligibility of the participant
23 for Federal student financial assistance provided
24 under title IV of the Higher Education Act of 1965
25 (20 U.S.C. 1070 et seq.).

1 “(e) REIMBURSEMENT UNDER CERTAIN CIR-
2 CUMSTANCES.—

3 “(1) REIMBURSEMENT REQUIRED.—A partici-
4 pant in the Program who is paid a stipend or bonus
5 under subsection (d) shall be required to repay the
6 stipend or bonus under the following circumstances:

7 “(A) The participant fails to obtain teach-
8 er certification or licensing, to become a highly
9 qualified teacher, or to obtain employment as
10 an elementary school teacher, secondary school
11 teacher, or vocational or technical teacher as re-
12 quired by the participation agreement under
13 subsection (d)(1).

14 “(B) The participant voluntarily leaves, or
15 is terminated for cause from, employment as an
16 elementary school teacher, secondary school
17 teacher, or vocational or technical teacher dur-
18 ing the 3 years of required service in violation
19 of the participation agreement.

20 “(C) The participant executed a written
21 agreement with the Secretary concerned under
22 subsection (c)(5)(B) to serve as a member of a
23 reserve component of the Armed Forces for a
24 period of 3 years and fails to complete the re-
25 quired term of service.

1 “(2) AMOUNT OF REIMBURSEMENT.—A partici-
2 pant required to reimburse the Secretary for a sti-
3 pend or bonus paid to the participant under sub-
4 section (d) shall pay an amount that bears the same
5 ratio to the amount of the stipend or bonus as the
6 unserved portion of required service bears to the 3
7 years of required service. Any amount owed by the
8 participant shall bear interest at the rate equal to
9 the highest rate being paid by the United States on
10 the day on which the reimbursement is determined
11 to be due for securities having maturities of 90 days
12 or less and shall accrue from the day on which the
13 participant is first notified of the amount due.

14 “(3) TREATMENT OF OBLIGATION.—The obliga-
15 tion to reimburse the Secretary under this sub-
16 section is, for all purposes, a debt owing the United
17 States. A discharge in bankruptcy under title 11
18 shall not release a participant from the obligation to
19 reimburse the Secretary under this subsection.

20 “(4) EXCEPTIONS TO REIMBURSEMENT RE-
21 QUIREMENT.—A participant shall be excused from
22 reimbursement under this subsection if the partici-
23 pant becomes permanently totally disabled as estab-
24 lished by sworn affidavit of a qualified physician.
25 The Secretary may also waive the reimbursement in

1 cases of extreme hardship to the participant, as de-
2 termined by the Secretary.

3 “(f) RELATIONSHIP TO EDUCATIONAL ASSISTANCE
4 UNDER MONTGOMERY GI BILL.—The receipt by a partic-
5 ipant in the Program of a stipend or bonus under sub-
6 section (d) shall not reduce or otherwise affect the entitle-
7 ment of the participant to any benefits under chapter 30
8 or 33 of title 38 or chapter 1606 of this title.

9 “(g) PARTICIPATION BY STATES.—

10 “(1) DISCHARGE OF STATE ACTIVITIES
11 THROUGH CONSORTIA OF STATES.—The Secretary
12 may permit States participating in the Program to
13 carry out activities authorized for such States under
14 the Program through 1 or more consortia of such
15 States.

16 “(2) ASSISTANCE TO STATES.—(A) Subject to
17 subparagraph (B), the Secretary may make grants
18 to States participating in the Program, or to con-
19 sortia of such States, in order to permit such States
20 or consortia of States to operate offices for purposes
21 of recruiting eligible members of the Armed Forces
22 for participation in the Program and facilitating the
23 employment of participants in the Program as ele-
24 mentary school teachers, secondary school teachers,
25 and vocational or technical teachers.

1 “(B) The total amount of grants made under
2 subparagraph (A) in any fiscal year may not exceed
3 \$5,000,000.”.

4 (B) CLERICAL AMENDMENT.—The table of
5 sections at the beginning of chapter 58 of such
6 title is amended by adding at the end the fol-
7 lowing new item:

 “1154. Assistance to eligible members to obtain employment as teachers:
 Troops-to-Teachers Program.”.

8 (3) CONFORMING AMENDMENT.—Section
9 1142(b)(4)(C) of such title is amended by striking
10 “under sections 1152 and 1153 of this title and the
11 Troops-to-Teachers Program under section 2302 of
12 the Elementary and Secondary Education Act of
13 1965 (20 U.S.C. 6672)” and inserting “under sec-
14 tions 1152, 1153, and 1154 of this title”.

15 (4) EFFECTIVE DATE.—The amendments made
16 by this section shall take effect on the effective date
17 of the transfer under paragraph (1).

18 (c) SUPPORTING EXCELLENT TEACHERS AND PRIN-
19 CIPALS.—Title II (20 U.S.C. 6601 et seq.), as amended
20 by subsection (a), is further amended by striking parts
21 A, B, C, and D, and inserting the following:

1 **“PART A—CONTINUOUS IMPROVEMENT AND**
2 **SUPPORT FOR TEACHERS AND PRINCIPALS**

3 **“SEC. 2101. PURPOSE.**

4 “The purpose of this part is to provide grants to
5 State educational agencies and subgrants to local edu-
6 cational agencies to enable such agencies to improve aca-
7 demic achievement for all students, including students
8 with disabilities and English learners, by—

9 “(1) providing professional development that is
10 designed to improve instruction and student achieve-
11 ment; and

12 “(2) increasing the number and improving the
13 equitable distribution of high-quality teachers and
14 principals.

15 **“SEC. 2102. DEFINITIONS.**

16 “In this part:

17 “(1) INDUCTION PROGRAM.—The term ‘induc-
18 tion program’ means a program based on scientif-
19 ically valid research for new teachers that is de-
20 signed to improve instruction and increase teacher
21 retention, and that includes—

22 “(A) high-quality teacher mentoring;

23 “(B) the development of skills needed by
24 new teachers, including content knowledge, ped-
25 agogical knowledge, classroom management
26 (which may include positive behavioral interven-

1 tions and supports), and the analysis and use of
2 student assessments (including formative as-
3 sessments), and other student data;

4 “(C) periodic, structured time for collabo-
5 ration and professional development with teach-
6 ers in the same subject or field, and opportuni-
7 ties to draw directly on the expertise of other
8 school and local educational agency staff and
9 other organizations that provide high-quality
10 supports, which may include team teaching or
11 a reduced teaching load; and

12 “(D) regular and structured observation
13 with timely feedback.

14 “(2) MENTORING.—The term ‘mentoring’
15 means supporting teachers or principals to increase
16 the effectiveness and retention of such teachers or
17 principals through a program that—

18 “(A) includes clear criteria for the selec-
19 tion of mentors that takes into account the
20 mentor’s—

21 “(i) record of increasing student
22 achievement; and

23 “(ii) ability to facilitate adult learn-
24 ing;

1 “(B) provides high-quality training for
2 mentors in how to support teachers or prin-
3 cipals;

4 “(C) provides regularly scheduled time for
5 collaboration, examination of student work and
6 achievement data, and ongoing opportunities for
7 mentors and mentees to observe each other’s
8 teaching or leading, and identify and address
9 areas identified for improvement; and

10 “(D) matches mentees with mentors in the
11 same field, grade, grade span, or subject area.

12 “(3) STATE.—The term ‘State’ means each of
13 the several States of the United States, the Com-
14 monwealth of Puerto Rico, and the District of Co-
15 lumbia.

16 **“Subpart 1—Grants to States**

17 **“SEC. 2111. ALLOTMENTS TO STATES.**

18 “(a) IN GENERAL.—The Secretary shall make grants
19 to States with applications approved under section 2112
20 to enable the States to carry out the activities specified
21 in section 2113. Each grant shall consist of the allotment
22 determined for a State under subsection (b).

23 “(b) DETERMINATION OF ALLOTMENTS.—

1 “(1) RESERVATION OF FUNDS.—From the total
2 amount appropriated to carry out this subpart for a
3 fiscal year, the Secretary shall reserve—

4 “(A) one-half of 1 percent for allotments
5 for the United States Virgin Islands, Guam,
6 American Samoa, and the Commonwealth of
7 the Northern Mariana Islands, to be distributed
8 among those outlying areas on the basis of their
9 relative need, as determined by the Secretary,
10 in accordance with the purpose of this part; and

11 “(B) one-half of 1 percent for the Sec-
12 retary of the Interior for programs under this
13 part in schools operated or funded by the Bu-
14 reau of Indian Education.

15 “(2) STATE ALLOTMENTS.—

16 “(A) IN GENERAL.—Subject to subpara-
17 graph (B), from the funds appropriated to
18 carry out this subpart and not reserved under
19 paragraph (1), the Secretary shall allot to each
20 State the sum of—

21 “(i) an amount that bears the same
22 relationship to 35 percent of the remaining
23 amount as the number of individuals ages
24 5 through 17 in the State, as determined
25 by the Secretary on the basis of the most

1 recent satisfactory data, bears to the num-
2 ber of those individuals in all such States,
3 as so determined; and

4 “(ii) an amount that bears the same
5 relationship to 65 percent of the remaining
6 amount as the number of individuals, ages
7 5 through 17 from families with incomes
8 below the poverty line, in the State, as de-
9 termined by the Secretary on the basis of
10 the most recent satisfactory data, bears to
11 the number of those individuals in all such
12 States, as so determined.

13 “(B) EXCEPTION.—No State receiving an
14 allotment under subparagraph (A) may receive
15 less than one-half of 1 percent of the total
16 amount allotted under such subparagraph.

17 “(3) REALLOTMENT.—If any State does not re-
18 ceive an allotment under this subsection for any fis-
19 cal year, the Secretary shall reallocate the amount of
20 the allotment to the remaining States in accordance
21 with this subsection.

22 **“SEC. 2112. STATE APPLICATIONS.**

23 “(a) IN GENERAL.—For a State to be eligible to re-
24 ceive a grant under this part, the State educational agency
25 shall submit an application to the Secretary at such time,

1 in such manner, and containing such information as the
2 Secretary may reasonably require.

3 “(b) CONTENTS.—Each application submitted under
4 this section shall be subject to peer review and include—

5 “(1) a description of how the State educational
6 agency will ensure that each local educational agency
7 receiving a subgrant under subpart 2 will comply
8 with the requirements of such subgrant;

9 “(2) a description of how the State will use
10 funds reserved under section 2113(a);

11 “(3) a description of how the activities to be
12 carried out by the State educational agency under
13 this subpart will be based on a review of scientif-
14 ically valid research and an explanation of why the
15 activities are expected to improve student achieve-
16 ment;

17 “(4) a description of how activities under this
18 subpart are aligned with State academic content and
19 student academic achievement standards and State
20 assessments, which include, as appropriate, State
21 early learning standards for children younger than
22 kindergarten;

23 “(5) a description of how the State educational
24 agency will provide data on each teacher’s student
25 achievement and, if applicable, student growth, for

1 the State assessments required under section
2 1111(a)(2) to teachers and local educational agen-
3 cies, in a timely and useful manner;

4 “(6) if the State intends to use grant funds to
5 develop or improve a teacher and principal evalua-
6 tion system—

7 “(A) a description of such system; and

8 “(B) an assurance that such system will be
9 consistent with section 2301(b)(4);

10 “(7) a description of how the State educational
11 agency will hold local educational agencies account-
12 able for meeting the requirements of section 1119;

13 “(8) an assurance that the State educational
14 agency will comply with section 9501 (regarding par-
15 ticipation by private school children and teachers);
16 and

17 “(9) a description of the activities funded under
18 this subpart, including how such activities will be co-
19 ordinated with the State agency responsible for early
20 childhood education and care programs and the
21 State Advisory Council on Early Childhood Edu-
22 cation and Care established under section 642B of
23 the Head Start Act, that are designed to improve
24 and strengthen the knowledge and skills of teachers

1 and principals responsible for educating children in
2 preschool, where applicable, through grade 3.

3 “(c) DEEMED APPROVAL.—An application submitted
4 by a State educational agency pursuant to subsection (a)
5 that has been peer reviewed shall be deemed to be ap-
6 proved by the Secretary unless the Secretary makes a
7 written determination, prior to the expiration of the 120-
8 day period beginning on the date on which the Secretary
9 received the application, that the application is not in com-
10 pliance with this subpart.

11 “(d) DISAPPROVAL.—The Secretary shall not finally
12 disapprove the application, except after giving the State
13 educational agency notice and an opportunity for a hear-
14 ing.

15 “(e) NOTIFICATION.—If the Secretary finds that the
16 application is not in compliance, in whole or in part, with
17 this subpart, the Secretary shall—

18 “(1) give the State educational agency notice
19 and an opportunity for a hearing; and

20 “(2) notify the State educational agency of the
21 finding of noncompliance and, in such notification,
22 shall—

23 “(A) cite the specific provisions in the ap-
24 plication that are not in compliance; and

1 “(B) request additional information, only
2 as to the noncompliant provisions, needed to
3 make the application compliant.

4 “(f) RESPONSE.—If the State educational agency re-
5 sponds to the Secretary’s notification described in sub-
6 section (e)(2) during the 45-day period beginning on the
7 date on which the agency received the notification, and
8 resubmits the application with the requested information
9 described in subsection (e)(2)(B), the Secretary shall ap-
10 prove or disapprove such application prior to the later of—

11 “(1) the expiration of the 45-day period begin-
12 ning on the date on which the application is resub-
13 mitted; or

14 “(2) the expiration of the 120-day period de-
15 scribed in subsection (c).

16 “(g) FAILURE TO RESPOND.—If the State edu-
17 cational agency does not respond to the Secretary’s notifi-
18 cation described in subsection (e)(2) during the 45-day pe-
19 riod beginning on the date on which the agency received
20 the notification, such application shall be deemed to be
21 disapproved.

22 **“SEC. 2113. STATE USE OF FUNDS.**

23 “(a) IN GENERAL.—A State that receives a grant
24 under section 2111—

1 “(1) shall reserve 95 percent of the funds made
2 available through the grant to make subgrants to
3 local educational agencies as described in subpart 2;

4 “(2) shall use not less than 2 percent but not
5 more than 5 percent of funds made available
6 through the grant to improve the performance and
7 distribution of high quality principals and, at the
8 State’s discretion, other school leaders, including
9 through—

10 “(A) developing, periodically reviewing,
11 and revising State policies and standards re-
12 lated to principals;

13 “(B) developing, with appropriate stake-
14 holders, and carrying out a State plan to pro-
15 vide for well-prepared principals, based on an
16 analysis of relevant data;

17 “(C) activities designed to recruit, prepare,
18 place, assist, support, and retain high quality
19 principals for high-need schools and low-per-
20 forming schools;

21 “(D) providing training and support to
22 principals and school leadership teams in high-
23 need schools and low-performing schools on im-
24 proving instruction and closing achievement
25 gaps; and

1 “(E) providing compensation or incentives
2 to attract, retain, and reward high quality prin-
3 cipals and other school leaders for high-need
4 schools and low-performing schools;

5 “(3) shall use funds remaining after making the
6 reservations under paragraphs (1) and (2) to—

7 “(A) plan and administer State activities
8 under this part, including awarding, moni-
9 toring, and enforcing the requirements of sub-
10 grants awarded under subpart 2;

11 “(B) assist local educational agencies in
12 recruiting, preparing, placing, developing, and
13 retaining high-quality teachers for high-need
14 schools and low-performing schools;

15 “(C) provide technical assistance, as nec-
16 essary, to local educational agencies that receive
17 subgrants under subpart 2, to improve perform-
18 ance on the measures described in section
19 2141(b);

20 “(D) develop and disseminate the State
21 Report Card described in subpart 4, and use
22 the information in the Report Card to guide ef-
23 forts under this part; and

24 “(E) provide technical assistance and sup-
25 port to local educational agencies in the devel-

1 opment and implementation of programs and
2 policies that support children’s transition from
3 early childhood education and care programs
4 into elementary schools, improve school readi-
5 ness, and improve the academic achievement of
6 young children; and

7 “(4) may use any funds remaining after making
8 the reservations under paragraphs (1) and (2) and
9 carrying out paragraph (3) to provide technical as-
10 sistance to local educational agencies to support the
11 design and implementation of a system to evaluate
12 teachers and principals consistent with section
13 2301(b)(4), including—

14 “(A) developing and disseminating re-
15 search-based models and designing high-quality
16 evaluation tools, such as classroom observation
17 rubrics;

18 “(B) developing and providing training for
19 principals and other evaluators on how to evalu-
20 ate teachers in order to differentiate teacher
21 performance accurately, provide useful feed-
22 back, and use evaluation results to inform deci-
23 sionmaking about professional development, im-
24 provement strategies, and personnel decisions;

1 “(C) developing methods, including train-
2 ing and auditing, for ensuring inter-rater reli-
3 ability of evaluation results;

4 “(D) the appropriate collection, reporting,
5 analysis, and use of evaluation data; and

6 “(E) creating opportunities for teachers
7 and principals to provide feedback on the qual-
8 ity and usefulness of the local educational agen-
9 cy’s evaluation system.

10 “(b) OPTIONAL USES.—

11 “(1) IN GENERAL.—Notwithstanding subsection
12 (a)(2), a State that receives a grant under section
13 2111 may, from the funds available for the uses de-
14 scribed in such subsection (a)(2), use an amount
15 equal to not more than 1 percent of the funds made
16 available through the grant to establish, expand, or
17 implement 1 or more teacher or principal prepara-
18 tion academies and to provide for a State authorizer,
19 if—

20 “(A) the State does not have in place legal,
21 statutory, or regulatory barriers to the creation
22 or operation of teacher or principal preparation
23 academies;

24 “(B) the State enables candidates attend-
25 ing a teacher or principal preparation academy

1 to be eligible for State financial aid to the same
2 extent as participants in other State-approved
3 teacher or principal preparation programs, in-
4 cluding alternative certification, licensure, or
5 credential programs;

6 “(C) the State enables teachers or prin-
7 cipals who are teaching or working while on al-
8 ternative certificates, licenses, or credentials to
9 teach or work in the State while enrolled in a
10 teacher or principal preparation academy; and

11 “(D) the State will recognize a certificate
12 of completion (from any teacher or principal
13 preparation academy that is not, or is unaffili-
14 ated with, an institution of higher education),
15 as at least the equivalent of a master’s degree
16 in education for the purposes of hiring, reten-
17 tion, compensation, and promotion in the State.

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

19 “(A) TEACHER OR PRINCIPAL PREPARA-
20 TION ACADEMY.—The term ‘teacher or prin-
21 cipal preparation academy’ means a public or
22 other nonprofit institution that will prepare
23 teachers or principals, or both, to serve in high-
24 need schools and that—

1 “(i) enters into an agreement with a
2 State authorizer that specifies the goals ex-
3 pected of the institution, including—

4 “(I) a requirement that—

5 “(aa) teacher or principal
6 candidates, or teachers teaching
7 or principals serving on alter-
8 native certificates, licenses, or
9 credentials, who are enrolled in
10 the academy receive a significant
11 part of their training through
12 clinical preparation that partners
13 candidates with mentor teachers
14 or principals with a demonstrated
15 track record of success in im-
16 proving student growth, including
17 (where applicable) children with
18 disabilities, children living in pov-
19 erty, and English learners; and

20 “(bb) the academy will pro-
21 vide instruction to teacher can-
22 didates that links to the clinical
23 preparation experience;

24 “(II) the number of teachers or
25 principals the academy will produce

1 and the minimum number and per-
2 centage of teachers or principals who
3 will demonstrate success in improving
4 student performance based on mul-
5 tiple measures (including student
6 growth);

7 “(III) a requirement that the
8 teacher preparation component of the
9 academy will only award a certificate
10 of completion (or degree, if the acad-
11 emy is, or is affiliated with, an insti-
12 tution of higher education) after the
13 graduate demonstrates a track record
14 of success in improving student per-
15 formance based on multiple measures
16 (including student growth), either as a
17 student teacher or teacher-of-record
18 on an alternative certificate, license,
19 or credential;

20 “(IV) a requirement that the
21 principal preparation component of
22 the academy will only award a certifi-
23 cate of completion (or degree, if the
24 academy is, or is affiliated with, an
25 institution of higher education) after

1 the graduate demonstrates a track
2 record of success in improving student
3 performance for some or all of a
4 school's students; and

5 “(V) timelines for producing co-
6 horts of graduates and conferring cer-
7 tificates of completion (or degrees, if
8 the academy is, or is affiliated with,
9 an institution of higher education)
10 from the academy;

11 “(ii) shall not have unnecessary re-
12 strictions placed on the methods the acad-
13 emy will use to train teacher or principal
14 candidates (or teachers or principals that
15 are teaching or working while on alter-
16 native certificates, licenses, or credentials),
17 including restrictions or requirements—

18 “(I) obligating the faculty of the
19 academy to hold advanced degrees, or
20 prohibiting the faculty of the academy
21 from holding advanced degrees;

22 “(II) obligating such faculty to
23 conduct academic research;

24 “(III) related to the physical in-
25 frastructure of the academy;

1 “(IV) related to the number of
2 course credits required as part of the
3 program of study;

4 “(V) related to the under-
5 graduate coursework completed by
6 teachers teaching on alternative cer-
7 tificates, licenses, or credentials, as
8 long as such teachers have success-
9 fully passed all relevant State-ap-
10 proved content area examinations; or

11 “(VI) related to obtaining addi-
12 tional accreditation from a national
13 accrediting body; and

14 “(iii) limits admission to its program
15 to candidates who demonstrate strong po-
16 tential to improve student achievement,
17 based on a rigorous selection process that
18 reviews a candidate’s prior academic
19 achievement or record of professional ac-
20 complishment.

21 “(B) STATE AUTHORIZER.—The term
22 ‘State authorizer’ means an entity designated
23 by the Governor of a State to recognize teacher
24 or principal preparation academies within the
25 State that—

1 “(i) enters into an agreement with a
2 teacher or principal preparation academy
3 that specifies the goals expected of the
4 academy, as described in subparagraph
5 (A)(i);

6 “(ii) may be a nonprofit organization,
7 State educational agency, or other public
8 entity, or consortium of such entities (in-
9 cluding a consortium of States); and

10 “(iii) does not reauthorize a teacher
11 or principal preparation academy if the
12 academy fails to produce the minimum
13 number or percentage of effective teachers
14 or principals, respectively, identified in the
15 academy’s authorizing agreement.

16 “(c) SUPPLEMENT, NOT SUPPLANT.—Funds re-
17 ceived under this subpart shall be used to supplement, and
18 not supplant, non-Federal funds that would otherwise be
19 used for activities authorized under this subpart.

20 **“Subpart 2—Subgrants to Local Educational**
21 **Agencies**

22 **“SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGEN-**
23 **CIES.**

24 “(a) IN GENERAL.—The Secretary may make a grant
25 to a State under subpart 1 only if the State educational

1 agency agrees to distribute the funds described in this sec-
2 tion as subgrants to local educational agencies under this
3 subpart.

4 “(b) ALLOCATIONS.—

5 “(1) IN GENERAL.—From the total amount re-
6 served by a State under section 2113(a)(1) for a fis-
7 cal year, the State educational agency shall allocate
8 to each of the eligible local educational agencies in
9 the State for such fiscal year the sum of—

10 “(A) an amount that bears the same rela-
11 tionship to 20 percent of the total amount re-
12 served as the number of individuals age 5
13 through 17 in the geographic area served by the
14 agency, as determined by the Secretary on the
15 basis of the most recent satisfactory data, bears
16 to the number of those individuals in the geo-
17 graphic areas served by all the local educational
18 agencies in the State, as so determined; and

19 “(B) an amount that bears the same rela-
20 tionship to 80 percent of the total amount re-
21 served as the number of individuals age 5
22 through 17 from families with incomes below
23 the poverty line in the geographic area served
24 by the agency, as determined by the Secretary
25 on the basis of the most recent satisfactory

1 data, bears to the number of those individuals
2 in the geographic areas served by all the local
3 educational agencies in the State, as so deter-
4 mined.

5 “(2) HOLD HARMLESS.—

6 “(A) IN GENERAL.—Notwithstanding para-
7 graph (1), the State educational agency shall
8 allocate to each of the eligible local educational
9 agencies in the State an amount that is not less
10 than 90 percent of the allocation the eligible
11 local educational agency received for the pre-
12 vious fiscal year under this part.

13 “(B) RATABLE REDUCTION.—If insuffi-
14 cient funds are appropriated to allocate the
15 amounts that all eligible local educational agen-
16 cies in the State are eligible to receive under
17 subparagraph (A) for a fiscal year, the Sec-
18 retary shall ratably reduce those amounts for
19 the fiscal year.

20 **“SEC. 2122. LOCAL APPLICATIONS AND NEEDS ASSESS-**
21 **MENT.**

22 “(a) IN GENERAL.—To be eligible to receive a
23 subgrant under this subpart, a local educational agency
24 shall—

1 “(1) submit an application to the State edu-
2 cational agency at such time, in such manner, and
3 containing such information as the State educational
4 agency may reasonably require; and

5 “(2) conduct, with the involvement of school
6 staff and other stakeholders, as applicable, an as-
7 sessment of the needs of the local educational agency
8 in the areas set forth under section 2141(b).

9 “(b) CONTENTS.—Each application submitted under
10 this section shall include the following:

11 “(1) A description of the results of the needs
12 assessment conducted under subsection (a)(2).

13 “(2) A description of the performance measures
14 and activities the local educational agency will use to
15 address the needs identified in such assessment.

16 “(3) If applicable, a description of how the local
17 educational agency will improve or implement a rig-
18 orous, transparent, and fair evaluation system for
19 teachers and principals consistent with section
20 2301(b)(4).

21 “(4) The local educational agency’s plan for
22 using subgrant funds, and other Federal, State and
23 local funds, to provide for the equitable distribution
24 of teachers within the local educational agency con-
25 sistent with section 1111(b)(1)(K).

1 **“SEC. 2123. LOCAL USE OF FUNDS.**

2 “(a) IN GENERAL.—A local educational agency that
3 receives a subgrant under section 2121 shall use subgrant
4 funds to increase student achievement for all students, in-
5 cluding English learners and students with disabilities, by
6 carrying out 1 or more of the following activities:

7 “(1) Developing and carrying out professional
8 development, which may include joint professional
9 development for teachers, principals, and other rel-
10 evant school staff with early childhood education and
11 care program staff.

12 “(2) Reducing class size for prekindergarten
13 through grade 3, by an amount and to a level con-
14 sistent with what scientifically valid research has
15 found to improve student achievement.

16 “(3) Developing and implementing an induction
17 program or a mentoring program.

18 “(4) Developing and implementing, or improv-
19 ing, a teacher and principal evaluation system that
20 is consistent with section 2301(b)(4).

21 “(5) Increasing teacher capacity to evaluate
22 student work and use student achievement data,
23 which may include supporting the involvement of
24 teachers in assessment scoring.

1 “(6) Recruiting, preparing, placing, supporting,
2 developing, rewarding, and retaining high-quality
3 teachers and principals, especially—

4 “(A) teachers and principals in high-need
5 schools and low-performing schools taking into
6 consideration members of groups underrep-
7 resented in the teaching profession and the
8 principalship; and

9 “(B) teachers in high-need subjects or
10 fields.

11 “(7) Improving within-district equity in the dis-
12 tribution of teachers consistent with the require-
13 ments of section 1111(b)(1)(K).

14 “(8) Enabling teachers to become certified as
15 teachers in a high-need subject or field.

16 “(9) Creating career ladders, which may include
17 modifying the local educational agency’s policies and
18 practices, to provide opportunities for high-quality
19 teachers or paraprofessionals to advance or take on
20 additional roles and responsibilities.

21 “(10) Reforming the local educational agency’s
22 system of compensating teachers and principals in
23 order to—

24 “(A) provide incentives to recruit and re-
25 tain high-quality principals and teachers in a

1 high-need subject or field, or who teach in or
2 lead a high-need school or low-performing
3 school; and

4 “(B) reward high-quality teachers and
5 principals for increasing student achievement or
6 taking on additional roles and responsibilities.

7 “(b) SUPPLEMENT, NOT SUPPLANT.—Funds re-
8 ceived under this subpart shall be used to supplement, and
9 not supplant, non-Federal funds that would otherwise be
10 used for activities authorized under this subpart.

11 **“Subpart 3—National Leadership Activities**

12 **“SEC. 2131. NATIONAL LEADERSHIP ACTIVITIES.**

13 “From the funds made available to carry out this
14 part for a fiscal year, the Secretary is authorized to set
15 aside not more than 1 percent to carry out the following
16 activities related to the purpose of this part:

17 “(1) Research and development.

18 “(2) Technical assistance.

19 “(3) Outreach and dissemination activities di-
20 rectly or through grants, contracts, or cooperative
21 agreements.

22 **“Subpart 4—Accountability**

23 **“SEC. 2141. ACCOUNTABILITY.**

24 “(a) IN GENERAL.—

1 “(1) STATE REPORT.—Each State that receives
2 a grant under subpart 1 shall annually submit to the
3 Secretary, in a manner prescribed by the Secretary,
4 and make public, a State Report on program per-
5 formance and results under such grant. Such State
6 Report shall provide the information required under
7 subsection (b).

8 “(2) LOCAL EDUCATIONAL AGENCY REPORT.—
9 Each local educational agency that receives a
10 subgrant under subpart 2 shall annually submit to
11 the State, in a manner prescribed by the State, and
12 make public, a Local Educational Agency Report on
13 program performance and results under such
14 subgrant. Such Local Educational Agency Report
15 shall provide the information required under sub-
16 section (b).

17 “(3) FERPA COMPLIANCE.—Each State and
18 local educational agency that submits a report in
19 compliance with this subsection shall collect, report,
20 and disseminate information contained in such re-
21 port in compliance with section 444 of the General
22 Education Provisions Act (20 U.S.C. 1232g, com-
23 monly known as the ‘Family Educational Rights and
24 Privacy Act of 1974’).

1 “(4) TEACHER AND PRINCIPAL PRIVACY.—No
 2 State or local educational agency shall publicly re-
 3 port information in compliance with this subsection
 4 in a case in which the results would reveal personally
 5 identifiable information about an individual teacher
 6 or principal.

7 “(b) INFORMATION.—Each State Report and Local
 8 Educational Agency Report shall contain, as appro-
 9 priate—

10 “(1) the number of teachers in the State and
 11 local educational agency teaching under a provisional
 12 license due to not having passed all required State
 13 licensure tests for 1, 2, and 3 or more school years;
 14 and

15 “(2) data, by teacher preparation program
 16 within the State, on the student achievement data of
 17 students taught by such program’s graduates.

18 **“Subpart 5—Principal Recruitment and Training**

19 **“SEC. 2151. PRINCIPAL RECRUITMENT AND TRAINING**
 20 **GRANT PROGRAM.**

21 “(a) DEFINITIONS.—In this section:

22 “(1) CURRENT PRINCIPAL.—The term ‘current
 23 principal’ means an individual who, as of the date of
 24 the determination of participation in a program

1 under this section, is employed as a principal or has
2 been employed as a principal.

3 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
4 tity’ means—

5 “(A) a local educational agency that serves
6 an eligible school or a consortium of such agen-
7 cies;

8 “(B) a State educational agency or a con-
9 sortium of such agencies;

10 “(C) a State educational agency in part-
11 nership with 1 or more local educational agen-
12 cies that serve an eligible school;

13 “(D) an entity described in subparagraphs
14 (A), (B), or (C) in partnership with 1 or more
15 nonprofit organizations or institutions of higher
16 education; or

17 “(E) an institution of higher education or
18 a nonprofit organization, if the institution or
19 nonprofit organization can demonstrate a
20 record of—

21 “(i) preparing principals who have
22 been able to improve student achievement
23 substantially; and

24 “(ii) placing a significant percentage
25 of such principals in eligible schools.

1 “(3) ELIGIBLE SCHOOL.—The term ‘eligible
2 school’ means a public school, including a public
3 charter school, that meets 1 or more of the following
4 criteria:

5 “(A) Is a high-need school.

6 “(B) Is a persistently low-achieving school,
7 as described in section 1116.

8 “(C) Is an achievement gap school, as de-
9 scribed in section 1116.

10 “(D) In the case of a public school con-
11 taining middle grades, feeds into a public high
12 school that has less than a 60 percent gradua-
13 tion rate.

14 “(E) Is a rural school served by a local
15 educational agency that is eligible to receive as-
16 sistance under part B of title VI.

17 “(4) MIDDLE GRADE.—The term ‘middle grade’
18 means any of grades 5 through 8.

19 “(5) SCHOOL-LEVEL STUDENT OUTCOMES.—
20 The term ‘school-level student outcomes’ means, at
21 the whole school level and for each subgroup of stu-
22 dents described in section 1111(a)(2)(B)(ix) served
23 by the school—

24 “(A) student academic achievement and
25 student growth; and

1 “(B) additional outcomes, including, at the
2 high school level, graduation rates and the per-
3 centage of students taking college-level
4 coursework.

5 “(b) PROGRAM AUTHORIZED.—

6 “(1) PRINCIPAL RECRUITMENT AND TRAINING
7 GRANT PROGRAM.—The Secretary shall award
8 grants to eligible entities to enable such entities to
9 recruit, prepare, place, and support principals in eli-
10 gible schools.

11 “(2) DURATION.—

12 “(A) IN GENERAL.—

13 “(i) NOT MORE THAN 5 YEAR DURA-
14 TION.—A grant awarded under this section
15 shall be not more than 5 years in duration.

16 “(ii) RENEWAL.—The Secretary
17 may—

18 “(I) renew a grant awarded
19 under this section based on perform-
20 ance; and

21 “(II) in renewing a grant under
22 subclause (I), award the grantee in-
23 creased funding to scale up or rep-
24 licate the grantee’s program.

1 “(B) PERFORMANCE.—In evaluating per-
2 formance for purposes of subparagraph
3 (A)(ii)(I)—

4 “(i) the Secretary’s primary consider-
5 ation shall be the extent to which the prin-
6 cipals recruited, prepared, placed, or sup-
7 ported by the grantee have improved
8 school-level student outcomes in eligible
9 schools; and

10 “(ii) the Secretary shall also consider
11 the percentage of program graduates—

12 “(I) who become principals in eli-
13 gible schools;

14 “(II) who remain principals in eli-
15 gible schools for multiple years; and

16 “(III) who are highly rated prin-
17 cipals under a teacher and principal
18 evaluation system described in section
19 2301(b)(4), if applicable.

20 “(c) APPLICATION AND SELECTION CRITERIA.—

21 “(1) APPLICATION.—An eligible entity that de-
22 sires a grant under this section shall submit to the
23 Secretary an application at such time, in such man-
24 ner, and accompanied by such information as the
25 Secretary may require.

1 “(2) SELECTION CRITERIA.—In awarding
2 grants under this section, the Secretary shall con-
3 sider—

4 “(A) the extent to which the entity has the
5 capacity to implement the activities described in
6 subsection (e) that the entity proposes to imple-
7 ment;

8 “(B) the extent to which the entity has a
9 demonstrated record of effectiveness or an evi-
10 denced-based plan for preparing principals to
11 improve school-level student outcomes in eligible
12 schools;

13 “(C) the extent to which the entity has a
14 demonstrated record of effectiveness or an evi-
15 dence-based plan for providing principals
16 trained by the entity with the guidance, sup-
17 port, and tools they need to improve school-level
18 student outcomes in eligible schools, including
19 providing principals with resources, such as
20 funding to ensure supports for quality teaching,
21 and decisionmaking authority over areas such
22 as personnel, budget, curriculum, or scheduling;
23 and

24 “(D) the likelihood of the entity sustaining
25 the project with funds other than funds pro-

1 vided under this section, which other funds may
2 include funds provided under this title other
3 than this section, once the grant is no longer
4 available to the entity.

5 “(d) AWARDING GRANTS.—

6 “(1) PRIORITY.—In awarding grants under this
7 section, the Secretary shall give priority to an eligi-
8 ble entity with a record of preparing or developing
9 principals who—

10 “(A) have improved school-level student
11 outcomes;

12 “(B) have become principals in eligible
13 schools;

14 “(C) remain principals in eligible schools
15 for multiple years; and

16 “(D) are highly rated principals under a
17 teacher and principal evaluation system de-
18 scribed in section 2301(b)(4), if applicable.

19 “(2) GRANTS FOR RURAL SCHOOLS AND LOW-
20 EST PERFORMING SCHOOLS.—In awarding grants
21 under this section, the Secretary shall, consistent
22 with the quality of applications—

23 “(A) award not less than 1 grant to an eli-
24 gible entity that intends to establish a program
25 that focuses on training or supporting prin-

1 principals and other school leaders for rural schools;
2 and

3 “(B) award not less than 1 grant to an eli-
4 gible entity that intends to establish a program
5 to train and support principals and other school
6 leaders to lead reform efforts in persistently
7 low-achieving schools in a State or more than 1
8 State, as determined under section 1116.

9 “(3) REFORM EFFORTS.—An eligible entity
10 that receives a grant under this section to carry out
11 a program described in paragraph (2)(B)—

12 “(A) during the first year of the grant,
13 shall use grant funds—

14 “(i) to bring together experts and
15 stakeholders who are committed to dra-
16 matic and effective reform of persistently
17 low-achieving schools who can provide
18 input about what the evidence base shows
19 regarding effective school leadership in
20 such schools;

21 “(ii) to collect and develop, in con-
22 sultation with experts and stakeholders, a
23 core body of knowledge regarding effective
24 school reform leadership in persistently

1 low-achieving schools, which is evidence
2 based; and

3 “(iii) to develop, drawing on the core
4 body of knowledge developed in clause (ii),
5 a leadership training program for prin-
6 cipals, mentors, and other school leaders,
7 to prepare and support the principals,
8 mentors, and leaders to lead effective
9 school reform efforts in persistently low-
10 achieving schools; and

11 “(B) during each year of the grant after
12 the first year, shall use grant funds—

13 “(i) to carry out the leadership train-
14 ing program described in subparagraph
15 (A)(iii);

16 “(ii) to ensure that the leadership
17 training program described in subpara-
18 graph (A)(iii) is informed, on an ongoing
19 basis, by consultation with experts and
20 stakeholders, and by the program’s track-
21 ing of the performance of its graduates in
22 leading school reform efforts in persistently
23 low-achieving schools;

1 “(iii) to select cohorts of experienced
2 principals to lead school reform efforts in
3 persistently low-achieving schools;

4 “(iv) to provide support for, and en-
5 courage interaction among, cohorts of prin-
6 cipals after completion of the leadership
7 training program described in subpara-
8 graph (A)(iii); and

9 “(v) to disseminate information to
10 principals, mentors, and other school lead-
11 ers engaging in reform efforts in persist-
12 ently low-achieving schools.

13 “(e) ACTIVITIES.—Each eligible entity that receives
14 a grant under this section shall use grant funds to carry
15 out the following:

16 “(1) To recruit and select, using rigorous, com-
17 petency-based, selection criteria, and train and sup-
18 port a diverse group of aspiring or current prin-
19 cipals, or both, for work in eligible schools.

20 “(2) Tracking participants to determine if such
21 individuals are attaining, or have attained, the com-
22 petencies needed to complete the training and enter
23 into an effective leadership role, and provide coun-
24 seling and, if appropriate, separation, to participants

1 who the entity determines will not attain, or have
2 not attained, those competencies.

3 “(3) If the eligible entity provides a program
4 for aspiring principals, providing such aspiring prin-
5 cipals with—

6 “(A) a pre-service residency that is not less
7 than 1 year in length, and that includes coach-
8 ing from a mentor principal, and instructional
9 leadership and organizational management ex-
10 perience;

11 “(B) focused coursework on instructional
12 leadership, organizational management, and the
13 use of a variety of data for purposes of—

14 “(i) instruction;

15 “(ii) evaluation and development of
16 teachers; and

17 “(iii) development of highly effective
18 school organizations; and

19 “(C) ongoing support, mentoring, and pro-
20 fessional development for not less than 2 years
21 after the aspiring principals complete the resi-
22 dency and commence work as school leaders.

23 “(4) To train mentors for principals who are
24 serving or who wish to serve in eligible schools or for

1 aspiring principals who wish to serve in such eligible
2 schools, or for both.

3 “(5) Providing differentiated training to partici-
4 pants in competencies that evidence shows are crit-
5 ical to improving school-level student outcomes in el-
6 igible schools, such as—

7 “(A) recruiting, training, supervising, sup-
8 porting, and evaluating teachers and other
9 staff;

10 “(B) developing teams of effective school
11 staff, and distributing among members of such
12 teams responsibilities for leading and improving
13 their schools;

14 “(C) where applicable for participants serv-
15 ing elementary schools, offering high-quality
16 early childhood education to the students such
17 participants are serving and facilitating the
18 transition of children from early learning set-
19 tings to elementary school;

20 “(D) setting high expectations for student
21 achievement;

22 “(E) addressing the unique needs of spe-
23 cific student populations served, such as stu-
24 dents with disabilities, students who are

1 English learners, and students who are home-
2 less or in foster care;

3 “(F) managing budget resources and
4 school time to support high-quality instruction
5 and improvements in student achievement, such
6 as by extending the school day and year and
7 providing common planning time to teachers
8 and staff; and

9 “(G) working effectively with students’
10 parents and other members of the community.

11 “(6) Delivering high-quality, differentiated,
12 school-level support services and training to current
13 principals of eligible schools, if the eligible entity
14 provides a program for current principals, or during
15 the period described in paragraph (3)(C) to individ-
16 uals who have completed the aspiring principal resi-
17 dency, if the eligible entity provides a program for
18 aspiring principals, to help meet the specific needs
19 of the eligible schools they serve, which may in-
20 clude—

21 “(A) training and support for the design of
22 school-wide improvement plans based on the di-
23 agnosis of school conditions and needs informed
24 by data and analysis of classroom and school
25 practices; and

1 “(B) support in organizing and training
2 the teams described in paragraph (5)(B).

3 “(7) Making available any training materials
4 funded under the grant, such as syllabi, assign-
5 ments, or selection rubrics, to the Department for
6 public dissemination.

7 “(8) Tracking the effectiveness of the program
8 based on, at a minimum—

9 “(A) school-level student outcomes at the
10 schools where program graduates have served
11 as principals;

12 “(B) the percentage of program graduates
13 who become principals in eligible schools;

14 “(C) the percentage of program graduates
15 who remain principals in eligible schools for
16 multiple years; and

17 “(D) the percentage of program graduates
18 who are highly rated under a teacher and prin-
19 cipal evaluation system described in section
20 2301(b)(4), if applicable.

21 “(9) Using the data on the effectiveness of the
22 program for, among other purposes, the continuous
23 improvement of the program.

24 “(f) ANNUAL REPORT.—An eligible entity that re-
25 ceives a grant under this section shall submit an annual

1 report, beginning in the third year of the grant, to the
2 Secretary regarding—

3 “(1) school-level student outcomes resulting
4 from implementation of the grant activities; and

5 “(2) data on—

6 “(A) the percentage of program graduates
7 who become principals in eligible schools;

8 “(B) the percentage of graduates who re-
9 main principals in eligible schools for multiple
10 years; and

11 “(C) the percentage of program graduates
12 who are highly rated under a teacher and prin-
13 cipal evaluation system described in section
14 2301(b)(4), if applicable.

15 “(g) MATCHING REQUIREMENT.—

16 “(1) MATCHING REQUIREMENT.—

17 “(A) IN GENERAL.—An eligible entity that
18 receives a grant under this section shall con-
19 tribute annually to the activities assisted under
20 such grant matching funds in an amount equal
21 to not less than 20 percent of the amount of
22 the grant from non-Federal sources.

23 “(B) MATCHING FUNDS.—The matching
24 funds requirement under subparagraph (A) may
25 be met by—

1 “(i) contributions that are in cash or
2 in-kind, fairly evaluated; and

3 “(ii) payments of a salary or stipend
4 to an aspiring principal during the aspiring
5 principal’s residency year.

6 “(2) WAIVER.—The Secretary may waive or re-
7 duce the matching requirement under paragraph (1)
8 if the eligible entity demonstrates a need for such
9 waiver or reduction due to financial hardship.

10 “(h) SUPPLEMENT, NOT SUPPLANT.—Grant funds
11 provided under this section shall be used to supplement,
12 and not supplant, any other Federal, State, or local funds
13 otherwise available to carry out the activities described in
14 this section.

15 “(i) EVALUATION AND DISSEMINATION OF BEST
16 PRACTICES.—In accordance with section 9601, the Sec-
17 retary shall—

18 “(1) carry out an evaluation of programs fund-
19 ed under this section; and

20 “(2) identify and disseminate research and best
21 practices related to such programs.

22 “(j) REPORT TO CONGRESS.—Not later than 5 years
23 after the date of enactment of the Elementary and Sec-
24 ondary Education Reauthorization Act of 2011, the Sec-
25 retary shall submit a report to the Committee on Health,

1 Education, Labor, and Pensions of the Senate, the Com-
2 mittee on Appropriations of the Senate, the Committee on
3 Education and the Workforce of the House of Representa-
4 tives, and the Committee on Appropriations of the House
5 of Representatives on lessons learned through programs
6 funded with grants awarded under this section.

7 **“PART B—TEACHER PATHWAYS TO THE**
8 **CLASSROOM**

9 **“SEC. 2201. TEACHER PATHWAYS.**

10 “(a) PURPOSE.—It is the purpose of this section to
11 support the recruitment, selection, preparation, place-
12 ment, retention, and support of teachers in high-need sub-
13 jects or fields who will improve student academic achieve-
14 ment and student outcomes at high-needs schools.

15 “(b) DEFINITIONS.—In this section:

16 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
17 tity’ means—

18 “(A) a partnership of—

19 “(i) 1 or more institutions of higher
20 education or nonprofit organizations; and

21 “(ii) a high-need local educational
22 agency and 1 or more other local edu-
23 cational agencies or State educational
24 agencies; or

1 “(B) an institution of higher education or
2 a nonprofit organization that can demonstrate a
3 record of—

4 “(i) preparing teachers who are suc-
5 cessful in improving student achievement;
6 and

7 “(ii) placing a significant percentage
8 of those teachers in high-need schools.

9 “(2) TEACHER IN A HIGH-NEED SUBJECT OR
10 FIELD.—The term ‘teacher in a high-need subject or
11 field’ means a teacher of—

12 “(A) students with disabilities;

13 “(B) English learners;

14 “(C) mathematics; or

15 “(D) science.

16 “(c) AUTHORIZATION OF GRANT AWARDS.—The Sec-
17 retary shall award grants to eligible entities to pay for the
18 Federal share of the cost of carrying out the activities de-
19 scribed in this section.

20 “(d) APPLICATIONS.—An eligible entity that desires
21 to receive a grant under this section shall submit an appli-
22 cation to the Secretary at such time, in such manner, and
23 accompanied by such information as the Secretary may
24 require.

1 “(e) CONSIDERATIONS.—In awarding grants under
2 this section, the Secretary shall consider the geographic
3 diversity of the eligible entities, including the distribution
4 of grants among urban, suburban, and rural areas.

5 “(f) PRIORITY.—In awarding grants under this sec-
6 tion, the Secretary shall give priority to applicants that
7 demonstrate a record of—

8 “(1) recruiting college undergraduates, recent
9 college graduates, graduate students, and profes-
10 sionals with a demonstrated history of significant
11 academic achievement to become teachers;

12 “(2) recruiting and selecting candidates who
13 are members of groups underrepresented in the
14 teaching profession; and

15 “(3) preparing teachers who consistently im-
16 prove student academic achievement at high-need
17 schools.

18 “(g) REQUIRED USE OF FUNDS.—An eligible entity
19 that receives a grant under this section shall use the grant
20 funds for the following:

21 “(1) To recruit, select, prepare, place, retain,
22 and support teachers for high-need schools and
23 teachers in high-need subjects or fields.

24 “(2) To prepare all teachers to teach students
25 with disabilities and English language learners.

1 “(3) To prepare teachers in classroom manage-
2 ment, instructional planning and delivery, learning
3 theory and cognitive development, literacy develop-
4 ment, and student assessment.

5 “(4) To provide school-based, clinical experience
6 at a high-need school that includes observation of
7 and feedback on teacher candidates’ teaching.

8 “(5) To provide ongoing mentoring and sup-
9 port, which may include coursework, for participants
10 for at least 1 school year.

11 “(h) PERMISSIBLE USE OF GRANT FUNDS.—An eli-
12 gible entity that receives a grant under this section may
13 use the grant funds to provide financial stipends for teach-
14 er candidates who are not the teacher of record.

15 “(i) PERFORMANCE AND GRANT RENEWAL.—

16 “(1) TRACKING PERFORMANCE.—An eligible
17 entity that receives a grant under this section
18 shall—

19 “(A) track the placement rate, retention
20 rate, and performance in improving student
21 academic achievement of teachers recruited and
22 prepared by programs funded by the grant; and

23 “(B) submit data on such performance to
24 the Secretary.

1 “(2) CONDITIONS FOR GRANT RENEWAL.—The
2 Secretary shall evaluate the information submitted
3 under paragraph (1) and renew a grant awarded
4 under this section only if the data indicate the
5 teachers are successful in improving student aca-
6 demic achievement.

7 “(j) FISCAL AGENT.—The fiscal agent for an eligible
8 entity that receives a grant under this section may be a
9 local educational agency, State educational agency, insti-
10 tution of higher education, or nonprofit organization that
11 is a partner in the eligible entity.

12 “(k) MATCHING REQUIREMENTS.—

13 “(1) FEDERAL SHARE.—Except as provided in
14 paragraph (2)(B), the Federal share for this section
15 shall be a percentage of the cost of the activities as-
16 sisted under the grant as determined by the Sec-
17 retary.

18 “(2) NON-FEDERAL SHARE.—

19 “(A) IN GENERAL.—The non-Federal
20 share provided by an eligible entity receiving a
21 grant under this section shall be a percentage
22 of the cost of the activities assisted under the
23 grant as determined by the Secretary. The non-
24 Federal share may include in-kind contribu-
25 tions.

1 “(B) SPECIAL RULE.—The Secretary may
2 waive or reduce the amount of the non-Federal
3 share described in subparagraph (A) for any
4 fiscal year if the eligible entity demonstrates to
5 the Secretary that the funds needed to carry
6 out that subparagraph are unavailable due to
7 economic hardship, as determined by the Sec-
8 retary.

9 “(1) EVALUATION.—The Director of the Institute of
10 Education Sciences shall—

11 “(1) evaluate the implementation and impact of
12 the program under this section;

13 “(2) identify best practices for recruiting, se-
14 lecting, preparing, placing, retaining, and supporting
15 teachers in high-need subjects or fields for high-need
16 schools; and

17 “(3) disseminate research on best practices.

18 **“PART C—TEACHER INCENTIVE FUND PROGRAM**

19 **“SEC. 2301. PURPOSES; DEFINITIONS.**

20 “(a) PURPOSES.—The purposes of this part are to
21 assist States, local educational agencies, and nonprofit or-
22 ganizations to develop, implement, improve, or expand—

23 “(1) comprehensive performance-based com-
24 pensation systems for teachers, principals, and
25 schools that raise student academic achievement and

1 close the achievement gap, especially for teachers
2 and principals in high-need schools; and

3 “(2) rigorous, transparent, and fair teacher and
4 principal evaluation systems.

5 “(b) DEFINITIONS.—Except as otherwise provided, in
6 this part:

7 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
8 tity’ means—

9 “(A) a local educational agency or a con-
10 sortium of local educational agencies, including
11 a charter school that is a local educational
12 agency;

13 “(B) a State educational agency, or other
14 State agency designated by the chief executive
15 of a State to participate under this subpart; or

16 “(C) a nonprofit or for-profit organization,
17 which may include an institution of higher edu-
18 cation, in partnership with an entity described
19 in subparagraph (A) or (B).

20 “(2) PERFORMANCE-BASED COMPENSATION
21 SYSTEM.—The term ‘performance-based compensa-
22 tion system’ means a system of compensation for
23 teachers and principals that—

1 “(A) differentiates levels of compensation
2 primarily on the basis of measurable increases
3 in student academic achievement; and

4 “(B) may include—

5 “(i) differentiated levels of compensa-
6 tion on the basis of effective teachers’ and
7 principals’ employment and success in
8 hard-to-staff schools or high-need subject
9 areas; and

10 “(ii) recognition of the skills and
11 knowledge of teachers and principals, as
12 demonstrated through—

13 “(I) successful fulfillment of ad-
14 ditional responsibilities or job func-
15 tions; and

16 “(II) evidence of high achieve-
17 ment and mastery of content knowl-
18 edge and superior teaching skills.

19 “(3) STUDENT ACADEMIC ACHIEVEMENT.—In
20 this subsection, the term ‘student academic achieve-
21 ment’ means—

22 “(A) for grades and subjects for which
23 there are assessments, as described in section
24 1111(a)(2), a student’s results from the State’s

1 assessments under such section or other state-
2 wide assessments; and

3 “(B) other measures of a student’s learn-
4 ing and performance, such as end-of-course
5 tests, and other measures that are rigorous and
6 comparable across schools in a school district
7 and that are aligned with the State academic
8 content standards and student academic
9 achievement standards under section
10 1111(a)(1).

11 “(4) TEACHER AND PRINCIPAL EVALUATION
12 SYSTEM.—The term ‘teacher and principal evalua-
13 tion system’ means a system for evaluating the per-
14 formance of teachers and principals that—

15 “(A) provides meaningful feedback to
16 teachers and principals on the results of their
17 evaluation;

18 “(B) establishes multiple categories of
19 teacher and principal performance;

20 “(C) evaluates teachers and principals reg-
21 ularly consistent with research and best prac-
22 tice, including multiple measures;

23 “(D) is used to inform decisions about pro-
24 fessional development;

1 “(E) is developed and implemented with
2 teacher and principal involvement;

3 “(F) is regularly reviewed to ensure that
4 the evaluation provides meaningful differentia-
5 tion and is aligned with student academic
6 achievement results;

7 “(G) provides training for the evaluators
8 who are responsible for conducting classroom
9 observations;

10 “(H) for teachers—

11 “(i) shall be based in significant part
12 on evidence of improved student academic
13 achievement;

14 “(ii) shall include observations of
15 classroom teaching; and

16 “(iii) may include other measures of
17 student academic achievement and teacher
18 performance; and

19 “(I) for principals—

20 “(i) shall be based in significant part
21 on evidence of improved student academic
22 achievement and student outcomes;

23 “(ii) shall be based on evidence of pro-
24 viding strong instructional leadership and
25 support to teachers and other staff; and

1 “(iii) may include other measures of
2 principal performance such as parent and
3 family engagement.

4 **“SEC. 2302. TEACHER INCENTIVE FUND GRANTS.**

5 “(a) IN GENERAL.—From the amounts appropriated
6 to carry out this part, the Secretary is authorized to award
7 grants, on a competitive basis, to eligible entities to enable
8 the eligible entities to develop, implement, improve, or ex-
9 pand performance-based compensation systems and teach-
10 er and principal evaluation systems in a school served by
11 a project under this part.

12 “(b) PRIORITY.—In awarding a grant under this
13 part, the Secretary shall give priority to an eligible entity
14 that concentrates the proposed activities with respect to
15 teachers and principals serving in high-need schools.

16 “(c) APPLICATIONS.—To be eligible to receive a grant
17 under this part, an eligible entity shall submit an applica-
18 tion to the Secretary, at such time and in such manner
19 as the Secretary may reasonably require. The application
20 shall include, as applicable—

21 “(1) a description of the performance-based
22 compensation system and teacher and principal eval-
23 uation system that the eligible entity proposes to de-
24 velop, implement, improve, or expand;

1 “(2) a description and evidence of the support
2 and commitment, from teachers and principals in
3 the school to be served by the project, the commu-
4 nity, including community-based organizations, and
5 the local educational agencies, for the performance-
6 based compensation system and teacher and prin-
7 cipal evaluation system, including a demonstration
8 of consultation with teachers and principals in the
9 design and development of the proposal;

10 “(3) a description of how the eligible entity will
11 develop and implement a fair, rigorous, and objective
12 process to evaluate teacher, principal, and student
13 performance under the project, including the base-
14 line performance against which evaluations of im-
15 proved performance will be made;

16 “(4) a description of the local educational agen-
17 cy or school to be served by the project, including
18 such student academic achievement, demographic,
19 and socioeconomic information as the Secretary may
20 request;

21 “(5) a description of the quality of teachers and
22 principals in the local educational agency and the
23 schools to be served by the project and how the
24 project will increase the quality of teachers and prin-
25 cipals in a high-need school;

1 “(6) a description of how the eligible entity will
2 use grant funds under this part in each year of the
3 grant;

4 “(7) a description of how the eligible entity will
5 continue funding and carrying out the performance-
6 based compensation system and teacher and prin-
7 cipal evaluation system after the grant period ends;

8 “(8) a description of the State, local, or other
9 public or private funds that will be used to supple-
10 ment the grant and sustain the activities assisted
11 under the grant at the end of the grant period; and

12 “(9) a description of the rationale and evidence
13 for the proposed activities and of any prior experi-
14 ence of the eligible entity in developing and imple-
15 menting such activities.

16 “(d) USE OF FUNDS.—

17 “(1) IN GENERAL.—An eligible entity that re-
18 ceives a grant under this part shall use grant funds
19 to carry out, in collaboration with teachers, prin-
20 cipals, other school administrators, and members of
21 the public, activities authorized under paragraph (2)
22 that are designed to develop, implement, improve, or
23 expand, consistent with this part—

24 “(A) a performance-based compensation
25 system; and

1 “(B) a teacher and principal evaluation
2 system.

3 “(2) AUTHORIZED ACTIVITIES.—An eligible en-
4 tity receiving a grant under this part shall use grant
5 funds for the following activities:

6 “(A) Developing or improving teacher and
7 principal evaluation systems that reflect clear
8 and fair measures of teacher and principal per-
9 formance.

10 “(B) Paying, as part of a comprehensive
11 performance-based compensation system, bo-
12 nuses, and increased salaries, if the eligible en-
13 tity uses an increasing share of non-Federal
14 funds to pay the bonuses and increased salaries
15 each year of the grant, to teachers and prin-
16 cipals who—

17 “(i) have demonstrated effectiveness
18 in raising student academic achievement;

19 “(ii) work in high-need schools; or

20 “(iii) work in a high-need subject,
21 field, or geographic area.

22 “(C) Conducting outreach within a local
23 educational agency or a State to gain input on
24 how to construct the teacher and principal eval-

1 uation system and to develop support for such
2 system.

3 “(e) DURATION OF GRANTS.—

4 “(1) IN GENERAL.—The Secretary may award
5 a grant under this part for a period of not more
6 than 5 years.

7 “(2) LIMITATION.—A local educational agency
8 may receive (whether individually or as part of a
9 consortium or partnership) a grant under this part
10 only once.

11 “(f) EQUITABLE DISTRIBUTION.—To the extent
12 practicable, the Secretary shall ensure an equitable geo-
13 graphic distribution of grants under this part, including
14 the distribution between rural and urban areas.

15 “(g) MATCHING REQUIREMENT.—

16 “(1) IN GENERAL.—Except as provided in para-
17 graph (2), each eligible entity that receives a grant
18 under this part shall provide, over the course of the
19 grant period, an increasing share of matching funds
20 (which may be provided in cash or in kind) to carry
21 out activities supported by the grant.

22 “(2) WAIVER.—The Secretary may waive the
23 matching requirement under paragraph (1) for an
24 eligible entity—

1 “(A) that consists of a high-need local edu-
2 cational agency; or

3 “(B) that is located in a rural area.

4 “(h) SUPPLEMENT, NOT SUPPLANT.—Grant funds
5 provided under this part shall be used to supplement, not
6 supplant, other Federal, State, or local funds available to
7 carry out the activities described in this part.

8 **“PART D—ACHIEVEMENT THROUGH**
9 **TECHNOLOGY AND INNOVATION**

10 **“SEC. 2401. SHORT TITLE.**

11 “‘This part may be cited as the ‘Achievement Through
12 Technology and Innovation Act of 2011’ or the ‘ATTAIN
13 Act’.

14 **“SEC. 2402. PURPOSES AND GOALS.**

15 “‘The purposes and goals of this part are—

16 “(1) to ensure that through effective and inno-
17 vative uses of technology that every student has ac-
18 cess to personalized, rigorous, and relevant learning
19 to meet the goals of this Act to raise student
20 achievement, close the achievement gap, and ensure
21 highly effective teaching, and to prepare all students
22 to be technology literate and on track to college and
23 career readiness for the 21st century digital econ-
24 omy;

1 “(2) to evaluate, build upon, and increase the
2 use of evidence-based and innovative systemic edu-
3 cation transformations that center on the use of
4 technology that leads to school improvement, im-
5 proved productivity, and increased student achieve-
6 ment;

7 “(3) to ensure that all educators are connected
8 in an ongoing manner to technology-based and on-
9 line resources and supports, including through en-
10 hanced ongoing, meaningful professional develop-
11 ment to ensure that—

12 “(A) all educators are technology literate
13 and effectively use technology to improve in-
14 struction; and

15 “(B) education administrators possess the
16 capacity to—

17 “(i) provide leadership in the use of
18 technology for systemic education trans-
19 formation; and

20 “(ii) improve educational productivity;

21 “(4) to improve student engagement, oppor-
22 tunity, attendance, graduation rates, and technology
23 access through enhanced or redesigned curriculum
24 or instruction;

1 “(5) to more effectively collect and use student
2 performance and other data in a timely manner to
3 inform instruction, address individualized student
4 needs, support school decisionmaking, and support
5 school improvement and increased student achieve-
6 ment, including through delivery of computer-based
7 and online assessments;

8 “(6) to enhance the use of technology, online
9 and blended learning for systemic education trans-
10 formation, including curricula redesign and new in-
11 structional strategies to personalize learning; and

12 “(7) to increase education productivity and re-
13 duce costs through the use of technology, blended
14 learning and online learning, including for the deliv-
15 ery of online assessments.

16 **“SEC. 2403. DEFINITIONS.**

17 “In this part:

18 “(1) **BLENDED LEARNING.**—The term ‘blended
19 learning’ means the combination of online learning
20 and traditional in-person classroom instruction, or
21 technology-based learning, in a supervised classroom
22 setting.

23 “(2) **EDUCATIONAL PRODUCTIVITY.**—The term
24 ‘educational productivity’ means student educational

1 opportunities and outcomes or relative costs and ex-
2 penditures of education.

3 “(3) LOCAL EDUCATIONAL AGENCY.—The term
4 ‘local educational agency’ includes a consortium of
5 local educational agencies.

6 “(4) STUDENT TECHNOLOGY LITERACY.—The
7 term ‘student technology literacy’ means student
8 knowledge and skills in using contemporary informa-
9 tion, communication, and learning technologies in a
10 manner necessary for successful employment, life-
11 long learning, and citizenship in the knowledge-
12 based, digital, and global 21st century, as further
13 defined by the State educational agency, which in-
14 cludes, at a minimum, the ability—

15 “(A) to effectively communicate and col-
16 laborate;

17 “(B) to analyze and solve problems;

18 “(C) to access, evaluate, manage, and cre-
19 ate information and otherwise gain information
20 literacy;

21 “(D) to demonstrate creative thinking,
22 construct knowledge, and develop innovative
23 products and processes; and

24 “(E) to do so in a safe and ethical manner.

1 “(5) SYSTEMIC EDUCATION TRANS-
2 FORMATION.—The term ‘systemic education trans-
3 formation’ means the redesign of educational poli-
4 cies, practices, and resources through technology
5 and blended learning to improve student engagement
6 and educational opportunities, personalize learning,
7 and improve educational productivity, including the
8 redesign of curriculum, instruction, data systems,
9 assessment, teacher evaluation, and the use of in-
10 structional time and location.

11 **“SEC. 2404. ALLOCATION OF FUNDS; LIMITATION; TRIGGER.**

12 “(a) ALLOCATION OF FUNDS BETWEEN STATE AND
13 LOCAL INITIATIVES.—The funds made available to carry
14 out this part shall be available to carry out subparts 1
15 and 2, as described in subsection (c).

16 “(b) LIMITATION.—

17 “(1) LOCAL ADMINISTRATIVE COSTS.—Of the
18 funds made available to a local educational agency
19 under this part for a fiscal year, not more than 3
20 percent may be used by the local educational agency
21 for administrative costs.

22 “(2) STATE ADMINISTRATIVE COSTS.—Of the
23 funds made available to a State educational agency
24 under section 2412(a)(1)(A), not more than 60 per-

1 cent may be used by the State educational agency
2 for administrative costs.

3 “(c) TRIGGER.—For fiscal years—

4 “(1) for which the amount appropriated to
5 carry out this part is less than \$300,000,000, all
6 funds available to carry out this part shall be avail-
7 able to carry out subpart 2; and

8 “(2) for which the amount appropriated to
9 carry out this part equals or is more than
10 \$300,000,000, all funds available to carry out this
11 part shall be available to carry out subpart 1.

12 **“Subpart 1—State and Local Grants**

13 **“SEC. 2411. ALLOTMENT AND REALLOTMENT.**

14 “(a) RESERVATIONS AND ALLOTMENT.—From the
15 amount made available to carry out this subpart under
16 section 2404(c)(2) for a fiscal year—

17 “(1) the Secretary shall reserve—

18 “(A) three-quarters of 1 percent for the
19 Secretary of the Interior for programs under
20 this subpart for schools operated or funded by
21 the Bureau of Indian Education; and

22 “(B) one-half of 1 percent to provide as-
23 sistance under this subpart to the outlying
24 areas; and

1 “(2) subject to subsection (b), the Secretary
2 shall use the remainder to award grants by allotting
3 to each State educational agency an amount that
4 bears the same relationship to such remainder for
5 such year as the amount received under part A of
6 title I for such year by such State educational agen-
7 cy bears to the amount received under such part for
8 such year by all State educational agencies.

9 “(b) MINIMUM ALLOTMENT.—The amount of any
10 State educational agency’s allotment under subsection
11 (a)(2) for any fiscal year shall not be less than one-half
12 of 1 percent of the amount made available for allotments
13 to State educational agencies under this subpart for such
14 year.

15 “(c) REALLOTMENT OF UNUSED FUNDS.—The Sec-
16 retary shall reallocate any unused amount of a State edu-
17 cational agency’s allotment to the remaining State edu-
18 cational agencies that use their entire allotments under
19 this subpart in accordance with this section.

20 **“SEC. 2412. USE OF ALLOTMENT BY STATE.**

21 “(a) IN GENERAL.—

22 “(1) IN GENERAL.—Of the amount provided to
23 a State educational agency under section 2411(a)(2)
24 for a fiscal year—

1 “(A) the State educational agency may use
2 not more than 5 percent of such amount or
3 \$100,000, whichever amount is greater, to
4 carry out activities under section 2414; and

5 “(B) the State educational agency shall
6 distribute the remainder in accordance with
7 paragraphs (2) and (3).

8 “(2) DISTRIBUTION OF REMAINDER.—The
9 State educational agency shall—

10 “(A)(i) use 60 percent of the remainder to
11 award Improving Teaching and Learning
12 through Technology subgrants to local edu-
13 cational agencies having applications approved
14 under section 2415(c) for the activities de-
15 scribed in section 2416(b); and

16 “(ii) allot to each such local educational
17 agency an amount that bears the same relation-
18 ship to 60 percent of the remainder for such
19 year as the amount received under part A of
20 title I for such year by such local educational
21 agency bears to the amount received under such
22 part for such year by all local educational agen-
23 cies within the State, subject to subsection
24 (b)(2); and

1 “(B) use 40 percent of the remainder to
2 award Systemic Education Transformation
3 through Technology Integration subgrants,
4 through a State-determined competitive process,
5 to local educational agencies having applications
6 approved under section 2415(b) for the activi-
7 ties described in section 2416(a).

8 “(3) OPTION IN YEARS WITH INSUFFICIENT
9 AMOUNTS APPROPRIATED.—If the amount provided
10 to a State educational agency under section
11 2411(a)(2) for a fiscal year is not large enough to
12 provide every local educational agency with a min-
13 imum subgrant under subsection (b)(2), the State
14 educational agency may distribute 100 percent of
15 the remainder described in paragraph (1)(B) as ei-
16 ther formula grants under paragraph (2)(A) or com-
17 petitive grants under paragraph (2)(B).

18 “(b) SUFFICIENT AMOUNTS.—

19 “(1) SPECIAL RULE.—In awarding subgrants
20 under subsection (a)(2)(B), the State educational
21 agency shall—

22 “(A) ensure the subgrants are of sufficient
23 size and scope to be effective, consistent with
24 the purposes of this part;

1 “(B) ensure subgrants are of sufficient du-
2 ration to be effective, consistent with the pur-
3 poses of this part, including by awarding sub-
4 grants for a period of not less than 2 years that
5 may be renewed for not more than an addi-
6 tional 1 year;

7 “(C) give preference in the awarding of
8 subgrants, and the providing of all technical as-
9 sistance, to local educational agencies that serve
10 schools in need of improvement, as identified
11 under section 1116, including those schools
12 with high populations of—

13 “(i) English learners;

14 “(ii) students with disabilities; or

15 “(iii) other subgroups of students who
16 have not met the State’s student academic
17 achievement standards; and

18 “(D) ensure an equitable distribution
19 among urban and rural areas of the State, ac-
20 cording to the demonstrated need for assistance
21 under this subpart of the local educational
22 agencies serving the areas.

23 “(2) MINIMUM FORMULA-BASED SUBGRANT.—

24 The amount of any local educational agency’s

1 subgrant under subsection (a)(2)(A) for any fiscal
2 year shall be not less than \$3,000.

3 “(c) REALLOTMENT OF UNUSED FUNDS.—If any
4 local educational agency does not apply for a subgrant
5 under subsection (a) for a fiscal year, or does not use the
6 local educational agency’s entire allotment under this sub-
7 part for such fiscal year, the State shall reallocate any unused
8 funds to the remaining local educational agencies.

9 **“SEC. 2413. STATE APPLICATIONS.**

10 “(a) IN GENERAL.—To be eligible to receive a grant
11 under this subpart, a State educational agency shall sub-
12 mit to the Secretary, at such time and in such manner
13 as the Secretary may specify, an application containing
14 the contents described in subsection (b) and such other
15 information as the Secretary may reasonably require.

16 “(b) CONTENTS.—Each State educational agency ap-
17 plication submitted under subsection (a) shall include each
18 of the following:

19 “(1) A description of how the State educational
20 agency will support local educational agencies that
21 receive subgrants under this subpart in meeting the
22 purposes and goals of this part and the requirements
23 of this subpart, including through technical assist-
24 ance in using technology to redesign curriculum and

1 instruction, improve educational productivity, and
2 deliver computer-based and online assessment.

3 “(2) A description of the State educational
4 agency’s long-term goals and strategies for improv-
5 ing student academic achievement, including student
6 technology literacy, through the effective use of tech-
7 nology.

8 “(3) A description of the priority area upon
9 which the State educational agency will focus its as-
10 sistance under this subpart, which shall be identified
11 from among the core academic subjects, grade levels,
12 and student subgroup populations with the largest
13 achievement gaps in the State.

14 “(4) A description of how the State educational
15 agency will support local educational agencies to im-
16 plement, professional development programs pursu-
17 ant to section 2416(b)(1)(A).

18 “(5) A description of how the State educational
19 agency will ensure that teachers, paraprofessionals,
20 school librarians, and administrators possess the
21 knowledge and skills to use technology—

22 “(A) for curriculum redesign to change
23 teaching and learning and improve student
24 achievement;

1 “(B) for assessment, data analysis, and to
2 personalize learning;

3 “(C) to improve student technology lit-
4 eracy; and

5 “(D) for their own ongoing professional de-
6 velopment and for access to teaching resources
7 and tools.

8 “(6) A description of the process, activities, and
9 performance measures that the State educational
10 agency will use to evaluate the impact and effective-
11 ness of activities described in section 2414.

12 “(7) Identification of the State college and ca-
13 reer ready academic content standards and college
14 and career ready student academic achievement
15 standards that the State educational agency will use
16 to ensure that each student is technologically literate
17 consistent with the definition of student technology
18 literacy, and a description of how the State edu-
19 cational agency will assess student performance in
20 gaining technology literacy, only for the purpose of
21 tracking progress towards achieving the 8th grade
22 technology literacy goal and not for meeting ade-
23 quate yearly progress goals, including through em-
24 bedding such assessment items in other State tests
25 or performance-based assessments portfolios, or

1 through other valid and reliable means. Nothing in
2 this subpart shall be construed to require States to
3 develop a separate test to assess student technology
4 literacy.

5 “(8) An assurance that financial assistance pro-
6 vided under this subpart will supplement, and not
7 supplant, State and local funds.

8 “(9) A description of how the State educational
9 agency consulted with local educational agencies in
10 the development of the State application.

11 **“SEC. 2414. STATE ACTIVITIES.**

12 “(a) MANDATORY ACTIVITIES.—From funds made
13 available under section 2412(a)(1)(A), a State educational
14 agency shall carry out each of the following activities:

15 “(1) Identify the State college and career ready
16 academic content standards and college and career
17 ready student academic achievement standards that
18 the State educational agency will use to ensure that
19 each student is technologically literate consistent
20 with the definition of student technology literacy.

21 “(2) Assess student performance in gaining
22 technology literacy consistent with paragraph (1), in-
23 cluding through embedding such assessment items in
24 other State tests, performance-based assessments, or
25 portfolios, or through other means, except that such

1 assessments shall be used only to track student tech-
2 nology literacy and shall not be used to determine
3 adequate yearly progress, and widely disseminate
4 such results.

5 “(3) Provide guidance, technical assistance, and
6 other assistance, including in the priority area iden-
7 tified by the State pursuant to section 2413(b)(3),
8 in using technology to improve teaching and rede-
9 sign curriculum and instruction, improve educational
10 productivity, and deliver computer-based and online
11 assessment, and in submitting applications for fund-
12 ing under this part to high-need local educational
13 agencies—

14 “(A) with the highest percentage or num-
15 ber of—

16 “(i) students not achieving at the
17 State proficiency level; and

18 “(ii) student populations described in
19 section 2412(b)(1)(C); and

20 “(B) serving schools identified as in need
21 of improvement under section 1116.

22 “(b) PERMISSIVE ACTIVITIES.—From funds made
23 available under section 2412(a)(1)(A), a State educational
24 agency may carry out 1 or more of the following activities
25 that assist local educational agencies:

1 “(1) State leadership activities and technical as-
2 sistance that support achieving the purposes and
3 goals of this part.

4 “(2) Developing or utilizing research-based or
5 innovative strategies for the delivery of specialized or
6 rigorous academic courses and curricula through the
7 use of technology, including distance learning tech-
8 nologies.

9 “(3) Providing, or supporting local educational
10 agencies in providing, sustained and intensive, high-
11 quality professional development pursuant to section
12 2416(b)(1)(A).

13 “(4) Assessing student performance in gaining
14 technology literacy consistent with subsection (a)(2),
15 including through embedding such assessment items
16 in other State tests, performance-based assessments,
17 or portfolios, or through other means.

18 **“SEC. 2415. LOCAL APPLICATIONS.**

19 “(a) IN GENERAL.—Each local educational agency
20 desiring a subgrant under this subpart shall submit to the
21 State educational agency an application containing a new
22 or updated local long-range strategic educational tech-
23 nology plan, and such other information as the State edu-
24 cational agency may reasonably require that shall include
25 each of the following:

1 “(1) A description of how the local educational
2 agency will align and coordinate the local edu-
3 cational agency’s use of funds under this subpart
4 with—

5 “(A) the local educational agency’s efforts
6 to boost student achievement and close achieve-
7 ment gaps;

8 “(B) the local educational agency’s tech-
9 nology plan;

10 “(C) the local educational agency’s plans
11 and activities for improving student achieve-
12 ment, including plans and activities under sec-
13 tions 1111, 1112, 1116, and 2123, as applica-
14 ble; and

15 “(D) funds available from other Federal,
16 State, and local sources.

17 “(2) An assurance that financial assistance pro-
18 vided under this subpart will supplement, and not
19 supplant, other funds available to carry out activities
20 assisted under this subpart.

21 “(3) A description of the process used to assess
22 and, as needed, update technologies throughout the
23 local educational agency.

24 “(4) Such other information as the State edu-
25 cational agency may reasonably require.

1 “(b) COMPETITIVE GRANTS; SYSTEMIC EDUCATION
2 TRANSFORMATION THROUGH TECHNOLOGY INTEGRA-
3 TION.—In addition to the information described in sub-
4 section (a), a local educational agency submitting an appli-
5 cation for a Systemic Education Transformation Through
6 Technology Integration subgrant shall submit to the State
7 educational agency an application containing each of the
8 following:

9 “(1) A description of how the local educational
10 agency will use the subgrant funds to implement
11 systemic education transformation, which is a com-
12 prehensive set of programs, practices, and tech-
13 nologies to improve student achievement and close
14 achievement gaps that—

15 “(A) collectively lead to school or school
16 district change and improvement, including in
17 the use of technology; and

18 “(B) incorporate all of the following ele-
19 ments:

20 “(i) Reform or redesign of curriculum,
21 instruction, assessment, use of data, or
22 other practices through the use of tech-
23 nology in order to increase student learn-
24 ing opportunity, and engagement in learn-
25 ing.

1 “(ii) Improvement of educator quality,
2 knowledge and skills, and effectiveness
3 through ongoing, sustainable, timely, and
4 contextual professional development de-
5 scribed in section 2416(b)(1)(A).

6 “(iii) Ongoing use of formative and
7 other assessments and other timely data
8 sources and data systems to more effec-
9 tively identify individual student learning
10 needs and personalize learning.

11 “(iv) Engagement of school district
12 leaders, school leaders, and classroom edu-
13 cators.

14 “(v) Programs, practices, and tech-
15 nologies that are based on scientific re-
16 search.

17 “(2) An assurance that the local educational
18 agency will use not less than 25 percent of the
19 subgrant funds to implement a program of profes-
20 sional development described in section
21 2416(b)(1)(A).

22 “(3) A description of how the local educational
23 agency will evaluate the impact of 1 or more pro-
24 grams or activities carried out under this subpart.

1 “(c) FORMULA GRANTS; IMPROVING TEACHING AND
2 LEARNING THROUGH TECHNOLOGY.—In addition to the
3 information described in subsection (a), a local educational
4 agency submitting an application for an Improving Teach-
5 ing and Learning Through Technology subgrant shall sub-
6 mit to the State educational agency an application con-
7 taining each of the following:

8 “(1) An assurance that the local educational
9 agency will use not less than 40 percent of the
10 subgrant funds for ensuring educators, including
11 teachers and administrators, are technology literate,
12 prepared to use technology to improve the cur-
13 riculum and instruction, and are connected online to
14 supports and resources, including for—

15 “(A) professional development described in
16 section 2416(b)(1)(A); and

17 “(B) to provide educators with ongoing ac-
18 cess to technology tools, applications, supports
19 and other resources, including those related
20 specifically to such professional development ac-
21 tivities.

22 “(2) A description of the local educational agen-
23 cy’s program of professional development described
24 in section 2416(b)(1)(A).

1 “(3) A description of the use of technology
2 tools, applications, and other resources to improve
3 student learning and achievement in the area of pri-
4 ority identified under paragraph (4).

5 “(4) A description of the priority area subgrant
6 funds will target, identified from among the core
7 academic subjects, grade levels, and student sub-
8 group populations in which the most number of stu-
9 dents served by the local educational agency are not
10 proficient.

11 “(5) A description of how funds will be used to
12 integrate technology to redesign the curriculum or
13 instruction, implement computer-based and online
14 assessments, improve use of data to personalize
15 learning, or improve education productivity.

16 “(d) COMBINED APPLICATIONS.—A local educational
17 agency that submits an application under subsection (b),
18 may, upon notice to the State educational agency, submit
19 a single application that will also be considered as an ap-
20 plication for subgrant funds awarded under subsection (c),
21 if the application addresses each application requirement
22 under subsections (a), (b), and (c).

23 **“SEC. 2416. LOCAL ACTIVITIES.**

24 “(a) COMPETITIVE GRANTS; SYSTEMIC EDUCATION
25 TRANSFORMATION THROUGH TECHNOLOGY INTEGRA-

1 TION.—A local educational agency that receives funds
2 through a subgrant under section 2412(a)(2)(B), shall
3 carry out activities to improve student learning, tech-
4 nology literacy, and achievement, as follows:

5 “(1) Use not less than 5 percent of such funds
6 to evaluate the impact of 1 or more programs or ac-
7 tivities carried out under the subgrant as identified
8 in the local educational agency’s application and ap-
9 proved by the State educational agency.

10 “(2) Use funds remaining after carrying out
11 paragraph (1) to implement a plan for systemic edu-
12 cation transformation in 1 or more schools, in ac-
13 cordance with section 2415(b)(1), including each of
14 the following:

15 “(A) Using not less than 25 percent of
16 subgrant funds to ensure educators, including
17 teachers and administrators, are technology lit-
18 erate, prepared to use technology to improve
19 the curriculum and instruction, and are con-
20 nected online to supports and resources, includ-
21 ing through the following:

22 “(i) Professional development activi-
23 ties, as described in subsection (b)(1)(A).

24 “(ii) The acquisition and implementa-
25 tion of technology tools, applications, and

1 other resources to provide educators with
2 ongoing access and support, including for
3 use in the professional development activi-
4 ties described in clause (i).

5 “(B) Acquiring and effectively imple-
6 menting technology tools, applications, and
7 other resources in conjunction with enhancing
8 or redesigning the curriculum or instruction in
9 order to—

10 “(i) increase student learning oppor-
11 tunity or access, student engagement in
12 learning, or student attendance or gradua-
13 tion rates;

14 “(ii) improve student achievement in
15 1 or more of the core academic subjects;
16 and

17 “(iii) improve student technology lit-
18 eracy.

19 “(C) Acquiring and effectively imple-
20 menting technology tools, applications, and
21 other resources to—

22 “(i) conduct ongoing formative and
23 other assessments and use other timely
24 data sources and data systems to more ef-

1 fectively identify and address individual
2 student learning needs;

3 “(ii) support personalized student
4 learning, including through instructional
5 software and digital content that supports
6 the learning needs of each student, or
7 through providing access to high-quality
8 courses and instructors otherwise not avail-
9 able except through technology and online
10 learning; and

11 “(iii) conduct other activities con-
12 sistent with research-based or innovative
13 systemic education transformation, includ-
14 ing activities that increase parental in-
15 volvement.

16 “(b) FORMULA GRANTS; IMPROVING TEACHING AND
17 LEARNING THROUGH TECHNOLOGY.—A local educational
18 agency that receives funds through a subgrant under sec-
19 tion 2412(a)(2)(A), shall carry out activities to improve
20 student learning, technology literacy, and achievement in
21 the area of priority identified under section 2415(c)(4),
22 as follows:

23 “(1) Use not less than 40 percent of such funds
24 for professional development activities that are
25 aligned with activities supported under section 2123

1 to improve educator effectiveness and quality
2 through support for the following:

3 “(A) Training of school personnel, which—

4 “(i) shall include the development, ac-
5 quisition, or delivery of—

6 “(I) training that is ongoing, sus-
7 tainable, timely, and directly related
8 to up-to-date teaching content areas;

9 “(II) training in strategies and
10 pedagogy in the core academic sub-
11 jects that involve use of technology
12 and curriculum redesign as key com-
13 ponents of changing teaching and
14 learning and improving student
15 achievement and technology literacy;

16 “(III) training in the use of com-
17 puter-based and online assessments,
18 and in the use of student performance
19 and other data to individualized in-
20 struction;

21 “(IV) training that includes on-
22 going communication and follow-up
23 with instructors, facilitators, and
24 peers; and

25 “(ii) may include—

1 “(I) the use of, and training of,
2 instructional technology specialists,
3 mentors, master teachers, or coaches
4 to serve as experts and train other
5 teachers in the effective use of tech-
6 nology; and

7 “(II) the use of technology, such
8 as distance learning and online virtual
9 educator-to-educator peer commu-
10 nities, as a means for delivering pro-
11 fessional development.

12 “(B) The acquisition and implementation
13 of technology tools, applications, and other re-
14 sources to be employed in the professional de-
15 velopment activities described in subparagraph
16 (A).

17 “(2) Use funds remaining after carrying out
18 paragraph (1) to acquire or implement technology
19 tools, applications, and other resources to improve
20 student learning, technology literacy, and achieve-
21 ment in the area of priority identified by the local
22 educational agency, including through 1 or more of
23 the following:

24 “(A) Conducting ongoing formative assess-
25 ment and using other timely data sources and

1 data systems to more effectively identify and
2 address individual student learning needs.

3 “(B) Supporting personalized student
4 learning, including through instructional soft-
5 ware and digital content that supports the
6 learning needs of each student, or through pro-
7 viding access to high-quality courses and in-
8 structors not otherwise available except through
9 technology such as online learning.

10 “(C) Increasing parental involvement
11 through improved communication with teachers
12 and access to student assignments and grades.

13 “(D) Enhancing accountability, instruc-
14 tion, and data-driven decisionmaking through
15 data systems that allow for management, anal-
16 ysis, and disaggregating of student, teacher,
17 and school data.

18 “(E) Such other activities as are appro-
19 priate and consistent with the goals and pur-
20 poses of this part.

21 “(c) MULTIPLE GRANTS.—A local educational agency
22 that receives subgrants under both subparagraph (A) and
23 subparagraph (B) of section 2412(a)(2) may use all such
24 subgrant funds for activities authorized under subsection
25 (a).

1 **“Subpart 2—State Competitive Grants**

2 **“SEC. 2421. STATE COMPETITIVE GRANTS.**

3 “(a) IN GENERAL.—From the amount made avail-
4 able to carry out this subpart under section 2404(c)(1)
5 for a fiscal year, the Secretary shall award grants to con-
6 sortia of State educational agencies having applications
7 approved under subsection (b) for the activities described
8 in subsection (d).

9 “(b) STATE CONSORTIA APPLICATIONS.—

10 “(1) IN GENERAL.—To be eligible to receive a
11 grant under this subpart, a consortium of State edu-
12 cational agencies shall submit to the Secretary an
13 application at such time, in such manner, and con-
14 taining such information as the Secretary may rea-
15 sonably require, including the information described
16 in paragraph (2).

17 “(2) CONTENTS.—An application submitted by
18 a consortium of State educational agencies for a
19 grant under this subpart shall include the following:

20 “(A) An identification of the States in-
21 cluded in the consortium, and which State will
22 act as both fiscal agent and lead grant adminis-
23 trator.

24 “(B) A description of how the consortium
25 will support local educational agencies in
26 achieving the absolute priority of supporting en-

1 hanced use of technology, including online and
2 blended learning for systemic education trans-
3 formation, curricula redesign, and new instruc-
4 tional strategies to personalize learning.

5 “(C) An identification of an additional pri-
6 ority the consortium will address and a descrip-
7 tion of how the State educational agencies will
8 support local educational agencies in achieving
9 the priority. Such priority shall be 1 or more of
10 the following:

11 “(i) Preparing for and administering
12 State assessments online.

13 “(ii) Using technology and blended
14 learning.

15 “(iii) Preparing the capacity of ad-
16 ministrators and other education leaders to
17 lead systemic education transformation
18 through technology.

19 “(D) A brief description of each State edu-
20 cational agency’s long-term goals and strategies
21 for improving student academic achievement,
22 including student technology literacy, through
23 the effective use of technology, and how the
24 grant will support that plan’s implementation
25 and student achievement.

1 “(E) A description of how the State edu-
2 cational agencies will use grant funds to im-
3 prove the ability of educators, including teach-
4 ers and administrators, to more effectively use
5 technology.

6 “(F) A description of the process, activi-
7 ties, and performance measures that the State
8 educational agencies will use to evaluate the im-
9 pact and effectiveness of activities and to dis-
10 seminate those findings across the State and to
11 other States outside the consortium.

12 “(G) An identification of the State college
13 and career ready academic content standards
14 that the State educational agencies will use to
15 ensure that each student is technology literate.

16 “(H) An assurance that financial assist-
17 ance provided under this subpart will supple-
18 ment, and not supplant, State and local funds
19 available for activities described in this subpart.

20 “(I) A description of how the State edu-
21 cational agencies consulted with local edu-
22 cational agencies in the development of the ap-
23 plication.

1 “(J) A description of the process the State
2 educational agencies will use to competitively
3 award subgrants under this subpart.

4 “(K) A description of how the State edu-
5 cational agencies will coordinate activities car-
6 ried out with funds under this subpart with
7 other Federal, State, and local funds and activi-
8 ties in order to leverage their impact beyond
9 what could be accomplished directly with grant
10 funds.

11 “(L) Assurances that the following condi-
12 tions have been met by each State in the con-
13 sortium, which shall include a description of
14 how such conditions have been met in each such
15 State, or, in the instance that such conditions
16 have not been met, a description each State’s
17 plan for meeting such conditions:

18 “(i) Student advancement and grad-
19 uation are based on demonstrated com-
20 petency regardless of seat-time, or time
21 spent in a traditional classroom.

22 “(ii) The State has ensured that all
23 students have access to high-quality digital
24 content and online courses without arbi-

1 trary caps or other limitations on enroll-
2 ment in online learning.

3 “(iii) Teacher certification or licensure
4 requirements of the State require edu-
5 cators to be technology literate, including
6 the ability to—

7 “(I) integrate technology into
8 curriculum, instruction, and assess-
9 ment;

10 “(II) use data to personalize
11 learning; or

12 “(III) teach online.

13 “(iv) The State allows the use of
14 State funds for technology tools and appli-
15 cations, if appropriate, to meet program
16 goals and requirements, including ensuring
17 that the State’s rules support adoption of
18 electronic learning materials, including al-
19 lowance that materials may be updated in
20 an ongoing manner and can be acquired
21 through subscription.

22 “(v) The State’s learning standards
23 include student technology literacy stand-
24 ards, and the State’s learning performance

1 standards assess student technology lit-
2 eracy.

3 “(c) AWARDS.—

4 “(1) IN GENERAL.—In awarding grants under
5 this subpart, the Secretary shall ensure the grants—

6 “(A) are of sufficient size and duration to
7 be effective;

8 “(B) are distributed among States of di-
9 verse geographic locations and populations; and

10 “(C) serve students attending high-need
11 schools.

12 “(2) PRIORITY.—In awarding grants under this
13 subpart, the Secretary shall give priority to applica-
14 tions from consortia in which each State has met, or
15 has proposed a detailed plan with specific timelines
16 to meet, all of the following conditions:

17 “(A) Assessments in the State are deliv-
18 ered online and may be taken when students
19 have completed a particular course or unit of
20 instruction, not at a specified time and date.

21 “(B) The State has signed teacher certifi-
22 cation reciprocity agreements with 1 or more
23 other States, including for online instruction.

24 “(C) Postsecondary and other teacher
25 training institutions are required to provide, or

1 supported in providing, training in online and
2 blended instruction.

3 “(D) The State directly supports tech-
4 nology tools and applications and ensures that
5 all students and teachers have high-speed ac-
6 cess to the Internet.

7 “(E) The State supports policies or plans
8 facilitating the use of student owned devices in
9 schools or that facilitate home access to digital
10 content.

11 “(F) The States have plans that support
12 students with disabilities, advanced learners,
13 below-grade-level learners, and English learners.

14 “(d) STATE CONSORTIUM USE OF FUNDS.—A State
15 educational agency consortium that receives a grant under
16 this subpart shall—

17 “(1) allocate not less than 75 percent of grant
18 funds to local educational agencies to carry out the
19 activities described in the consortium’s application;
20 and

21 “(2) use the funds remaining after carrying out
22 paragraph (1) for State-level activities, as described
23 in the consortium’s application, including—

24 “(A) assessing the impact of grant funds;
25 and

1 “(B) disseminating the findings of the con-
2 sortium throughout the consortium and nation-
3 ally.

4 **“Subpart 3—Internet Safety**

5 **“SEC. 2431. INTERNET SAFETY.**

6 “(a) IN GENERAL.—No funds made available under
7 this part to a local educational agency for an elementary
8 school or secondary school that does not receive services
9 at discount rates under section 254(h)(5) of the Commu-
10 nications Act of 1934 (47 U.S.C. 254(h)(5)) may be used
11 to purchase computers used to access the Internet, or to
12 pay for direct costs associated with accessing the Internet,
13 for such school unless the school, school board, local edu-
14 cational agency, or other authority with responsibility for
15 administration of such school both—

16 “(1)(A) has in place a policy of Internet safety
17 for minors that includes the operation of a tech-
18 nology protection measure with respect to any of its
19 computers with Internet access that protects against
20 access through such computers to visual depictions
21 that are—

22 “(i) obscene;

23 “(ii) child pornography; or

24 “(iii) harmful to minors; and

1 “(B) is enforcing the operation of such tech-
2 nology protection measure during any use of such
3 computers by minors; and

4 “(2)(A) has in place a policy of Internet safety
5 that includes the operation of a technology protec-
6 tion measure with respect to any of its computers
7 with Internet access that protects against access
8 through such computers to visual depictions that
9 are—

10 “(i) obscene; or

11 “(ii) child pornography; and

12 “(B) is enforcing the operation of such tech-
13 nology protection measure during any use of such
14 computers.

15 “(b) TIMING AND APPLICABILITY OF IMPLEMENTA-
16 TION.—

17 “(1) IN GENERAL.—The local educational agen-
18 cy with responsibility for a school covered by sub-
19 section (a) shall certify the compliance of such
20 school with the requirements of subsection (a) as
21 part of the application process for each program
22 funding year.

23 “(2) PROCESS.—

24 “(A) SCHOOLS WITH INTERNET SAFETY
25 POLICIES AND TECHNOLOGY PROTECTION

1 MEASURES IN PLACE.—A local educational
2 agency with responsibility for a school covered
3 by subsection (a) that has in place an Internet
4 safety policy meeting the requirements of sub-
5 section (a) shall certify its compliance with sub-
6 section (a) during each annual program applica-
7 tion cycle under this Act.

8 “(B) SCHOOLS WITHOUT INTERNET SAFE-
9 TY POLICIES AND TECHNOLOGY PROTECTION
10 MEASURES IN PLACE.—

11 “(i) CERTIFICATION.—A local edu-
12 cational agency with responsibility for a
13 school covered by subsection (a) that does
14 not have in place an Internet safety policy
15 meeting the requirements of subsection (a)
16 for each year in which the local educational
17 agency is applying for funds for such
18 school under this Act, shall certify that it
19 is undertaking such actions, including any
20 necessary procurement procedures, to put
21 in place an Internet safety policy that
22 meets such requirements.

23 “(ii) INELIGIBILITY.—Any school cov-
24 ered by subsection (a) for which the local
25 educational agency concerned is unable to

1 certify compliance with such requirements
2 for a year shall be ineligible for all funding
3 under this part for such year and all sub-
4 sequent years until such time as such
5 school comes into compliance with such re-
6 quirements.

7 “(c) DISABLING DURING CERTAIN USE.—An admin-
8 istrator, supervisor, or person authorized by the respon-
9 sible authority under subsection (a) may disable the tech-
10 nology protection measure concerned to enable access for
11 bona fide research or other lawful purposes.

12 “(d) NONCOMPLIANCE.—

13 “(1) USE OF GENERAL EDUCATION PROVISIONS
14 ACT REMEDIES.—Whenever the Secretary has reason
15 to believe that any recipient of funds under this part
16 is failing to comply substantially with the require-
17 ments of this section, the Secretary may—

18 “(A) withhold further payments to the re-
19 cipient under this part;

20 “(B) issue a complaint to compel compli-
21 ance of the recipient through a cease and desist
22 order; or

23 “(C) enter into a compliance agreement
24 with a recipient to bring it into compliance with
25 such requirements,

1 in same manner as the Secretary is authorized to
2 take such actions under sections 455, 456, and 457,
3 respectively, of the General Education Provisions
4 Act.

5 “(2) RECOVERY OF FUNDS PROHIBITED.—The
6 actions authorized by paragraph (1) are the exclu-
7 sive remedies available with respect to the failure of
8 a school to comply substantially with a provision of
9 this section, and the Secretary shall not seek a re-
10 covery of funds from the recipient for such failure.

11 “(3) RECOMMENCEMENT OF PAYMENTS.—
12 Whenever the Secretary determines (whether by cer-
13 tification or other appropriate evidence) that a re-
14 cipient of funds who is subject to the withholding of
15 payments under paragraph (1)(A) has cured the fail-
16 ure providing the basis for the withholding of pay-
17 ments, the Secretary shall cease the withholding of
18 payments to the recipient under that paragraph.

19 “(e) DEFINITIONS.—In this subpart:

20 “(1) ACCESS TO INTERNET.—A computer shall
21 be considered to have access to the Internet if such
22 computer is equipped with a modem or is connected
23 to a computer network that has access to the Inter-
24 net.

1 “(2) ACQUISITION OR OPERATION.—An elemen-
2 tary school or secondary school shall be considered
3 to have received funds under this part for the acqui-
4 sition or operation of any computer if such funds are
5 used in any manner, directly or indirectly—

6 “(A) to purchase, lease, or otherwise ac-
7 quire or obtain the use of such computer; or

8 “(B) to obtain services, supplies, software,
9 or other actions or materials to support, or in
10 connection with, the operation of such com-
11 puter.

12 “(3) CHILD PORNOGRAPHY.—The term ‘child
13 pornography’ has the meaning given that term in
14 section 2256 of title 18, United States Code.

15 “(4) COMPUTER.—The term ‘computer’ in-
16 cludes any hardware, software, or other technology
17 attached or connected to, installed in, or otherwise
18 used in connection with a computer.

19 “(5) HARMFUL TO MINORS.—The term ‘harm-
20 ful to minors’ means any picture, image, graphic
21 image file, or other visual depiction that—

22 “(A) taken as a whole and with respect to
23 minors, appeals to a prurient interest in nudity,
24 sex, or excretion;

1 “(B) depicts, describes, or represents, in a
2 patently offensive way with respect to what is
3 suitable for minors, an actual or simulated sex-
4 ual act or sexual contact, actual or simulated
5 normal or perverted sexual acts, or a lewd exhi-
6 bition of the genitals; and

7 “(C) taken as a whole, lacks serious lit-
8 erary, artistic, political, or scientific value as to
9 minors.

10 “(6) MINOR.—The term ‘minor’ means an indi-
11 vidual who has not attained the age of 17.

12 “(7) OBSCENE.—The term ‘obscene’ has the
13 meaning applicable to that term under section 1460
14 of title 18, United States Code.

15 “(8) SEXUAL ACT AND SEXUAL CONTACT.—The
16 terms ‘sexual act’ and ‘sexual contact’ have the
17 meanings given those terms in section 2246 of title
18 18, United States Code.

19 “(f) SEVERABILITY.—If any provision of this section
20 is held invalid, the remainder of this section shall not be
21 affected thereby.”.

1 **TITLE III—LANGUAGE AND ACA-**
2 **DEMIC CONTENT INSTRUCC-**
3 **TION FOR ENGLISH LEARN-**
4 **ERS AND IMMIGRANT STU-**
5 **DENTS**

6 **SEC. 3001. REORGANIZATION.**

7 Title III (20 U.S.C. 6801 et seq.) is amended—

8 (1) in the title heading, by striking “**LIM-**
9 **ITED ENGLISH PROFICIENT**” and inserting
10 **“ENGLISH LEARNERS”**;

11 (2) by striking sections 3001 and 3122;

12 (3) by redesignating sections 3123 through
13 3129 as sections 3122 through 3128, respectively;

14 (4) by striking subpart 4 of part A;

15 (5) by striking part B;

16 (6) by redesignating sections 3301 through
17 3304 as sections 3201 through 3204, respectively;

18 and

19 (7) by redesignating part C as part B.

20 **SEC. 3002. PURPOSES.**

21 Section 3102 (20 U.S.C. 6812) is amended to read
22 as follows:

23 **“SEC. 3102. PURPOSES.**

24 “The purposes of this part are—

1 “(1) to support the provision of education to
2 meet the needs of English learners and immigrant
3 students and provide English learners and immi-
4 grant students with high-quality, evidence-based
5 services, which also supplement services and sup-
6 ports provided under title I, to ensure that English
7 learners, including those English learners who are
8 also immigrants, acquire the English language pro-
9 ficiency and academic content knowledge they need
10 to meet the State’s college and career ready aca-
11 demic content standards and for State academic as-
12 sessments;

13 “(2) to support the efforts of State educational
14 agencies and local educational agencies to enhance
15 their capacity to provide high-quality educational
16 programs that are effective for English learners and
17 that reflect the diversity of the English learner pop-
18 ulation;

19 “(3) to support the efforts of teachers, school
20 leaders, State educational agencies, and local edu-
21 cational agencies to develop and enhance the capac-
22 ity and flexibility needed to—

23 “(A) provide evidence-based, linguistically
24 and culturally appropriate services to assist
25 English learners supported under this part in—

1 “(i) attaining English language pro-
2 ficiency; and

3 “(ii) meeting State college and career
4 ready academic content standards;

5 “(B) implement such services effectively;

6 “(C) evaluate the impact of such services
7 on student English language proficiency and
8 academic content knowledge; and

9 “(D) modify such services as appropriate
10 to meet the needs of students;

11 “(4) to ensure that rigorous and consistent
12 standards, assessments, and State accountability
13 systems are in place for programs serving English
14 learners; and

15 “(5) to promote parental and community par-
16 ticipation in language instruction educational pro-
17 grams in communities for parents of children who
18 are English learners.”.

19 **SEC. 3003. FORMULA GRANTS TO STATES.**

20 Section 3111 (20 U.S.C. 6821) is amended—

21 (1) in subsection (b)—

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

24 “(2) STATE ACTIVITIES.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), each State educational agency re-
3 ceiving a grant under subsection (a) may re-
4 serve not more than 5 percent of the agency’s
5 allotment under subsection (c) to provide tech-
6 nical assistance and other forms of assistance
7 to eligible entities that are receiving subgrants
8 from a State educational agency under this sub-
9 part, including in—

10 “(i) identifying and implementing ef-
11 fective and high-quality language instruc-
12 tion educational programs and curricula
13 and academic content instruction programs
14 that are based on scientifically valid re-
15 search on teaching English learners;

16 “(ii) program evaluation to ensure
17 that the language instruction educational
18 programs and academic content instruction
19 programs selected by subgrantees are ap-
20 propriate for the needs of the English
21 learners served;

22 “(iii) teacher and principal prepara-
23 tion, professional development activities,
24 and other evidence-based activities, which
25 may include activities that—

1 “(I) support the implementation
2 of professional teaching standards and
3 teacher evaluation systems for teach-
4 ers of English learners; and

5 “(II) assist such teachers in
6 meeting State and local certification
7 and licensing requirements for teach-
8 ing English learners;

9 “(iv) strengthening and increasing
10 parent, family, and community engage-
11 ment;

12 “(v) developing, enhancing, aligning,
13 and implementing English language pro-
14 ficiency standards and assessments, par-
15 ticularly helping to ensure uniform imple-
16 mentation of English language proficiency
17 standards within the State;

18 “(vi) providing recognition, which may
19 include providing financial awards, to sub-
20 grantees that significantly improve the rate
21 at which English learners acquire English
22 language proficiency and are able to dem-
23 onstrate the English language proficiency
24 needed for core content mastery; and

1 “(vii) planning, evaluation, adminis-
2 tration, and interagency coordination.

3 “(B) LIMITATION.—A State may use not
4 more than 40 percent of the amount reserved
5 under subparagraph (A) or \$175,000, which-
6 ever is greater, for the activities described in
7 subparagraph (A)(vii).”; and

8 (B) by striking paragraph (3); and
9 (2) in subsection (c)—

10 (A) by striking paragraph (1) and insert-
11 ing the following:

12 “(1) RESERVATIONS.—From the amount appro-
13 priated under section 3(i) for each fiscal year, the
14 Secretary shall reserve—

15 “(A) 0.5 percent or \$5,000,000 of such
16 amount, whichever is greater, for payments to
17 eligible entities that are defined under section
18 3112(a) for activities, approved by the Sec-
19 retary, consistent with this subpart;

20 “(B) 0.5 percent of such amount for pay-
21 ments to outlying areas, to be allotted in ac-
22 cordance with their respective needs for assist-
23 ance under this subpart (as determined by the
24 Secretary) for activities that are approved by

1 the Secretary and consistent with the purposes
2 of this subpart; and

3 “(C) 6.5 percent of such amount for na-
4 tional activities under sections 3131, 3132, and
5 3203, except that not more than 0.5 percent of
6 such amount shall be reserved for evaluation ac-
7 tivities conducted by the Secretary and not
8 more than \$2,000,000 of such amount may be
9 reserved for the National Clearinghouse for
10 English Language Acquisition and Language
11 Instruction Educational Programs described in
12 section 3203.”;

13 (B) by striking paragraph (2);

14 (C) by redesignating paragraphs (3) and
15 (4) as paragraphs (2) and (3), respectively;

16 (D) in paragraph (2), as redesignated by
17 subparagraph (C)—

18 (i) in subparagraph (A)—

19 (I) in the matter preceding clause
20 (i), by striking “3001(a)” and insert-
21 ing “3(j)”; and

22 (II) in clause (i)—

23 (aa) by striking “limited
24 English proficient children” and
25 inserting “English learners”; and

1 (bb) by inserting “, as deter-
2 mined by data available from the
3 American Community Survey
4 conducted by the Department of
5 Commerce or State-reported
6 data” after “children in all
7 States”; and

8 (III) in clause (ii), by inserting “,
9 as determined based only on data
10 available from the American Commu-
11 nity Survey conducted by the Depart-
12 ment of Commerce” after “children
13 and youth in all States”; and

14 (ii) by striking subparagraph (C) and
15 inserting the following:

16 “(C) REALLOTMENT.—If any State edu-
17 cational agency described in subparagraph (A)
18 does not submit a plan to the Secretary for a
19 fiscal year, or submits a plan (or any amend-
20 ment to a plan) that the Secretary, after rea-
21 sonable notice and opportunity for a hearing,
22 determines does not satisfy the requirements of
23 this subpart, the Secretary shall reallocate any
24 portion of such allotment to the remaining

1 State educational agencies in accordance with
2 subparagraph (A).”; and

3 (E) by striking paragraph (3), as redesignated by subparagraph (C), and inserting the
4 following:
5

6 “(3) USE OF DATA FOR DETERMINATIONS.—In
7 making State allotments under paragraph (2), for
8 each fiscal year, the Secretary shall determine the
9 number of English learners in a State and in all
10 States, for each fiscal year, using the most accurate,
11 up-to-date data, which may be—

12 “(A) data available from the American
13 Community Survey conducted by the Department of Commerce, which may be multiyear estimates;
14
15

16 “(B) the number of students assessed as
17 not having attained English language proficiency, based on the State’s English language
18 proficiency assessment under section
19 1111(a)(2)(D), which may be multiyear estimates; or
20
21

22 “(C) a combination of data available under
23 subparagraphs (A) and (B).”.

1 **SEC. 3004. NATIVE AMERICAN AND ALASKA NATIVE CHIL-**
2 **DREN IN SCHOOL.**

3 Section 3112 (20 U.S.C. 6822) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (4), by striking “Indian
6 Affairs” and inserting “Indian Education of the
7 Department of the Interior”;

8 (B) in paragraph (5), by striking “Indian
9 Affairs” and inserting “Indian Education of the
10 Department of the Interior”; and

11 (C) in paragraph (6), by striking “Indian
12 Affairs” and inserting “Indian Education of the
13 Department of the Interior” both places such
14 term appears;

15 (2) in subsection (b), by striking “an entity
16 that is considered to be an eligible entity under sub-
17 section (a), and that” and inserting “an eligible enti-
18 ty that”; and

19 (3) by striking subsection (c) and inserting the
20 following:

21 “(c) SPECIAL RULES.—

22 “(1) INELIGIBILITY FOR MULTIPLE AWARDS
23 FOR SAME PERIOD.—An eligible entity that receives
24 a grant under this section shall not be eligible to re-
25 ceive a subgrant under section 3114 for the same
26 period.

1 “(2) NATIVE AMERICAN LANGUAGE PRO-
2 GRAMS.—An eligible entity that receives a grant
3 under this section may, in addition to other activities
4 supported under this subpart, use the grant funds to
5 support Native American language immersion pro-
6 grams and Native American language restoration
7 programs, which may be taught by traditional or
8 tribal leaders.”.

9 **SEC. 3005. STATE EDUCATIONAL AGENCY PLANS.**

10 Section 3113 (20 U.S.C. 6823) is amended to read
11 as follows:

12 **“SEC. 3113. STATE EDUCATIONAL AGENCY PLANS.**

13 “(a) PLAN REQUIRED.—Each State educational
14 agency desiring a grant under this subpart shall submit
15 a plan to the Secretary at such time, in such manner, and
16 containing such information as the Secretary may require.

17 “(b) CONTENTS.—Each plan submitted under sub-
18 section (a) shall—

19 “(1) describe the process that the agency will
20 use in awarding subgrants to eligible entities under
21 section 3114(d)(1);

22 “(2) describe the process by which, within a pe-
23 riod established by the Secretary, the agency will es-
24 tablish uniform statewide criteria for local edu-
25 cational agencies to use in—

1 “(A) identifying English learners who need
2 services under this part;

3 “(B) determining when such students no
4 longer need those services; and

5 “(C) including the same standards of
6 achievement for all English learners in all local
7 educational agencies in the State;

8 “(3) describe the process through which the
9 State educational agency will support local edu-
10 cational agencies in assisting English learners in ac-
11 quiring proficiency in each of the 4 language do-
12 mains of reading, writing, speaking, and listening, as
13 measured by the State’s English language pro-
14 ficiency assessment;

15 “(4) provide an assurance that if the State
16 adopts new academic content standards, the State
17 educational agency will, not later than 1 year after
18 the date of adoption of such standards—

19 “(A) update the State English language
20 proficiency standards to ensure that such
21 standards align with the new academic content
22 standards; and

23 “(B) provide the Secretary with evidence
24 of such alignment;

1 “(5) provide an assurance that the State
2 English language proficiency assessment system is
3 valid and reliable and meets the appropriate require-
4 ments of paragraph (10);

5 “(6) include criteria for defining the perform-
6 ance standard that students at lower levels of
7 English language proficiency must meet to attain
8 the level that the State defines as English language
9 proficient;

10 “(7) describe how the agency will coordinate
11 programs and activities carried out under this sub-
12 part with the other programs and activities that
13 such agency carries out under this Act;

14 “(8) describe how the agency will assist eligible
15 entities in increasing the extent to which English
16 learners acquire English language proficiency within
17 a reasonable time frame, as informed by evidence
18 and best practices;

19 “(9) provide an assurance that eligible entities
20 in the State will be given the flexibility to teach
21 English learners using a language instruction cur-
22 riculum that has been demonstrated to be effective,
23 consistent with section 3115(f);

24 “(10) describe how the agency will manage sub-
25 grants awarded under this subpart, including—

1 “(A) how the agency will ensure that
2 subgrant funds are expended to support the
3 provision of services to help English learners
4 acquire the English language proficiency and
5 the academic content knowledge they need to
6 meet the State’s college and career ready aca-
7 demic content standards and to advance to
8 postsecondary education and careers, which
9 may include using a scientifically valid language
10 instruction curriculum to improve language ac-
11 quisition and content mastery for English learn-
12 ers;

13 “(B) how the agency will ensure that eligi-
14 ble entities receiving a subgrant under this sub-
15 part comply with the requirement under section
16 1111(a)(2)(B)(vi) to annually assess in English,
17 children who have been in the United States for
18 3 or more consecutive years;

19 “(C) how the agency will monitor eligible
20 entities receiving a subgrant under this part to
21 ensure compliance with applicable Federal fiscal
22 requirements, including the requirements under
23 subsections (f) (g), and (h) of section 3115;

24 “(D) how the agency will, in awarding sub-
25 grants under section 3114, address the needs of

1 local educational agencies of all sizes and in all
2 geographic areas, including local educational
3 agencies that serve rural and urban schools;
4 and

5 “(E) an assurance that the agency will re-
6 quire an eligible entity receiving a subgrant
7 under this subpart to use the subgrant in ways
8 that will build such eligible entity’s capacity to
9 continue to offer high-quality language instruc-
10 tion educational programs and academic con-
11 tent instruction programs that assist English
12 learners in meeting State academic content and
13 student academic achievement standards to be-
14 come on track to college and career readiness;

15 “(11) provide an assurance that the State’s
16 English language proficiency standards are aligned
17 with the academic content and academic achieve-
18 ment standards described in section 1111; and

19 “(12) provide an assurance that the plan has
20 been developed in consultation with local educational
21 agencies, teachers, administrators of programs de-
22 scribed under this part, parents, family members,
23 and other relevant stakeholders.

24 “(c) APPROVAL.—The Secretary, after using a peer
25 review process, shall approve a plan submitted under sub-

1 section (a) if the plan meets the requirements of this sec-
2 tion.

3 “(d) DURATION OF PLAN.—

4 “(1) IN GENERAL.—Each plan submitted by a
5 State educational agency and approved under sub-
6 section (c) shall—

7 “(A) remain in effect for the duration of
8 the State educational agency’s participation
9 under this part; and

10 “(B) be periodically reviewed and revised
11 by the agency to reflect changes to the agency’s
12 strategies and programs carried out under this
13 part.

14 “(2) ADDITIONAL INFORMATION.—

15 “(A) AMENDMENTS.—If a State edu-
16 cational agency amends the plan approved
17 under subsection (c), the agency shall submit
18 the amendment to the Secretary.

19 “(B) APPROVAL.—The Secretary shall ap-
20 prove an amendment to an approved plan, un-
21 less the Secretary determines that the amend-
22 ment will result in the agency not meeting the
23 requirements, or fulfilling the purposes, of this
24 part.

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

4 “(f) SECRETARY ASSISTANCE.—The Secretary shall
5 provide technical assistance, if requested, in the develop-
6 ment of English language proficiency standards, objec-
7 tives, and assessments.”.

8 **SEC. 3006. WITHIN-STATE ALLOCATIONS.**

9 Section 3114 (20 U.S.C. 6824) is amended—

10 (1) in subsection (a)—

11 (A) by striking “section 3111(e)(3)” and
12 inserting “section 3111(e)(2)”;

13 (B) by inserting “, in a timely manner,”
14 after “by allocating”; and

15 (C) by striking “limited English proficient
16 children” and inserting “English learners” both
17 places the term appears; and

18 (2) in subsection (d)—

19 (A) in paragraph (1), by striking “section
20 3111(e)(3)” and inserting “section 3111(e)(2)”;

21 and

22 (B) in paragraph (2)—

23 (i) in subparagraph (A)—

24 (I) by striking “equally”; and

25 (II) by striking “and” at the end;

1 (ii) by redesignating subparagraph
2 (B) as subparagraph (C); and

3 (iii) by inserting after subparagraph
4 (A) the following:

5 “(B) shall consider eligible entities that ex-
6 perience a significant increase in the percentage
7 of immigrant children and youth served, and el-
8 igible entities that experience a significant in-
9 crease in the number of immigrant children and
10 youth served; and”.

11 **SEC. 3007. SUBGRANTS TO ELIGIBLE ENTITIES.**

12 Section 3115 (20 U.S.C. 6825) is amended to read
13 as follows:

14 **“SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.**

15 “(a) PURPOSES OF SUBGRANTS.—A State edu-
16 cational agency may make a subgrant to an eligible entity
17 from funds received by the agency under this subpart only
18 if the entity agrees to expend the funds to supplement the
19 education of English learners by helping them learn
20 English and meet the State college and career ready aca-
21 demic content and student academic achievement stand-
22 ards. The eligible subgrantee shall carry out activities with
23 such funds, using evidence-based approaches and meth-
24 odologies that have been demonstrated to be effective for

1 teaching English learners and immigrant children and
2 youth, for the following purposes:

3 “(1) Developing and implementing new lan-
4 guage instruction educational programs and aca-
5 demic content instruction programs for such chil-
6 dren and youth, including early childhood education
7 and care programs, elementary school programs, and
8 secondary school programs.

9 “(2) Carrying out highly focused, innovative, lo-
10 cally designed, evidence-based activities to expand or
11 enhance existing language instruction educational
12 programs and academic content instruction pro-
13 grams for such children and youth.

14 “(3) Implementing, within an individual school,
15 whole school programs for restructuring, reforming,
16 and upgrading all relevant programs, activities, and
17 operations relating to language instruction edu-
18 cational programs and academic content instruction
19 for such children and youth.

20 “(4) Implementing, within the entire jurisdic-
21 tion of a local educational agency, agencywide pro-
22 grams for restructuring, reforming, and upgrading
23 all relevant programs, activities, and operations re-
24 lating to language instruction educational programs

1 and academic content instruction for such children
2 and youth.

3 “(b) ADMINISTRATIVE EXPENSES.—Each eligible en-
4 tity receiving funds under section 3114(a) for a fiscal year
5 may use not more than 2 percent of such funds for the
6 direct cost of administering this subpart.

7 “(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligi-
8 ble entity receiving funds under section 3114(a) shall use
9 the funds for 2 or more of the following activities:

10 “(1) Increasing the English language pro-
11 ficiency of English learners by providing high-quality
12 evidence-based language instruction educational pro-
13 grams and academic content instruction programs
14 that meet the needs of the specific English learners
15 served, and by identifying, acquiring, and upgrading
16 curricula, instructional materials, educational soft-
17 ware, and assessment practices that are proven ef-
18 fective in—

19 “(A) increasing English language pro-
20 ficiency;

21 “(B) increasing student academic achieve-
22 ment in the core academic subjects; and

23 “(C) supporting students so that the stu-
24 dents are college and career ready.

1 “(2) Providing high-quality professional devel-
2 opment to teachers (including teachers of language
3 instruction educational programs and academic con-
4 tent instruction programs, teachers of other aca-
5 demic subjects, and special education teachers),
6 principals, administrators, and other school or com-
7 munity-based organization personnel that is—

8 “(A) designed to improve the instruction
9 and assessment of English learners;

10 “(B) designed to enhance the ability of
11 teachers and school leaders to understand and
12 effectively implement curricula, assessment
13 practices and measures, and instructional strat-
14 egies for English learners;

15 “(C) aligned with the instructional pro-
16 gram used by teachers that is responsive to the
17 needs of the English learners served;

18 “(D) based on scientifically valid research
19 demonstrating the effectiveness of the profes-
20 sional development in increasing children’s
21 English language proficiency or substantially
22 increasing the subject matter knowledge, teach-
23 ing knowledge, and teaching skills of teachers;
24 and

1 “(E) of sufficient intensity and duration
2 (which shall not include activities such as 1-day
3 or short-term workshops and conferences) to
4 have a positive and lasting impact on the per-
5 formance of teachers in the classroom, except
6 that this subparagraph shall not apply to an ac-
7 tivity that is 1 component of a long-term, com-
8 prehensive professional development plan estab-
9 lished by a teacher and the teacher’s supervisor
10 based on an assessment of the needs of the
11 teacher, the supervisor, the students of the
12 teacher, and any local educational agency em-
13 ploying the teacher, as appropriate.

14 “(3) Carrying out other highly focused, evi-
15 dence-based, proven effective activities and strategies
16 that expand, enhance, or supplement existing lan-
17 guage instruction educational programs and aca-
18 demic content instruction programs for English
19 learners, including activities that enhance and in-
20 crease parent, family, and community participation,
21 maximize coordination and alignment among related
22 programs, and build partnerships between schools
23 and community-based early learning programs serv-
24 ing English learners.

1 “(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Sub-
2 ject to subsection (c), an eligible entity receiving funds
3 under section 3114(a) may use the funds to achieve 1 of
4 the purposes described in subsection (a) by undertaking
5 1 or more of the following activities:

6 “(1) Upgrading program objectives and effec-
7 tive instruction strategies.

8 “(2) Providing to English learners—

9 “(A) tutorials and academic or career and
10 technical education; and

11 “(B) intensified instruction.

12 “(3) Developing and implementing preschool,
13 elementary school, or secondary school language in-
14 struction educational programs and academic con-
15 tent instruction programs that are coordinated with
16 other relevant programs and services.

17 “(4) Improving the English language pro-
18 ficiency and academic achievement of children who
19 are English learners.

20 “(5) Improving the instruction of English learn-
21 ers, including English learners who are children with
22 disabilities, by providing for—

23 “(A) the acquisition or development of
24 educational technology or instructional mate-
25 rials;

1 “(B) access to, and participation in, elec-
2 tronic networks for materials, training, and
3 communication; and

4 “(C) incorporation of the resources de-
5 scribed in subparagraphs (A) and (B) into cur-
6 ricula and programs, such as curricula and pro-
7 grams funded under this subpart.

8 “(6) Providing community participation pro-
9 grams, family literacy activities, and parent and
10 family outreach and training activities to children
11 who are English learners and their families—

12 “(A) to improve the English language
13 skills of children who are English learners; and

14 “(B) to assist parents in—

15 “(i) helping their children to improve
16 their academic achievement; and

17 “(ii) becoming active participants in
18 the education of their children.

19 “(7) Carrying out other activities that are con-
20 sistent with the purposes of this subpart.

21 “(e) ACTIVITIES BY AGENCIES EXPERIENCING SUB-
22 STANTIAL INCREASES IN IMMIGRANT CHILDREN AND
23 YOUTH.—

24 “(1) IN GENERAL.—An eligible entity receiving
25 funds under section 3114(d)(1) shall use the funds

1 to pay for activities that provide enhanced instruc-
2 tional opportunities for immigrant children and
3 youth, which may include—

4 “(A) family literacy, parent and family
5 outreach, and leadership development activities
6 designed to assist parents and family members
7 in becoming engaged participants in the edu-
8 cation and development of their children;

9 “(B) support for personnel, including para-
10 professionals who have been specifically trained,
11 or are being trained, to provide services to im-
12 migrant children and youth;

13 “(C) the provision of tutorials, mentoring,
14 and academic or career counseling for immi-
15 grant children and youth;

16 “(D) identification, development, and ac-
17 quisition of curricular materials, educational
18 software, and technologies to be used in the
19 program carried out with funds awarded under
20 section 3114(a);

21 “(E) basic instructional services that are
22 directly attributable to the presence in the local
23 educational agency involved of immigrant chil-
24 dren and youth, including the payment of costs

1 of providing additional classroom supplies and
2 costs of transportation;

3 “(F) such other costs that are directly at-
4 tributable to such additional basic instructional
5 services or that are designed to assist immi-
6 grant children and youth to achieve in elemen-
7 tary schools and secondary schools in the
8 United States, such as programs of introduction
9 to the educational system and civics education;
10 and

11 “(G) activities, coordinated with commu-
12 nity-based organizations (including community-
13 based organizations providing early childhood
14 education and care programs), institutions of
15 higher education, private sector entities, or
16 other entities with expertise in working with im-
17 migrants, to assist parents of immigrant chil-
18 dren and youth by offering comprehensive com-
19 munity services.

20 “(2) DURATION OF SUBGRANTS.—The duration
21 of a subgrant made by a State educational agency
22 under section 3114(d)(1) shall be determined by the
23 agency in its discretion.

24 “(f) SELECTION OF METHOD OF INSTRUCTION.—

1 “(1) IN GENERAL.—An eligible entity receiving
2 a subgrant from a State educational agency under
3 this subpart shall select 1 or more methods or forms
4 of instruction to be used in the programs and activi-
5 ties undertaken by the entity in assisting English
6 learners in attaining English language proficiency
7 and meeting State academic content and student
8 academic achievement standards, to be on track to
9 college and career readiness.

10 “(2) CONSISTENCY.—The selection of methods
11 or forms of instruction, as described under para-
12 graph (1), shall be consistent with sections 3124
13 through 3126.

14 “(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds
15 made available under this subpart shall be used so as to
16 supplement the level of Federal, State, and local public
17 funds that, in the absence of such availability, would have
18 been expended for programs for English learners and im-
19 migrant children and youth and in no case to supplant
20 such Federal, State, and local public funds.

21 “(h) PROHIBITION ON USE OF FUNDS.—A sub-
22 grantee shall not use subgrant funds received under this
23 subpart for services that are required to be provided to
24 English learners as a result of—

1 “(1) a letter of findings, issued by the Assistant
2 Secretary for Civil Rights, indicating that the sub-
3 grantee’s program and services do not meet the legal
4 requirements under title VI of the Civil Rights Act
5 of 1964 (42 U.S.C. 2000d et seq.), unless the sub-
6 grantee has appealed the findings or entered into
7 settlement discussions designed to lead to a resolu-
8 tion agreement with the Assistant Secretary for Civil
9 Rights pursuant to section 100.7(d) of title 34, Code
10 of Federal Regulations; or

11 “(2) a Federal court order resulting from litiga-
12 tion in the Federal courts, except where the litiga-
13 tion commences with a complaint filed with an ac-
14 companying consent decree, to enforce title VI of the
15 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.)
16 or section 204(f) of the Equal Educational Opportu-
17 nities Act of 1974 (20 U.S.C. 1703(f)).”.

18 **SEC. 3008. LOCAL PLANS.**

19 Section 3116 (20 U.S.C. 6826) is amended to read
20 as follows:

21 **“SEC. 3116. LOCAL PLANS.**

22 “(a) **PLAN REQUIRED.**—Each eligible entity desiring
23 a subgrant from a State educational agency under section
24 3114 shall submit a plan to the State educational agency

1 at such time, in such manner, and containing such infor-
2 mation as the State educational agency may require.

3 “(b) CONTENTS.—Each plan submitted under sub-
4 section (a) shall—

5 “(1) describe the scientifically valid programs
6 and activities proposed to be developed, imple-
7 mented, and administered under the subgrant, in-
8 cluding how such programs and activities will sup-
9 plement programs intended to enable children to
10 speak, read, write, and comprehend the English lan-
11 guage, meet State academic content and student
12 academic achievement standards, and graduate high
13 school ready for college and careers;

14 “(2) describe how the eligible entity will hold el-
15 elementary schools and secondary schools receiving
16 funds under this subpart accountable for—

17 “(A) assessing annually, in accordance
18 with section 1111, the English language pro-
19 ficiency of all English learners participating in
20 programs funded under this subpart; and

21 “(B) meeting timelines, progress criteria,
22 and performance targets for English learners in
23 order to ensure that such children served by the
24 programs carried out under this part—

1 “(i) develop proficiency in English;
2 and

3 “(ii) master the academic content
4 knowledge they need to meet the State’s
5 college and career ready academic content
6 standards under section 1111(a)(1);

7 “(3) describe how the eligible entity will pro-
8 mote family and community member engagement;

9 “(4) describe how the eligible entity will consult
10 with teachers, researchers, school administrators,
11 parents, family and community members, and, if ap-
12 propriate, with education-related community groups
13 and nonprofit organizations, and institutions of
14 higher education, in developing and implementing
15 such plan;

16 “(5) describe how language instruction edu-
17 cational programs and academic content instruction
18 programs carried out under the subgrant will ensure
19 that English learners being served by the programs
20 develop English language proficiency and dem-
21 onstrate such proficiency through academic content
22 mastery;

23 “(6) ensure that activities supported by funds
24 allocated to individual schools are described in any
25 general local school level-plan required by the eligible

1 entity, and in the absence of a required school-level
2 plan, such activities are described in a separate
3 school-level title III activity plan; and

4 “(7) contain an assurance that—

5 “(A) the eligible entity is not in violation
6 of State law, including State constitutional law,
7 regarding the education of English learners,
8 consistent with sections 3124 through 3128;

9 “(B) each local educational agency that is
10 included in the eligible entity complies with sec-
11 tion 3202 prior to, and throughout, each school
12 year; and

13 “(C) systemic improvements for meeting
14 the needs of English learners and targeting
15 funds to particular concentrations of English
16 learners were considered in developing such
17 plan.

18 “(c) TEACHER ENGLISH FLUENCY.—Each eligible
19 entity receiving a subgrant under this subpart shall in-
20 clude in its plan a certification that all teachers in any
21 language instruction educational program for English
22 learners that is, or will be, funded under this part are flu-
23 ent in the languages used for instruction, including having
24 written and oral communications skills.”.

1 **SEC. 3009. EVALUATIONS.**

2 Section 3121 (20 U.S.C. 6841) is amended to read
3 as follows:

4 **“SEC. 3121. EVALUATIONS.**

5 “(a) IN GENERAL.—Each eligible entity that receives
6 a subgrant from a State educational agency under subpart
7 1 shall provide such agency, at the conclusion of every sec-
8 ond fiscal year during which the subgrant is received, with
9 an evaluation of programs and services supported under
10 this title, in a form prescribed by the agency, that in-
11 cludes—

12 “(1) a description of the programs and activi-
13 ties conducted by the entity with funds received
14 under subpart 1 during the 2 immediately preceding
15 fiscal years, including how such programs and activi-
16 ties supplemented programs funded primarily with
17 State or local funds;

18 “(2) a description of the progress made by
19 English learners in improving their English language
20 proficiency, in meeting the State’s academic content
21 and student academic achievement standards, and in
22 graduating from high school ready for college and
23 careers;

24 “(3) the number and percentage of English
25 learners participating in the programs and activities
26 supported by funds provided under this part, who by

1 the end of each school year, attain English language
2 proficiency in each of the 4 domains of reading,
3 writing, speaking, and listening, as determined by
4 the State’s English language proficiency assessment
5 and the number who exit the language instruction
6 educational programs based on their attainment of
7 English language proficiency on such assessment;

8 “(4) a description of the progress made by
9 former English learners in meeting the State’s aca-
10 demic content and student academic achievement
11 standards and in graduating from high school and
12 being college and career ready, for each of the 3
13 years after such individuals are no longer receiving
14 services under this part; and

15 “(5) the number and percentage of English
16 learners who have not attained English language
17 proficiency within 5 years of first enrollment in the
18 local educational agency and initial classification as
19 English learners.

20 “(b) USE OF EVALUATION.—An evaluation provided
21 by an eligible entity under subsection (a) shall be used
22 by the entity and the State educational agency—

23 “(1) to assess the progress of children in at-
24 taining English language proficiency, including—

1 “(A) a child’s level of speaking, listening,
2 reading, and writing skills in English; and

3 “(B) a child’s progress in attaining the
4 State student academic achievement and college
5 and career readiness standards; and

6 “(2) to improve programs and activities, includ-
7 ing by determining the effectiveness of programs
8 and activities in increasing the English language
9 proficiency of English learners and making deter-
10 minations about whether or not to continue funding
11 for specific programs or activities.”.

12 **SEC. 3010. REPORTING REQUIREMENTS.**

13 Section 3122 (as redesignated by section 3001(3))
14 (20 U.S.C. 6843) is amended—

15 (1) by striking “children who are limited
16 English proficient” each place the term appears and
17 inserting “English learners”;

18 (2) by striking “limited English proficient chil-
19 dren” each place the term appears and inserting
20 “English learners”; and

21 (3) in subsection (b)—

22 (A) in the matter before paragraph (1), by
23 striking “Committee on Education and the
24 Workforce of the House of Representatives and
25 the Committee on Health, Education, Labor,

1 and Pensions of the Senate” and inserting “au-
2 thorizing committees”;

3 (B) in paragraph (4), by striking “section
4 3111(b)(2)(C)” and inserting “section
5 3111(b)(2)”;

6 (C) in paragraph (9), by striking “the eval-
7 uations from specially qualified agencies and”.

8 **SEC. 3011. COORDINATION WITH RELATED PROGRAMS.**

9 Section 3123 (as redesignated by section 3001(3))
10 (20 U.S.C. 6844) is amended—

11 (1) by striking “children of limited English pro-
12 ficiency” and inserting “English learners”; and

13 (2) by striking “language-minority and limited
14 English proficient children” and inserting “lan-
15 guage-minority children and English learners”.

16 **SEC. 3012. RULES OF CONSTRUCTION.**

17 Section 3124 (as redesignated by section 3001(3))
18 (20 U.S.C. 6845) is amended—

19 (1) by striking “limited English proficient chil-
20 dren” and inserting “English learners” each place
21 the term appears;

22 (2) in paragraph (2), by striking “or”;

23 (3) in paragraph (3), by striking the period at
24 the end and inserting “; or”;

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

1 “(4) to require an eligible entity to cease pro-
2 viding services under this title to any student who
3 may have been assessed at or above the proficiency
4 level on the annual assessment of English language
5 proficiency under section 1111(a)(2)(D), but has not
6 attained, or is not on track to attain, the proficiency
7 level on the regular State academic content assess-
8 ment under section 1111(a)(2)(A), including such
9 assessment in English or language arts.”.

10 **SEC. 3013. PROHIBITION.**

11 Section 3128 (as redesignated by section 3001(3))
12 (20 U.S.C. 6849) is amended by striking “limited English
13 proficient children” and inserting “English learners”.

14 **SEC. 3014. NATIONAL ACTIVITIES.**

15 Subpart 3 of part A of title III (20 U.S.C. 6861)
16 is amended—

17 (1) by striking section 3131 and inserting the
18 following:

19 **“SEC. 3131. PROFESSIONAL DEVELOPMENT GRANTS.**

20 “The Secretary shall use funds made available under
21 section 3111(e)(1)(C) to award grants on a competitive
22 basis, for a period of not more than 5 years, to institutions
23 of higher education or nonprofit institutions with relevant
24 experience or expertise and capacity (in consortia with
25 State educational agencies or local educational agencies)

1 to provide for professional development activities that will
2 improve classroom instruction for English learners and as-
3 sist educational personnel working with such children to
4 meet high professional standards, including standards for
5 certification and licensure as teachers who work in lan-
6 guage instruction educational programs and academic con-
7 tent instruction programs or serve English learners.
8 Grants awarded under this section may be used to—

9 “(1) support partnerships between State or
10 local educational agencies and institutions of higher
11 education to support the work of individuals who are
12 completing baccalaureate and masters programs
13 (such as programs in the areas of teacher training,
14 program administration, policy, research, evaluation,
15 assessment, and curriculum development) and to im-
16 prove educational services and programs for English
17 learners, provided that recipients of fellowships or
18 assistance are required, on completion of their stud-
19 ies, to—

20 “(A) assist in the education of English
21 learners through work in a school, local edu-
22 cational agency, or other educational agency or
23 organization for a period of time equivalent to
24 the period of time during which an individual
25 receives assistance under this section; or

1 “(B) repay all or a prorated part of their
2 assistance under this section;

3 “(2) support research on promising instruc-
4 tional strategies or programs that have practical ap-
5 plications for teachers, counselors, parents and fam-
6 ily members, school leaders, and others responsible
7 for educating or improving the education of English
8 learners and their families;

9 “(3) support strategies that promote school
10 readiness for English learners and their transition
11 from early childhood programs, such as Head Start
12 or State-run preschool programs, to elementary
13 school programs;

14 “(4) support strategies that promote high
15 school graduation for English learners;

16 “(5) support strategies that strengthen and in-
17 crease family and community member engagement
18 in education;

19 “(6) support the development of curricula that
20 are appropriate to the needs of the participating
21 consortium; and

22 “(7) support the dissemination of information
23 gathered in accordance with paragraphs (1) through
24 (5), particularly evidence-based best practices and
25 the provision of technical assistance.”; and

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

2 **“SEC. 3132. COMMISSION ON ASSESSMENT OF ENGLISH**
3 **LEARNERS.**

4 “(a) COMMISSION ON ASSESSMENT OF ENGLISH
5 LEARNERS.—

6 “(1) IN GENERAL.—The Secretary shall estab-
7 lish an independent commission on the assessment
8 and advancement of English learners (referred to in
9 this section as the ‘commission’) to carry out the ac-
10 tivities described in subsection (c).

11 “(2) DATE OF APPOINTMENT.—The members
12 of the commission shall be appointed not later than
13 6 months after the date of enactment of the Elemen-
14 tary and Secondary Education Reauthorization Act
15 of 2011.

16 “(b) COMPOSITION.—

17 “(1) IN GENERAL.—The commission shall be
18 comprised of individuals with experience and exper-
19 tise in the educational advancement and develop-
20 ment of English learners, including individuals with
21 expertise in—

22 “(A) the art of teaching English to speak-
23 ers of other languages;

24 “(B) measurement and educational assess-
25 ment systems; and

1 “(C) educational assessment and account-
2 ability practices.

3 “(2) EXPERTISE OF MEMBERS.—The Secretary
4 shall ensure that the individuals selected in accord-
5 ance with paragraph (1) are experts who are com-
6 petent, by virtue of their training, expertise, or expe-
7 rience, to evaluate instruction, assessments, and
8 models for English learners.

9 “(c) DUTIES OF THE COMMISSION.—The commission
10 shall provide the Secretary with advice and recommenda-
11 tions about the following issues:

12 “(1) The development and approval of stand-
13 ards pertaining to English learners, in order to as-
14 sist the Secretary in the review and approval of
15 statewide accountability systems that are required
16 under section 1111(a)(3).

17 “(2) The provision of regulations and guidance
18 pertaining to the inclusion of English learners in as-
19 sessment and accountability systems, including rec-
20 ommendations about appropriate accommodations
21 and appropriate weights for assessments involving
22 English learners.

23 “(3) Ensuring that State English language pro-
24 ficiency standards under section 1111(a)(1)(E) are

1 properly aligned with college and career ready aca-
2 demic content standards under section 1111(a)(1).

3 “(4) The formation of peer review panels, under
4 section 1111(b)(4), with regard to—

5 “(A) the inclusion on the panels of experts
6 about English learners; and

7 “(B) processes to ensure that the work of
8 the peer review panel is consistent with the
9 standards and guidance developed by the com-
10 mission.

11 “(5) Identifying ways to support local capacity-
12 building efforts to assist local educational agencies
13 and schools in properly supporting English learners.

14 “(6) Ensuring that the research, development,
15 and dissemination activities of the Department ad-
16 dress identified gaps in knowledge for effectively in-
17 cluding English learners in assessment and account-
18 ability practices.

19 “(7) Ways to address the needs of English
20 learners in all program planning at the Department,
21 including inter- and intra-agency coordination.

22 “(d) ANNUAL REPORT.—The commission shall, be-
23 ginning not later than 1 year after the date on which all
24 members of the commission have been appointed, submit
25 an annual report to the Secretary and the authorizing

1 committees of Congress containing the findings and rec-
2 ommendations described in subsection (c).”.

3 **SEC. 3015. DEFINITIONS.**

4 Section 3201 (as redesignated by section 3001(6))
5 (20 U.S.C. 7011) is amended—

6 (1) by striking paragraph (13);

7 (2) redesignating paragraphs (5) through (12)
8 as paragraphs (6) through (13), respectively;

9 (3) by inserting after paragraph (4) the fol-
10 lowing:

11 “(5) ELIGIBLE ENTITY.—The term ‘eligible en-
12 tity’ means—

13 “(A) 1 or more local educational agencies;

14 or

15 “(B) 1 or more local educational agencies,
16 in collaboration with an institution of higher
17 education, community-based organization, or
18 State educational agency.”.

19 (4) in paragraph (6), as redesignated by para-
20 graph (2)—

21 (A) in subparagraph (A)—

22 (i) in clause (i)—

23 (I) by striking “limited English
24 proficient adults” and inserting

25 “adults who meets the English learner

1 requirements described in subpara-
2 graphs (C) and (D) of section
3 9101(23)”; and

4 (II) by striking “English pro-
5 ficiency” and inserting “English lan-
6 guage proficiency”; and

7 (ii) in clause (ii), by striking the semi-
8 colon and inserting “; and”;

9 (B) by striking subparagraph (B); and

10 (C) by redesignating subparagraph (C) as
11 subparagraph (B);

12 (5) in paragraph (9)(A), as redesignated by
13 paragraph (2)—

14 (A) by striking “a limited English pro-
15 ficient child” and inserting “an English learn-
16 er”; and

17 (B) by striking “challenging State aca-
18 demic content and student academic achieve-
19 ment standards, as required by section
20 1111(b)(1)” and inserting “college and career
21 ready academic content and student academic
22 achievement standards, as required by section
23 1111(a)(1)”; and

24 (6) in paragraph (12), as redesignated by para-
25 graph (2), by striking “an individual of limited

1 English proficiency,” and inserting “an individual
2 who meets the English learner requirements de-
3 scribed in subparagraphs (C) and (D) of section
4 9101(23),”.

5 **SEC. 3016. PARENTAL NOTIFICATION.**

6 Section 3202 (as redesignated by section 3001(6))
7 (20 U.S.C. 7012) is amended to read as follows:

8 **“SEC. 3202. PARENTAL NOTIFICATION.**

9 “(a) IN GENERAL.—Each eligible entity receiving
10 funds under this title to provide a language instruction
11 educational program and academic content instruction
12 program shall, not later than 30 days after the beginning
13 of the school year, inform a parent or the parents of an
14 English learner identified for participation in, or partici-
15 pating in, such program of—

16 “(1) the reasons for the identification of their
17 child as an English learner and in need of placement
18 in a language instruction educational program and
19 academic content instruction program;

20 “(2) the child’s level of English language pro-
21 ficiency, how that level was assessed, and the status
22 of the child’s academic achievement;

23 “(3) the method of instruction used in the pro-
24 gram in which their child is, or will be, participating,
25 and the methods of instruction used in other avail-

1 able programs, including how such programs differ
2 in content, instructional goals, and use of English
3 and a native language in instruction;

4 “(4) how the program in which their child is,
5 or will be participating, will appropriately respond to
6 the educational strengths and needs of the child;

7 “(5) how the program will specifically help their
8 child learn English and reflect age appropriate aca-
9 demic achievement standards for grade promotion
10 and graduation;

11 “(6) the specific exit requirements for the pro-
12 gram, the expected rate of transition from the pro-
13 gram into classrooms that are not tailored for
14 English learners, and the expected rate of gradua-
15 tion from secondary school for English learners in
16 the program if the child is in secondary school;

17 “(7) in the case of a child with a disability, how
18 the program meets the objectives of the child’s indi-
19 vidualized education program; and

20 “(8) information pertaining to parental rights
21 that includes written guidance—

22 “(A) detailing—

23 “(i) the parent’s right to have the
24 parent’s child immediately removed from

1 the program upon the parent's request;
2 and

3 “(ii) the options that parents have to
4 decline to enroll their child in such pro-
5 gram or to choose another program or
6 method of instruction, if available; and

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

11 “(b) RECEIPT OF INFORMATION.—The information
12 described in subsection (a) shall be provided in an under-
13 standable and uniform format and, to the extent prac-
14 ticable, in a language that the parent can understand.

15 “(c) SPECIAL RULE APPLICABLE DURING SCHOOL
16 YEAR.—For a child who has not been identified for par-
17 ticipation in a language instruction educational program
18 and academic content instruction program prior to the be-
19 ginning of the school year, the eligible entity shall carry
20 out subsections (a) and (b) with respect to the parents
21 of the child within 2 weeks of the child being placed in
22 such program.

23 “(d) PARENT AND FAMILY ENGAGEMENT.—

24 “(1) IN GENERAL.—Each eligible entity using
25 funds provided under this title to provide a language

1 instruction educational program and academic con-
2 tent instruction program shall implement an effec-
3 tive means of outreach to parents and family mem-
4 bers of English learners to inform such parents and
5 family members of how they can—

6 “(A) be involved in the education of their
7 children; and

8 “(B) be active participants in assisting
9 their children—

10 “(i) to learn English;

11 “(ii) to achieve at high levels in core
12 academic subjects;

13 “(iii) to meet the same State aca-
14 demic content and student academic
15 achievement standards as all children are
16 expected to meet to become on track to col-
17 lege and career readiness; and

18 “(iv) to understand expectations for
19 college readiness and career success.

20 “(2) RECEIPT OF RECOMMENDATIONS.—The
21 outreach described in paragraph (1) shall include
22 holding, and sending notice of opportunities for, reg-
23 ular meetings for the purpose of formulating and re-
24 sponding to recommendations from parents de-
25 scribed in such paragraph.

1 “(e) BASIS FOR ADMISSION OR EXCLUSION.—A child
 2 shall not be admitted to, or excluded from, any federally
 3 assisted education program on the basis of a surname or
 4 language-minority status.”.

5 **SEC. 3017. NATIONAL CLEARINGHOUSE.**

6 Section 3203 (as redesignated by section 3001(6))
 7 (20 U.S.C. 7013) is amended by striking “limited English
 8 proficient children” and inserting “English learners” each
 9 place the term appears.

10 **SEC. 3018. REGULATIONS.**

11 Section 3204 (as redesignated by section 3001(6))
 12 (20 U.S.C. 7014) is amended—

13 (1) by striking “limited English proficient indi-
 14 viduals” and inserting “English learners”; and

15 (2) by striking “limited English proficient chil-
 16 dren” and inserting “English learners”.

17 **TITLE IV—SUPPORTING SUC-**
 18 **CESSFUL, WELL-ROUNDED**
 19 **STUDENTS**

20 **SEC. 4101. REDESIGNATIONS.**

21 Title IV (20 U.S.C. 7101 et seq.) is amended—

22 (1) by striking the title heading and inserting
 23 the following: “**SUPPORTING SUCCESSFUL,**
 24 **WELL-ROUNDED STUDENTS**”;

1 (2) by redesignating subpart 3 of part A as
2 subpart 1 of part G of title IX, as added by section
3 9104(a) of this Act, and transferring such subpart
4 1 so as to follow the part heading of such part G
5 as added by section 9104(a) of this Act;

6 (3) by redesignating section 4141 as section
7 9701;

8 (4) by redesignating part C as subpart 2 of
9 part G of title IX, as added by section 9104(a) of
10 this Act, and transferring such subpart 2 so as to
11 follow subpart 1 of part G of title IX, as redesign-
12 ated by paragraph (2);

13 (5) by redesignating sections 4301, 4302, 4303,
14 and 4304, as sections 9721, 9722, 9723, and 9724,
15 respectively;

16 (6) in section 9721, as redesignated by para-
17 graph (5), by striking “part” and inserting “sub-
18 part”;

19 (7) in section 9722, as redesignated by para-
20 graph (5)—

21 (A) in the matter preceding paragraph (1),
22 by striking “part” and inserting “subpart”; and

23 (B) in paragraph (2)(B), by striking
24 “part” and inserting “subpart”;

1 (8) in section 9723(e)(3), by striking the mat-
2 ter following subparagraph (B) and inserting the fol-
3 lowing:

4 “(C) such other matters as justice may re-
5 quire.”; and

6 (9) in section 9724, as redesignated by para-
7 graph (5), by striking “part” both places the term
8 appears and inserting “subpart”.

9 **SEC. 4102. IMPROVING LITERACY INSTRUCTION AND STU-
10 DENT ACHIEVEMENT.**

11 Part A of title IV (20 U.S.C. 7101 et seq.) is amend-
12 ed to read as follows:

13 **“PART A—IMPROVING LITERACY INSTRUCTION
14 AND STUDENT ACHIEVEMENT**

15 **“SEC. 4101. SHORT TITLE.**

16 “This part may be cited as the ‘Improving Literacy
17 Instruction and Student Achievement Act’.

18 **“SEC. 4102. PURPOSES.**

19 “The purposes of this part are—

20 “(1) to improve student academic achievement
21 in reading and writing by providing Federal support
22 to State educational agencies to develop, coordinate,
23 and implement comprehensive literacy plans that en-
24 sure high-quality instruction and effective strategies

1 in reading and writing from early education through
2 grade 12; and

3 “(2) to assist State educational agencies in
4 achieving the purpose described in paragraph (1)
5 by—

6 “(A) supporting the development and im-
7 plementation of comprehensive early learning
8 through grade 12 literacy programs in every
9 State that are based on scientifically valid re-
10 search, to ensure that every child can read and
11 write at grade level or above;

12 “(B) providing children with learning op-
13 portunities in high-quality, language rich, lit-
14 erature rich, informational text rich, culturally
15 relevant, and developmentally appropriate envi-
16 ronments so that the children develop the fun-
17 damental knowledge and skills necessary for lit-
18 eracy engagement, development, and achieve-
19 ment in kindergarten through grade 12;

20 “(C) educating parents in the ways the
21 parents can support their child’s communication
22 and literacy development;

23 “(D) supporting efforts to link and align
24 standards and research-based instruction and
25 teaching practices in early learning programs;

1 “(E) supporting high-quality and effective
2 strategies for children to develop oral language,
3 reading, and writing abilities through high-quality
4 research-based instruction and teaching
5 practices;

6 “(F) improving academic achievement by
7 establishing adolescent literacy initiatives that
8 provide explicit and systematic instruction in
9 oral language, reading, and writing development
10 across the curriculum;

11 “(G) identifying and supporting children
12 reading and writing significantly below grade
13 level by providing research-based, intensive
14 interventions, including interventions conducted
15 during extended learning time, to help the children
16 acquire the language and literacy skills the
17 children need to stay on track for graduation;

18 “(H) providing assistance to local educational
19 agencies in order to provide educators
20 with ongoing, job embedded professional development,
21 and other support, that focuses on—

22 “(i) effective literacy instruction; and

23 “(ii) the special knowledge and skills
24 necessary to teach and support literacy de-

1 velopment effectively across the develop-
2 mental and age span;

3 “(I) supporting State educational agencies
4 and local educational agencies in improving
5 reading, writing, and literacy-based academic
6 achievement for children, especially children
7 who are low-income individuals, are English
8 learners, are migratory, are children with dis-
9 abilities, are Indian or Alaskan Native, are ne-
10 glected or delinquent, are homeless, are in the
11 custody of the child welfare system, or have
12 dropped out of school;

13 “(J) supporting State educational agencies
14 and local educational agencies in using age ap-
15 propriate and developmentally and linguistically
16 appropriate instructional materials and strate-
17 gies that assist teachers as the teachers work
18 with children to develop reading and writing
19 competencies appropriate to the children’s
20 grade and skill levels;

21 “(K) strengthening coordination among
22 schools, early literacy programs, family literacy
23 programs, juvenile justice programs, public li-
24 braries, and outside-of-school programs that
25 provide children with strategies, curricula,

1 interventions, and assessments designed to ad-
2 vance early and continuing language and lit-
3 eracy development in ways appropriate for each
4 context;

5 “(L) supporting professional development
6 for educators based on scientific approaches to
7 adult learning; and

8 “(M) evaluating whether the professional
9 development activities and approaches are effec-
10 tive in building knowledge and skills of edu-
11 cators and their use of appropriate and effective
12 practices.

13 **“SEC. 4103. DEFINITIONS.**

14 “In this part:

15 “(1) CHILD.—The term ‘child’ means an indi-
16 vidual from the age of birth through the final year
17 for which the State provides free public education.

18 “(2) CLASSROOM-BASED INSTRUCTIONAL AS-
19 SESSMENT.—The term ‘classroom-based instruc-
20 tional assessment’ means an assessment for children
21 from birth through grade 3 that—

22 “(A) is valid and reliable for the age and
23 population of children served in the program;

24 “(B) is used to evaluate children’s develop-
25 mental progress and learning and includes sys-

1 thematic observations by teachers of children
2 performing tasks, including academic and lit-
3 eracy tasks, that are part of the children’s daily
4 classroom experience; and

5 “(C) is used to improve classroom instruc-
6 tion.

7 “(3) COMPREHENSIVE LITERACY INSTRU-
8 TION.—The term ‘comprehensive literacy instruc-
9 tion’ means instruction that—

10 “(A) incorporates effective literacy instruc-
11 tion; and

12 “(B) is designed to support—

13 “(i) developmentally appropriate, con-
14 textually explicit, systematic instruction,
15 and frequent practice, in reading across
16 content areas; and

17 “(ii) developmentally appropriate and
18 contextually explicit instruction, and fre-
19 quent practice, in writing across content
20 areas.

21 “(4) DEVELOPMENTAL DELAY.—The term ‘de-
22 velopmental delay’ has the meaning given the term
23 in section 632 of the Individuals with Disabilities
24 Education Act (20 U.S.C. 1432).

1 “(5) EARLY LEARNING PROGRAM.—The term
2 ‘early learning program’ means a program serving
3 children between the ages of birth and kindergarten
4 entry.

5 “(6) EFFECTIVE LITERACY INSTRUCTION.—

6 “(A) IN GENERAL.—The term ‘effective lit-
7 eracy instruction’ means literacy instruction
8 that—

9 “(i) includes age-appropriate, explicit,
10 systematic, and intentional instruction in
11 phonological awareness, phonic decoding,
12 vocabulary, language structure, reading
13 fluency, and reading comprehension;

14 “(ii) includes age-appropriate, explicit
15 instruction in writing, including opportuni-
16 ties for children to write with clear pur-
17 poses, with critical reasoning appropriate
18 to the topic and purpose, and with specific
19 instruction and feedback from instructional
20 staff;

21 “(iii) makes available and uses di-
22 verse, high-quality print materials that re-
23 flect the reading and development levels,
24 and interests, of children;

1 “(iv) uses differentiated instructional
2 approaches, including individual and small
3 group instruction and discussion;

4 “(v) provides opportunities for chil-
5 dren to use language with peers and adults
6 in order to develop language skills, includ-
7 ing developing vocabulary;

8 “(vi) includes frequent practice of
9 reading and writing strategies;

10 “(vii) uses age-appropriate, valid, and
11 reliable screening assessments, diagnostic
12 assessments, formative assessments, and
13 summative assessments to identify a child’s
14 learning needs, to inform instruction, and
15 to monitor the child’s progress and the ef-
16 fects of instruction;

17 “(viii) uses strategies to enhance chil-
18 dren’s motivation to read and write and
19 children’s engagement in self-directed
20 learning;

21 “(ix) incorporates the principles of
22 universal design for learning;

23 “(x) depends on teachers’ collabora-
24 tion in planning, instruction, and assessing

1 a child’s progress and on continuous pro-
2 fessional learning; and

3 “(xi) links literacy instruction to the
4 State college and career ready academic
5 content standards under section
6 1111(a)(1), including the ability to navi-
7 gate, understand, and write about, complex
8 print and digital subject matter.

9 “(B) BIRTH THROUGH KINDERGARTEN.—
10 When used with respect to instruction for chil-
11 dren from birth to kindergarten entry, the term
12 ‘effective literacy instruction’ also includes—

13 “(i) developing such children’s alpha-
14 bet knowledge, reading aloud to children,
15 discussing reading and writing with chil-
16 dren, and modeling age and develop-
17 mentally appropriate reading and writing
18 strategies; and

19 “(ii) encouraging children’s early at-
20 tempts at oral communication, reading,
21 and writing.

22 “(C) KINDERGARTEN THROUGH GRADE
23 12.—When used with respect to the instruction
24 of children in kindergarten through grade 12,

1 the term ‘effective literacy instruction’ also in-
2 cludes—

3 “(i) providing systematic and inten-
4 sive interventions, which can be provided
5 inside or outside the classroom as well as
6 before, during, or after regular school
7 hours, to supplement regular instruction
8 for children reading below grade level;

9 “(ii) providing reading and writing
10 opportunities that build academic vocabu-
11 lary and knowledge of different text struc-
12 tures in core academic subjects;

13 “(iii) enabling children to write, com-
14 municate, and create knowledge, in ways
15 that fit purpose, audience, occasion, dis-
16 cipline, and format, including practice in—

17 “(I) adhering to language con-
18 ventions, including spelling, punctua-
19 tion, and grammar;

20 “(II) planning and revising to
21 improve clarity, coherence, logical de-
22 velopment, and language usage; and

23 “(III) writing individually and
24 collaboratively with feedback from in-
25 structors and peers; and

1 “(iv) cultivating shared responsibility
2 for children’s literacy learning by coordi-
3 nating writing tasks, instructional prac-
4 tices, and criteria for feedback across aca-
5 demic content areas.

6 “(7) ELIGIBLE ENTITY.—The term ‘eligible en-
7 tity’ means an entity—

8 “(A) that serves high-need children; and

9 “(B)(i) when used with respect to a
10 subgrant under section 4108, that consists of—

11 “(I) 1 or more local educational
12 agencies providing early learning pro-
13 grams that have a demonstrated
14 record of providing comprehensive lit-
15 eracy instruction for the age group
16 such agencies or programs propose to
17 serve;

18 “(II) 1 or more public or private
19 early learning programs, such as a
20 Head Start program, a child care pro-
21 gram, a State-funded prekindergarten
22 program, a public library program, or
23 a family literacy program, that have a
24 demonstrated record of providing
25 comprehensive literacy instruction for

1 the age group such programs propose
2 to serve; or

3 “(III) 1 or more local educational
4 agencies providing early learning pro-
5 grams, or 1 or more public or private
6 early learning programs, such as a
7 Head Start program, a child care pro-
8 gram, a State-funded prekindergarten
9 program, a public library program, or
10 a family literacy program, in partner-
11 ship with 1 or more public or private
12 nonprofit organizations or agencies
13 that have a demonstrated record of ef-
14 fectiveness—

15 “(aa) in improving the early
16 literacy development of children
17 from birth through kindergarten
18 entry; and

19 “(bb) in providing profes-
20 sional development aligned with
21 the activities described in section
22 4108(e)(1); or

23 “(ii) when used with respect to a
24 subgrant under section 4109—

25 “(I) that is—

1 “(aa) a local educational
2 agency;

3 “(bb) a consortium of local
4 educational agencies; or

5 “(cc) a local educational
6 agency or consortium of local
7 educational agencies acting in
8 partnership with 1 or more public
9 or private nonprofit organizations
10 or agencies that have a dem-
11 onstrated record of effectiveness
12 in—

13 “(AA) improving lit-
14 eracy achievement of chil-
15 dren consistent with the
16 purposes of their participa-
17 tion from kindergarten
18 through grade 12; and

19 “(BB) providing profes-
20 sional development aligned
21 with the activities described
22 in subsection (b) and (c) of
23 section 4109; and

24 “(II)(aa) has the highest num-
25 bers or proportion of children who are

1 counted under section 1124(c), in
2 comparison to other local educational
3 agencies in the State;

4 “(bb) is among or consists of the
5 local educational agencies in the State
6 with the highest numbers or percent-
7 ages of children reading or writing
8 below grade level, based on the most
9 currently available State academic as-
10 sessment data under section 1111(a);
11 or

12 “(cc) has jurisdiction over a sig-
13 nificant number or percentage of
14 schools that are identified as persist-
15 ently low-achieving under section
16 1116(e)(2).

17 “(8) ENGLISH LANGUAGE ACQUISITION.—

18 “(A) IN GENERAL.—The term ‘English
19 language acquisition’ means the process by
20 which a non-native English speaker acquires
21 proficiency in speaking, listening, reading, and
22 writing the English language.

23 “(B) INCLUSIONS FOR ENGLISH LEARNERS
24 IN SCHOOL.—For an English learner in school,
25 such term includes not only the social language

1 proficiency needed to participate in the school
2 environment, but also the academic language
3 proficiency needed to acquire literacy and aca-
4 demic content and demonstrate the child's
5 learning.

6 “(9) FAMILY LITERACY SERVICES.—The term
7 ‘family literacy services’ means literacy services pro-
8 vided to participants on a voluntary basis that are
9 of sufficient intensity and quality, that better enable
10 parents to support their children’s learning needs,
11 and that integrate—

12 “(A) interactive literacy activities between
13 or among family members who are primary
14 caregivers and their children, including family
15 literacy education to improve literacy of par-
16 ents; and

17 “(B) training for family members who are
18 primary caregivers regarding how to be the pri-
19 mary teacher for their children and full part-
20 ners in the education of their children.

21 “(10) FORMATIVE ASSESSMENT.—The term
22 ‘formative assessment’ means an assessment that—

23 “(A) is teacher-generated or selected by
24 teachers or instructional leaders for use during
25 learning;

1 “(B) is embedded within the learning ac-
2 tivity and linked directly to the intended out-
3 comes of the current unit of instruction; and

4 “(C) provides feedback to help adjust on-
5 going teaching and learning to improve chil-
6 dren’s achievement of intended instructional
7 outcomes.

8 “(11) HIGH-QUALITY PROFESSIONAL DEVELOP-
9 MENT.—The term ‘high-quality professional develop-
10 ment’ means professional development that—

11 “(A) is job-embedded, ongoing, and based
12 on scientifically valid research;

13 “(B) is sustained, intensive, and class-
14 room-focused, and is not limited in scope to a
15 1-day or short-term workshop or conference;

16 “(C) is designed to increase the knowledge
17 and expertise of teachers, early childhood edu-
18 cators and administrators, principals, other in-
19 structional leaders, and other program staff in
20 applying—

21 “(i) effective literacy instruction; and

22 “(ii) instructional strategies and prac-
23 tices that are appropriate to the age, devel-
24 opment, and needs of children and improve
25 learning, including strategies and practices

1 consistent with the principles of universal
2 design for learning;

3 “(D) includes and supports teachers in ef-
4 fectively administering age and developmentally
5 appropriate assessments, and analyzing the re-
6 sults of these assessments for the purposes of
7 planning, monitoring, adapting, and improving
8 effective classroom instruction or teaching
9 strategies to improve child literacy;

10 “(E) includes instructional strategies uti-
11 lizing one-to-one, small group, and classroom-
12 based instructional materials and approaches
13 based on scientifically valid research on literacy;

14 “(F) provides ongoing instructional literacy
15 coaching—

16 “(i) to ensure high-quality implemen-
17 tation of comprehensive literacy instruction
18 that is—

19 “(I) content centered;

20 “(II) integrated across the cur-
21 rriculum;

22 “(III) collaborative; and

23 “(IV) school, setting, and class-
24 room embedded; and

1 “(ii) that uses student data to im-
2 prove instruction;

3 “(G) includes and supports teachers in set-
4 ting high reading and writing achievement goals
5 for all children and provides the teachers with
6 the instructional tools and skills to help chil-
7 dren reach such goals;

8 “(H) for educators serving children in kin-
9 dergarten through grade 12—

10 “(i) supports effective literacy instruc-
11 tion through core academic subjects, and
12 through career and technical education
13 subjects where such career and technical
14 education subjects provide for the integra-
15 tion of core academic subjects; and

16 “(ii) includes explicit instruction in
17 discipline-specific thinking and how to read
18 and interpret discipline-specific text struc-
19 tures and features;

20 “(I) is differentiated for educators working
21 with children from birth through kindergarten
22 entry, children in kindergarten through grade
23 3, and children in grades 4 through 12, and, as
24 appropriate, based on the grade or needs of the
25 children; and

1 “(J) supports family literacy experiences
2 and practices, and educating parents, teachers,
3 and other caregivers about literacy development
4 and child literacy development.

5 “(12) INSTRUCTIONAL LEADER.—The term ‘in-
6 structional leader’ means an individual who—

7 “(A) is an employee or officer of a school;
8 and

9 “(B) is responsible for—

10 “(i) the school’s performance; and

11 “(ii) the daily instructional and mana-
12 gerial operations of the school.

13 “(13) LITERACY COACH.—The term ‘literacy
14 coach’ means a professional—

15 “(A) who has—

16 “(i) previous teaching experience; and

17 “(ii)(I) a master’s degree with a con-
18 centration in reading and writing edu-
19 cation or demonstrated proficiency in
20 teaching reading or writing in a core aca-
21 demic subject consistent with effective lit-
22 eracy instruction; or

23 “(II) in the case of a literacy coach
24 for children from birth through kinder-
25 garten entry, a concentration, credential,

1 or significant experience in child develop-
2 ment and early literacy development;
3 “(B) who supports teachers to—
4 “(i) apply research on how children
5 become successful readers, writers, and
6 communicators;
7 “(ii) apply multiple forms of assess-
8 ment to guide instructional decisionmaking
9 and use data to improve literacy instruc-
10 tion;
11 “(iii) improve children’s writing and
12 reading in and across content areas such
13 as mathematics, science, social studies, and
14 language arts;
15 “(iv) develop and implement differen-
16 tiated instruction and teaching approaches
17 to serve the needs of the full range of
18 learners, including English learners and
19 children with disabilities;
20 “(v) apply principles of universal de-
21 sign for learning;
22 “(vi) employ best practices in engag-
23 ing principals, early learning program edu-
24 cators and administrators, teachers, and
25 other relevant professionals to change

1 school cultures that encourage and support
2 literacy development and achievement; and
3 “(vii) set for children birth through
4 kindergarten developmentally appropriate
5 expectations for language and literacy de-
6 velopment, and high reading and writing
7 achievement goals for all children and se-
8 lect, acquire, and use instructional tools
9 and skills to help children reach such
10 goals; and

11 “(C) whose role with teachers and profes-
12 sionals supporting literacy instruction is—

13 “(i) to provide high-quality profes-
14 sional development, consistent with the
15 definition of comprehensive literacy in-
16 struction;

17 “(ii) to work cooperatively and col-
18 laboratively with principals, teachers, and
19 other professionals in employing strategies
20 to help teachers identify and support child
21 literacy and language development needs
22 and teach literacy across the content areas
23 and developmental domains; and

24 “(iii) to work cooperatively and col-
25 laboratively with other professionals in em-

1 ploying strategies to help teachers teach
2 literacy across the content areas so that
3 the teachers can meet the needs of all chil-
4 dren, including children with disabilities,
5 English learners, and children who are
6 reading at or above grade level.

7 “(14) LOCAL EDUCATIONAL AGENCY.—The
8 term ‘local educational agency’—

9 “(A) has the meaning given the term in
10 section 9101; and

11 “(B) includes any public charter school
12 that constitutes a local educational agency
13 under State law.

14 “(15) READING.—The term ‘reading’ means a
15 complex system of deriving meaning from print that
16 is developmentally appropriate, that requires all of
17 the following:

18 “(A) The skills and knowledge to under-
19 stand how phonemes, or speech sounds, are
20 connected to print.

21 “(B) The ability to read with comprehen-
22 sion.

23 “(C) The ability to decode unfamiliar
24 words with fluency.

1 “(D) The use of background knowledge
2 and vocabulary to make meaning from a text.

3 “(E) The development and use of appro-
4 priate active strategies to interpret and con-
5 struct meaning from print.

6 “(F) The development and maintenance of
7 a motivation to read.

8 “(16) SCIENTIFICALLY VALID RESEARCH.—The
9 term ‘scientifically valid research’ has the meaning
10 given the term in section 200 of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1021).

12 “(17) SCREENING ASSESSMENT.—The term
13 ‘screening assessment’ means an assessment that
14 is—

15 “(A) valid, reliable, and based on scientif-
16 ically based reading research; and

17 “(B) a brief procedure designed as a first
18 step in identifying children who may be at high
19 risk for delayed development or academic fail-
20 ure and in need of further diagnosis of their
21 need for special services or additional reading
22 instruction.

23 “(18) STATE.—The term ‘State’ means each of
24 the 50 States, the District of Columbia, and the
25 Commonwealth of Puerto Rico.

1 “(19) STATE LITERACY LEADERSHIP TEAM.—

2 “(A) IN GENERAL.—The term ‘State lit-
3 eracy leadership team’ means a team that—

4 “(i) is appointed and coordinated by
5 the State educational agency;

6 “(ii) assumes the responsibility to
7 guide the development and implementation
8 of a statewide, comprehensive literacy plan;

9 “(iii) shall include, at a minimum—

10 “(I) a school principal with lit-
11 eracy expertise;

12 “(II) a teacher with literacy ex-
13 pertise;

14 “(III) a teacher or administrator
15 with expertise in special education;

16 “(IV) a teacher or administrator
17 with expertise in teaching the English
18 language to English learners;

19 “(V) a representative from the
20 State educational agency who oversees
21 literacy initiatives; and

22 “(VI) a representative from high-
23 er education who is actively involved
24 in research, development, or teacher
25 preparation in comprehensive literacy

1 instruction and intervention based on
2 scientifically valid research;
3 “(iv) may include—
4 “(I) a literacy specialist serving
5 in a school district within the State;
6 “(II) a literacy coach;
7 “(III) a librarian;
8 “(IV) a representative with fam-
9 ily literacy expertise;
10 “(V) a representative from a
11 State child-serving agency with exper-
12 tise in comprehensive language and
13 literacy instruction and strategies;
14 “(VI) a school counselor;
15 “(VII) a teacher of a core aca-
16 demic subject;
17 “(VIII) a special education ad-
18 ministrator;
19 “(IX) a professor from a 4-year
20 institution of higher education;
21 “(X) a parent;
22 “(XI) a business leader;
23 “(XII) the Governor or a dele-
24 gated representative of the Governor;

1 “(XIII) a representative from the
2 State board of education;

3 “(XIV) a representative from the
4 State legislature;

5 “(XV) a representative of a non-
6 profit and community-based organiza-
7 tion providing comprehensive literacy
8 instruction and support; and

9 “(XVI) a representative from a
10 school district superintendent’s office;
11 and

12 “(v) shall include, among the individ-
13 uals selected to be members of the council
14 pursuant to clauses (iii) and (iv), not less
15 than 5 individuals who have literacy exper-
16 tise in 1 of each of the areas of—

17 “(I) birth through kindergarten
18 entry, such as the State Head Start
19 collaboration director;

20 “(II) kindergarten entry through
21 grade 3;

22 “(III) grades 4 through 12;

23 “(IV) English learners; and

24 “(V) special education.

1 “(B) INCLUSION OF A PREEXISTING PART-
2 NERSHIP.—If, before the date of enactment of
3 the Elementary and Secondary Education Re-
4 authorization Act of 2011, a State educational
5 agency established a consortium, partnership,
6 or any other similar body that was considered
7 a literacy partnership for purposes of subpart 1
8 or 2 of part B of title I (as such title was in
9 effect on such date) and that includes the indi-
10 viduals required under clauses (iii) and (v) of
11 subparagraph (A), such consortium, partner-
12 ship, or body may be considered a State literacy
13 leadership team for purposes of subparagraph
14 (A).

15 “(20) SUMMATIVE ASSESSMENT.—The term
16 ‘summative assessment’ means an assessment that—

17 “(A) is valid, reliable, and based on sci-
18 entifically valid research on literacy and English
19 language acquisition; and

20 “(B) for children from birth through kin-
21 dergarten entry, measures how young children
22 have progressed over time relative to develop-
23 mental norms, and for children in kindergarten
24 through grade 12, measures what children have

1 learned over time, relative to academic content
2 standards.

3 “(21) WRITING.—The term ‘writing’ means—

4 “(A) composing meaning in print or
5 through other media, including technologies, to
6 communicate and to create new knowledge in
7 ways appropriate to the context of the writing
8 and the literacy development stage of the writ-
9 er;

10 “(B) composing ideas individually and col-
11 laboratively in ways that are appropriate for a
12 variety of purposes, audiences, and occasions;

13 “(C) choosing vocabulary, tone, genre, and
14 conventions, such as spelling and punctuation,
15 suitable to the purpose, audience, and occasion;
16 and

17 “(D) revising compositions for clarity of
18 ideas, coherence, logical development, and preci-
19 sion of language use.

20 **“SEC. 4104. PROGRAM AUTHORIZED.**

21 “(a) RESERVATIONS AND AWARDS TO STATE EDU-
22 CATIONAL AGENCIES.—

23 “(1) IN GENERAL.—From the amounts appro-
24 priated to carry out this part for a fiscal year, the
25 Secretary shall—

1 “(A) reserve not more than a total of 4
2 percent of such amounts for dissemination of
3 information and technical assistance under sec-
4 tion 4110;

5 “(B) reserve not more than 5 percent of
6 such amounts to award planning grants, on a
7 competitive basis, to State educational agencies
8 serving States, in accordance with section 4105;

9 “(C) in the case of a fiscal year for which
10 the amounts to carry out this part are less than
11 \$500,000,000, use the amount not reserved
12 under subparagraphs (A) and (B) to make
13 awards, on a competitive basis, to State edu-
14 cational agencies serving States that have appli-
15 cations approved under section 4106 to enable
16 the State educational agencies to carry out the
17 activities described in section 4106(a); and

18 “(D) in the case of a fiscal year for which
19 the amounts appropriated to carry out this part
20 are equal to or exceeding \$500,000,000—

21 “(i) reserve a total of 1 percent of
22 such amount for—

23 “(I) allotments for the United
24 States Virgin Islands, Guam, Amer-
25 ican Samoa, and the Commonwealth

1 of the Northern Mariana Islands, to
2 be distributed among such outlying
3 areas on the basis of their relative
4 need, as determined by the Secretary
5 in accordance with the purposes of
6 this part; and

7 “(II) the Secretary of the Inte-
8 rior for programs under sections 4105
9 through 4109 in schools operated or
10 funded by the Bureau of Indian Edu-
11 cation; and

12 “(ii) use the amount not reserved
13 under clause (i) and subparagraphs (A)
14 and (B) to make awards, as described in
15 paragraph (2), to State educational agen-
16 cies serving States that have applications
17 approved under section 4106 to enable the
18 State educational agencies to carry out the
19 activities described in section 4106(a).

20 “(2) SPECIAL RULES FOR YEARS WITH FUNDS
21 EQUAL OR EXCEEDING \$500,000,000.—

22 “(A) PROPORTIONAL DIVISION.—In each
23 fiscal year described in paragraph (1)(D), the
24 amount reserved under paragraph (1)(D)(i)
25 shall be divided between the uses described in

1 subclauses (I) and (II) of such paragraph in the
2 same proportion as the amount reserved under
3 section 1121(a) is divided between the uses de-
4 scribed in paragraphs (1) and (2) of such sec-
5 tion for such fiscal year.

6 “(B) CONSULTATION.—A State edu-
7 cational agency that receives an allotment
8 under paragraph (1)(D)(ii) shall engage in
9 timely and meaningful consultation with rep-
10 resentatives of Indian tribes located in the
11 State in order to improve the coordination and
12 quality of activities designed to develop effective
13 approaches to achieve the purposes of this part
14 consistent with the cultural, language, and edu-
15 cational needs of Indian children.

16 “(C) STATE ALLOTMENT FORMULA.—The
17 Secretary shall allot the amount made available
18 under paragraph (1)(D)(ii) for a fiscal year
19 among the States in proportion to the number
20 of children, from birth through age 17, who re-
21 side within the State and are from families with
22 incomes below the poverty line for the most re-
23 cent fiscal year for which satisfactory data are
24 available, compared to the number of such chil-

1 dren who reside in all States for that fiscal
2 year.

3 “(3) MINIMUM AWARD AMOUNT.—No State
4 educational agency receiving an award under this
5 section for a fiscal year may receive less than one-
6 fourth of 1 percent of the total amount appropriated
7 to carry out this part for the fiscal year.

8 “(4) PUERTO RICO.—The amount allotted
9 under paragraph (1)(C) to the Commonwealth of
10 Puerto Rico for a fiscal year may not exceed one-
11 fourth of 1 percent of the total amount appropriated
12 to carry out this part for such fiscal year.

13 “(b) PEER REVIEW.—

14 “(1) IN GENERAL.—The Secretary shall con-
15 vene a peer review panel to evaluate the applications
16 to carry out section 4105 or 4106 using the evalua-
17 tion criteria described in paragraph (2).

18 “(2) DEVELOPMENT OF EVALUATION CRI-
19 TERIA.—The Secretary shall report to the author-
20 izing committees regarding the peer review process
21 and evaluation criteria that shall be used to evaluate
22 the grant applications to carry out sections 4105
23 and 4106.

24 “(3) MEMBERSHIP.—

1 “(A) COMPOSITION.—A peer review panel
2 convened under paragraph (1) shall be com-
3 posed of not less than 9 members, of whom—

4 “(i) 3 shall be appointed by the Sec-
5 retary;

6 “(ii) 3 shall be appointed by the Sec-
7 retary from among individuals—

8 “(I) recommended by the Chair-
9 man of the National Research Council
10 of the National Academy of Sciences;
11 and

12 “(II) with expertise in com-
13 prehensive language and literacy in-
14 struction and strategies; and

15 “(iii) 3 shall be appointed by the Sec-
16 retary from among individuals—

17 “(I) recommended by the Direc-
18 tor of the National Institute of Child
19 Health and Human Development; and

20 “(II) with expertise concerning
21 literacy development in children from
22 birth through grade 12.

23 “(B) COMPETENCY AND EXPERTISE; EX-
24 PERTISE.—The peer review panel convened
25 under paragraph (1) may include—

1 “(i) classroom teachers with expertise
2 in literacy, and literacy coaches, includ-
3 ing—

4 “(I) special education teachers;

5 “(II) teachers of children who are
6 English learners; and

7 “(III) early childhood educators;

8 “(ii) experts who provide high-quality
9 professional development to teachers and
10 other instructional staff to support chil-
11 dren’s literacy development;

12 “(iii) experts in the screening assess-
13 ment, diagnostic assessment, and other as-
14 sessment of children’s literacy develop-
15 ment; and

16 “(iv) experts in comprehensive literacy
17 instruction and strategies in reading and
18 writing, language development, and
19 English language acquisition, as appro-
20 priate, including reading and writing in
21 core academic subjects.

22 “(4) DISTRIBUTION OF RECOMMENDATIONS.—
23 Not later than 120 days after a peer review panel
24 submits to the Secretary the panel’s recommenda-
25 tion regarding an application by a State educational

1 agency for a grant under section 4105 or 4106, the
2 Secretary shall notify the State educational agency
3 that the application has been approved or dis-
4 approved and shall provide to such State educational
5 agency a copy of the peer review panel's rec-
6 ommendation.

7 “(c) CONFLICTS OF INTEREST.—

8 “(1) PEER REVIEW PANELS.—The Secretary
9 shall ensure that each member of a peer review
10 panel described in subsection (b) does not stand to
11 benefit financially from a grant or subgrant awarded
12 under this part.

13 “(2) STATE LITERACY LEADERSHIP TEAMS.—
14 Each State educational agency that receives funding
15 under this part shall ensure that each member of a
16 State literacy leadership team participating in a pro-
17 gram or activity assisted under this part does not
18 stand to benefit financially from a grant or subgrant
19 awarded under this part.

20 “(d) SUPPLEMENT NOT SUPPLANT.—Award funds
21 provided under this part shall supplement, and not sup-
22 plant, non-Federal funds that would, in the absence of
23 such award funds, be made available for literacy instruc-
24 tion and support of children participating in programs as-
25 sisted under this part.

1 “(e) MAINTENANCE OF EFFORT.—Each State edu-
2 cational agency that receives a grant or allotment under
3 this section, and each eligible entity that receives a
4 subgrant under section 4108 or 4109, shall maintain for
5 the fiscal year for which the grant or subgrant is received
6 and for each subsequent fiscal year the expenditures of
7 the State educational agency or eligible entity, respec-
8 tively, for literacy instruction at a level not less than the
9 level of such expenditures maintained by the State edu-
10 cational agency or eligible entity, respectively, for the fis-
11 cal year preceding such fiscal year for which the grant
12 or subgrant is received.

13 **“SEC. 4105. STATE PLANNING GRANTS.**

14 “(a) PLANNING GRANTS AUTHORIZED.—

15 “(1) IN GENERAL.—From amounts made avail-
16 able under section 4104(a)(1)(B), the Secretary may
17 award planning grants to State educational agencies
18 to enable the State educational agencies to complete
19 comprehensive planning to carry out activities that
20 improve literacy for children from birth through
21 grade 12.

22 “(2) GRANT PERIOD.—A planning grant award-
23 ed under this section shall be for a period of not
24 more than 1 year.

1 “(3) NONRENEWABILITY.—The Secretary shall
2 not award a State educational agency more than 1
3 planning grant under this section.

4 “(b) APPLICATION.—

5 “(1) IN GENERAL.—Each State educational
6 agency desiring a planning grant under this section
7 shall submit an application to the Secretary at such
8 time, in such manner, and accompanied by such in-
9 formation as the Secretary may require.

10 “(2) CONTENTS.—Each application submitted
11 under this subsection shall, at a minimum, include
12 a description of how the State educational agency
13 will develop a plan for improving State efforts to de-
14 velop, coordinate, implement, and assess comprehen-
15 sive literacy activities that ensure high-quality in-
16 struction and effective strategies in reading and
17 writing for all children in early learning programs
18 and kindergarten through grade 12 programs. Such
19 plan shall—

20 “(A) describe the activities for which as-
21 sistance under this section is sought, dem-
22 onstrating a particular focus on children who
23 are reading or writing below grade level and
24 children whose early literacy skills are below the
25 appropriate age or developmental level;

1 “(B) provide a budget for the use of the
2 planning grant funds to complete the required
3 activities described in subsection (c);

4 “(C) include an analysis of data on child
5 literacy and language and student academic
6 achievement in reading to identify and establish
7 baseline and benchmark levels against which to
8 monitor child progress and improvement in lit-
9 eracy; and

10 “(D) provide an assurance that all State
11 agencies responsible for administering early
12 learning programs and services (including the
13 State Head Start Collaboration Office and the
14 State agency responsible for administering child
15 care) and the State Advisory Council on Early
16 Childhood Education and Care collaborated
17 with the State educational agency to write the
18 early learning portion of the grant application
19 submitted under this subsection.

20 “(3) APPROVAL OF APPLICATIONS.—The Sec-
21 retary shall evaluate applications under this sub-
22 section based on the responsiveness of the applica-
23 tions to the requirements under this subsection.

1 “(c) REQUIRED ACTIVITIES.—A State educational
2 agency receiving planning grant funds under this section
3 shall carry out each of the following activities:

4 “(1) Reviewing reading, writing, or other lan-
5 guage and literacy resources and programs, such as
6 school library programs, and data across the State
7 to identify any literacy needs and gaps in the State.

8 “(2) Forming or designating a State literacy
9 leadership team which shall execute the following
10 functions:

11 “(A) Creating a comprehensive State lit-
12 eracy plan that—

13 “(i) is designed to improve language
14 development, reading, writing, and aca-
15 demic achievement for children, especially
16 children reading below grade level and chil-
17 dren whose literacy skills are below the ap-
18 propriate age or developmental level;

19 “(ii) includes—

20 “(I) a needs assessment and an
21 implementation plan, including an
22 analysis of data on child literacy and
23 student academic achievement in
24 reading to identify baseline and
25 benchmark levels of literacy and early

1 literacy skills in order to monitor
2 progress and improvement; and

3 “(II) a plan to improve reading
4 achievement among all children;

5 “(iii) ensures high-quality instruction,
6 consistent with the characteristics of effec-
7 tive literacy instruction and strategies, in
8 early learning programs and kindergarten
9 through grade 12 programs; and

10 “(iv) provides for activities designed
11 to improve literacy achievement for chil-
12 dren who read or write below grade level,
13 including such children who—

14 “(I) attend schools that are iden-
15 tified under section 1116(c)(2); or

16 “(II) are counted under section
17 1124(c);

18 “(B) Providing recommendations to guide
19 the State educational agency in the State edu-
20 cational agency’s process of strengthening State
21 literacy standards and embedding State literacy
22 standards with the State’s college and career
23 ready academic content standards and college
24 and career ready student academic achievement

1 standards, and early learning and development
2 standards.

3 “(C) Providing recommendations to guide
4 the State educational agency in the State edu-
5 cational agency’s process of measuring, assess-
6 ing, and monitoring progress in literacy at the
7 school, local educational agency, and State lev-
8 els.

9 “(D) Identifying criteria for high-quality
10 professional development providers, which pro-
11 viders may include qualified teachers within the
12 State, for the State educational agency and
13 local educational agencies.

14 “(E) Advising the State educational agen-
15 cy on how to help ensure that local educational
16 agencies and schools provide timely and appro-
17 priate data to teachers to inform and improve
18 instruction.

19 “(F) Providing recommendations to guide
20 the State educational agency in the State edu-
21 cational agency’s planning process of building
22 educators’ capacity to provide high-quality com-
23 prehensive literacy instruction.

24 **“SEC. 4106. STATE IMPLEMENTATION GRANTS.**

25 “(a) IMPLEMENTATION GRANTS AUTHORIZED.—

1 “(1) IN GENERAL.—From amounts made avail-
2 able under subparagraphs (C) or (D)(ii) of section
3 4104(a)(1) (as applicable), the Secretary shall award
4 implementation grants to State educational agencies
5 to enable the State educational agencies—

6 “(A) to implement the comprehensive lit-
7 eracy plan that meets the criteria in section
8 4105(c)(2)(A) for early learning programs and
9 kindergarten through grade 12 programs;

10 “(B) to carry out State activities under
11 section 4107; and

12 “(C) to award subgrants under sections
13 4108 and 4109.

14 “(2) LIMITATION.—The Secretary shall not
15 award an implementation grant under this section to
16 a State for any year for which the State has received
17 a planning grant under section 4105.

18 “(3) DURATION OF GRANTS.—An implementa-
19 tion grant under this section shall be awarded for a
20 period of not more than 5 years.

21 “(4) RENEWALS.—

22 “(A) IN GENERAL.—The Secretary may
23 renew a grant under this section for a period of
24 not more than 2 years.

1 “(B) CONDITIONS.—In order to be eligible
2 to have an implementation grant renewed under
3 this paragraph, the State educational agency
4 shall demonstrate to the satisfaction of the Sec-
5 retary that, during the project period—

6 “(i) with respect to children from
7 birth through kindergarten entry, the State
8 educational agency has collaborated with
9 the State agencies that oversee child care
10 and other early learning programs, and
11 has collaborated with the State Advisory
12 Council on Early Childhood Education and
13 Care, to comply with the terms of the
14 grant, including using the funds—

15 “(I) to increase access to high-
16 quality professional development;

17 “(II) for developmentally appro-
18 priate curricula and teaching mate-
19 rials; and

20 “(III) for developmentally appro-
21 priate classroom-based instructional
22 assessments and developmentally ap-
23 propriate screening assessments and
24 diagnostic assessments; and

1 “(ii) with respect to children in kin-
2 dergarten through grade 12, demonstrates
3 that there has been significant progress in
4 student academic achievement, as meas-
5 ured by appropriate assessments, including
6 the assessments included in the State ac-
7 countability system under section
8 1111(a)(3)(A).

9 “(b) STATE APPLICATIONS.—

10 “(1) IN GENERAL.—A State educational agency
11 that desires to receive an implementation grant
12 under this section shall submit an application to the
13 Secretary at such time, in such manner, and con-
14 taining such information as the Secretary may re-
15 quire. The State educational agency shall collaborate
16 with the State agency responsible for administering
17 early learning programs and the State agency re-
18 sponsible for administering child care programs in
19 the State in writing and implementing the early
20 learning portion of the grant application under this
21 subsection.

22 “(2) CONTENTS.—An application described in
23 paragraph (1) shall include the following:

24 “(A) A description of the members of the
25 State literacy leadership team and a description

1 of how the State educational agency has devel-
2 oped a comprehensive State literacy plan, con-
3 sistent with the requirements of section
4 4105(c)(2)(A).

5 “(B) An implementation plan that includes
6 a description of how the State educational agen-
7 cy will—

8 “(i) carry out the State activities de-
9 scribed in section 4107;

10 “(ii) assist eligible entities with—

11 “(I) providing strategic and in-
12 tensive comprehensive literacy instruc-
13 tion based on scientifically valid re-
14 search for children who are reading
15 and writing below grade level, includ-
16 ing through—

17 “(aa) the use of multitiered
18 systems of support; and

19 “(bb) addressing the literacy
20 needs of children with disabilities
21 or developmental delays and
22 English learners in programs
23 serving children from birth
24 through grade 12;

1 “(II) providing training to par-
2 ents, as appropriate, so that the par-
3 ents can participate in the literacy re-
4 lated activities described in sections
5 4108 and 4109 to assist in the lan-
6 guage and literacy development of
7 their children;

8 “(III) selecting and using read-
9 ing and writing assessments;

10 “(IV) providing classroom-based
11 instruction that is supported by one-
12 to-one and small group work;

13 “(V) using curricular materials
14 and instructional tools, which may in-
15 clude technology, to improve instruc-
16 tion and literacy achievement;

17 “(VI) providing for high-quality
18 professional development; and

19 “(VII) using the principles of
20 universal design for learning;

21 “(iii) ensure that local educational
22 agencies in the State have leveraged and
23 are effectively leveraging the resources
24 needed to implement effective comprehen-
25 sive literacy instruction, and have the ca-

1 capacity to implement literacy initiatives ef-
2 fectively; and

3 “(iv) continually coordinate and align
4 the activities assisted under this part with
5 reading, writing, and other literacy re-
6 sources and programs across the State and
7 locally that serve children and their fami-
8 lies and promote comprehensive literacy in-
9 struction and learning, including strength-
10 ening partnerships among schools, librar-
11 ies, local youth-serving agencies, and pro-
12 grams, in order to improve literacy for all
13 children.

14 “(C) A description of the key data metrics,
15 and the performance targets for such metrics,
16 that will be used and reported annually under
17 section 4111(b)(1), which shall include—

18 “(i) metrics established consistent
19 with section 1111(a)(3)(A), for children in
20 grades 3 through 12; and

21 “(ii) the relevant program metrics and
22 performance targets that the State shall
23 use to monitor the implementation of its
24 plan under section 4111.

1 “(D) An assurance that the State edu-
2 cational agency, and any eligible entity receiv-
3 ing a subgrant from the State educational agen-
4 cy under section 4108 or 4109, will, if re-
5 quested, participate in the national evaluation
6 under section 4110.

7 “(E) An assurance that the State edu-
8 cational agency will use implementation grant
9 funds for literacy programs as follows:

10 “(i) Not less than 10 percent of such
11 grant funds shall be used for State and
12 local programs and activities pertaining to
13 children from birth through kindergarten
14 entry.

15 “(ii) Not less than 30 percent of such
16 grant funds shall be used for State and
17 local programs and activities, allocated eq-
18 uitably among the grades of kindergarten
19 through grade 5.

20 “(iii) Not less than 30 percent of such
21 grant funds shall be used for State and
22 local programs and activities, allocated eq-
23 uitably among grades 6 through 12.

24 “(iv) Not more than 10 percent of
25 such implementation grant funds shall be

1 used for the State activities described in
2 section 4107.

3 “(F) An assurance that the State edu-
4 cational agency shall give priority to awarding
5 a subgrant to an eligible entity—

6 “(i) under section 4108 based on the
7 number or percentage of children younger
8 than the age of kindergarten entry who
9 are—

10 “(I) served by the eligible entity;
11 and

12 “(II) from families with income
13 levels below the poverty line; and

14 “(ii) under section 4109 based on—

15 “(I) the number or percentage of
16 children from birth through age 17
17 who are—

18 “(aa) served by the eligible
19 entity; and

20 “(bb) from families with in-
21 come levels below the poverty
22 line; and

23 “(II) the number or percentage
24 of children in kindergarten through
25 grade 12 served by the eligible entity

1 who are reading and writing below
2 grade level according to State assess-
3 ments.

4 “(c) APPROVAL OF APPLICATIONS.—

5 “(1) IN GENERAL.—The Secretary shall evalu-
6 ate State educational agency applications under sub-
7 section (b) based on the responsiveness of the appli-
8 cations to the application requirements under such
9 subsection.

10 “(2) PEER REVIEW.—The Secretary shall con-
11 vene a peer review panel in accordance with section
12 4104(b) to evaluate applications for each implemen-
13 tation grant awarded to a State educational agency
14 under this section.

15 “(3) EARLY LEARNING.—In order for a State
16 educational agency’s application under this section
17 to be approved by the Secretary, the application
18 shall contain an assurance that the State agencies
19 responsible for administering early learning pro-
20 grams and services, including the State agency re-
21 sponsible for administering child care programs, and
22 the State Advisory Council on Early Childhood Edu-
23 cation and Care, approve of and will be extensively
24 consulted in the implementation of activities con-

1 sistent with section 4108, with respect to the early
2 learning portion of the application.

3 **“SEC. 4107. STATE ACTIVITIES.**

4 “(a) REQUIRED ACTIVITIES.—A State educational
5 agency shall use the implementation grant funds described
6 in section 4106(b)(2)(E)(iv) to carry out the activities pro-
7 posed in a State’s implementation plan under section
8 4106(b)(2)(B), including the following activities:

9 “(1) In consultation with the State literacy
10 leadership team, providing technical assistance, or
11 engaging qualified providers to provide technical as-
12 sistance, to eligible entities to enable the eligible en-
13 tities to design and implement literacy programs
14 under section 4108 or 4109.

15 “(2) Consulting with the State literacy leader-
16 ship team and coordinating with institutions of high-
17 er education in the State—

18 “(A) in order to provide recommendations
19 to strengthen and enhance preservice courses
20 for students preparing, at institutions of higher
21 education in the State, to teach children from
22 birth through grade 12 in explicit, systematic,
23 and intensive instruction in evidence-based lit-
24 eracy methods; and

1 “(B) by following up on reviews completed
2 by the State literacy leadership team with rec-
3 ommendations to ensure that such institutions
4 offer courses that meet the highest standards.

5 “(3) Reviewing and updating, in collaboration
6 with teachers, statewide educational and professional
7 organizations representing teachers, and statewide
8 educational and professional organizations rep-
9 resenting institutions of higher education, State li-
10 censure or certification standards in the area of lit-
11 eracy instruction in early education through grade
12 12.

13 “(4) Making publicly available, including on the
14 State educational agency’s website, information on
15 promising instructional practices to improve child lit-
16 eracy achievement.

17 “(b) PERMISSIVE ACTIVITIES.—After carrying out
18 the activities described in subsection (a), a State edu-
19 cational agency may use remaining implementation grant
20 funds described in section 4106(b)(2)(E)(iv) to carry out
21 1 or more of the following activities:

22 “(1) Training the personnel of eligible entities
23 to use data systems to improve child literacy learn-
24 ing.

1 “(2) Developing literacy coach training pro-
2 grams and training literacy coaches.

3 “(3) Building public support among local edu-
4 cational agency personnel, early learning programs,
5 and the community for comprehensive literacy in-
6 struction for children from birth through grade 12.

7 “(4) Administration and evaluation of activities
8 carried out under this part.

9 **“SEC. 4108. SUBGRANTS TO ELIGIBLE ENTITIES IN SUP-
10 PORT OF BIRTH THROUGH KINDERGARTEN
11 ENTRY LITERACY.**

12 “(a) SUBGRANTS.—

13 “(1) IN GENERAL.—A State educational agen-
14 cy, in consultation with the State agencies respon-
15 sible for administering early learning programs and
16 services, including the State agency responsible for
17 administering child care programs, and the State
18 Advisory Council on Early Childhood Education and
19 Care, shall use a portion of implementation grant
20 funds provided under subparagraph (C) or (D)(ii) of
21 section 4104(a)(1) to award subgrants, on a com-
22 petitive basis, to eligible entities to enable the eligi-
23 ble entities to support high-quality early literacy ini-
24 tiatives for children from birth through kindergarten
25 entry.

1 “(2) DURATION.—The term of a subgrant
2 under this section shall be determined by the State
3 educational agency awarding the subgrant.

4 “(b) SUFFICIENT SIZE AND SCOPE.—Each subgrant
5 awarded under this section shall be of sufficient size and
6 scope to allow the eligible entity to carry out high-quality
7 early literacy initiatives for children from birth through
8 kindergarten entry.

9 “(c) LOCAL APPLICATIONS.—An eligible entity desir-
10 ing to receive a subgrant under this section shall submit
11 an application to the State educational agency, at such
12 time, in such manner, and containing such information as
13 the State educational agency may require. Such applica-
14 tion shall include a description of—

15 “(1) how the subgrant funds will be used to en-
16 hance the language and literacy development and
17 school readiness of children, from birth through kin-
18 dergarten entry, in early learning programs, which
19 shall include an analysis of data that support the
20 proposed use of subgrant funds;

21 “(2) the programs that the eligible entity pro-
22 poses to assist under the subgrant, including demo-
23 graphic and socioeconomic information on the chil-
24 dren enrolled in the programs;

1 “(3) a budget for the eligible entity that
2 projects the cost of developing and implementing lit-
3 eracy initiatives to carry out the activities described
4 in subsection (e);

5 “(4) how, if the eligible entity is requesting a
6 planning period, which shall not exceed 1 year, the
7 eligible entity will use that planning period to pre-
8 pare for successful implementation of a plan to sup-
9 port the development of learning and literacy con-
10 sistent with the purposes of this part;

11 “(5) the literacy initiatives, if any, in place and
12 how these initiatives will be coordinated and inte-
13 grated with activities supported under this section;

14 “(6) how the subgrant funds will be used to
15 prepare and provide ongoing assistance to staff in
16 the programs, through high-quality professional de-
17 velopment;

18 “(7) how the subgrant funds will be used to
19 provide services, incorporate activities, and select
20 and use literacy instructional materials that—

21 “(A) meet the diverse developmental and
22 linguistic needs of children, including English
23 learners and children with disabilities and de-
24 velopmental delays; and

1 “(B) are based on scientifically valid re-
2 search on child development and learning for
3 children from birth through kindergarten entry;

4 “(8) how the subgrant funds will be used to
5 provide screening assessments, diagnostic assess-
6 ments, and classroom-based instructional assess-
7 ments and assessments of developmental progress;

8 “(9) how families and caregivers will be in-
9 volved, as appropriate, in supporting their child’s lit-
10 eracy development, instruction, and assessment;

11 “(10) how the subgrant funds will be used to
12 help children, particularly children experiencing dif-
13 ficulty with spoken and written language, to make
14 the transition from early childhood education pro-
15 grams to formal classroom instruction;

16 “(11) how the activities assisted under the
17 subgrant will be coordinated with comprehensive lit-
18 eracy instruction at the kindergarten through grade
19 12 levels;

20 “(12) how the subgrant funds will be used—

21 “(A) to evaluate the success of the activi-
22 ties assisted under the subgrant in enhancing
23 the early language and literacy development of
24 children from birth through kindergarten entry;
25 and

1 “(B) to evaluate data for program im-
2 provement; and

3 “(13) such other information as the State edu-
4 cational agency may require.

5 “(d) APPROVAL OF LOCAL APPLICATIONS.—The
6 State educational agency, in consultation with the State
7 agencies responsible for administering early learning pro-
8 grams, including the State agency responsible for admin-
9 istering child care programs and the State Advisory Coun-
10 cil on Early Childhood Education and Care, shall—

11 “(1) select applications for funding under this
12 section based on the quality of the applications sub-
13 mitted, including the relationship between literacy
14 activities proposed and the research base or data
15 supporting such investments, as appropriate, and the
16 recommendations of—

17 “(A) the State literacy leadership team;
18 and

19 “(B) other experts in the area of early lit-
20 eracy; and

21 “(2) place priority for funding programs based
22 on the criteria in section 4106(b)(2)(F).

23 “(e) LOCAL USES OF FUNDS.—

24 “(1) IN GENERAL.—An eligible entity that re-
25 ceives a subgrant under this section shall use the

1 subgrant funds, consistent with the entity’s approved
2 application under subsection (c), to—

3 “(A) enhance and improve early learning
4 programs to ensure that children in such pro-
5 grams are provided with high-quality oral lan-
6 guage and literature- and print-rich environ-
7 ments in which to develop early literacy skills;

8 “(B) carry out high-quality professional
9 development opportunities for early childhood
10 educators, teachers, and instructional leaders;

11 “(C) acquire, provide training for, and im-
12 plement screening assessments, diagnostic as-
13 sessments, and classroom-based instructional
14 assessments;

15 “(D) select, develop, and implement a
16 multitier system of support;

17 “(E) integrate research-based instructional
18 materials, activities, tools, and measures into
19 the programs offered by the eligible entity to
20 improve development of early learning language
21 and literacy skills;

22 “(F) train providers and personnel to sup-
23 port, develop, and administer high-quality early
24 learning literacy initiatives that—

25 “(i) utilize data—

1 “(I) to inform instructional de-
2 sign; and

3 “(II) to assess literacy needs;
4 and

5 “(ii) provide time and support for per-
6 sonnel to meet to plan comprehensive lit-
7 eracy instruction;

8 “(G) provide family literacy services, as
9 appropriate, and educate parents, teachers, and
10 other caregivers about child literacy develop-
11 ment;

12 “(H) annually collect, summarize, and re-
13 port to the State educational agency data—

14 “(i) to document child progress in
15 early literacy and language skills develop-
16 ment as a result of activities carried out
17 under this section;

18 “(ii) to stimulate and accelerate im-
19 provement by identifying the programs
20 served by the eligible entity that produce
21 significant gains in skills development; and

22 “(iii) for all subgroups of children and
23 categories of children, including children in
24 the subgroups described in section
25 1111(a)(2)(B)(ix), in a manner that—

1 “(I) utilizes a variety of meas-
2 ures of child literacy and language
3 skills development; and

4 “(II) is consistent across the
5 State; and

6 “(I) coordinate the involvement of families,
7 early learning program staff, principals, other
8 instructional leaders, and teachers in literacy
9 development of children served under this part.

10 “(2) CURRICULA AND ASSESSMENT MATERIALS
11 LIMITATION.—Each eligible entity that receives a
12 subgrant under this section shall not use more than
13 20 percent of the subgrant funds in the first year
14 of subgrant funding, and not more than 10 percent
15 of the subgrant funds in each year thereafter, to
16 purchase curricula and assessment materials.

17 “(f) PROHIBITION.—The use of assessment items
18 and data on any assessment authorized under this section
19 to provide rewards or sanctions for individual children,
20 early learning program providers, teachers, program direc-
21 tors, or principals is prohibited.

1 **“SEC. 4109. SUBGRANTS TO ELIGIBLE ENTITIES IN SUP-**
2 **PORT OF KINDERGARTEN THROUGH GRADE**
3 **12 LITERACY.**

4 “(a) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
5 CIES.—

6 “(1) SUBGRANTS.—A State educational agency
7 shall use a portion of the implementation grant
8 funds provided under subparagraph (C) or (D)(ii) of
9 section 4104(a)(1) to award subgrants, on a com-
10 petitive basis, to eligible entities to enable the eligi-
11 ble entities to carry out the authorized activities de-
12 scribed in subsections (b) and (c).

13 “(2) SUFFICIENT SIZE AND SCOPE.—A State
14 educational agency shall award subgrants under this
15 section of sufficient size and scope to allow the eligi-
16 ble entities to carry out high-quality literacy initia-
17 tives in each grade level for which the subgrant
18 funds are provided.

19 “(3) LOCAL APPLICATIONS.—An eligible entity
20 desiring to receive a subgrant under this section
21 shall submit an application to the State educational
22 agency at such time, in such manner, and containing
23 such information as the State educational agency
24 may require. Such application shall include, for each
25 school that the eligible entity identifies as partici-

1 pating in a subgrant program under this section, the
2 following information:

3 “(A) A description of the eligible entity’s
4 capacity survey conducted to identify how
5 subgrant funds will be used to inform and im-
6 prove comprehensive literacy instruction at the
7 school.

8 “(B) How the school, local educational
9 agency, or a provider of high-quality profes-
10 sional development will provide ongoing high-
11 quality professional development to all teachers,
12 including early childhood educators, principals,
13 and other instructional leaders served by the
14 school, including early learning program admin-
15 istrators.

16 “(C) How the school will identify children
17 in need of literacy interventions or other sup-
18 port services and provide appropriate scientif-
19 ically valid instructional interventions or other
20 support services which may include extended
21 learning time for struggling children.

22 “(D) A budget for the school that projects
23 the cost of developing and implementing literacy
24 initiatives to carry out the activities described
25 in subsections (b) and (c) as applicable.

1 “(E) An explanation of how the school will
2 integrate comprehensive literacy instruction into
3 core academic subjects.

4 “(F) A description of how the school will
5 coordinate comprehensive literacy instruction
6 with early learning and after-school programs
7 and activities in the area served by the local
8 educational agency, such as school library pro-
9 grams.

10 “(G) A description of the assessments that
11 will be used in an assessment system to improve
12 comprehensive literacy instruction and track
13 child literacy progress.

14 “(H) A description of how families and
15 caregivers will be involved in supporting their
16 children’s literacy instruction and assessment.

17 “(I) A description of how, if an eligible en-
18 tity is requesting a planning period, the eligible
19 entity will use that planning period to prepare
20 for successful implementation of a plan to sup-
21 port the development of learning and literacy
22 consistent with the purposes of this part.

23 “(J) A description of the literacy initia-
24 tives, if any, in place and how these initiatives

1 will be coordinated and integrated with activi-
2 ties supported under this section.

3 “(K) An assurance that the eligible entity
4 will, if requested, participate in the national
5 evaluation described in section 4110.

6 “(b) LOCAL USES OF FUNDS FOR KINDERGARTEN
7 THROUGH GRADE 5.—An eligible entity that receives a
8 subgrant under this section shall use the subgrant funds
9 to carry out the following activities pertaining to children
10 in kindergarten through grade 5:

11 “(1) Developing and implementing a literacy
12 plan across content areas that—

13 “(A) serves the needs of all children, in-
14 cluding children with disabilities and English
15 learners, especially children who are reading or
16 writing below grade level;

17 “(B) provides intensive, supplemental, ac-
18 celerated, and explicit intervention and support
19 in reading and writing for children whose lit-
20 eracy skills are below grade level; and

21 “(C) supports activities that are provided
22 primarily during the regular school day but
23 which may be augmented by after-school and
24 out-of-school time instruction.

1 “(2) Acquiring, providing training for, selecting,
2 and administering assessments, and managing, mon-
3 itoring, and planning instruction based on the as-
4 sessment data.

5 “(3) Providing high-quality professional devel-
6 opment opportunities for teachers, literacy coaches,
7 literacy specialists, English as a second language
8 specialists (as appropriate), principals, and other
9 program staff.

10 “(4) Training principals, specialized instruc-
11 tional support personnel, and other school district
12 personnel to support, develop, administer, and evalu-
13 ate high-quality kindergarten through grade 5 lit-
14 eracy initiatives that—

15 “(A) utilize data—

16 “(i) to inform instructional decisions;

17 and

18 “(ii) to assess professional develop-
19 ment needs; and

20 “(B) provide time and support for teachers
21 to meet to plan comprehensive literacy instruc-
22 tion.

23 “(5) Coordinating the involvement of early
24 learning program staff, principals, other instruc-
25 tional leaders, teachers, teacher literacy teams,

1 English as a second language specialists (as appro-
2 priate), special educators, and school librarians in
3 the literacy development of children served under
4 this part.

5 “(6) Engaging families and encouraging family
6 literacy experiences and practices to support literacy
7 development.

8 “(7) Annually collecting, summarizing, and re-
9 porting to the State educational agency data—

10 “(A) to document and monitor for the pur-
11 pose of improving practice, improvements, or
12 increases in children’s reading and writing pur-
13 suant to activities carried out under this sec-
14 tion;

15 “(B) to stimulate and accelerate improve-
16 ment by identifying the schools that produce
17 significant gains in literacy achievement; and

18 “(C) for all children and categories of chil-
19 dren, including the subgroups of children de-
20 scribed in section 1111(a)(2)(B)(ix), in a man-
21 ner that utilizes a variety of measures and that
22 is consistent across the State.

23 “(c) LOCAL USES OF FUNDS FOR GRADES 6
24 THROUGH 12.—An eligible entity that receives a subgrant
25 under this section shall use subgrant funds to carry out

1 the following activities pertaining to children in grades 6
2 through 12:

3 “(1) Developing and implementing a literacy
4 plan described in paragraphs (1), (2), (3), (6), and
5 (7) of subsection (b) for children in grades 6
6 through 12.

7 “(2) Training principals, specialized instruc-
8 tional support personnel, and other instructional
9 leaders to support, develop, administer, and evaluate
10 high-quality adolescent literacy initiatives that—

11 “(A) utilize data—

12 “(i) to inform instructional decisions
13 and allow for personalization of instruction
14 based on a child’s need; and

15 “(ii) to assess professional develop-
16 ment needs;

17 “(B) assess the quality of adolescent com-
18 prehensive literacy instruction in core academic
19 subjects, and career and technical education
20 subjects where such career and technical edu-
21 cation subjects provide for the integration of
22 core academic subjects;

23 “(C) provide time for teachers to meet to
24 plan research-based adolescent comprehensive
25 literacy instruction in core academic subjects,

1 and career and technical education subjects
2 where such career and technical education sub-
3 jects provide for the integration of core aca-
4 demic subjects; and

5 “(D) include explicit instruction in dis-
6 cipline-specific thinking and how to read and
7 interpret discipline-specific text structures and
8 features.

9 “(3) Coordinating the involvement of principals,
10 other instructional leaders, teachers, teacher literacy
11 teams, English as a second language specialists (as
12 appropriate), special educators, and school librarians
13 in the literacy development of children served under
14 this part.

15 “(d) ALLOWABLE USES.—An eligible entity that re-
16 ceives a subgrant under this section may, in addition to
17 carrying out the activities described in subsections (b) and
18 (c), use subgrant funds to carry out the following activities
19 pertaining to children in kindergarten through grade 12:

20 “(1) Providing a planning period of not more
21 than 1 year for eligible entities to establish the ele-
22 ments necessary for successful implementation of a
23 literacy program for kindergarten through grade 12.

24 “(2) Recruiting, placing, training, and compen-
25 sating literacy coaches.

1 “(3) Connecting out-of-school learning opportu-
2 nities to in-school learning in order to improve the
3 literacy achievement of the children.

4 “(4) Training families and caregivers to sup-
5 port the improvement of adolescent literacy.

6 “(5) Providing for a multitier system of sup-
7 port.

8 “(6) Forming a school literacy leadership team
9 to help implement, assess, and identify necessary
10 changes to the literacy initiatives in 1 or more
11 schools to ensure success.

12 “(7) Providing high-quality, literacy-rich envi-
13 ronments that engage children with materials and
14 experiences at the children’s reading and writing lev-
15 els.

16 “(8) Providing time for teachers (and other lit-
17 eracy staff, as appropriate, such as school librarians)
18 to meet to plan comprehensive literacy instruction.

19 “(e) LIMITATION OF USE TO CERTAIN SCHOOLS.—
20 An eligible entity receiving a subgrant under this section
21 shall, in distributing the subgrant funds, provide the
22 subgrant funds only to schools, including public charter
23 schools, that have the highest percentages or numbers of
24 children counted under section 1124(c).

1 **“SEC. 4110. NATIONAL EVALUATION, INFORMATION DIS-**
2 **SEMINATION, AND TECHNICAL ASSISTANCE.**

3 “(a) NATIONAL EVALUATION.—

4 “(1) IN GENERAL.—From the amount reserved
5 in accordance with section 9601, the Secretary shall
6 enter into a contract with an organization inde-
7 pendent of the Department for a 5-year national
8 evaluation of the grant and subgrant programs as-
9 sisted under this part. Such evaluation shall include
10 scientifically valid research that applies rigorous and
11 systematic procedures to obtain valid knowledge rel-
12 evant to the implementation and effect of the pro-
13 grams.

14 “(2) CONTENTS OF EVALUATION.—The evalua-
15 tion described in this subsection shall include an
16 analysis of each of the following:

17 “(A) The impact of the implementation of
18 literacy initiatives and practices supported
19 under this part on—

20 “(i) increasing academic outcomes, in-
21 cluding child literacy development in read-
22 ing and writing, and speaking (as appro-
23 priate), grade promotion, and graduation
24 to the extent predictable;

1 “(ii) promoting the appropriate early
2 literacy development of young children;
3 and

4 “(iii) strengthening the literacy skills
5 of English learners and children with dis-
6 abilities.

7 “(B) The fidelity of implementation of core
8 program features, such as coherence of the pro-
9 gram across grades, quality of technical assist-
10 ance, State and local educational agency leader-
11 ship, professional development for teachers and
12 administrators, use of quality materials and
13 pedagogy, and use of assessment.

14 “(C) The relationship between implementa-
15 tion of core features and children’s academic
16 outcomes.

17 “(D) Other inquiries as designated by the
18 Secretary, such as—

19 “(i) the core functions of literacy ini-
20 tiatives that have demonstrated the great-
21 est impact on child literacy achievement,
22 especially among children reading below
23 grade level;

24 “(ii) effective strategies to integrate
25 State and local standards, curricula, as-

1 assessments, instruction, materials, and
2 interventions to improve literacy;

3 “(iii) the types of literacy activities
4 and professional development that most ef-
5 fectively improve the early reading, writing,
6 and language skills of children from birth
7 through kindergarten entry;

8 “(iv) the impact of adolescent literacy
9 initiatives on adolescent motivation, en-
10 engagement, and participation in adolescent
11 literacy activities;

12 “(v) the relationship between chil-
13 dren’s literacy achievement and secondary
14 school success, including improving grad-
15 uation rates; and

16 “(vi) effective strategies to integrate
17 school and public library programs to im-
18 prove literacy.

19 “(3) PROGRAM IMPROVEMENT.—The Secretary
20 shall—

21 “(A) provide the findings of the evaluation
22 conducted under this section to State edu-
23 cational agencies and subgrant recipients for
24 use in program improvement;

1 “(B) make such findings publicly available,
2 including on the Department’s website; and

3 “(C) submit such findings to the author-
4 izing committees.

5 “(b) INFORMATION DISSEMINATION AND TECHNICAL
6 ASSISTANCE.—

7 “(1) IN GENERAL.—From amounts reserved
8 under section 4104(a)(1)(A), the Secretary, in col-
9 laboration with the regional educational laboratories
10 established under section 174 of the Education
11 Sciences Reform Act of 2002, the comprehensive
12 centers established under section 203 of the Edu-
13 cational Technical Assistance Act of 2002, and the
14 Director of the National Institute of Child Health
15 and Human Development, shall—

16 “(A) distribute information on—

17 “(i) comprehensive literacy instruc-
18 tion, including best practices and model
19 programs identified in the evaluation;

20 “(ii) other inquiries designated by the
21 Secretary under subsection (a)(2)(D); or

22 “(iii) other relevant Federal studies of
23 literacy activities; and

24 “(B) provide technical assistance in order
25 to assist States and local educational agencies

1 in improving comprehensive literacy instruction
2 and learning.

3 “(2) DISSEMINATION AND COORDINATION.—

4 The Secretary shall disseminate the information de-
5 scribed in paragraph (1)(A) to—

6 “(A) recipients of Federal financial assist-
7 ance under this part, the Head Start Act, the
8 Individuals with Disabilities Education Act, and
9 the Adult Education and Family Literacy Act;
10 and

11 “(B) each Bureau-funded school (as de-
12 fined in section 1141 of the Education Amend-
13 ments of 1978 (25 U.S.C. 2021)).

14 “(3) USE OF NETWORKS.—In carrying out this
15 subsection, the Secretary shall, to the extent prac-
16 ticable, use information and dissemination networks
17 developed and maintained through other public and
18 private entities.

19 **“SEC. 4111. CONSEQUENCES OF INSUFFICIENT PROGRESS,
20 REPORTING REQUIREMENTS, AND CON-
21 Flicts OF INTEREST.**

22 “(a) CONSEQUENCES OF INSUFFICIENT
23 PROGRESS.—

24 “(1) CONSEQUENCES FOR GRANT RECIPI-
25 ENTS.—If the Secretary determines that a State

1 educational agency receiving an award under sub-
2 paragraph (C) or (D)(ii) of section 4104(a)(1), or an
3 eligible entity receiving a subgrant under section
4 4108 or 4109, is not making significant progress in
5 meeting the purposes of this part and the key data
6 metrics identified by the State educational agency in
7 section 4106(b)(2)(C) after the submission of a re-
8 port described in subsection (b), then the Secretary
9 may withhold, in whole or in part, further payments
10 under this part in accordance with section 455 of
11 the General Education Provisions Act or take such
12 other action authorized by law as the Secretary de-
13 termines necessary, including providing technical as-
14 sistance upon request of the State educational agen-
15 cy, or eligible entity, respectively.

16 “(2) CONSEQUENCES FOR SUBGRANT RECIPI-
17 ENTS.—

18 “(A) IN GENERAL.—A State educational
19 agency receiving an award under subparagraph
20 (C) or (D)(ii) of section 4104(a)(1) may refuse
21 to award subgrant funds to an eligible entity
22 under section 8 or 9 if the State educational
23 agency finds that the eligible entity is not mak-
24 ing significant progress in meeting the purposes
25 of this part, after—

1 “(i) affording the eligible entity no-
2 tice, a period for correction, and an oppor-
3 tunity for a hearing; and

4 “(ii) providing technical assistance to
5 the eligible entity.

6 “(B) FUNDS AVAILABLE.—Subgrant funds
7 not awarded under subparagraph (A) shall be
8 redirected to an eligible entity serving similar
9 children in the same area or region as the eligi-
10 ble entity not awarded the subgrant funds, to
11 the greatest extent practicable.

12 “(b) REPORTING REQUIREMENTS.—

13 “(1) STATE EDUCATIONAL AGENCY ANNUAL
14 REPORTS.—Each State educational agency receiving
15 an award under subparagraph (C) or (D)(ii) of sec-
16 tion 4104(a)(1) shall report annually to the Sec-
17 retary regarding the State educational agency’s
18 progress in addressing the purposes of this part.
19 Such report shall include at a minimum data, for
20 each subgrantee, and for the State, on the metrics
21 identified under section 4106(b)(2)(C), such as—

22 “(A) the number and percentage of chil-
23 dren reading and writing on grade level by the
24 end of grade 3;

1 “(B) the percent of children served under
2 the award who receive special education and re-
3 lated services; and

4 “(C) the degree of appropriate develop-
5 mental progress or literacy achievement growth
6 of children, disaggregated by the subgroups de-
7 scribed in section 1111(a)(2)(B)(ix).

8 “(2) PERIODIC REPORTS.—Each State edu-
9 cational agency receiving an award under subpara-
10 graph (C) or (D)(ii) of section 4104(a)(1) shall peri-
11 odically report to the Secretary regarding the State
12 educational agency’s progress in addressing the pur-
13 poses of this part. Such reports shall be submitted
14 at such times, and in such manner, as the Secretary
15 shall establish, and shall, over the term of the grant,
16 include descriptions of—

17 “(A) the professional development activi-
18 ties provided under the award, including types
19 of activities and entities involved in providing
20 professional development to classroom teachers
21 and other program staff, such as school librar-
22 ians;

23 “(B) instruction, strategies, activities, cur-
24 ricula, materials, and assessments used in the
25 programs funded under the award;

1 “(C) the types of programs funded under
2 the award and demographic information, includ-
3 ing ages, of the children served by the programs
4 funded under the award, except that such infor-
5 mation shall not be personally identifiable;

6 “(D) the experience and qualifications of
7 the program staff who provide comprehensive
8 literacy instruction under the programs funded
9 under the award, including the experience and
10 qualifications of those staff working with chil-
11 dren with disabilities or developmental delay,
12 with English learners, and with children from
13 birth to kindergarten entry; and

14 “(E) student performance on relevant pro-
15 gram metrics, as identified in the State edu-
16 cational agency’s plan, such as—

17 “(i) the number of children reading
18 and writing on grade level by the end of
19 the third grade;

20 “(ii) the percent of students served
21 under this part receiving special education
22 services;

23 “(iii) the instruction and activities de-
24 livered to at-risk students served under
25 this part; and

1 “(iv) the professional development ac-
2 tivities provided to teachers participating
3 under this part.

4 “(3) ELIGIBLE ENTITY REPORTS.—Each eligi-
5 ble entity receiving a subgrant under section 4108 or
6 4109 shall report to the State educational agency re-
7 garding the eligible entity’s progress in addressing
8 the purposes of this part. Any such report shall be
9 submitted at such time, and in such manner, as the
10 State educational agency shall establish, consistent
11 with the requirements of paragraphs (1) and (2) for
12 reports submitted by the State educational agency to
13 the Secretary, and shall, over the term of the
14 subgrant, include, consistent with such requirements
15 for the State educational agency reports, descrip-
16 tions of—

17 “(A) how the subgrant funds were used;
18 and

19 “(B) the results of an external evaluation,
20 if the Secretary determines such evaluation to
21 be applicable.

22 **“SEC. 4112. RULES OF CONSTRUCTION.**

23 “(a) CHILD ELIGIBILITY.—Nothing in this part shall
24 be construed to prohibit children eligible for assistance
25 under title I or III or children eligible for assistance under

1 the Individuals with Disabilities Education Act from re-
2 ceiving literacy instruction and intervention under this
3 part.

4 “(b) IDEA EVALUATION.—The screening assess-
5 ments, diagnostic assessments, and formative assessments
6 of reading and writing authorized under this part shall
7 not be construed to constitute an evaluation required
8 under the Individuals with Disabilities Education Act, ex-
9 cept that assessments administered under this Act may
10 be used in conjunction with other assessments as part of
11 an evaluation under the Individuals with Disabilities Edu-
12 cation Act, provided that all assessment requirements of
13 such Act are met.”.

14 **SEC. 4103. IMPROVING SCIENCE, TECHNOLOGY, ENGINEER-**
15 **ING, AND MATH INSTRUCTION AND STUDENT**
16 **ACHIEVEMENT.**

17 (a) REDESIGNATION.—Title IV (20 U.S.C. 7101 et
18 seq.) is amended—

19 (1) by redesignating part B as part E, and
20 transferring such part E so as to follow part D, as
21 added by section 4105;

22 (2) by striking section 4206; and

23 (3) by redesignating sections 4201, 4202, 4203,
24 4204, and 4205, as sections 4501, 4502, 4503,
25 4504, and 4505, respectively.

1 (b) IMPROVING SCIENCE, TECHNOLOGY, ENGINEER-
2 ING, AND MATH INSTRUCTION AND STUDENT ACHIEVE-
3 MENT.—Title IV (20 U.S.C. 7101 et seq.) is amended by
4 inserting after part A the following:

5 **“PART B—IMPROVING SCIENCE, TECHNOLOGY,**
6 **ENGINEERING, AND MATHEMATICS IN-**
7 **STRUCTION AND STUDENT ACHIEVEMENT**

8 **“SEC. 4201. PURPOSE.**

9 “The purpose of this part is to improve student aca-
10 demic achievement in science, technology, engineering, and
11 mathematics by—

12 “(1) improving instruction in such subjects
13 through grade 12;

14 “(2) improving student engagement in, and in-
15 creasing student access to, such subjects;

16 “(3) improving the quality and effectiveness of
17 classroom instruction by recruiting, training, and
18 supporting highly rated teachers and providing ro-
19 bust tools and supports for students and teachers in
20 such subjects; and

21 “(4) closing student achievement gaps, and pre-
22 paring more students to be college and career ready
23 in such subjects.

24 **“SEC. 4202. DEFINITIONS.**

25 “In this part:

1 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
2 tity’ means—

3 “(A) a State educational agency; or

4 “(B) a State educational agency in part-
5 nership with 1 or more other State educational
6 agencies.

7 “(2) ELIGIBLE SUBGRANTEE.—The term ‘eligi-
8 ble subgrantee’ means—

9 “(A) a high-need local educational agency;

10 “(B) an educational service agency serving
11 more than 1 high-need local educational agency;

12 “(C) a consortium of high-need local edu-
13 cational agencies; or

14 “(D) an entity described in subparagraph
15 (A) or (C) of paragraph (3) that has signed a
16 memorandum of agreement with an entity de-
17 scribed in subparagraph (A), (B), or (C) of this
18 paragraph to implement the requirements of
19 this part in partnership with such entity.

20 “(3) OUTSIDE PARTNER.—The term ‘outside
21 partner’ means an entity that has expertise and a
22 demonstrated record of success in improving student
23 learning and engagement in the identified subjects
24 described in section 4204(b)(2), including any of the
25 following:

1 “(A) A nonprofit or community-based or-
2 ganization, which may include a cultural organi-
3 zation, such as a museum or learning center.

4 “(B) A business.

5 “(C) An institution of higher education.

6 “(D) An educational service agency.

7 “(4) STATE.—The term ‘State’ means—

8 “(A) any of the 50 States;

9 “(B) the District of Columbia;

10 “(C) the Bureau of Indian Education; or

11 “(D) the Commonwealth of Puerto Rico.

12 **“SEC. 4203. GRANTS; ALLOTMENTS.**

13 “(a) RESERVATIONS.—

14 “(1) IN GENERAL.—From the amounts appro-
15 priated for this part for a fiscal year, the Secretary
16 shall reserve—

17 “(A) not more than 2 percent to provide
18 technical assistance to States; and

19 “(B) not more than 5 percent for State ca-
20 pacity-building grants, if the Secretary is
21 awarding such grants in accordance with para-
22 graph (2).

23 “(2) CAPACITY-BUILDING GRANTS.—

24 “(A) IN GENERAL.—In any year for which
25 funding is distributed competitively, as de-

1 scribed in subsection (b)(1), the Secretary may
2 award 1 capacity-building grant to each State
3 that does not receive a grant under subsection
4 (b), on a competitive basis, to enable such State
5 to become more competitive in future years.

6 “(B) DURATION.—Grants awarded under
7 subparagraph (A) shall be for a period of 1
8 year.

9 “(b) COMPETITIVE GRANTS.—

10 “(1) IN GENERAL.—For each fiscal year for
11 which the amount appropriated to carry out this
12 part, and not reserved under subsection (a)(1), is
13 less than \$500,000,000, the Secretary shall award
14 grants, on a competitive basis, to eligible entities to
15 enable such eligible entities to carry out the activi-
16 ties described in this part.

17 “(2) DURATION.—Grants awarded under this
18 subsection shall be for a period of not more than 3
19 years.

20 “(3) RENEWAL.—

21 “(A) IN GENERAL.—If an eligible entity
22 demonstrates progress, as measured by the
23 metrics described in section 4206(a), the Sec-
24 retary may renew a grant for an additional 2-
25 year period.

1 “(B) REDUCED FUNDING.—Grant funds
2 awarded under subparagraph (A) shall be
3 awarded at a reduced amount.

4 “(c) FORMULA GRANTS.—

5 “(1) IN GENERAL.—For each fiscal year for
6 which the amount appropriated to carry out this
7 part, and not reserved under subsection (a)(1), is
8 equal to or more than \$500,000,000, the Secretary
9 shall award grants to States, based on the formula
10 described in paragraph (2).

11 “(2) DISTRIBUTION OF FUNDS.—The Secretary
12 shall allot to each State—

13 “(A) an amount that bears the same rela-
14 tionship to 35 percent of the excess amount de-
15 scribed in paragraph (1) as the number of indi-
16 viduals ages 5 through 17 in the State, as de-
17 termined by the Secretary on the basis of the
18 most recent satisfactory data, bears to the num-
19 ber of those individuals in all such States, as so
20 determined; and

21 “(B) an amount that bears the same rela-
22 tionship to 65 percent of the excess amount as
23 the number of individuals ages 5 through 17
24 from families with incomes below the poverty
25 line, in the State, as determined by the Sec-

1 retary on the basis of the most recent satisfac-
2 tory data, bears to the number of those individ-
3 uals in all such States, as so determined.

4 “(3) FUNDING MINIMUM.—No State receiving
5 an allotment under this subsection may receive less
6 than one-half of 1 percent of the total amount allot-
7 ted under paragraph (1) for a fiscal year.

8 “(4) PUERTO RICO.—The amount allotted
9 under paragraph (2) to the Commonwealth of Puer-
10 to Rico for a fiscal year may not exceed one-half of
11 1 percent of the total amount allotted under para-
12 graph (1) for such fiscal year.

13 “(5) REALLOTMENT OF UNUSED FUNDS.—If a
14 State does not successfully apply, the Secretary shall
15 reallot the amount of the State’s allotment to the re-
16 maining States in accordance with this subsection.

17 **“SEC. 4204. APPLICATIONS.**

18 “(a) IN GENERAL.—Each eligible entity or State de-
19 siring a grant under this part, whether through a competi-
20 tive grant under section 4203(b) or through an allotment
21 under section 4203(c), shall submit an application to the
22 Secretary at such time, in such manner, and accompanied
23 by such information as the Secretary may require.

24 “(b) CONTENTS.—At a minimum, an application sub-
25 mitted under subsection (a) shall include the following:

1 “(1) A description of the needs, including as-
2 sets, identified by the State or eligible entity, based
3 on a State analysis, which—

4 “(A) may include results from a relevant
5 pre-existing analysis of science, technology, en-
6 gineering, and mathematics education quality
7 and outcomes in the State or States served by
8 the eligible entity;

9 “(B) shall include data for elementary
10 school and secondary school grades, as applica-
11 ble, to the extent that such data are available,
12 on—

13 “(i) student achievement in science
14 and mathematics, including such data col-
15 lected in accordance with the requirements
16 of section 1111(a)(3)(A), and student
17 achievement in technology and engineering;

18 “(ii) science, technology, engineering,
19 and mathematics teacher evaluations;

20 “(iii) student access to mathematics
21 and science courses needed to enroll in
22 credit-bearing coursework at institutions of
23 higher education in the State or States
24 served by the eligible entity;

1 “(iv) access to science, technology, en-
2 gineering, and mathematics courses for
3 students through grade 12 who—

4 “(I) are eligible to receive a free
5 or reduced priced lunch under the
6 Richard B. Russell National School
7 Lunch Act (42 U.S.C. 1751 et seq.);
8 or

9 “(II) come from families with an
10 income that is below the poverty line;

11 “(v) student achievement gaps in
12 science, technology, engineering, and math-
13 ematics subjects;

14 “(vi) the percentage of students who
15 successfully—

16 “(I) complete Advanced Place-
17 ment or International Baccalaureate
18 courses in science, technology, engi-
19 neering, and mathematics subjects; or

20 “(II) complete rigorous postsec-
21 ondary education courses in science,
22 technology, engineering, and mathe-
23 matics subjects;

24 “(vii) the information collected under
25 section 1111(d)(3)(B)(viii)(III);

1 “(viii) available instructional systems
2 and supports, such as curricula, instruc-
3 tional materials, professional development,
4 teacher evaluation systems, and assess-
5 ments;

6 “(ix) science, technology, engineering,
7 and mathematics teacher qualifications;
8 and

9 “(x) teacher shortages and teacher
10 distribution among local educational agen-
11 cies and schools in science, technology, en-
12 gineering, and mathematics subjects;

13 “(C) shall include labor market informa-
14 tion regarding the industry and business work-
15 force needs within the eligible entity;

16 “(D) shall include an analysis of the qual-
17 ity of pre-service preparation at all public insti-
18 tutions of higher education (including alter-
19 native pathways to teacher licensure or certifi-
20 cation) for individuals preparing to teach
21 science, technology, engineering, and mathe-
22 matics subjects in a preschool, elementary
23 school, or secondary school in the State; and

24 “(E) shall include an analysis of the imple-
25 mentation of any multi-tiered systems of sup-

1 port that have been employed in the State or
2 States served by the eligible entity to address
3 the learning needs of students in any science,
4 technology, engineering, and mathematics sub-
5 jects.

6 “(2) An identification of the specific science,
7 technology, engineering, and mathematics subjects
8 that the State or eligible entity will address through
9 the activities described in section 4205, consistent
10 with the needs identified under paragraph (1) (re-
11 ferred to in this part as ‘identified subjects’).

12 “(3) A description, in a manner that addresses
13 any needs identified under paragraph (1), of—

14 “(A) how grant funds will be used by the
15 State or eligible entity to improve instruction in
16 identified subjects using evidence-based pro-
17 grams of instruction that are aligned with the
18 college and career ready standards and aca-
19 demic assessments under paragraphs (1) and
20 (2) of section 1111(a);

21 “(B) how grant funds will be used to sup-
22 port subgrantees and other high-need local edu-
23 cational agencies in the employment of multi-
24 tiered systems of support to provide early inter-
25 vening services, as described in section

1 613(a)(4)(A)(ii) of the Individuals with Disabil-
2 ities Education Act, and to increase student
3 achievement in identified subjects;

4 “(C) the process that the State or eligible
5 entity will use for awarding subgrants, includ-
6 ing how relevant stakeholders will be involved;

7 “(D) how the State’s or eligible entity’s ac-
8 tivities and subgrants will be coordinated with
9 other Federal, State, and local programs and
10 activities, including career and technical edu-
11 cation programs authorized under the Carl D.
12 Perkins Career and Technical Education Act of
13 2006 (20 U.S.C. 2301 et seq.);

14 “(E) the technical assistance that the
15 State or eligible entity will provide to sub-
16 grantees to support the activities undertaken by
17 the subgrantees;

18 “(F) how the State or eligible entity will
19 evaluate the activities funded, both at the State
20 and subgrantee level, with funds provided under
21 this part, and in a manner consistent with any
22 evaluation activities carried out by the Institute
23 of Education Sciences under section 4207, or
24 the National Science Foundation;

1 “(G) how the State or eligible entity will
2 allocate funds in a manner that will provide
3 services to both elementary schools and sec-
4 ondary schools;

5 “(H) how the State or eligible entity will
6 provide targeted support to improve instruction
7 in high-need local educational agencies and
8 high-need schools;

9 “(I) how the State or eligible entity’s pro-
10 posed project will ensure an increase in access
11 for students who are members of groups under-
12 represented in science, technology, engineering,
13 and mathematics subject fields to high-quality
14 courses in 1 or more of the identified subjects;
15 and

16 “(J) how the State or eligible entity will
17 continue to involve stakeholders in education re-
18 form efforts related to science, technology, engi-
19 neering, and mathematics instruction.

20 “(4) Assurances that the State or eligible entity
21 will monitor implementation of approved subgrantee
22 plans.

23 “(c) ADDITIONAL FUNDING.—A State or eligible en-
24 tity that submits a request to use the additional State ac-
25 tivities reservation described in section 4205(d)(2), shall

1 provide, in a manner that addresses the needs identified
2 under subsection (b)(1), a description of the activities that
3 the eligible entity will carry out with such funds, con-
4 sistent with section 4205.

5 **“SEC. 4205. AUTHORIZED ACTIVITIES.**

6 “(a) **REQUIRED ACTIVITIES.**—Each State or eligible
7 entity that receives a grant under this part shall use the
8 grant funds to carry out each of the following activities:

9 “(1) Increasing access for students through
10 grade 12 who are members of groups underrep-
11 resented in science, technology, engineering, and
12 mathematics subject fields to high-quality courses in
13 the identified subjects.

14 “(2) Implementing evidence-based programs of
15 instruction based on high-quality standards and as-
16 sessments in the identified subjects.

17 “(3) Providing professional development and
18 other comprehensive systems of support for teachers
19 and school leaders to promote high-quality instruc-
20 tion and instructional leadership in the identified
21 subjects.

22 “(4) Providing technical assistance to sub-
23 grantees and other high-need schools and local edu-
24 cational agencies in order to improve student

1 achievement and narrow achievement gaps in identi-
2 fied subjects, including through—

3 “(A) the development and implementation
4 of multi-tiered systems of support; and

5 “(B) the development of curriculum or in-
6 structional materials consistent with the prin-
7 cipals of universal design for learning, as de-
8 fined in section 103 of the Higher Education
9 Act of 1965.

10 “(b) PERMISSIBLE ACTIVITIES.—Each State or eligi-
11 ble entity that receives a grant under this part may use
12 the grant funds to carry out 1 or more of the following
13 activities:

14 “(1) Recruiting qualified teachers and instruc-
15 tional leaders who are trained in identified subjects,
16 including teachers who have transitioned into the
17 teaching profession from a career in science, tech-
18 nology, engineering, and mathematics fields.

19 “(2) Providing induction and mentoring serv-
20 ices to new teachers in identified subjects.

21 “(3) Developing instructional supports, such as
22 curricula and assessments, which shall be evidence-
23 based and aligned with State college and career
24 ready academic content standards under section

1 1111(a)(1), and may include Internet-based cur-
2 ricula and Internet-based instructional supports.

3 “(4) Implementing an interdisciplinary ap-
4 proach, by integrating instruction in 1 or more
5 science, technology, engineering, and mathematics
6 subjects with reading, English language arts, or in-
7 struction in other core academic subjects and
8 noncore academic subjects.

9 “(c) SUBGRANTS.—

10 “(1) IN GENERAL.—Each State or eligible enti-
11 ty that receives a grant under this section shall
12 award subgrants, on a competitive basis, to eligible
13 subgrantees.

14 “(2) MINIMUM SUBGRANT.—A State or eligible
15 entity shall award subgrants under this subsection
16 that are of sufficient size and scope to support high-
17 quality, evidence-based, effective programs that are
18 consistent with the purpose of this part.

19 “(3) SUBGRANTEE APPLICATION.—

20 “(A) IN GENERAL.—Each eligible sub-
21 grantee desiring a subgrant under this sub-
22 section shall submit an application to the State
23 or eligible entity at such time, in such manner,
24 and accompanied by such information as the
25 State or eligible entity may require.

1 “(B) CONTENTS OF SUBGRANTEE APPLI-
2 CATION.—At a minimum, the application de-
3 scribed in subparagraph (A) shall include the
4 following:

5 “(i) A description of the activities that
6 the eligible subgrantee will carry out, and
7 how such activities will improve teaching
8 and student academic achievement in the
9 identified subjects, in a manner consistent
10 with scientifically valid research.

11 “(ii) A description of how the eligible
12 subgrantee will use funds provided under
13 this subsection to serve students and
14 teachers in high-need schools.

15 “(iii) A description of how funds pro-
16 vided under this subsection will be coordi-
17 nated with other Federal, State, and local
18 programs and activities, including career
19 and technical education programs author-
20 ized under the Carl D. Perkins Career and
21 Technical Education Act of 2006 (20
22 U.S.C. 2301 et seq.).

23 “(iv) If the eligible subgrantee is
24 working with outside partners, a descrip-
25 tion of how such outside partners will be

1 involved in improving instruction and in-
2 creasing access to high-quality learning ex-
3 periences in the identified subjects.

4 “(4) SUBGRANTEE USE OF FUNDS.—

5 “(A) REQUIRED USE OF FUNDS.—Each
6 subgrantee under this subsection shall use the
7 subgrant funds to carry out activities for stu-
8 dents through grade 12, consistent with the ac-
9 tivities described in the subgrantee’s applica-
10 tion, which shall include—

11 “(i) high-quality teacher and instruc-
12 tional leader recruitment, support, and
13 evaluation in the identified subjects;

14 “(ii) professional development, which
15 may include development and support for
16 instructional coaches, to enable teachers
17 and instructional leaders to increase stu-
18 dent achievement in identified subjects,
19 through—

20 “(I) implementation of classroom
21 assessments; and

22 “(II) differentiation of instruc-
23 tion in identified subjects for all stu-
24 dents, including for students who are

1 children with disabilities and students
2 who are English learners;
3 “(iii) activities to—
4 “(I) improve the content knowl-
5 edge of teachers; and
6 “(II) facilitate professional col-
7 laboration, which may include pro-
8 viding time for such collaborations;
9 “(iv) the development, adoption, and
10 improvement of high-quality curricula and
11 instructional supports that—
12 “(I) are aligned with State col-
13 lege and career ready academic con-
14 tent standards under section
15 1111(a)(1); and
16 “(II) the eligible subgrantee will
17 use to improve student academic
18 achievement in identified subjects;
19 “(v) the development or improvement,
20 and implementation, of multi-tiered sys-
21 tems of support to provide early inter-
22 vening services and to increase student
23 achievement in 1 or more of the identified
24 subjects; and

1 “(vi) integrating instruction in the
2 identified subjects with instruction in read-
3 ing, English language arts, or other core
4 and noncore academic subjects.

5 “(B) ALLOWABLE USE OF FUNDS.—In ad-
6 dition to the required activities described in
7 subparagraph (A), each eligible subgrantee that
8 receives a subgrant under this subsection, may
9 also use the subgrant funds to—

10 “(i) support the participation of low-
11 income students in nonprofit competitions
12 related to science, technology, engineering,
13 and mathematics subjects (such as robot-
14 ics, science research, invention, mathe-
15 matics, computer science, and technology
16 competitions); and

17 “(ii) broaden secondary school stu-
18 dents’ access to, and interest in, careers
19 that require academic preparation in 1 or
20 more identified subjects.

21 “(C) LIMITATION.—Each subgrantee that
22 receives a subgrant under this subsection shall
23 not expend more than 15 percent of the
24 subgrant funds on the activities described in
25 subparagraph (B).

1 “(D) MATCHING FUNDS.—A State or eligi-
2 ble entity shall require an eligible subgrantee
3 receiving a subgrant under this subsection to
4 demonstrate that such subgrantee has obtained
5 a commitment from 1 or more outside partners
6 to match, using non-Federal funds or in-kind
7 contributions, not less than 15 percent of the
8 amount of subgrant funds. In the case of sig-
9 nificant financial hardship, an eligible sub-
10 grantee may apply to the State or eligible entity
11 for, and the State or eligible entity may grant,
12 a waiver of a portion of the minimum matching
13 funds requirement.

14 “(d) STATE ACTIVITIES.—

15 “(1) IN GENERAL.—Each State or eligible enti-
16 ty that receives a grant under this part may use not
17 more than 5 percent of grant funds for—

18 “(A) administrative costs;

19 “(B) monitoring the implementation of
20 subgrants;

21 “(C) providing technical assistance to sub-
22 grantees; and

23 “(D) evaluating subgrants in coordination
24 with the evaluation described in section 4207.

1 “(2) RESERVATION.—Each State or eligible en-
2 tity that receives a grant under this part may sub-
3 mit a request to the Secretary to reserve not more
4 than 15 percent of grant funds, inclusive of the
5 amount described in paragraph (1), for additional
6 State activities, consistent with subsections (a) and
7 (b).

8 **“SEC. 4206. PERFORMANCE METRICS; REPORT.**

9 “(a) ESTABLISHMENT OF PERFORMANCE
10 METRICS.—The Secretary, acting through the Director of
11 the Institute of Education Sciences, shall establish per-
12 formance metrics to evaluate the effectiveness of the ac-
13 tivities carried out under this part.

14 “(b) ANNUAL REPORT.—Each State or eligible entity
15 that receives a grant under this part shall prepare and
16 submit an annual report to the Secretary, which shall in-
17 clude information relevant to the performance metrics de-
18 scribed in subsection (a).

19 **“SEC. 4207. EVALUATION.**

20 “From the amount reserved in accordance with sec-
21 tion 9601, the Secretary shall—

22 “(1) acting through the Director of the Insti-
23 tute of Education Sciences, and in consultation with
24 the Director of the National Science Foundation—

1 “(A) evaluate the implementation and im-
2 pact of the activities supported under this part,
3 including progress measured by the metrics es-
4 tablished under section 4206(a); and

5 “(B) identify best practices to improve in-
6 struction in science, technology, engineering,
7 and mathematics subjects; and

8 “(2) disseminate, in consultation with the Na-
9 tional Science Foundation, research on best prac-
10 tices to improve instruction in science, technology,
11 engineering, and mathematics subjects.

12 **“SEC. 4208. SUPPLEMENT NOT SUPPLANT.**

13 “Funds received under this part shall be used to sup-
14 plement, and not supplant, funds that would otherwise be
15 used for activities authorized under this part.

16 **“SEC. 4209. MAINTENANCE OF EFFORT.**

17 “A State that receives funds under this part for a
18 fiscal year shall maintain the fiscal effort provided by the
19 State for the subjects supported by the funds under this
20 part at a level equal to or greater than the level of such
21 fiscal effort for the preceding fiscal year.”.

1 **SEC. 4104. INCREASING ACCESS TO A WELL-ROUNDED EDU-**
2 **CATION.**

3 Title IV (20 U.S.C. 7101 et seq.) is amended by in-
4 serting after part B, as added by section 4103 of this Act,
5 the following:

6 **“PART C—INCREASING ACCESS TO A WELL-**
7 **ROUNDED EDUCATION**

8 **“SEC. 4301. PURPOSE.**

9 “The purpose of this part is to improve student
10 achievement by giving students increased access to high-
11 quality instruction for a well-rounded education.

12 **“SEC. 4302. DEFINITIONS.**

13 “In this part:

14 “(1) COVERED SUBJECTS.—The term ‘covered
15 subjects’ means any of the following academic sub-
16 jects:

17 “(A) Arts.

18 “(B) Civics and government.

19 “(C) Economics.

20 “(D) Environmental education.

21 “(E) Financial literacy.

22 “(F) Foreign languages.

23 “(G) Geography.

24 “(H) Health education.

25 “(I) History.

26 “(J) Physical education.

1 “(K) Social studies.

2 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
3 tity’ means a State educational agency in partner-
4 ship with—

5 “(A) a nonprofit organization with a dem-
6 onstrated record of success in improving stu-
7 dent achievement in 1 or more covered subjects;

8 “(B) an institution of higher education;

9 “(C) a local educational agency;

10 “(D) an educational service agency; or

11 “(E) 1 or more other State educational
12 agencies.

13 “(3) ELIGIBLE SUBGRANTEE.—The term ‘eligi-
14 ble subgrantee’ means—

15 “(A) a high-need local educational agency;

16 “(B) an educational service agency serving
17 more than 1 high-need local educational agency;

18 or

19 “(C) a consortium of high-need local edu-
20 cational agencies.

21 “(4) LOW-INCOME STUDENT.—The term ‘low-
22 income student’ means a student—

23 “(A) from a family with an income below
24 the poverty line; or

1 “(B) who is eligible for free or reduced-
2 price lunch under the Richard B. Russell Na-
3 tional School Lunch Act (42 U.S.C. 1751 et
4 seq.).

5 **“SEC. 4303. GRANT PROGRAM.**

6 “(a) GRANTS TO ELIGIBLE ENTITIES.—From
7 amounts appropriated to carry out this part for a fiscal
8 year, and not reserved in accordance with section 9601,
9 the Secretary shall make grants to eligible entities to en-
10 able the eligible entities to carry out the activities de-
11 scribed in subsection (e).

12 “(b) DURATION.—A grant under this section shall be
13 for a period of not more than 5 years.

14 “(c) PAYMENTS.—

15 “(1) CONTINGENT PAYMENTS.—After the third
16 year of a grant under this section, the Secretary
17 shall make continued funding under the grant con-
18 tingent upon the eligible entity’s progress toward
19 reaching the goals established under the metrics de-
20 scribed in subsection (h)(1).

21 “(2) FORMULA.—

22 “(A) DISTRIBUTION TRIGGER.—

23 “(i) AMOUNT TO TRIGGER FOR-
24 MULA.—If the amount of funds appro-
25 priated to carry out this part for a fiscal

1 year equals or exceeds \$500,000,000, then
2 the Secretary shall award grants to eligible
3 entities based on the formula described
4 under subparagraph (B).

5 “(ii) AMOUNT TO TRIGGER COMPETITIVE GRANT PROCESS.—If the funds ap-
6 propriated to carry out this part for a fis-
7 cal year are less than \$500,000,000, then
8 the Secretary shall award grants to eligible
9 entities on a competitive basis.

10
11 “(B) FORMULA.—From funds made avail-
12 able to carry out this part for a fiscal year, and
13 not reserved in accordance with section 9601,
14 the Secretary shall allot to each eligible entity
15 having an application approved under subpara-
16 graph (C)—

17 “(i) an amount that bears the same
18 relationship to 80 percent of the remainder
19 as the number of individuals ages 5
20 through 17 from families with incomes
21 below the poverty line, in the State, as de-
22 termined by the Secretary on the basis of
23 the most recent satisfactory data, bears to
24 the number of those individuals in all

1 States that have an application approved
2 under such subparagraph; and

3 “(ii) an amount that bears the same
4 relationship to 20 percent of the remainder
5 as the number of individuals ages 5 to 17
6 in the State, as determined by the Sec-
7 retary on the basis of the most recent sat-
8 isfactory data, bears to the number of
9 those individuals in all States that have an
10 application approved under such subpara-
11 graph.

12 “(C) EXCEPTIONS.—

13 “(i) MINIMUM GRANT AMOUNT.—Sub-
14 ject to clause (ii), no State receiving an al-
15 lotment under subparagraph (B) may re-
16 ceive less than 1 percent of the total
17 amount allotted under such subparagraph.

18 “(ii) PUERTO RICO.—The percentage
19 of the amount allotted under subparagraph
20 (B) that is allotted to the Commonwealth
21 of Puerto Rico for a fiscal year may not
22 exceed the amount under clause (i).

23 “(D) PEER REVIEW REQUIREMENTS.—The
24 Secretary shall establish a peer review process
25 to ensure that applications submitted for for-

1 mula funding, as described in subparagraph
2 (B), are of high quality and meet the require-
3 ments and purposes of this part.

4 “(d) APPLICATION.—

5 “(1) IN GENERAL.—Each eligible entity desir-
6 ing a grant under this section shall submit an appli-
7 cation to the Secretary at such time, in such man-
8 ner, and accompanied by such information as the
9 Secretary may require.

10 “(2) CONTENTS.—The application shall, at a
11 minimum—

12 “(A) describe the needs identified by the
13 eligible entity, based on the eligible entity’s
14 analysis of—

15 “(i) student access to, and quality of
16 instruction in, covered subjects, including a
17 comparison of such access and quality be-
18 tween low-income and non-low-income stu-
19 dents in the State served by the eligible en-
20 tity;

21 “(ii) the capacity of high-need local
22 educational agencies in such State to de-
23 liver high-quality instruction in covered
24 subjects, including an analysis of instruc-
25 tional supports, curricula, teacher evalua-

1 tion systems, and teacher qualifications, ef-
2 fectiveness, knowledge, and skills;

3 “(iii) the capacity of the eligible entity
4 to provide local educational agencies with
5 the support, including professional develop-
6 ment and technical assistance, needed to
7 deliver high-quality instruction and cur-
8 ricula in covered subjects; and

9 “(iv) standards, assessments, cur-
10 ricula, accommodations, and other sup-
11 ports used in such State in covered sub-
12 jects;

13 “(B) identify the covered subjects that the
14 eligible entity will address through the activities
15 described in subsection (e), consistent with the
16 needs identified in subparagraph (A);

17 “(C) describe, in a manner that addresses
18 the needs identified in subparagraph (A)—

19 “(i) how access to high-quality courses
20 in the subjects identified in subparagraph
21 (B) will be increased for low-income stu-
22 dents in such State;

23 “(ii) how the knowledge and skills of
24 teachers will be evaluated and improved so

1 that such teachers will deliver high-quality
2 instruction in such subjects;

3 “(iii) how the eligible entity will pro-
4 vide assistance to high-need local edu-
5 cational agencies to improve student access
6 to, and achievement in, the subjects identi-
7 fied in subparagraph (B), including
8 through principal training; and

9 “(iv) how the eligible entity will en-
10 sure that all activities funded through a
11 grant awarded under this section are evi-
12 dence-based;

13 “(D) describe how activities funded
14 through a grant awarded under this section will
15 be aligned with other Federal, State, and local
16 funding, programs, and strategies, as appro-
17 priate; and

18 “(E) if applicable, describe the eligible en-
19 tity’s plan for disbursing funds to eligible sub-
20 grantees to implement the activities described
21 in subsection (e).

22 “(3) COMPETITIVE PRIORITY.—If grants are
23 awarded competitively, consistent with subsection
24 (c)(2)(A)(ii), the Secretary shall give priority to ap-
25 plications from eligible entities that—

1 “(A) include in the application a plan to
2 implement an interdisciplinary approach, by in-
3 tegrating instruction in 1 or more covered sub-
4 jects with reading, English, language arts,
5 science, or mathematics instruction; and

6 “(B) include in the application a plan to
7 provide expanded learning time in the schools
8 served by eligible subgrantees, in order to in-
9 crease access to covered subjects.

10 “(e) AUTHORIZED ACTIVITIES.—

11 “(1) IN GENERAL.—Each eligible entity that re-
12 ceives a grant under this section shall use the grant
13 funds to increase access for low-income students to
14 high-quality courses in the subjects identified in sub-
15 section (d)(2)(B) by carrying out 1 or more of the
16 following activities:

17 “(A) Improving the knowledge and skills of
18 teachers through rigorous evaluation systems,
19 professional development, and other instruc-
20 tional supports in order to deliver high-quality
21 instruction in such subjects, including to stu-
22 dents who are English learners and students
23 who are children with disabilities.

24 “(B) Providing assistance to high-need
25 local educational agencies to improve low-in-

1 come student access to, and achievement in,
2 such subjects.

3 “(C) Developing and implementing, or
4 building local capacity to develop and imple-
5 ment, high-quality curricula, instructional sup-
6 ports, and assessments that are aligned with
7 the State college and career ready academic
8 content and achievement standards, consistent
9 with section 1111(a)(1), in such subjects.

10 “(2) SPECIAL RULE.—Each eligible entity that
11 receives a grant under this section shall use grant
12 funds to meet the needs identified in subsection
13 (d)(2)(A) and the Secretary shall not require any eli-
14 gible entity to address a specific subject or to ad-
15 dress all covered subjects.

16 “(3) STATE ADMINISTRATION.—Each eligible
17 entity that receives a grant under this section may
18 reserve not more than 4 percent of grant funds for
19 administration costs of the grant.

20 “(f) SUBGRANTS.—

21 “(1) IN GENERAL.—Each eligible entity that re-
22 ceives a grant under this section may, in accordance
23 with paragraph (2), award subgrants, on a competi-
24 tive basis, to eligible subgrantees to enable such eli-

1 gible subgrantees to carry out the activities de-
2 scribed in subsection (e).

3 “(2) MINIMUM GRANT.—Each subgrant under
4 this subsection shall be of sufficient size and scope
5 to support a high-quality, effective program that is
6 consistent with the purpose of this part.

7 “(g) EVALUATION.—From the amount reserved in
8 accordance with section 9601, the Secretary shall—

9 “(1) acting through the Director of the Insti-
10 tute of Education Sciences—

11 “(A) evaluate, in consultation with the rel-
12 evant program office at the Department of
13 Education, the implementation and impact of
14 the activities supported under this section, in-
15 cluding progress as measured by the metrics es-
16 tablished under subsection (h)(1); and

17 “(B) identify best practices to improve in-
18 struction in covered subjects; and

19 “(2) disseminate research on best practices to
20 improve instruction in covered subjects.

21 “(h) ACCOUNTABILITY.—

22 “(1) PERFORMANCE METRICS.—The Secretary,
23 acting through the Director of the Institute of Edu-
24 cation Sciences, shall, in consultation with the rel-
25 evant program office at the Department, establish

1 performance metrics to evaluate the outcomes of
2 grant projects that are assisted under this part.

3 “(2) ANNUAL REPORTS.—Each eligible entity
4 that receives a grant under this section shall prepare
5 and submit an annual report to the Secretary, which
6 shall include information about the performance
7 metrics described in paragraph (1).

8 “(i) SUPPLEMENT NOT SUPPLANT.—An eligible enti-
9 ty shall use Federal funds received under this section only
10 to supplement the funds that would, in the absence of such
11 Federal funds, be made available from other Federal and
12 non-Federal sources for the activities described in this sec-
13 tion, and not to supplement such funds.

14 “(j) MAINTENANCE OF EFFORT.—A State that re-
15 ceives assistance under this part shall maintain the fiscal
16 effort provided by the State for the subjects supported by
17 a grant under this part at a level equal to or greater than
18 the level of such fiscal effort for the preceding fiscal
19 year.”.

20 **SEC. 4105. SUCCESSFUL, SAFE, AND HEALTHY STUDENTS.**

21 Title IV (20 U.S.C. 7101 et seq.) is amended by in-
22 serting after part C, as added by section 4104 of this Act,
23 the following:

1 “(B) with respect to alcohol and tobacco,
2 the illegal use of such substances; and

3 “(C) with respect to inhalants and anabolic
4 steroids, the harmful, abusive, or addictive use
5 of such substances.

6 “(3) DRUG AND VIOLENCE PREVENTION.—The
7 term ‘drug and violence prevention’ means—

8 “(A) with respect to drugs, prevention,
9 early intervention, rehabilitation referral, or
10 education related to the abuse and illegal use of
11 drugs; and

12 “(B) with respect to violence, the pro-
13 motion of school safety, such that students and
14 school personnel are free from violent and dis-
15 ruptive acts, including sexual harassment and
16 abuse, and victimization associated with preju-
17 dice and intolerance, on school premises, going
18 to and from school, at school sponsored activi-
19 ties, and via communications made available
20 through electronic means, through the creation
21 and maintenance of a school environment that
22 is free of weapons and fosters individual respon-
23 sibility and respect for the rights of others, and
24 employs positive, preventative approaches to
25 school discipline that minimize students’ re-

1 moval from instruction and reduce disparities
2 among the subgroups of students described in
3 section 1111(a)(2)(B)(ix).

4 “(4) ELIGIBLE LOCAL APPLICANT.—The term
5 ‘eligible local applicant’ means—

6 “(A) a local educational agency;

7 “(B) a consortium of local educational
8 agencies; or

9 “(C) a local educational agency or consor-
10 tium of local educational agencies in partner-
11 ship with a nonprofit organization that has a
12 demonstrated record of success in implementing
13 activities consistent with the purpose of this
14 part.

15 “(5) PHYSICAL EDUCATION INDICATORS.—The
16 term ‘physical education indicators’ means a set of
17 measures for instruction on physical activity, health-
18 related fitness, physical competence, and cognitive
19 understanding about physical activity that—

20 “(A) are publicly reported annually in the
21 State’s conditions for learning measurement
22 system described in section 4404(g); and

23 “(B) include, for the State, for each local
24 educational agency in the State, and for each
25 school in the State, the average number of min-

1 utes that all students engage in moderate to
2 vigorous physical activity, as measured against
3 established recommended guidelines of the Cen-
4 ters for Disease Control and Prevention and the
5 Department of Health and Human Services.

6 “(6) PROGRAMS TO PROMOTE MENTAL
7 HEALTH.—The term ‘programs to promote mental
8 health’ means programs that—

9 “(A) develop students’ social and emotional
10 competencies; and

11 “(B) link students with, as applicable,
12 school-based or local mental health systems, in-
13 cluding by—

14 “(i) enhancing, improving, or devel-
15 oping collaborative efforts between school-
16 based systems and mental health systems;

17 “(ii) improving the availability of cri-
18 sis intervention services and appropriate
19 referrals for students potentially in need of
20 mental health services;

21 “(iii) providing training for mental
22 health professionals and other school-based
23 specialized instructional support personnel
24 who will participate in the program; and

1 “(iv) providing services that establish
2 or expand the availability of counseling
3 and mental health programs for students.

4 “(7) PROGRAMS TO PROMOTE PHYSICAL ACTIV-
5 ITY, EDUCATION, FITNESS, AND NUTRITION.—The
6 term ‘programs to promote physical activity, edu-
7 cation, fitness, and nutrition’ means programs that
8 increase and enable active student participation in
9 physical well-being activities, provide teacher profes-
10 sional development, are comprehensive in nature,
11 and include opportunities for professional develop-
12 ment for teachers of physical education to stay
13 abreast of the latest research, issues, and trends in
14 the field of physical education, and include 1 or
15 more of the following activities:

16 “(A) Fitness education and assessment to
17 help students understand, improve, or maintain
18 their physical well-being.

19 “(B) Instruction in a variety of motor
20 skills and physical activities designed to en-
21 hance the physical, mental, social, and emo-
22 tional development of every student.

23 “(C) Development of, and instruction in,
24 cognitive concepts about motor skill and phys-

1 ical fitness that support a lifelong healthy life-
2 style.

3 “(D) Opportunities to develop positive so-
4 cial and cooperative skills through physical ac-
5 tivity.

6 “(E) Instruction in healthy eating habits
7 and good nutrition.

8 **“SEC. 4403. RESERVATIONS.**

9 “From amounts made available to carry out this part,
10 the Secretary shall reserve—

11 “(1) for the first 3 years for which funding is
12 made available to carry out this part—

13 “(A) not more than 30 percent of such
14 amounts or \$30,000,000, whichever amount is
15 greater, for State conditions for learning meas-
16 urement systems grants, distributed to every
17 State (by an application process consistent with
18 section 4404) in an amount proportional to
19 each State’s share of funding under part A of
20 title I of this Act, to develop or improve the
21 State’s conditions for learning measurement
22 system described in section 4404(g), and to
23 conduct a needs analysis to meet the require-
24 ments of section 4404(c)(2); and

1 “(B) not more than 68 percent of such
2 amounts for Successful, Safe, and Healthy Stu-
3 dents State Grants under section 4404;

4 “(2) for the fourth year and each subsequent
5 year for which funding is made available to carry
6 out this part, not less than 98 percent of such
7 amounts for Successful, Safe, and Healthy Students
8 State Grants under section 4404; and

9 “(3) in each year for which funding is made
10 available to carry out this part, not more than 2 per-
11 cent of such amounts for technical assistance.

12 **“SEC. 4404. SUCCESSFUL, SAFE, AND HEALTHY STUDENTS**
13 **STATE GRANTS.**

14 “(a) PURPOSE.—The purpose of this section is to
15 provide funding to States to implement comprehensive
16 programs that address conditions for learning in schools
17 in the State. Such programs shall be based on—

18 “(1) scientifically valid research; and

19 “(2) an analysis of need that considers, at a
20 minimum, the indicators in the State’s conditions for
21 learning measurement system described in sub-
22 section (g).

23 “(b) STATE GRANTS.—

24 “(1) IN GENERAL.—From amounts reserved
25 under section 4403 for Successful, Safe, and

1 Healthy Students State Grants, the Secretary shall
2 award grants to States to carry out the purpose of
3 this section.

4 “(2) AWARDS TO STATES.—

5 “(A) FORMULA GRANTS.—Except as pro-
6 vided in subparagraph (B), if the total amount
7 reserved under section 4404 for Successful,
8 Safe, and Healthy Students State Grants for a
9 fiscal year is \$500,000,000 or greater, the Sec-
10 retary shall allot to each State with an ap-
11 proved application an amount that bears the
12 same relationship to such total amount as the
13 amount received under part A of title I by such
14 State for the preceding fiscal year bears to the
15 amount received under such part for the pre-
16 ceding fiscal year by all States.

17 “(B) MINIMUM STATE ALLOTMENT.—

18 “(i) IN GENERAL.—No State receiving
19 an allotment under subparagraph (A) may
20 receive less than one-half of 1 percent of
21 the total amount allotted under such sub-
22 paragraph.

23 “(ii) PUERTO RICO.—The amount al-
24 lotted under subparagraph (A) to the Com-
25 monwealth of Puerto Rico for a fiscal year

1 may not exceed one-half of 1 percent of the
2 total amount allotted under such subpara-
3 graph for such fiscal year.

4 “(C) COMPETITIVE GRANTS.—

5 “(i) IN GENERAL.—If the total
6 amount reserved under section 4404 for
7 Successful, Safe, and Healthy Students
8 State Grants for a fiscal year is less than
9 \$500,000,000, the Secretary shall award
10 grants under this section on a competitive
11 basis.

12 “(ii) SUFFICIENT SIZE AND SCOPE.—
13 In awarding grants on a competitive basis
14 pursuant to clause (i), the Secretary shall
15 ensure that grant awards are of sufficient
16 size and scope to carry out required and
17 approved activities under this section.

18 “(c) APPLICATIONS.—

19 “(1) IN GENERAL.—A State that desires to re-
20 ceive a grant under this section shall submit an ap-
21 plication at such time, in such manner, and con-
22 taining such information as the Secretary may re-
23 quire.

24 “(2) CONTENT OF APPLICATION.—At a min-
25 imum, the application shall include—

1 “(A) a plan for improving conditions for
2 learning in schools in the State in a manner
3 consistent with the requirements of the pro-
4 gram that may be a part of a broader statewide
5 child and youth plan, if such a plan exists and
6 is consistent with the requirements of this part;

7 “(B) a needs analysis of the conditions for
8 learning in schools in the State, which—

9 “(i) shall include a description of, and
10 data measuring, the State’s conditions for
11 learning; and

12 “(ii) may be a part of a broader state-
13 wide child and youth needs analysis, if
14 such an analysis exists and is consistent
15 with the requirements of this part;

16 “(C) a description of how the activities the
17 State proposes to implement with grant funds
18 are responsive to the results of the needs anal-
19 ysis described in subparagraph (B); and

20 “(D) a description of how the State will—

21 “(i) develop, adopt, adapt, or imple-
22 ment the State’s conditions for learning
23 measurement system described in sub-
24 section (g), and how the State will ensure
25 that all local educational agencies and

1 schools in the State participate in such
2 system;

3 “(ii) ensure the quality and validity of
4 the State’s conditions for learning data col-
5 lection;

6 “(iii) coordinate the proposed activi-
7 ties with other Federal and State pro-
8 grams, including programs funded under
9 this part, which may include programs to
10 expand learning time and for before- and
11 after-school programming;

12 “(iv) assist local educational agencies
13 to align activities with funds the agencies
14 receive under the program with other fund-
15 ing sources in order to support a coherent
16 and nonduplicative program;

17 “(v) solicit and approve subgrant ap-
18 plications, including how the State will—

19 “(I) allocate funds for statewide
20 activities and subgrants for each year
21 of the grant, consistent with allocation
22 requirements under subsection (h)(2);
23 and

24 “(II) consider the results of the
25 analysis described in subparagraph

1 (B) in the State’s distribution of sub-
2 grants;

3 “(vi) address the needs of diverse geo-
4 graphic areas in the State, including rural
5 and urban communities;

6 “(vii) provide assistance to local edu-
7 cational agencies and schools in their ef-
8 forts to prevent and appropriately respond
9 to incidents of harassment, including build-
10 ing the capacity of such agencies and
11 schools to educate family and community
12 members regarding the agencies’ and
13 schools’ respective roles in preventing and
14 responding to such incidents; and

15 “(viii) provide assistance to local edu-
16 cational agencies and schools in their ap-
17 proaches to school discipline.

18 “(3) APPLICATION REVIEW PROCESS.—The
19 Secretary shall establish a process to review applica-
20 tions submitted under this subsection.

21 “(d) DURATION.—

22 “(1) IN GENERAL.—A State that receives a
23 grant under this section may receive funding for not
24 more than 5 years in accordance with this sub-
25 section.

1 “(2) INITIAL PERIOD.—The Secretary shall
2 award grants under this section for an initial period
3 of not more than 3 years.

4 “(3) GRANT EXTENSION.—The Secretary may
5 extend a competitive grant awarded to a State under
6 this section for not more than an additional 2 years
7 if the State shows sufficient improvement, as deter-
8 mined by the Secretary, against baseline data for the
9 performance metrics established under subsection
10 (i).

11 “(e) RESERVATION AND USE OF FUNDS.—A State
12 that receives a grant under this section shall—

13 “(1) reserve not more than 7½ percent of the
14 grant funds for administration of the program, tech-
15 nical assistance, and the development, improvement,
16 and implementation of the State’s conditions for
17 learning measurement system, as described in sub-
18 section (g); and

19 “(2) use the remainder of grant funds after
20 making the reservation under paragraph (1) to
21 award subgrants, on a competitive basis, to eligible
22 local applicants.

23 “(f) REQUIRED STATE ACTIVITIES.—A State that re-
24 ceives a grant under this section shall—

1 “(1) establish a statewide physical education re-
2 quirement that is consistent with widely recognized
3 standards;

4 “(2) require all local educational agencies in the
5 State to—

6 “(A) establish policies that prevent and
7 prohibit conduct that is sufficiently severe, per-
8 sistent, or pervasive to limit a student’s ability
9 to participate in or benefit from a program or
10 activity of a public school or educational agen-
11 cy, or to create a hostile or abusive educational
12 environment at a program or activity of a pub-
13 lic school or educational agency, including acts
14 of verbal, nonverbal, or physical aggression, in-
15 timidation, or hostility; and

16 “(B) provide—

17 “(i) annual notice to parents and stu-
18 dents describing the full range of prohib-
19 ited conduct contained in such local edu-
20 cational agency’s discipline policies; and

21 “(ii) grievance procedures for students
22 or parents to register complaints regarding
23 the prohibited conduct contained in such
24 local educational agency’s discipline poli-
25 cies, including—

1 “(I) the name of the local edu-
2 cational agency officials who are des-
3 ignated as responsible for receiving
4 such complaints; and

5 “(II) timelines that the local edu-
6 cational agency will follow in the reso-
7 lution of such complaints;

8 “(3) not later than 1 year after receipt of the
9 grant, develop, adapt, improve, or adopt and imple-
10 ment the statewide conditions for learning measure-
11 ment system described in subsection (g) (unless the
12 State can demonstrate, to the satisfaction of the
13 Secretary, that an appropriate system has already
14 been implemented) that annually measures the
15 State’s progress in the conditions for learning for
16 every public school in the State;

17 “(4) collect information in each year of the
18 grant on the conditions for learning at the school-
19 building level;

20 “(5) collect annual incident data at the school-
21 building level that are accurate and complete;

22 “(6) publicly report, at the school level and
23 local educational agency level, the data collected in
24 the State’s conditions for learning measurement sys-
25 tem, described in subsection (g), each year in a time-

1 ly and highly accessible manner, and in a manner
2 that does not reveal personally identifiable informa-
3 tion;

4 “(7) use the results of the data collected in the
5 State’s conditions for learning measurement system
6 to—

7 “(A) identify and address conditions for
8 learning statewide;

9 “(B) help subgrantees identify and address
10 school and student needs; and

11 “(C) provide individualized assistance to
12 schools identified under section 1116 and
13 schools with significant conditions for learning
14 weaknesses;

15 “(8) award subgrants, consistent with sub-
16 section (h), to eligible local applicants; and

17 “(9) monitor subgrants and provide technical
18 assistance to subgrantees on the implementation of
19 grant activities.

20 “(g) CONDITIONS FOR LEARNING MEASUREMENT
21 SYSTEM.—

22 “(1) IN GENERAL.—Each State that receives a
23 grant under this part shall establish a State report-
24 ing and information system that measures conditions
25 for learning in the State and is, to the extent prac-

1 ticable, part of the State’s statewide longitudinal
2 data system and with the State’s system for report-
3 ing the data required under section 1111.

4 “(2) SYSTEM ACTIVITIES.—The State reporting
5 and information system described in paragraph (1)
6 shall—

7 “(A) contain, at a minimum, data from
8 valid and reliable surveys of students and staff
9 and the indicators in subparagraph (B) that
10 allow staff at the State, local educational agen-
11 cies, and schools to examine and improve
12 school-level conditions for learning;

13 “(B) collect school-level data on—

14 “(i) physical education indicators;

15 “(ii) student attendance and truancy;

16 “(iii) in-school suspensions, out-of-
17 school suspensions, expulsions, referrals to
18 law enforcement, school-based arrests, and
19 disciplinary transfers (including place-
20 ments in alternative schools) by student;

21 “(iv) the frequency, seriousness, and
22 incidence of violence and drug-related of-
23 fenses resulting in disciplinary action in el-
24 elementary schools and secondary schools in
25 the State; and

1 “(v) the incidence and prevalence, age
2 of onset, perception of health risk, and per-
3 ception of social disapproval of drug use
4 and violence, including harassment, by
5 youth and school personnel in schools and
6 communities;

7 “(C) collect and report data, including, at
8 a minimum, the data described in clauses (ii),
9 (iii), and (v) of subparagraph (B), in the aggre-
10 gate and disaggregated by the categories of
11 race, ethnicity, gender, disability status, mi-
12 grant status, English proficiency, and status as
13 economically disadvantaged, and cross tabulated
14 across all of such categories by gender and by
15 disability;

16 “(D) protect student privacy, consistent
17 with applicable data privacy laws and regula-
18 tions, including section 444 of the General Edu-
19 cation Provisions Act (20 U.S.C. 1232g, com-
20 monly known as the ‘Family Educational
21 Rights and Privacy Act of 1974’); and

22 “(E) to the extent practicable, utilize a
23 web-based reporting system.

1 “(3) COMPILING STATISTICS.—In compiling the
2 statistics required to measure conditions for learning
3 in the State—

4 “(A) the offenses described in paragraph
5 (2)(B)(iv) shall be defined pursuant to the
6 State’s criminal code, and aligned to the extent
7 possible, with the Federal Bureau of Investiga-
8 tion’s Uniform Crime Reports categories, but
9 shall not identify victims of crimes or persons
10 accused of crimes and the collected data shall
11 include incident reports by school officials,
12 anonymous student surveys, and anonymous
13 teacher surveys;

14 “(B) the performance metrics that are es-
15 tablished under subsection (i) shall be collected
16 and the performance on such metrics shall be
17 defined and reported uniformly statewide;

18 “(C) the State shall collect, analyze, and
19 use the data under paragraph (2)(B) at least
20 annually, except the indicators under paragraph
21 (2)(B)(v) may be collected, at a minimum,
22 every 2 years; and

23 “(D) grant recipients and subgrant recipi-
24 ents shall use the data for planning and contin-
25 uous improvement of activities implemented

1 under this part, and may collect data for indi-
2 cators that are locally defined, and that are not
3 reported to the State, to meet local needs (so
4 long as such indicators are aligned with the
5 conditions for learning).

6 “(h) SUBGRANTS.—

7 “(1) IN GENERAL.—

8 “(A) AWARDING OF SUBGRANTS.—A State
9 that receives a grant under this section shall
10 award subgrants, on a competitive basis, to eli-
11 gible local applicants—

12 “(i) based on need as identified by the
13 State’s conditions for learning measure-
14 ment system described in subsection (g);

15 “(ii) that are of sufficient size and
16 scope to enable subgrantees to carry out
17 approved activities; and

18 “(iii) to implement programs that—

19 “(I) are comprehensive in nature;

20 “(II) are based on scientifically
21 valid research;

22 “(III) improve conditions for
23 learning; and

24 “(IV) are part of a strategy to
25 achieve all the conditions for learning.

1 “(B) ASSISTANCE.—A State that receives
2 a grant under this section shall provide assist-
3 ance to subgrant applicants and recipients in
4 the selection of scientifically valid programs and
5 interventions.

6 “(2) ALLOCATION.—

7 “(A) IN GENERAL.—In awarding sub-
8 grants under this section, each State shall en-
9 sure that, for the aggregate of all subgrants
10 awarded by the State, not less than 20 percent
11 of the subgrant funds are allocated to carry out
12 programs to promote physical activity, edu-
13 cation, fitness, and nutrition.

14 “(B) RULE OF CONSTRUCTION.—Nothing
15 in this paragraph shall be construed to require
16 States, in making subgrants to eligible local ap-
17 plicants, to require subgrant recipients to use
18 20 percent of subgrant funds for the promotion
19 of physical activity, education, fitness, and nu-
20 trition.

21 “(3) APPLICATIONS.—An eligible local applicant
22 that desires to receive a subgrant under this sub-
23 section shall submit to the State an application at
24 such time, in such manner, and containing such in-
25 formation as the State may require.

1 “(4) PRIORITY.—In awarding subgrants under
2 this subsection, a State shall give priority to applica-
3 tions that—

4 “(A) demonstrate the greatest need ac-
5 cording to the results of the local needs assess-
6 ment; and

7 “(B) propose to serve schools with the
8 highest concentrations of poverty, based on the
9 percentage of students receiving or are eligible
10 to receive a free or reduced price lunch under
11 the Richard B. Russell National School Lunch
12 Act (42 U.S.C. 1751 et seq.).

13 “(5) ACTIVITIES OF SUBGRANT RECIPIENTS.—
14 Each recipient of a subgrant under this subsection
15 shall, for the duration of the subgrant, provide for
16 the following:

17 “(A) Carry out activities—

18 “(i) the need for which has been iden-
19 tified, at a minimum, through the State’s
20 conditions for learning measurement sys-
21 tem described in subsection (g);

22 “(ii) that are part of a comprehensive
23 strategy or framework to address such
24 need; and

1 “(iii) that include 1 or more of the
2 following:

3 “(I) Drug and violence preven-
4 tion;

5 “(II) Programs to promote men-
6 tal health.

7 “(III) Programs to promote
8 physical activity, education, fitness,
9 and nutrition.

10 “(B) Ensure that each framework, inter-
11 vention, or program selected be based on sci-
12 entifically valid research and be used for the
13 purpose for which such framework, interven-
14 tion, or program was found to be effective.

15 “(C) Use school-level data from the State’s
16 conditions for learning measurement system,
17 described in subsection (g), to inform the imple-
18 mentation and continuous improvement of ac-
19 tivities carried out under this part.

20 “(D) Collect and report to the State edu-
21 cational agency, data for schools served by the
22 subgrant recipient, in a manner consistent with
23 the State’s conditions for learning measurement
24 system, described in subsection (g).

1 “(E) Establish policies to expand access to
2 quality physical activity opportunities, including
3 local school wellness policies consistent with the
4 requirements of section 9A of the Richard B.
5 Russell National School Lunch Act. For pur-
6 poses of this part, school wellness councils es-
7 tablished consistent with section 9A of the
8 Richard B. Russell National School Lunch Act
9 may be part of existing school councils, if such
10 councils exist and have the capacity and willing-
11 ness to address school wellness.

12 “(F) Engage family members and commu-
13 nity-based organizations in the development of
14 conditions for learning surveys, and in the plan-
15 ning, implementation, and review of the
16 subgrant recipient’s efforts under this part.

17 “(G) Consider and accommodate the
18 unique needs of students with disabilities and
19 English learners in implementing activities.

20 “(i) ACCOUNTABILITY.—

21 “(1) ESTABLISHMENT OF PERFORMANCE
22 METRICS.—The Secretary, acting through the Direc-
23 tor of the Institute of Education Sciences, shall es-
24 tablish program performance metrics to measure the

1 effectiveness of the activities carried out under this
2 part.

3 “(2) ANNUAL REPORT.—Each State that re-
4 ceives a grant under this part shall prepare and sub-
5 mit an annual report to the Secretary, which shall
6 include information relevant to the conditions for
7 learning, including on progress towards meeting out-
8 comes for the metrics established under paragraph
9 (1).

10 “(j) EVALUATION.—From the amount reserved in ac-
11 cordance with section 9601, the Secretary, acting through
12 the Director of the Institute of Education Sciences, shall
13 conduct an evaluation of the impact of the practices fund-
14 ed or disseminated under this section.

15 **“SEC. 4405. TECHNICAL ASSISTANCE.**

16 “From the amount reserved under section 4403(3),
17 the Secretary shall provide technical assistance to appli-
18 cants, recipients, and subgrant recipients of the programs
19 funded under this part.

20 **“SEC. 4406. PROHIBITED USES OF FUNDS.**

21 “No funds appropriated under this part may be used
22 to pay for—

23 “(1) school resource officer or other security
24 personnel salaries, metal detectors, security cameras,

1 or other security-related salaries, equipment, or ex-
2 penses;

3 “(2) drug testing programs; or

4 “(3) the development, establishment, implemen-
5 tation, or enforcement of zero-tolerance discipline
6 policies, other than those expressly required under
7 the Gun-Free Schools Act (20 U.S.C. 7151 et seq.).

8 **“SEC. 4407. FEDERAL AND STATE NONDISCRIMINATION**
9 **LAWS.**

10 “Nothing in this part shall be construed to invalidate
11 or limit nondiscrimination principles or rights, remedies,
12 procedures, or legal standards available to victims of dis-
13 crimination under any other Federal law or law of a State
14 or political subdivision of a State, including title VI of the
15 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title
16 IX of the Education Amendments of 1972 (20 U.S.C.
17 1681 et seq.), section 504 or 505 of the Rehabilitation
18 Act of 1973 (29 U.S.C. 794 and 794a), or the Americans
19 with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).
20 The obligations imposed by this part are in addition to
21 those imposed by title VI of the Civil Rights Act of 1964
22 (42 U.S.C. 2000d et seq.), title IX of the Education
23 Amendments of 1972 (20 U.S.C. 1681 et seq.), section
24 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794),

1 and the Americans with Disabilities Act of 1990 (42
2 U.S.C. 12101 et seq.).”.

3 **SEC. 4106. 21ST CENTURY COMMUNITY LEARNING CEN-**
4 **TERS.**

5 Part E of title IV, as redesignated by section 4103(a)
6 of this Act, is amended—

7 (1) in section 4501, as redesignated by section
8 4103(a) of this Act—

9 (A) in subsection (a)—

10 (i) in the matter preceding paragraph

11 (1)—

12 (I) by striking “to provide” and
13 inserting “to assist States in pro-
14 viding”; and

15 (II) by striking “communities”
16 and inserting “eligible entities”;

17 (ii) in paragraph (1)—

18 (I) by inserting “students with
19 before school, after school, or summer
20 learning” after provide;

21 (II) by striking “, particularly
22 students”; and

23 (III) by striking the comma after
24 “low-performing schools”;

25 (iii) in paragraph (2)—

1 (I) by inserting “who attend low-
2 performing schools” after “offer stu-
3 dents”; and

4 (II) by striking “and” after the
5 semicolon; and

6 (iv) by striking paragraph (3) and in-
7 serting the following:

8 “(3) significantly increase the number of hours
9 in a regular school day, week, or year in order to
10 provide students with additional time for academic
11 work and for additional subjects and enrichment ac-
12 tivities that increase student achievement and en-
13 gagement; and

14 “(4) comprehensively redesign and implement
15 an expanded school day, expanded school week, or
16 expanded school year schedule for all students in a
17 high-need school, to provide additional time for—

18 “(A) instruction in core academic subjects;

19 “(B) instruction in additional subjects and
20 enrichment activities; and

21 “(C) teachers and staff to collaborate,
22 plan, and engage in professional development
23 within and across grades and subjects.”; and

24 (B) in subsection (b)—

25 (i) in paragraph (1)—

1 (I) in the matter preceding sub-
2 paragraph (A), by striking “that—”
3 and inserting “that provides 1 or
4 more of the following:”;

5 (II) in subparagraph (A)—

6 (aa) by striking “assists”
7 and inserting “Before school,
8 after school, or summer learning
9 programs that assist”;

10 (bb) by striking “(such as
11 before and after school or during
12 summer recess)” after “not in
13 session”; and

14 (cc) by striking “; and” and
15 inserting a period; and

16 (III) by striking subparagraph
17 (B) and inserting the following:

18 “(B) Expanded learning time programs
19 that significantly increase the total number of
20 hours in a regular school day, week, or year, in
21 order to provide students with the greatest aca-
22 demic needs with—

23 “(i) additional time to participate in
24 academic activities that—

1 “(I) are aligned with the instruc-
2 tion that such students receive during
3 the regular school day; and

4 “(II) are targeted to the aca-
5 demic needs of such students; and

6 “(ii) time to engage in enrichment
7 and other activities that complement the
8 academic program and contribute to a
9 well-rounded education, which may include
10 music and the arts, physical education, and
11 experiential and work-based learning op-
12 portunities.

13 “(C) Expanded learning time initiatives
14 that use an expanded school day, expanded
15 school week, or expanded school year schedule
16 to increase the total number of school hours for
17 the school year at a high-need school by not less
18 than 300 hours and redesign the school’s pro-
19 gram in a manner that includes additional
20 time—

21 “(i) for academic work, and to sup-
22 port innovation in teaching, in order to im-
23 prove the proficiency of participating stu-
24 dents, particularly struggling students, in
25 core academic subjects;

1 “(ii) to advance student learning for
2 all students in all grades;

3 “(iii) for additional subjects and en-
4 richment activities that contribute to a
5 well-rounded education, which may include
6 music and the arts, physical education, and
7 experiential and work-based learning op-
8 portunities; and

9 “(iv) for teachers to engage in collabo-
10 ration and professional planning, within
11 and across grades and subjects.”;

12 (ii) by striking paragraphs (2) and (3)
13 and inserting the following:

14 “(2) ELIGIBLE ENTITY.—

15 “(A) IN GENERAL.—The term ‘eligible en-
16 tity’ means a partnership of—

17 “(i) 1 or more high-need local edu-
18 cational agencies in partnership with 1 or
19 more nonprofit organizations with a dem-
20 onstrated record of success in designing
21 and implementing before school, after
22 school, summer learning, or expanded
23 learning time activities; or

24 “(ii) 1 or more nonprofit organiza-
25 tions with a demonstrated record of suc-

1 cess in designing and implementing before
2 school, after school, summer learning, or
3 expanded learning time activities, in part-
4 nership with 1 or more high-need local
5 educational agencies.

6 “(B) SPECIAL RULE.—A State educational
7 agency shall deem a rural local educational
8 agency applying for a grant under section 4504
9 without a partnering public or nonprofit entity
10 to be an eligible entity if the rural local edu-
11 cational agency demonstrates that such agency
12 is unable to partner with a public or nonprofit
13 organization in reasonable geographic proximity
14 or of sufficient quality to meet the requirements
15 of this part.”; and

16 (iii) by redesignating paragraph (4) as
17 paragraph (3);

18 (2) in section 4502, as redesignated by section
19 4103(a) of this Act—

20 (A) in subsection (a)—

21 (i) by striking “under section 4206”
22 and inserting “to carry out this part”;

23 (ii) by striking paragraph (1);

1 (iii) by redesignating paragraphs (2)
2 and (3) as paragraphs (1) and (2), respec-
3 tively; and

4 (iv) in paragraph (2), as redesignated
5 by clause (iii), by striking “Bureau of In-
6 dian Affairs” and inserting “Bureau of In-
7 dian Education”;

8 (B) in subsection (b)(1), by striking
9 “under section 4206” and inserting “to carry
10 out this part”; and

11 (C) in subsection (c)—

12 (i) in paragraph (1), by striking
13 “4204” and inserting “4504”;

14 (ii) in paragraph (2)—

15 (I) in subparagraph (B)—

16 (aa) by striking “responsible
17 for administering youth develop-
18 ment programs and adult learn-
19 ing activities” and inserting “as
20 applicable”; and

21 (bb) by striking “4204(b)”
22 and inserting “4504(b)”; and

23 (II) by striking the undesignated
24 matter following subparagraph (B)
25 and inserting the following:

1 “(C) supervising the awarding of funds to
2 eligible entities (in consultation with the Gov-
3 ernor and other State agencies responsible for
4 administering youth development programs and
5 adult learning activities).”; and

6 (iii) in paragraph (3)—

7 (I) in subparagraph (A)—

8 (aa) by inserting “com-
9 prehensive” after “Monitoring
10 and”; and

11 (bb) by inserting “(directly,
12 or through a grant or contract)
13 of the effectiveness” after “eval-
14 uation”;

15 (II) by striking subparagraph (B)

16 and inserting the following:

17 “(B) Providing capacity building, training,
18 professional development, and technical assist-
19 ance under this part to eligible entities, relating
20 to activities such as—

21 “(i) coordinating activities carried out
22 under this part with other Federal, State,
23 and local programs so as to implement
24 high-quality programs; and

1 “(ii) aligning activities carried out
2 under this part with State academic con-
3 tent standards.”; and

4 (III) by striking subparagraphs
5 (C) and (D);

6 (3) in section 4503(a), as redesignated by sec-
7 tion 4103(a) of this Act—

8 (A) in the matter preceding paragraph (1),
9 by striking “4202” and inserting “4502”;

10 (B) in paragraph (3), by striking “serve—
11 ” through “subparagraph (A)” and inserting
12 “serve students who primarily attend high-need
13 schools and schools that are identified through
14 a State’s accountability and improvement sys-
15 tem under subsection (b) or (c)(2) of section
16 1116”;

17 (C) in paragraph (4)—

18 (i) by inserting “the State’s rigorous,
19 high-quality competition for grants under
20 section 4204, including” after “describes”;
21 and

22 (ii) by striking “, which shall include”
23 through “standards”;

24 (D) by striking paragraph (5) and insert-
25 ing the following:

1 “(5) describes how the State educational agency
2 will ensure that awards made under this part are of
3 sufficient size and scope to support high-quality, ef-
4 fective programs that are consistent with the pur-
5 pose of this part;”;

6 (E) by striking paragraph (7) and insert-
7 ing the following:

8 “(7) describes how the State educational agency
9 will assist eligible entities in coordinating funds re-
10 ceived through the grant with other funding
11 streams, in order to support a coherent and sustain-
12 able approach to funding and implementing pro-
13 grams and activities under this part and other pro-
14 grams under this Act;”;

15 (F) in paragraph (8)(A), by striking “not
16 less than 3 years and not more than 5 years”
17 and inserting “not more than 3 years, and may
18 extend a grant for an additional period of not
19 more than 2 years if the eligible entity is
20 achieving the intended outcomes of the grant”;

21 (G) in paragraph (10)—

22 (i) by inserting “, if any,” after
23 “transportation needs”; and

24 (ii) by striking “4204(b)” and insert-
25 ing “4504(b)”;

1 (H) in paragraph (11), by striking “before
2 and after school (or summer school) programs,
3 the heads of the State health and mental health
4 agencies or their designees,” and inserting “be-
5 fore school, after school, summer learning, and
6 expanded learning time programs and initia-
7 tives,”;

8 (I) in paragraph (12), by striking “before
9 and after school” and inserting “before school,
10 after school, summer learning, and expanded
11 learning time”;

12 (J) in paragraph (13)—

13 (i) in the matter preceding subpara-
14 graph (A), by inserting “, on a regular
15 basis, and not less than every 3 years after
16 the receipt of the grant” after “will evalu-
17 ate”;

18 (ii) by striking subparagraph (A) and
19 inserting the following:

20 “(A) a description of the benchmarks and
21 performance goals that will be used to hold eli-
22 gible entities accountable and to determine
23 whether to provide eligible entities receiving a
24 grant under section 4504 with an additional 2-

1 year period of grant funding after the initial 3-
2 year grant; and”;

3 (iii) in subparagraph (B), by striking
4 “and” after the semicolon;

5 (K) in paragraph (14), by striking the pe-
6 riod at the end and inserting “; and”;

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

8 “(15) contains an assurance that each eligible
9 entity that applies for an award under section 4504
10 shall have the flexibility to apply for funds to carry
11 out programs described in subparagraph (A), (B), or
12 (C) of section 4501(b)(1).”;

13 (4) in section 4504, as redesignated by section
14 4103(a) of this Act—

15 (A) in subsection (a), by striking
16 “4202(c)(1)” and inserting “4502(c)(1)”;

17 (B) in subsection (b)(2)—

18 (i) by striking subparagraph (A) and
19 inserting the following:

20 “(A) a description of the before school,
21 after school, summer learning, or expanded
22 learning time activities to be funded, includ-
23 ing—

1 “(i) evidence that research-based
2 strategies for student achievement and en-
3 gagement will be utilized in the program;

4 “(ii) as applicable, an explanation of
5 how the program will offer students—

6 “(I) academic instruction that is
7 aligned with the academic needs of
8 the students; and

9 “(II) engaging enrichment activi-
10 ties that are aligned with the develop-
11 mental needs and interests of the stu-
12 dents, and that contribute to a well-
13 rounded education;

14 “(iii) an assurance that the program
15 will take place in a safe learning environ-
16 ment and an easily accessible facility;

17 “(iv) if applicable, a description of
18 how students participating in the program
19 will travel safely to and from home; and

20 “(v) a description of how the eligible
21 entity will disseminate information about
22 the program to the community in a man-
23 ner that is understandable and acces-
24 sible;”;

25 (ii) in subparagraph (B)—

1 (I) by striking “activity” and in-
2 serting “program”; and

3 (II) by adding at the end “and
4 help keep students on track to college
5 and career readiness”;

6 (iii) by striking subparagraphs (L)
7 and (M);

8 (iv) by striking subparagraph (E) and
9 inserting the following:

10 “(E) as applicable, an explanation of how
11 the program will offer students—

12 “(i) academic instruction that is
13 aligned with the academic needs of the stu-
14 dents; and

15 “(ii) engaging enrichment activities
16 that are aligned with the developmental
17 needs and interests of the students, and
18 that contribute to a well-rounded edu-
19 cation;”;

20 (v) in subparagraph (F), by striking
21 “schools eligible” and all that follows
22 through “such students” and inserting
23 “high-need schools and schools that are
24 identified through a State’s accountability

1 and improvement system under subsections
2 (b) or (c)(2) of section 1116”;

3 (vi) by striking subparagraph (H) and
4 inserting the following:

5 “(H) a description of the capacity of the
6 eligible entity partners described in section
7 4501(b)(2)(A)(ii) to successfully implement the
8 program, including the quality and experience
9 of the management team of such partners;”;

10 (vii) in subparagraph (I)—

11 (I) by striking “in the center”;

12 and

13 (II) by striking “(including the
14 needs of working families)”;

15 (viii) by striking subparagraph (J)

16 and inserting the following:

17 “(J) a description of the education and
18 training activities that program staff and teach-
19 ers, as applicable, have received or will receive
20 to effectively administer the proposed pro-
21 gram;” and

22 (ix) by redesignating subparagraph

23 (N) as subparagraph (L);

24 (C) by striking subsections (d) and (h) and
25 redesignating subsections (e) through (g) and

1 (i) as subsections (d) through (f) and (g), re-
2 spectively;

3 (D) in subsection (f), as redesignated by
4 subparagraph (C), by striking “not less than 3
5 years and not more than 5 years” and inserting
6 “not more than 3 years, and may be extended
7 for an additional period of not more than 2
8 years, if an eligible entity is achieving the in-
9 tended outcomes of the grant”;

10 (E) by striking subsection (g), as redesign-
11 ated by subparagraph (C), and inserting the
12 following:

13 “(g) PRIORITY.—

14 “(1) IN GENERAL.—In awarding grants under
15 this part, a State educational agency shall give pri-
16 ority to high-quality applications that—

17 “(A) are based on strong research evidence
18 for improving student learning, as measured by
19 student achievement and other measures of stu-
20 dent learning and development that are appro-
21 priate for, and aligned to, the program’s goals
22 and design;

23 “(B) propose to serve the highest percent-
24 age of students from low-income families;

1 “(C) include a partnership agreement,
2 signed by each partner of the eligible entity,
3 that—

4 “(i) shows that the staff of each part-
5 ner are committed to work collaboratively
6 to implement the proposed activities, in-
7 cluding through coordinated planning, col-
8 laborative implementation, and joint pro-
9 fessional development and training oppor-
10 tunities;

11 “(ii) sets clear expectations, including
12 measurable goals for each partner;

13 “(iii) requires the collection and re-
14 porting of data about the outcomes of pro-
15 grams funded under this part, in order to
16 monitor progress toward achieving such
17 goals and inform implementation; and

18 “(iv) specifies how student informa-
19 tion will be shared to advance the goals of
20 the proposed program and activities, in-
21 cluding student academic achievement and
22 engagement data, as appropriate and in
23 accordance with Federal, State, and local
24 laws; and

1 “(D) are submitted by eligible entities that
2 will provide matching funds to carry out the ac-
3 tivities supported by the grant, as described in
4 paragraph (2).

5 “(2) MATCHING FUNDS.—

6 “(A) AMOUNT OF MATCHING FUNDS.—In
7 awarding grants under this section, a State
8 educational agency shall give priority to applica-
9 tions from eligible entities that, in addition to
10 meeting the requirements of paragraph (1),
11 provide matching funds in an amount not less
12 than—

13 “(i) for the first year of an initial
14 grant under this section, 10 percent of the
15 cost of the activities;

16 “(ii) for the second year of such
17 grant, 20 percent of the cost of the activi-
18 ties;

19 “(iii) for the third year of such grant,
20 and for the first year of a subsequent
21 grant under this section, 30 percent of the
22 cost of the activities; and

23 “(iv) for the second or any succeeding
24 year of such subsequent grant, 40 percent
25 of the cost of the activities.

1 “(B) CASH OR IN-KIND.—The eligible enti-
2 ty may provide the matching funds described in
3 subparagraph (A) in cash or in-kind, fairly eval-
4 uated, including plant, equipment, or services,
5 but may not provide more than 50 percent of
6 the matching funds in-kind.

7 “(C) WAIVER.—A State educational agen-
8 cy may waive all or part of the matching re-
9 quirement for priority described in this para-
10 graph, on a case-by-case basis, upon a showing
11 of serious financial hardship.”; and

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

13 “(h) SPECIAL RULE.—In implementing 21st Century
14 Community Learning Centers, the Department shall not
15 give priority to, show preference for, or provide direction
16 about whether communities use 21st Century Community
17 Learning Centers funds for eligible entities described in
18 subparagraph (A), (B), or (C) of section 4501(b)(1).”;

19 (5) in section 4505, as redesignated by section
20 4103(a) of this Act—

21 (A) in subsection (a)—

22 (i) in the matter preceding paragraph
23 (1), by striking “before and after school
24 activities (including during summer recess
25 periods)” and inserting “before school,

1 after school, summer learning, or expanded
2 learning time activities”;

3 (ii) by redesignating paragraphs (1)
4 through (12) as paragraphs (2) through
5 (13), respectively;

6 (iii) by inserting before paragraph (2),
7 as redesignated by clause (ii), the fol-
8 lowing:

9 “(1) high-quality expanded learning time pro-
10 grams or initiatives;”;

11 (iv) in paragraph (6), as redesignated
12 by clause (ii), by striking “(including those
13 provided by senior citizen volunteers)”;

14 (v) in paragraph (7), as redesignated
15 by clause (ii), by striking “limited English
16 proficient students” and inserting “English
17 learners”; and

18 (B) by striking subsection (b) and insert-
19 ing the following:

20 “(b) PERFORMANCE INDICATORS.—Each State edu-
21 cational agency that receives a grant under this part shall
22 collect, and annually report to the Secretary, information
23 on the following performance indicators, disaggregated, as
24 appropriate, by the subgroups described in section
25 1111(a)(2)(B)(ix):

1 “(1) The average time added to the school day,
2 school week, or school year, if applicable.

3 “(2) Student participation and attendance rates
4 for the programs funded under this part.

5 “(3) Student achievement in core academic sub-
6 jects and high school graduation rates, as applicable,
7 for students who participate in such programs.”.

8 **SEC. 4107. PROMISE NEIGHBORHOODS.**

9 Title IV (20 U.S.C. 7101 et seq.) is amended by in-
10 serting after part E, as redesignated by section 4103(a)
11 of this Act, the following:

12 **“PART F—PROMISE NEIGHBORHOODS**

13 **“SEC. 4601. SHORT TITLE.**

14 “‘This part may be cited as the ‘Promise Neighbor-
15 hoods Act of 2011’.

16 **“SEC. 4602. PURPOSE.**

17 “‘The purpose of this part is to significantly improve
18 academic outcomes, including school readiness, high school
19 graduation, and college and career readiness of children
20 living in our Nation’s most distressed neighborhoods, by
21 using data-driven decisionmaking and existing external re-
22 sources to provide children in such neighborhoods with ac-
23 cess to a community-based continuum of high-quality pipe-
24 line services that include access to early learning opportu-
25 nities, high-quality schools, and evidence-based practices

1 that address the needs of such children from birth through
2 college and career.

3 **“SEC. 4603. DEFINITIONS.**

4 “In this part:

5 “(1) COLLEGE AND CAREER READINESS.—The
6 term ‘college and career readiness’ means the level
7 of preparation a student needs in order to meet the
8 State academic content and achievement standards
9 under section 1111(a)(1).

10 “(2) COMMUNITY OF PRACTICE.—The term
11 ‘community of practice’ means a group of entities
12 that interact regularly to share best practices to ad-
13 dress 1 or more persistent problems, or improve
14 practice with respect to such problems, in 1 or more
15 neighborhoods.

16 “(3) EXPANDED LEARNING TIME.—The term
17 ‘expanded learning time’ means the activities and
18 programs described in subparagraphs (A), (B), and
19 (C) of section 4501(b)(1).

20 “(4) FAMILY AND STUDENT SUPPORTS.—The
21 term ‘family and student supports’ includes—

22 “(A) health programs (including both men-
23 tal health and physical health services);

24 “(B) school-, public-, and child-safety pro-
25 grams;

1 “(C) programs that improve family sta-
2 bility;

3 “(D) workforce development programs (in-
4 cluding those that meet local business needs,
5 such as internships and externships);

6 “(E) social service programs;

7 “(F) legal aid programs;

8 “(G) financial literacy education programs;

9 “(H) adult education and family literacy
10 programs;

11 “(I) parent, family, and community en-
12 gagement programs; and

13 “(J) programs that increase access to
14 learning technology and enhance the digital lit-
15 eracy skills of students.

16 “(5) INTEGRATED STUDENT SUPPORTS.—The
17 term ‘integrated student supports’ means services,
18 supports, and community resources, which shall be
19 offered through a site coordinator for at-risk stu-
20 dents, that have been shown by evidence-based re-
21 search—

22 “(A) to increase academic achievement and
23 engagement;

24 “(B) to support positive child and youth
25 development; and

1 “(C) to increase student preparedness for
2 success in college and the workforce.

3 “(6) NEIGHBORHOOD.—The term ‘neighbor-
4 hood’ means a defined geographical area in which
5 there are multiple signs of distress, demonstrated by
6 indicators of need, including poverty, childhood obe-
7 sity rates, academic failure, and rates of juvenile de-
8 linquency, adjudication, or incarceration.

9 “(7) PIPELINE SERVICES.—The term ‘pipeline
10 services’ means a continuum of supports and serv-
11 ices for children from birth through college entry,
12 college success, and career attainment, including, at
13 a minimum, strategies to address through services or
14 programs (including integrated student supports and
15 wraparound services) the following:

16 “(A) Prenatal education and support for
17 expectant parents.

18 “(B) High-quality early learning opportu-
19 nities.

20 “(C) High-quality schools and out-of-
21 school-time programs and strategies.

22 “(D) Support for a child’s transition to el-
23 ementary school, between elementary school to
24 middle school, from middle school to high

1 school, and from high school into and through
2 college and into the workforce.

3 “(E) Parent, family, and community en-
4 gagement.

5 “(F) Parent, family, and student supports.

6 “(G) Activities that support college and ca-
7 reer readiness, including coordination between
8 such activities, such as—

9 “(i) assistance with college admis-
10 sions, financial aid, and scholarship appli-
11 cations, especially for low-income and low-
12 achieving students; and

13 “(ii) career preparation services and
14 supports and wrap around services.

15 **“Subpart 1—Promise Neighborhood Partnership**

16 **Grants**

17 **“SEC. 4611. PROGRAM AUTHORIZED.**

18 “(a) IN GENERAL.—

19 “(1) PROGRAM AUTHORIZED.—From amounts
20 appropriated to carry out this subpart, the Secretary
21 shall award grants, on a competitive basis, to eligible
22 entities to implement a comprehensive, evidence-
23 based continuum of coordinated services and sup-
24 ports that engages community partners to improve
25 academic achievement, student development, and col-

1 lege and career readiness, measured by common out-
2 comes, by carrying out the activities described in
3 section 4614 in neighborhoods with high concentra-
4 tions of low-income individuals and persistently low-
5 achieving schools or schools with an achievement
6 gap.

7 “(2) SUFFICIENT SIZE AND SCOPE.—Each
8 grant awarded under this subpart shall be of suffi-
9 cient size and scope to allow the eligible entity to
10 carry out the purpose of this part.

11 “(b) DURATION.—Grants awarded under this sub-
12 part shall be for a period of not more than 5 years and
13 may be renewed for not more than 1 additional grant pe-
14 riod.

15 “(c) CONTINUED FUNDING.—Continued funding
16 after the third year of the grant period shall be contingent
17 on the eligible entity’s progress toward meeting the per-
18 formance metrics described in section 4616(a).

19 “(d) MATCHING REQUIREMENT.—Each eligible enti-
20 ty receiving a grant under this subpart shall contribute
21 matching funds in an amount equal to not less than 100
22 percent of the amount of the grant. Such matching funds
23 shall come from non-Federal sources. The Secretary shall
24 require that a portion of such matching funds come from
25 private sources.

1 “(e) FINANCIAL HARDSHIP WAIVER.—The Secretary
2 may waive or reduce, on a case-by-case basis, the matching
3 requirement described in subsection (d), for a period of
4 1 year at a time, if the eligible entity demonstrates signifi-
5 cant financial hardship.

6 **“SEC. 4612. ELIGIBLE ENTITIES.**

7 “In this subpart, the term ‘eligible entity’ means not
8 less than 1 nonprofit entity in partnership with not less
9 than 1 high-need local educational agency. Such partner-
10 ship may also include any of the following entities:

11 “(1) A charter school funded by the Bureau of
12 Indian Education that is not a local educational
13 agency, except that such school shall not be the fis-
14 cal agent for the eligible entity partnership.

15 “(2) An institution of higher education, as de-
16 fined in section 102 of the Higher Education Act of
17 1965 (20 U.S.C. 1002).

18 “(3) The office of a chief elected official of a
19 unit of local government.

20 “(4) An Indian tribe or tribal organization, as
21 defined under section 4 of the Indian Self-Deter-
22 mination and Education Assistance Act (25 U.S.C.
23 450b).

1 **“SEC. 4613. APPLICATION REQUIREMENTS.**

2 “(a) IN GENERAL.—To be eligible to receive a grant
3 under this subpart, an eligible entity shall submit an appli-
4 cation to the Secretary at such time, in such manner, and
5 containing such information as the Secretary may require.

6 “(b) CONTENTS OF APPLICATION.—At a minimum,
7 an application described in subsection (a) shall include the
8 following:

9 “(1) A plan to significantly improve the aca-
10 demic outcomes of children living in a neighborhood
11 that is served by the eligible entity, by providing a
12 continuum of services and supports that addresses
13 the needs of children in the neighborhood, as identi-
14 fied by the needs analysis described in paragraph (4)
15 and supported by evidence-based practices.

16 “(2) A description of the neighborhood that the
17 eligible entity will serve.

18 “(3) Measurable annual goals for the outcomes
19 of the grant, including—

20 “(A) performance goals, in accordance with
21 the metrics described in section 4616(a), for
22 each year of the grant; and

23 “(B) projected participation rates and any
24 plans to expand the number of children served
25 or the neighborhood proposed to be served by
26 the grant program.

1 “(4) An analysis of the needs and assets of the
2 neighborhood identified in paragraph (2), includ-
3 ing—

4 “(A) a description of the process through
5 which the needs analysis was produced, includ-
6 ing a description of how parents, family, and
7 community members were engaged in such
8 analysis;

9 “(B) an analysis of community assets, in-
10 cluding programs already provided from Fed-
11 eral and non-Federal sources, within, or acces-
12 sible to, the neighborhood, including, at a min-
13 imum—

14 “(i) early learning programs, includ-
15 ing high-quality child care, Early Head
16 Start programs, Head Start programs, and
17 prekindergarten programs;

18 “(ii) the availability of healthy food
19 options and opportunities for physical ac-
20 tivity;

21 “(iii) existing family and student sup-
22 ports;

23 “(iv) locally owned businesses and em-
24 ployers; and

25 “(v) institutions of higher education;

1 “(C) evidence of successful collaboration
2 within the neighborhood;

3 “(D) the steps that the eligible entity is
4 taking, at the time of the application, to ad-
5 dress the needs identified in the needs analysis;
6 and

7 “(E) any barriers the eligible entity, public
8 agencies, and other community-based organiza-
9 tions have faced in meeting such needs.

10 “(5) A description of the data used to identify
11 the pipeline services to be provided, including data
12 regarding—

13 “(A) school readiness;

14 “(B) academic achievement and college
15 and career readiness;

16 “(C) graduation rates;

17 “(D) health indicators;

18 “(E) college enrollment, persistence, and
19 completion rates, as available; and

20 “(F) conditions for learning, including
21 school climate surveys, discipline rates, and stu-
22 dent attendance and incident data.

23 “(6) A description of the process used to de-
24 velop the application, including the involvement of
25 family and community members.

1 “(7) An estimate of—

2 “(A) the number of children, by age, who
3 will be served by each pipeline service; and

4 “(B) for each age group, the percentage of
5 children (of such age group), within the neigh-
6 borhood, who the eligible entity proposes to
7 serve, disaggregated by each service, and the
8 goals for increasing such percentage over time.

9 “(8) A description of how the pipeline services
10 will facilitate the coordination of the following activi-
11 ties:

12 “(A) Providing high-quality early learning
13 opportunities for children, beginning prenatally
14 and extending through grade 3, by—

15 “(i) supporting high-quality early
16 learning opportunities that provide chil-
17 dren with access to programs that support
18 the cognitive and developmental skills, in-
19 cluding social and emotional skills, needed
20 for success in elementary school;

21 “(ii) providing for opportunities,
22 through parenting classes, baby academies,
23 home visits, or other evidence-based strate-
24 gies, for families and expectant parents
25 to—

1 “(I) acquire the skills to promote
2 early learning, development, and
3 health and safety, including learning
4 about child development and positive
5 discipline strategies (such as through
6 the use of technology and public
7 media programming);

8 “(II) learn about the role of fam-
9 ilies and expectant parents in their
10 child’s education; and

11 “(III) become informed about
12 educational opportunities for their
13 children, including differences in qual-
14 ity among early learning opportuni-
15 ties;

16 “(iii) ensuring successful transitions
17 between early learning programs and ele-
18 mentary school, including through the es-
19 tablishment of memoranda of under-
20 standing between early learning providers
21 and local educational agencies serving
22 young children and families;

23 “(iv) ensuring appropriate screening,
24 diagnostic assessments, and referrals for
25 children with disabilities, developmental

1 delays, or other special needs, consistent
2 with the Individuals with Disabilities Edu-
3 cation Act (20 U.S.C. 1400 et seq.), where
4 applicable;

5 “(v) improving the early learning
6 workforce in the community, including
7 through—

8 “(I) investments in the recruit-
9 ment, retention, distribution, and sup-
10 port of high-quality professionals, es-
11 pecially those with certification and
12 experience in child development;

13 “(II) the provision of high-quality
14 teacher preparation and professional
15 development; or

16 “(III) the use of joint profes-
17 sional development for early learning
18 providers and elementary school
19 teachers and administrators; and

20 “(vi) enhancing data systems and
21 data sharing among the eligible entity,
22 partners, early learning providers, schools,
23 and local educational agencies operating in
24 the neighborhood.

1 “(B) Supporting, enhancing, operating, or
2 expanding rigorous and comprehensive edu-
3 cation reforms designed to significantly improve
4 educational outcomes for children and youth in
5 early learning programs through grade 12,
6 which may include—

7 “(i) operating schools or working in
8 close collaboration with local schools to
9 provide high-quality academic programs,
10 curricula, and integrated student supports;

11 “(ii) providing expanded learning
12 time; and

13 “(iii) providing programs and activi-
14 ties that ensure that students—

15 “(I) are prepared for the college
16 admissions, scholarship, and financial
17 aid application processes; and

18 “(II) graduate college and career
19 ready.

20 “(C) Supporting access to a healthy life-
21 style, which may include—

22 “(i) the provision of high-quality and
23 nutritious meals;

1 “(ii) access to programs that promote
2 physical activity, physical education, and
3 fitness; and

4 “(iii) education to promote a healthy
5 lifestyle and positive body image.

6 “(D) Providing social, health, and mental
7 health services and supports, including referrals
8 for essential care and preventative screenings,
9 for children, family, and community members,
10 which may include—

11 “(i) dental services;

12 “(ii) vision care; and

13 “(iii) speech, language, and auditory
14 screenings and referrals.

15 “(E) Supporting students and family mem-
16 bers as the students transition from early learn-
17 ing programs into elementary school, from ele-
18 mentary school to middle school, from middle
19 school to high school, from high school into and
20 through college and into the workforce, includ-
21 ing through evidence-based strategies to ad-
22 dress challenges that students may face as they
23 transition, such as the following:

24 “(i) Early college high schools.

25 “(ii) Dual enrollment programs.

1 “(iii) Career academies.

2 “(iv) Counseling and support services.

3 “(v) Dropout prevention and recovery
4 strategies.

5 “(vi) Collaboration with the juvenile
6 justice system and reentry counseling for
7 adjudicated youth.

8 “(vii) Advanced Placement or Inter-
9 national Baccalaureate courses.

10 “(viii) Teen parent classrooms.

11 “(ix) Graduation and career coaches.

12 “(9) A description of the strategies that will be
13 used to provide pipeline services (including a de-
14 scription of the process used to identify such strate-
15 gies and the outcomes expected and a description of
16 which programs and services will be provided to chil-
17 dren, family members, community members, and
18 children not attending schools or programs operated
19 by the eligible entity or its partner providers) to sup-
20 port the purpose of this part.

21 “(10) An explanation of the process the eligible
22 entity will use to establish and maintain family and
23 community engagement.

1 “(11) An explanation of how the eligible entity
2 will continuously evaluate and improve the con-
3 tinuum of high-quality pipeline services, including—

4 “(A) a description of the metrics, con-
5 sistent with section 4616(a), that will be used
6 to inform each component of the pipeline; and

7 “(B) the processes for using data to im-
8 prove instruction, optimize integrated student
9 supports, provide for continuous program im-
10 provement, and hold staff and partner organiza-
11 tions accountable.

12 “(12) An identification of the fiscal agent,
13 which may be any entity described in section 4612
14 (not including paragraph (1) of such section).

15 “(13) A list of the non-Federal sources of fund-
16 ing that the eligible entity will secure to comply with
17 the matching funds requirement described in section
18 4611(d), in addition to other programs from which
19 the eligible entity has already secured funding, in-
20 cluding those funded by the Department or pro-
21 grams in the Department of Health and Human
22 Services, the Department of Housing and Urban De-
23 velopment, the Department of Justice, or the De-
24 partment of Labor.

1 “(c) MEMORANDUM OF UNDERSTANDING.—An eligi-
2 ble entity, as part of the application described in this sec-
3 tion, shall submit a preliminary memorandum of under-
4 standing, signed by each partner entity or agency. The
5 preliminary memorandum of understanding shall describe,
6 at a minimum—

7 “(1) each partner’s financial and programmatic
8 commitment with respect to the strategies described
9 in the application, including an identification of the
10 fiscal agent;

11 “(2) each partner’s long-term commitment to
12 providing pipeline services that, at a minimum, ac-
13 counts for the cost of supporting the continuum of
14 supports and services (including a plan for how to
15 support services and activities after grant funds are
16 no longer available) and potential changes in local
17 government;

18 “(3) each partner’s mission and the plan that
19 will govern the work that the partners do together;

20 “(4) each partner’s long-term commitment to
21 supporting the continuum of supports and services
22 through data collection, monitoring, reporting, and
23 sharing; and

1 “(5) each partner’s commitment to ensure
2 sound fiscal management and controls, including evi-
3 dence of a system of supports and personnel.

4 **“SEC. 4614. USE OF FUNDS.**

5 “(a) IN GENERAL.—Each eligible entity that receives
6 a grant under this subpart shall use the grant funds to—

7 “(1) implement the pipeline services, as de-
8 scribed in the application under section 4613; and

9 “(2) continuously evaluate the success of the
10 program and improve the program based on data
11 and outcomes.

12 “(b) SPECIAL RULES.—

13 “(1) FUNDS FOR PIPELINE SERVICES.—Each
14 eligible entity that receives a grant under this sub-
15 part shall, in the second year of the grant and each
16 subsequent year, including each year of a renewal
17 grant, use not less than 80 percent of grant funds
18 to carry out the activities described in subsection
19 (a)(1).

20 “(2) OPERATIONAL FLEXIBILITY.—Each eligi-
21 ble entity that operates a school in a neighborhood
22 served by a grant program under this subpart shall
23 provide such school with the operational flexibility,
24 including autonomy over staff, time, and budget,

1 needed to effectively carry out the activities de-
2 scribed in the application under section 4613.

3 **“SEC. 4615. REPORT AND PUBLICLY AVAILABLE DATA.**

4 “(a) REPORT.—Each eligible entity that receives a
5 grant under this subpart shall prepare and submit an an-
6 nual report to the Secretary, which shall include—

7 “(1) information about the number and per-
8 centage of children in the neighborhood who are
9 served by the grant program, including a description
10 of the number and percentage of children accessing
11 each of the pipeline services;

12 “(2) data (disaggregated by the categories de-
13 scribed in section 1111(a)(2)(B)(ix)) about the grant
14 program’s success in—

15 “(A) narrowing achievement gaps and im-
16 proving student achievement;

17 “(B) ensuring school readiness and healthy
18 socio-emotional development;

19 “(C) increasing student persistence;

20 “(D) increasing student attendance, and
21 decreasing incidences of violence, suspension,
22 and expulsion;

23 “(E) improving conditions for learning, as
24 measured by a school climate survey; and

1 “(F) increasing secondary school gradua-
2 tion rates and college entry;

3 “(3) information relating to the performance
4 metrics described in section 4616(a); and

5 “(4) other indicators that may be required by
6 the Secretary, in consultation with the Director of
7 the Institute of Education Sciences.

8 “(b) PUBLICLY AVAILABLE DATA.—Each eligible en-
9 tity that receives a grant under this subpart shall make
10 publicly available, including through electronic means, the
11 information described in subsection (a). To the extent
12 practicable, such information shall be provided in a form
13 and language accessible to parents and families in the
14 neighborhood, and such information shall be a part of
15 statewide longitudinal data systems.

16 **“SEC. 4616. ACCOUNTABILITY.**

17 “(a) PERFORMANCE METRICS.—The Secretary shall
18 establish performance metrics relevant to the evaluation
19 of the grant program under this subpart.

20 “(b) EVALUATION.—The Secretary shall evaluate the
21 implementation and impact of the activities funded under
22 this subpart, in accordance with section 9601.

23 **“Subpart 2—Promise School Grants**

24 **“SEC. 4621. PROGRAM AUTHORIZED.**

25 “(a) IN GENERAL.—

1 “(1) PROGRAM AUTHORIZED.—From amounts
2 appropriated to carry out this subpart, the Secretary
3 shall award grants, on a competitive basis, to eligible
4 entities to implement school-centered, evidence-based
5 strategies and integrated student supports that le-
6 verage community partnerships to improve student
7 achievement and child and youth development by
8 carrying out the activities described in section 4624
9 in schools with high concentrations of low-income
10 children.

11 “(2) SUFFICIENT SIZE AND SCOPE.—Each
12 grant awarded under this subpart shall be of suffi-
13 cient size and scope to allow the eligible entity to
14 carry out the purpose of this part.

15 “(b) GENERAL PROVISIONS.—The requirements of
16 subsections (b), (c), (d), and (e) of section 4611 and sec-
17 tion 4614(b) shall apply to a grant under this subpart in
18 the same manner as such subsections apply to a grant
19 under subpart 1, except that the performance metrics used
20 for section 4611(c) shall be the metrics under section
21 4626(a).

22 **“SEC. 4622. DEFINITION OF ELIGIBLE ENTITY.**

23 “‘In this subpart, the term ‘eligible entity’ means—

24 “(1) not less than 1 high-need local educational
25 agency (including a charter school that is a local

1 educational agency) in partnership with 1 or more
2 nonprofit entities or institutions of higher education;
3 or

4 “(2) a school funded by the Bureau of Indian
5 Education that falls under the definition of a local
6 educational agency in partnership with 1 or more
7 nonprofit entities or institutions of higher education.

8 **“SEC. 4623. APPLICATION REQUIREMENTS; PRIORITY.**

9 “(a) IN GENERAL.—To be eligible to receive a grant
10 under this subpart, an eligible entity shall submit an appli-
11 cation to the Secretary at such time, in such manner, and
12 containing such information as the Secretary may require.

13 “(b) CONTENTS OF APPLICATION.—At a minimum,
14 the application described in subsection (a) shall include
15 the following:

16 “(1) A description of the local educational agen-
17 cy, schools, and students that will be served by the
18 subgrant program.

19 “(2) A description of the steps that the eligible
20 entity is taking—

21 “(A) to meet the needs identified in the
22 analysis described in paragraph (4); and

23 “(B) to remove any barriers that the eligi-
24 ble entity has identified in meeting such needs.

1 “(3) The designation of a site coordinator, with
2 appropriate qualifications and appropriate time, au-
3 tonomy, and support to provide—

4 “(A) leadership in building relationships
5 and establishing and sustaining partnerships
6 that support school improvement, school turn-
7 around efforts in accordance with section
8 1116(c), increases in student achievement, posi-
9 tive child and youth development, and parent,
10 family, and community engagement; and

11 “(B) effective coordination of student serv-
12 ices at all stages of the continuum of high-qual-
13 ity pipeline services.

14 “(4) An analysis of the needs and assets of the
15 schools and communities that will be assisted under
16 this subpart. Such analysis shall include—

17 “(A) student data, including information
18 about—

19 “(i) school readiness;

20 “(ii) academic achievement;

21 “(iii) credit accumulation;

22 “(iv) grade-to-grade promotion;

23 “(v) graduation;

24 “(vi) attendance; and

25 “(vii) discipline; and

1 “(B) information about the assets de-
2 scribed in section 4613(b)(4)(B) with respect to
3 such schools and communities.

4 “(5) An explanation of how the eligible entity
5 and its program partners will use evidence-based
6 practice, data, and research to leverage partnerships
7 to implement integrated student supports and wrap-
8 around services to—

9 “(A) address the needs identified in para-
10 graph (4);

11 “(B) encourage parents, family members,
12 and community members to—

13 “(i) participate in the education of
14 their children and become an integral part
15 of the school culture, school improvement,
16 and decisionmaking; and

17 “(ii) promote strategies that include
18 the educational and financial literacy infor-
19 mation that is necessary to increase access
20 to, and success in, postsecondary edu-
21 cation;

22 “(C) enable teachers and administrators,
23 including early learning providers, to com-
24 plement and enrich efforts to help children—

25 “(i) achieve learning gains;

1 “(ii) prepare for graduation; and

2 “(iii) plan for the future, including
3 preparing for college and careers; and

4 “(D) coordinate and leverage other pro-
5 grams that serve children, the schools served by
6 the grant, and the neighborhood.

7 “(6) An explanation of the extent to which the
8 eligible entity and its program partners will serve or
9 involve children residing in the neighborhood regard-
10 less of whether such children attend a school served
11 by the grant (including by, as appropriate, providing
12 high-quality early learning opportunities for chil-
13 dren, beginning at birth and extending through
14 grade 3) by—

15 “(A) carrying out the activities described
16 in section 4613(b)(8)(A), as appropriate; and

17 “(B) carrying out the activities described
18 in subparagraphs (B) through (E) of section
19 4613(b)(8).

20 “(7) A description of the capacity of the eligible
21 entity for measuring student outcomes and school-
22 specific outcomes.

23 “(8) A description of how the strategies sup-
24 ported with funds under this subpart will be—

1 “(A) coordinated with other programs and
2 strategies carried out by the local educational
3 agency; and

4 “(B) to the greatest extent practicable, co-
5 ordinated with other agencies, such as agencies
6 that provide reentry services to adjudicated
7 youth.

8 “(9) A description of the strategy the eligible
9 entity will use to—

10 “(A) support family and community en-
11 gagement; and

12 “(B) make schools the centers of their re-
13 spective communities.

14 “(10) A list of the non-Federal sources of fund-
15 ing that the eligible entity will secure to comply with
16 the matching funds requirement described in section
17 4611(d), in addition to other programs the eligible
18 entity has already secured funding from, including
19 those funded by the Department, or programs in the
20 Department of Health and Human Services, the De-
21 partment of Housing and Urban Development, the
22 Department of Justice, or the Department of Labor.

23 “(c) MEMORANDUM OF UNDERSTANDING.—An eligi-
24 ble entity, as part of the application described in this sec-

1 tion, shall submit a preliminary memorandum of under-
2 standing that meets the requirements of section 4613(c).

3 “(d) PRIORITY.—In awarding grants under this sub-
4 part, the Secretary shall give priority to applicants that—

5 “(1) propose to provide a continuum of high-
6 quality education and student support services for
7 children beginning in prekindergarten and extending
8 through high school graduation;

9 “(2) propose to include significant investments
10 in high-quality early learning programs, consistent
11 with subsection (b)(6)(A); and

12 “(3) provide schools served by the grant with
13 the operational flexibility, including autonomy over
14 staff, time, and budget, needed to effectively carry
15 out the activities described in the application under
16 this section.

17 **“SEC. 4624. USE OF FUNDS.**

18 “Each eligible entity that receives a grant under this
19 subpart shall use the grant funds to—

20 “(1) implement the activities described in the
21 application under section 4623; and

22 “(2) continuously evaluate the success of the
23 grant program and improve the grant program
24 based on data and outcomes.

1 **“SEC. 4625. REPORT AND PUBLICLY AVAILABLE DATA.**

2 “(a) REPORT.—Each eligible entity that receives a
3 grant under this subpart shall prepare and submit an an-
4 nual report to the Secretary, which shall include—

5 “(1) information about the number and per-
6 centage of children served by the grant program,
7 disaggregated the subgroups described in section
8 1111(b)(2)(B)(ix);

9 “(2) data about the grant program’s success
10 in—

11 “(A) narrowing achievement gaps;

12 “(B) ensuring school readiness and healthy
13 socio-emotional development;

14 “(C) improving academic achievement;

15 “(D) increasing student persistence in ele-
16 mentary school and secondary school;

17 “(E) increasing on-time secondary school
18 graduation rates and college entry; and

19 “(F) increasing student attendance and de-
20 creasing incidents of violence, suspension, and
21 expulsion; and

22 “(3) other indicators that may be required by
23 the Secretary, in consultation with the Director of
24 the Institute of Education Sciences.

25 “(b) PUBLICLY AVAILABLE DATA.—Each eligible en-
26 tity that receives a grant under this subpart shall make

1 publicly available, including through electronic means, the
2 information described in subsection (a). To the extent
3 practicable, such information shall be provided in a form
4 and language accessible to parents and families in the
5 neighborhood.

6 **“SEC. 4626. ACCOUNTABILITY.**

7 “(a) PERFORMANCE METRICS.—The Secretary shall
8 establish performance metrics relevant to the evaluation
9 of the grant program under this subpart.

10 “(b) EVALUATION.—The Secretary shall evaluate the
11 implementation and impact of the activities funded under
12 this subpart, in accordance with section 9601.

13 **“Subpart 3—General Provisions**

14 **“SEC. 4631. NATIONAL ACTIVITIES.**

15 “From the amounts appropriated to carry out this
16 part for a fiscal year, in addition to the amounts that may
17 be reserved in accordance with section 9601, the Secretary
18 may reserve not more than 5 percent for national activi-
19 ties, which may include—

20 “(1) research on the activities carried out under
21 subparts 1 and 2;

22 “(2) identification and dissemination of best
23 practices;

24 “(3) technical assistance;

25 “(4) professional development; and

1 “(5) other activities consistent with the purpose
2 of this part.”.

3 **SEC. 4108. PARENT AND FAMILY INFORMATION AND RE-**
4 **SOURCE CENTERS.**

5 Title IV (20 U.S.C. 7101 et seq.) is amended by in-
6 serting after part F, as added by section 4107 of this Act,
7 the following:

8 **“PART G—PARENT AND FAMILY INFORMATION**
9 **AND RESOURCE CENTERS**

10 **“SEC. 4701. PURPOSE.**

11 “The purpose of this part is to increase and enhance
12 parent and family engagement in education by—

13 “(1) providing support and technical assistance
14 to State educational agencies;

15 “(2) supporting a community of practice related
16 to effective parent and family engagement strategies
17 and practices; and

18 “(3) as appropriate, providing information and
19 training to local educational agencies, schools, par-
20 ents and families, and community members.

21 **“SEC. 4702. DEFINITION OF ELIGIBLE ENTITY.**

22 “In this part, the term ‘eligible entity’ means—

23 “(1) a nonprofit organization (including a state-
24 wide nonprofit organization); or

1 “(2) a consortium consisting of a nonprofit or-
2 ganization (including a statewide nonprofit organiza-
3 tion) and a State educational agency or local edu-
4 cational agency.

5 **“SEC. 4703. GRANTS AUTHORIZED.**

6 “(a) PARENT AND FAMILY INFORMATION AND RE-
7 SOURCE CENTERS.—The Secretary is authorized to award
8 grants, on a competitive basis, to eligible entities to enable
9 such eligible entities to operate State parent and family
10 information and resource centers that—

11 “(1) assist the State educational agency in
12 identifying, implementing, and replicating effective
13 evidence-based parent, family, and community en-
14 gagement strategies, including assisting the State
15 educational agency in carrying out parent and family
16 engagement strategies that are funded under section
17 1118 and other provisions of this Act;

18 “(2) provide technical assistance, training, in-
19 formation, and support, as appropriate (including
20 support in turning around schools), to, at a min-
21 imum, high-need schools and schools that are served
22 by high-need local educational agencies; and

23 “(3) strengthen partnerships among parents,
24 family members, community-based organizations (in-
25 cluding faith-based organizations), schools, local

1 educational agencies, employers, and other appro-
2 priate community members who are committed to
3 improving and enhancing parent, family, and com-
4 munity engagement in order to improve student
5 achievement and support positive child development.

6 “(b) DURATION.—Grants awarded under this part
7 shall be for a period of 5 years.

8 “(c) GEOGRAPHIC DISTRIBUTION.—In awarding
9 grants under this part, the Secretary shall ensure that not
10 less than 1 grant is awarded to an eligible entity in each
11 State.

12 “(d) PRIORITY.—In awarding grants under this part,
13 the Secretary shall give priority to applications from eligi-
14 ble entities that have a demonstrated record of effective-
15 ness in increasing and enhancing the engagement of par-
16 ents and families whose children attend a high-need school
17 or a school that is served by a high-need local educational
18 agency.

19 **“SEC. 4704. APPLICATIONS.**

20 “(a) SUBMISSION.—Each eligible entity that desires
21 a grant under this part shall submit an application to the
22 Secretary at such time, in such manner, and accompanied
23 by such information as the Secretary may require.

1 “(b) ASSURANCES.—Each application submitted
2 under subsection (a) shall include, at a minimum, an as-
3 surance that the eligible entity will—

4 “(1)(A) be governed by a board of directors, of
5 which not less than 50 percent is comprised of mem-
6 bers who are—

7 “(i) parents or family members of school-
8 aged children in the State that the eligible enti-
9 ty serves, including educationally and economi-
10 cally disadvantaged parents; and

11 “(ii) community stakeholders who are com-
12 mitted to improving schools and increasing par-
13 ent and family engagement; or

14 “(B) be an organization or consortium that rep-
15 resents the interests of parents and family members
16 of school-aged children;

17 “(2) use not less than 75 percent of the funds
18 received under this part for each fiscal year to serve
19 areas with a demonstrated high concentration of
20 low-income families;

21 “(3) reserve not less than 20 percent of the
22 funds received under this part for each fiscal year to
23 establish, expand, or operate parent education pro-
24 grams for parents whose children attend early child-
25 hood education and care programs;

1 “(4) operate a parent and family information
2 and resource center of sufficient size, scope, and
3 quality to effectively carry out the purpose of this
4 part;

5 “(5) ensure that parents and family members,
6 including economically disadvantaged parents and
7 family members with children who attend high-need
8 schools or schools that are served by high-need local
9 educational agencies, have access to leadership devel-
10 opment training and other evidence-based strategies
11 that provide the skills and resources parents and
12 family members need to support school improve-
13 ment, increase student achievement, and promote
14 positive student development; and

15 “(6) demonstrate to the Secretary that a por-
16 tion of the services provided by the eligible entity
17 under the grant is supported through non-Federal
18 contributions, which contributions may be in cash or
19 in-kind.

20 “(c) CONTENTS.—In addition to the requirements de-
21 scribed in subsection (b), each application submitted
22 under subsection (a) shall, at a minimum—

23 “(1) describe how the eligible entity will serve
24 both urban and rural areas throughout the State
25 that is served by the eligible entity;

1 “(2) demonstrate the eligible entity’s record of
2 effectiveness in carrying out parent and family en-
3 gagement activities, including the provision of high-
4 quality technical assistance to State educational
5 agencies and local educational agencies;

6 “(3) describe the process through which the eli-
7 gible entity will—

8 “(A) leverage relationships with, and col-
9 lect and exchange information among, partners;
10 and

11 “(B) disseminate information about evi-
12 dence-based best practices to support parent
13 and family engagement strategies;

14 “(4) describe the eligible entity’s strategy for
15 serving parents and family members of children in
16 the area served by the eligible entity, including par-
17 ents and family members of students who are served
18 by high-need local educational agencies;

19 “(5) describe how the eligible entity will assist
20 the State educational agency in effectively sup-
21 porting high-need local educational agencies in—

22 “(A) increasing parent and family member
23 understanding of, and opportunities to develop
24 the knowledge and skills to engage as full part-

1 ners in, supporting academic achievement, child
2 development, and school improvement; and

3 “(B) employing evidence-based strategies
4 to—

5 “(i) increase the participation of eco-
6 nomically disadvantaged and English
7 learner parents and family members in
8 school activities; and

9 “(ii) improve parent and family en-
10 gagement strategies in low-performing
11 schools served by high-need local edu-
12 cational agencies; and

13 “(6) identify the Federal, State, and local serv-
14 ices and programs that prepare children to be ready
15 for institutions of higher education and careers with
16 which the eligible entity will coordinate, including—

17 “(A) programs supported under this Act;

18 “(B) violence prevention programs;

19 “(C) programs that serve at-risk or out-of-
20 school youth;

21 “(D) nutrition programs;

22 “(E) housing programs;

23 “(F) Head Start and other early childhood
24 care and education programs;

1 “(G) adult education and literacy activities
2 (as defined in section 203 of the Adult Edu-
3 cation and Family Literacy Act); and

4 “(H) workforce development programs.

5 **“SEC. 4705. USES OF FUNDS.**

6 “(a) **REQUIRED ACTIVITIES.**—Each eligible entity
7 that receives a grant under this part shall use such grant
8 funds to provide services to parents, family members, edu-
9 cators, and community members and to assist State edu-
10 cational agencies, local educational agencies, and, where
11 applicable, districtwide parent advisory committees in sup-
12 porting parent and family engagement in education by
13 carrying out the following activities:

14 “(1) Providing technical assistance to State
15 educational agencies in—

16 “(A) reviewing and responding to local
17 parent and family engagement plans described
18 in section 1118(a) (including, at a minimum,
19 such plans submitted by high-need local edu-
20 cational agencies) in order to support evidence-
21 based strategies and best practices in parent
22 and family engagement;

23 “(B) the implementation of Federal and
24 State laws, regulations, and guidance relating
25 to parent and family engagement;

1 “(C) the implementation or replication of
2 statewide evidence-based programs and strate-
3 gies, especially for parents who are education-
4 ally and economically disadvantaged; and

5 “(D) applicable evaluation, reporting, and
6 accountability processes.

7 “(2) Obtaining and disseminating information
8 about the range of options, programs, services, and
9 resources (including curricula) that are available at
10 the national level, the State level, and the local level
11 to assist school and local educational agency per-
12 sonnel in implementing evidence-based parent and
13 family engagement strategies.

14 “(3) Coordinating parent and family engage-
15 ment strategies with relevant Federal, State, and
16 local services and programs.

17 “(4) Working with individuals and organiza-
18 tions with expertise in identifying and implementing
19 evidence-based practices to improve parent and fam-
20 ily engagement.

21 “(5) Coordinating and integrating early care
22 and education programs with school-age programs,
23 especially those programs focusing on supporting the
24 transition of young children into kindergarten
25 through grade 3, such as by increasing awareness of

1 school readiness expectations among family and
2 community members.

3 “(6) Implementing parent institutes or other
4 leadership development strategies to ensure that par-
5 ents and family members have the skills and re-
6 sources needed to understand student and school
7 data in order to make decisions, effectively commu-
8 nicate with school officials and educators, support
9 school improvement, and increase student achieve-
10 ment.

11 “(b) PERMISSIVE ACTIVITIES.—In addition to the ac-
12 tivities required under subsection (a), each eligible entity
13 that receives a grant under this part may use such grant
14 funds to carry out the following activities:

15 “(1) Assisting parents and family members in
16 the State to participate effectively in their children’s
17 education through the provision of direct services to
18 parents and family members.

19 “(2) Developing and disseminating templates
20 for schools and local educational agencies to use to
21 provide information about curricula, academic expect-
22 tations, academic assessments, and the results of
23 academic assessments to family members in a man-
24 ner and a language that such family members can
25 understand.

1 “(3) Providing training, information, and sup-
2 port to organizations that support partnerships
3 among schools, parents, family members, and dis-
4 trictwide parent advisory committees, as applicable.

5 “(4) Providing professional development to
6 school and local educational agency staff (which may
7 be provided jointly to educators and family mem-
8 bers) to assist school and agency staff in developing
9 and implementing strategies to increase and
10 strengthen ongoing communication with parents and
11 family members, including professional development
12 opportunities that prepare teachers to have more fo-
13 cused, goal-oriented, and reciprocal parent-teacher
14 conferences.

15 **“SEC. 4706. ADMINISTRATIVE PROVISIONS.**

16 “(a) MATCHING FUNDS FOR GRANT RENEWAL.—
17 For each fiscal year after the first fiscal year for which
18 an eligible entity receives assistance under this part, the
19 eligible entity shall demonstrate that a portion of the serv-
20 ices provided by the eligible entity is supported through
21 non-Federal contributions, which contributions may be in
22 cash or in-kind.

23 “(b) PERFORMANCE ACCOUNTABILITY.—

24 “(1) PERFORMANCE INDICATORS.—Each eligi-
25 ble entity receiving a grant under this part shall

1 submit to the Secretary an annual report regarding
2 the parent and family information and resource cen-
3 ters assisted under this part. Such report shall be
4 made publicly available, including through electronic
5 means, and shall include, at a minimum, a descrip-
6 tion of how each parent and family information and
7 resource center has performed with respect to the
8 following indicators:

9 “(A) The number of local educational
10 agencies or other entities that received assist-
11 ance or support in the previous academic year.

12 “(B) The number of parents and family
13 members whose children participated in the pre-
14 vious academic year in programs, activities, or
15 strategies supported by the parent and family
16 information and resource center, and—

17 “(i) the number of such parents
18 whose children are eligible to be counted
19 under section 1124(e)(1)(A);

20 “(ii) the number of such parents
21 whose children are English learners; and

22 “(iii) the number of such parents who
23 are parents of children with disabilities.

24 “(C) The outcomes directly attributable to
25 the provision of assistance or support provided

1 by the parent and family information and re-
2 source center, such as increased parent and
3 family member participation in school planning
4 activities, parent-teacher conferences, or the
5 local educational agency budgeting process.

6 “(D) Other evidence-based indicators that
7 the Secretary may reasonably require.

8 “(2) PERFORMANCE GOALS.—

9 “(A) IN GENERAL.—Each eligible entity
10 that is awarded a grant under this part shall
11 establish, in consultation with the Secretary,
12 annual performance goals for each of the indi-
13 cators described in paragraph (1). Such per-
14 formance goals shall be made publicly available,
15 including through electronic means.

16 “(B) TERMINATION.—If an eligible entity
17 receiving grant funds under this part does not
18 meet the performance goals established under
19 this paragraph for 2 consecutive years, after
20 the provision of technical assistance in the sec-
21 ond consecutive year, the Secretary shall termi-
22 nate the grant and conduct a new competition
23 for the grant.

24 “(C) LOSS OF ELIGIBILITY.—If an eligible
25 entity has received a grant under this part and

1 such grant has been terminated in accordance
2 with subparagraph (B), the eligible entity shall
3 not be eligible to participate in future grant
4 competitions, or receive grant funds, under this
5 part.

6 “(3) TECHNICAL ASSISTANCE.—The Secretary
7 shall provide technical assistance to each eligible en-
8 tity receiving a grant under this part that does not
9 meet the performance goals established under para-
10 graph (2).

11 “(c) REPORT TO CONGRESS.—The Secretary shall
12 prepare and submit an annual report to the authorizing
13 committees, which shall—

14 “(1) include the information that each eligible
15 entity submits to the Secretary in accordance with
16 subsection (b)(1);

17 “(2) summarize and synthesize the best prac-
18 tices collected by the parent and family information
19 and resource centers for increasing and improving
20 parent, family, and community engagement; and

21 “(3) be made available to the public (including
22 through electronic means).

23 “(d) RULE OF CONSTRUCTION.—Nothing in this part
24 shall be construed to prohibit a parent and family informa-
25 tion and resource center from—

1 “(1) allowing its employees or agents to meet
2 with family members at a site that is not on school
3 grounds; or

4 “(2) working with another public or nonprofit
5 agency that serves children.

6 “(e) PARENTAL RIGHTS.—Notwithstanding any
7 other provision of this part—

8 “(1) no individual (including a parent who edu-
9 cates a child at home, parent of a public school stu-
10 dent, or parent of a private school student) shall be
11 required to participate in any program of parent or
12 family education or developmental screening under
13 this part; and

14 “(2) a program or center assisted under this
15 part shall not take any action that infringes in any
16 manner on the right of a parent to direct the edu-
17 cation of such parent’s child.”.

18 **SEC. 4108. PROGRAMS OF NATIONAL SIGNIFICANCE.**

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

20 (1) by redesignating subpart 1 of part D of title
21 V as part I of title IV, and transferring such part
22 I so as to follow part H of title IV, as redesignated
23 by section 2101(a) of this Act;

24 (2) in part I of title IV, as redesignated under
25 paragraph (1), by striking the part heading and in-

1 serting the following: “**PROGRAMS OF NATIONAL**
2 **SIGNIFICANCE**”;

3 (3) by striking section 5414;

4 (4) by redesignating sections 5411, 5412, and
5 5413, as sections 4901, 4902, and 4903, respec-
6 tively;

7 (5) in section 4901, as redesignated under
8 paragraph (4)—

9 (A) in subsection (a)—

10 (i) by striking “challenging State aca-
11 ademic content and student academic
12 achievement standards” and inserting “col-
13 lege and career ready academic content
14 and student academic achievement stand-
15 ards under section 1111(a)(1)”; and

16 (ii) by inserting “nonprofit” before
17 “private”; and

18 (B) by striking subsection (b), and insert-
19 ing the following:

20 “(b) **USES OF FUNDS.**—A nonprofit entity receiving
21 a grant under subsection (a) shall use the grant funds to
22 carry out 1 of the following activities:

23 “(1) Providing funding for economically dis-
24 advantaged students, including students from mili-
25 tary families and recent immigrants, and their

1 teachers, to participate in programs based in Wash-
2 ington, DC that increase civic responsibility and un-
3 derstanding of the Federal Government among
4 young people.

5 “(2) Developing, implementing, evaluating, and
6 disseminating innovative, research-based approaches
7 to civic learning, which may include hands-on civic
8 engagement activities, for low-income elementary
9 school and secondary school students that dem-
10 onstrate innovation, scalability, accountability, and a
11 focus on underserved populations.

12 “(3) Supporting a national principal and teach-
13 er certification process that provides a framework
14 for measuring and improving teaching and instruc-
15 tional leadership with a focus on educators working
16 in schools that are eligible for funding under part A
17 of title I, including comprehensive rigorous teaching
18 standards and assessment systems designed to re-
19 ward educator effectiveness and deliver high-quality
20 professional development across all academic sub-
21 jects and grades.

22 “(4) Creating a national teacher corps of out-
23 standing college graduates to teach in underserved
24 communities in order to—

1 “(A) increase the supply of effective teach-
2 ers in low-income communities; and

3 “(B) provide and support the retention of
4 teachers for high-need fields.

5 “(5) Supporting a national network of providers
6 of high-quality, evidence-based professional develop-
7 ment in writing instruction for teachers across all
8 academic subjects and grades.

9 “(6) Encouraging parents and caregivers to
10 read aloud to their children by supporting programs
11 through which, during pediatric exams, doctors and
12 nurses train parents and caregivers who may not be
13 skilled readers.

14 “(7) Preparing young children from low-income
15 families for reading success by the third grade by—

16 “(A) distributing inexpensive books;

17 “(B) training volunteers to serve at-risk
18 children;

19 “(C) developing motivational literacy ac-
20 tivities for at-risk children; and

21 “(D) providing information on literacy re-
22 sources, such as those provided by local librar-
23 ies and other community-based organizations.

1 “(8) Supporting model projects and programs
2 that encourage involvement in the performing and
3 visual arts, for—

4 “(A) persons with disabilities, by—

5 “(i) increasing access to all forms of
6 the arts for all persons, including those liv-
7 ing with intellectual, physical, and sensory
8 disabilities; and

9 “(ii) fostering a greater awareness of
10 the need for arts programs for individuals
11 with disabilities; and

12 “(B) children, youth, and educators.

13 “(9) Implementing a coordinated program of
14 scientifically based research, demonstration projects,
15 innovative strategies, and professional development
16 for teachers and other instructional leaders working
17 in high-poverty schools to—

18 “(A) enhance the ability of educators to
19 meet the special educational needs of gifted and
20 talented students, including high-ability stu-
21 dents who have not been formally identified as
22 gifted; and

23 “(B) prioritize students who have been
24 underrepresented in gifted education programs,
25 including students who are economically dis-

1 advantaged, of minority backgrounds, English
2 learners, students with disabilities, and students
3 in rural communities.

4 “(10) Promoting gender equity in education by
5 supporting educational agencies and institutions in
6 meeting the requirements of title IX of the Edu-
7 cation Amendments of 1972 (20 U.S.C. 1681 et
8 seq.).

9 “(11) Other high-quality, nationally significant
10 programs that meet the purposes of this Act.”;

11 (6) in section 4902(c), as redesignated under
12 paragraph (4), by striking “and in recognizing
13 States, local educational agencies, and schools under
14 section 5411(b)(3), only if funds are used for such
15 recognition programs”;

16 (7) in section 4903, as redesignated under
17 paragraph (4)—

18 (A) in subsection (a)(1), by striking
19 “5412” and inserting “4902”; and

20 (B) by striking subsection (d); and

21 (8) in each of sections 4901, 4902, and 4903,
22 as redesignated under paragraph (4), by striking
23 “subpart” each place the term appears and inserting
24 “part”.

1 **TITLE V—PROMOTING**
2 **INNOVATION**

3 **SEC. 5001. PROMOTING INNOVATION.**

4 Title V (20 U.S.C. 7201 et seq.) is amended by strik-
5 ing the title heading and inserting the following:

6 **“TITLE V—PROMOTING**
7 **INNOVATION”.**

8 **PART A—RACE TO THE TOP**

9 **SEC. 5101. RACE TO THE TOP.**

10 Part A of title V (20 U.S.C. 7201 et seq.) is amended
11 to read as follows:

12 **“PART A—RACE TO THE TOP**

13 **“SEC. 5101. PURPOSES.**

14 “The purposes of this part are to provide incentives
15 for States and high-need local educational agencies to im-
16 plement comprehensive reforms and innovative strategies
17 that are designed to lead to—

18 “(1) significant improvements in outcomes for
19 all students, including improvements in student
20 readiness, student academic achievement, high
21 school graduation rates, and rates of student enroll-
22 ment, persistence, and completion in institutions of
23 higher education; and

1 “(2) significant reductions in achievement gaps
2 between the groups of students described in section
3 1111(a)(2)(B)(ix).

4 **“SEC. 5102. RESERVATION OF FUNDS.**

5 “From amounts made available to carry out this part
6 for a fiscal year, the Secretary may reserve not more than
7 5 percent to carry out activities in accordance with this
8 part related to technical assistance and outreach and dis-
9 semination.

10 **“SEC. 5103. RACE TO THE TOP PROGRAM.**

11 “(a) PROGRAM AUTHORIZED.—

12 “(1) IN GENERAL.—For each fiscal year for
13 which funds are appropriated under this part and
14 from such funds that are not reserved under section
15 5102, the Secretary shall, in accordance with para-
16 graph (2), determine the goals that are the greatest
17 priority for the United States and award grants,
18 through a grant competition, to eligible entities to
19 enable such eligible entities to carry out comprehen-
20 sive reforms and innovative strategies in furtherance
21 of such goals.

22 “(2) SELECTION OF GOALS AND CATEGORIES
23 OF ENTITIES.—

24 “(A) IN GENERAL.—The Secretary shall
25 determine the priorities for grants awarded

1 through a grant competition under this part by
2 selecting in advance of the application period—

3 “(i) 1 or more categories of entities
4 described in paragraph (3) that may apply
5 for and receive the grants through such
6 grant competition; and

7 “(ii) 1 or more goals described in
8 paragraph (4) to be supported under the
9 grants.

10 “(B) ANNOUNCEMENT.—The Secretary
11 shall ensure that information regarding the se-
12 lections of goals and categories of entities for
13 the grants under this part for an upcoming
14 grant competition is made widely available to el-
15 igible entities and that the eligible entities will
16 have sufficient time to prepare a grant applica-
17 tion based on the Secretary’s decisions for the
18 upcoming grant competition.

19 “(3) ELIGIBLE ENTITIES.—The categories of
20 entities that may be selected for grants under this
21 part are the following:

22 “(A) A State.

23 “(B) A high-need local educational agency.

24 “(C) A consortium of States.

1 “(D) A consortium of high-need local edu-
2 cational agencies.

3 “(4) EDUCATIONAL GOALS.—The goals that the
4 Secretary shall select to support through grants
5 under this part are 1 or more of the following:

6 “(A) Increasing the access of children from
7 low-income families to highly rated teachers and
8 school leaders, including by—

9 “(i) developing and implementing a
10 teacher and principal evaluation system
11 consistent with section 2301(b)(4);

12 “(ii) improving the effectiveness of
13 teachers (including early childhood edu-
14 cation and care educators) and school lead-
15 ers, including through high-quality prepa-
16 ration, recruitment, professional develop-
17 ment, evaluation, and other personnel poli-
18 cies; and

19 “(iii) ensuring that all teachers are
20 prepared to effectively serve the needs of
21 students who are children with disabilities
22 or English learners, particularly through
23 the general education curriculum.

24 “(B) Strengthening the availability and
25 use of high-quality and timely data to improve

1 instructional practices, policies, and student
2 outcomes.

3 “(C) Implementing—

4 “(i) elementary and secondary school
5 academic standards that prepare students
6 to be college and career ready, in accord-
7 ance with section 1111(a)(1)(A)(ii); and

8 “(ii) strategies that translate such
9 standards into classroom practice, includ-
10 ing in the areas of assessment, instruc-
11 tional materials, and professional develop-
12 ment.

13 “(D) Turning around the schools served by
14 the eligible entity that are identified through a
15 State’s accountability and improvement system
16 under subsection (b) or (c)(2) of section 1116.

17 “(E) Creating successful conditions for the
18 creation, expansion, and replication of high-per-
19 forming public charter schools and the creation
20 of new, innovative, and highly autonomous pub-
21 lic schools that will enroll a large percentage of
22 students from low-income families.

23 “(F) Providing more equitable State and
24 local resources to high-poverty schools.

25 “(G) Improving school readiness by—

1 “(i) increasing the number and per-
2 centage of children from low-income fami-
3 lies, in each age group of infants, toddlers,
4 and preschoolers, who are enrolled in high-
5 quality early childhood education and care
6 programs; and

7 “(ii) designing and implementing an
8 integrated system of high-quality early
9 childhood education and care programs
10 and services that strengthens the coordina-
11 tion and collaboration among Federal,
12 State, and local early childhood education
13 and care programs.

14 “(b) DURATION OF GRANTS.—

15 “(1) IN GENERAL.—Each grant awarded under
16 this part shall be for a period of not more than 4
17 years.

18 “(2) REQUIREMENTS FOR ADDITIONAL FUND-
19 ING.—Before receiving funding under any grant
20 under this part for the second or any subsequent
21 year of the grant, the eligible entity receiving the
22 grant shall demonstrate to the Secretary that the el-
23 igible entity is—

24 “(A) making progress in implementing the
25 plan under section 5104(a)(3) at a rate that the

1 Secretary determines will result in full imple-
2 mentation of the plan during the remainder of
3 the grant period; and

4 “(B) making progress, as measured by the
5 annual performance measures and targets es-
6 tablished by the eligible entity under section
7 5105, at a rate that the Secretary determines
8 will result in reaching the targets and achieving
9 the objectives of the grant, during the remain-
10 der of the grant period.

11 “(c) INTERAGENCY AGREEMENT.—The Secretary
12 shall establish an interagency agreement with the Sec-
13 retary of Health and Human Services to jointly administer
14 any grant competition for the goal of improving early
15 childhood education and care, as described in subsection
16 (a)(4)(G), and any grants issued under such grant com-
17 petition.

18 **“SEC. 5104. APPLICATION PROCESS.**

19 “(a) IN GENERAL.—Each eligible entity that desires
20 to receive a grant under this part shall submit an applica-
21 tion to the Secretary at such time, in such manner, and
22 containing such information as the Secretary may reason-
23 ably require. At a minimum, each such application shall
24 include the following:

1 “(1) Documentation of the eligible entity’s
2 record, as applicable, in the areas to be measured by
3 the performance measures identified by the Sec-
4 retary under section 5105(2).

5 “(2) Evidence of conditions of innovation and
6 reform that the eligible entity has established and
7 the eligible entity’s plan for implementing additional
8 conditions for innovation and reform, including—

9 “(A) a description of how the eligible enti-
10 ty has identified and eliminated ineffective
11 practices in the past, and its plan for doing so
12 in the future;

13 “(B) a description of how the eligible enti-
14 ty has identified and promoted effective prac-
15 tices in the past, and its plan for doing so in
16 the future; and

17 “(C) steps the eligible entity has taken and
18 will take to eliminate statutory, regulatory, pro-
19 cedural, or other barriers to facilitate the full
20 implementation of its proposed plan under
21 paragraph (3).

22 “(3) A comprehensive and coherent plan for
23 using funds under this part, and other Federal,
24 State, and local funds, to improve the eligible enti-
25 ty’s performance on the performance measures iden-

1 tified under section 5105(2), including how the ap-
2 plicant will implement reforms and innovative strate-
3 gies to achieve the goals selected by the Secretary
4 under section 5103(a)(2).

5 “(4) In the case of an eligible entity that is de-
6 scribed in subparagraph (A) or (C) of section
7 5103(a)(3), evidence of collaboration among the eli-
8 gible entity, local educational agencies in the State
9 (including the local educational agencies partici-
10 pating in carrying out the plan under paragraph
11 (3)), schools that are expected to benefit from the
12 activities under the plan, parents, teachers, and
13 other stakeholders, in developing and implementing
14 the plan, including evidence of the commitment and
15 capacity to implement such plan.

16 “(5) In the case of an eligible entity described
17 in subparagraph (B) or (D) of section 5103(a)(3),
18 evidence of the eligible entity’s collaboration with its
19 school leaders, teachers, parents, and other stake-
20 holders in developing the plan under paragraph (3),
21 including evidence of the commitment and capacity
22 to implement that plan.

23 “(6) The eligible entity’s annual performance
24 measures and targets, in accordance with the re-
25 quirements of section 5105.

1 “(b) CRITERIA FOR EVALUATING APPLICATIONS.—

2 “(1) IN GENERAL.—The Secretary shall award
3 grants under this part on a competitive basis, based
4 on the quality of the applications submitted by eligi-
5 ble entities.

6 “(2) PUBLICATION OF EXPLANATION.—The
7 Secretary shall publish an explanation of how the
8 application review process will ensure an equitable,
9 transparent, and objective evaluation.

10 “(c) PRIORITY.—In awarding grants under this part,
11 the Secretary shall give priority to—

12 “(1) any eligible entity described in subpara-
13 graph (B) or (D) of section 5103(a)(3) that serves
14 a school designated with a school locale code of 33,
15 41, 42, or 43, as determined by the Secretary; and

16 “(2) for any grant competition under this part
17 for the goal of improving early childhood education
18 and care, as described in section 5103(a)(4)(G), any
19 eligible entity that provides a full-day kindergarten
20 program to all kindergarten students, or to all kin-
21 dergarten students from low-income families, served
22 by the eligible entity.

23 **“SEC. 5105. PERFORMANCE MEASURES.**

24 “Each eligible entity receiving a grant under this part
25 shall establish, subject to approval by the Secretary, an-

1 nual performance measures and targets for the programs
2 and activities carried out under this part. Such perform-
3 ance measures and targets shall, at a minimum, track the
4 eligible entity's progress in—

5 “(1) implementing the plan described in section
6 5104(a)(3); and

7 “(2) making progress on any other performance
8 measure identified by the Secretary.

9 **“SEC. 5106. USES OF FUNDS.**

10 “(a) USE OF STATE GRANT FUNDS.—

11 “(1) IN GENERAL.—Each eligible entity de-
12 scribed in subparagraph (A) or (C) of section
13 5103(a)(3) that receives a grant under this part
14 shall—

15 “(A) except as provided in paragraph (3),
16 use not less than 50 percent of the grant funds
17 to award subgrants under paragraph (2) to the
18 local educational agencies that will participate
19 in the plan for any purpose included in the eli-
20 gible entity's plan described in section
21 5104(a)(3); and

22 “(B) use any amount of the grant not dis-
23 tributed under subparagraph (A) for any pur-
24 pose included in the eligible entity's plan.

1 “(2) AMOUNT OF SUBGRANTS.—For a fiscal
2 year, the amount of a subgrant under paragraph
3 (1)(A) for a local educational agency that has been
4 selected to participate in the eligible entity’s plan
5 shall bear the same relation to the amount available
6 for all such subgrants by the eligible entity for such
7 year, as the amount made available to the local edu-
8 cational agency under part A of title I for the most
9 recent year for which such data is available bears to
10 the total amount made available for such year to all
11 local educational agencies selected to participate in
12 the eligible entity’s plan.

13 “(3) EXCEPTION.—An eligible entity described
14 in subparagraph (A) or (C) of section 5103(a)(3)
15 that receives a grant under this part for the goal of
16 improving early childhood education and care, as de-
17 scribed in section 5103(a)(4)(G)—

18 “(A) shall not be subject to the require-
19 ments of paragraph (1)(A); and

20 “(B) may use grant funds to award sub-
21 grants to public or private nonprofit agencies
22 and organizations for activities consistent with
23 any purpose included in the eligible entity’s
24 plan described in section 5104(a)(3).

1 “(b) USE OF SUBGRANT FUNDS.—Each local edu-
2 cational agency or public or private nonprofit agency or
3 organization that receives a subgrant under paragraph
4 (1)(A) or (3)(B) of subsection (a) from an eligible entity
5 shall use subgrant funds for any purpose included in the
6 eligible entity’s plan described in section 5104(a)(3), sub-
7 ject to any requirements of the eligible entity.

8 “(c) USE OF HIGH-NEED LOCAL EDUCATIONAL
9 AGENCY GRANT FUNDS.—Each eligible entity described
10 in subparagraph (B) or (D) of section 5103(a)(3) that re-
11 ceives a grant under this part shall use such funds for
12 any purpose included in the eligible entity’s plan described
13 in section 5104(a)(3).

14 “(d) SPECIAL RULE.—

15 “(1) LIMITATION ON USE OF FUNDS.—Notwith-
16 standing any other provision of this section, grant or
17 subgrant funds under this part shall only be used to
18 fund a program or activity that is an allowable use
19 of funds under another section of this Act (excluding
20 this part and section 8007, as amended by section
21 8004 of the Elementary and Secondary Education
22 Reauthorization Act of 2011), the Individuals with
23 Disabilities Education Act, the Adult Education and
24 Family Literacy Act, or the Carl D. Perkins Career
25 and Technical Education Act of 2006, except that

1 grant or subgrant funds for the goal of improving
2 early childhood education and care, as described in
3 section 5103(a)(4)(G), may also be used to fund a
4 program or activity that is an allowable use of funds
5 under the Head Start Act, or the Child Care and
6 Development Block Grant Act of 1990.

7 “(2) LIMITATION OF USE OF FUNDS FOR EARLY
8 CHILDHOOD EDUCATION AND CARE PROGRAMS.—
9 Grant or subgrant funds under this part that are
10 used to improve early childhood education and care
11 programs shall not be used to carry out any of the
12 following activities:

13 “(A) Assessments that provide rewards or
14 sanctions for individual children or teachers.

15 “(B) A single assessment that is used as
16 the primary or sole method for assessing pro-
17 gram effectiveness.

18 “(C) Evaluating children, other than for
19 the purposes of improving instruction, class-
20 room environment, professional development, or
21 parent and family engagement, or program im-
22 provement.

23 **“SEC. 5107. REPORTING.**

24 “(a) ANNUAL REPORT.—An eligible entity that re-
25 ceives a grant under this part shall submit to the Sec-

1 retary, at such time and in such manner as the Secretary
2 may require, an annual report including, at a minimum—

3 “(1) data on the eligible entity’s progress in
4 achieving the targets for the annual performance
5 measures and targets established under section
6 5105; and

7 “(2) a description of the challenges the eligible
8 entity has faced in implementing its program under
9 this part, and how the eligible entity has addressed,
10 or plans to address, such challenges.

11 “(b) LOCAL REPORT.—Each local educational agency
12 and each public or private nonprofit agency or organiza-
13 tion that receives a subgrant from an eligible entity under
14 section 5106(a) shall submit to the eligible entity such in-
15 formation as the eligible entity may require to complete
16 the annual report required by subsection (a).”.

17 **PART B—INVESTING IN INNOVATION**

18 **SEC. 5201. INVESTING IN INNOVATION.**

19 Part B of title V (20 U.S.C. 7221 et seq.) is amended
20 to read as follows:

21 **“PART B—INVESTING IN INNOVATION**

22 **“SEC. 5201. PURPOSES.**

23 “The purposes of this part are to—

24 “(1) fund the identification, development, eval-
25 uation, and expansion of innovative, research- and

1 evidence-based practices, programs, and strategies in
2 order to significantly—

3 “(A) increase student academic achieve-
4 ment and close achievement gaps;

5 “(B) increase high school graduation rates;

6 “(C) increase college enrollment rates and
7 rates of college persistence;

8 “(D) improve teacher and school leader ef-
9 fectiveness; and

10 “(E) improve school readiness and
11 strengthen collaboration and coordination
12 among elementary schools and early childhood
13 care and education; and

14 “(2) support the rapid development, expansion,
15 adoption, and implementation of tools and resources
16 that improve the efficiency, effectiveness, or pace of
17 adoption of such educational practices, programs,
18 and strategies.

19 **“SEC. 5202. RESERVATIONS.**

20 “(a) ARPA-ED.—The Secretary may reserve not
21 more than 30 percent of the funds appropriated under sec-
22 tion 3(s) for each fiscal year to carry out the activities
23 of the Advanced Research Projects Agency-Education es-
24 tablished under section 221 of the Department of Edu-

1 cation Organization Act, except that the amount so re-
2 served for any fiscal year shall not exceed \$100,000,000.

3 “(b) NATIONAL ACTIVITIES.—From the amount re-
4 maining after a reservation made under subsection (a), the
5 Secretary may reserve not more than 5 percent of the
6 funds appropriated under section 3(s) for any fiscal year
7 to carry out activities of national significance. Such activi-
8 ties may include—

9 “(1) capacity-building;

10 “(2) technical assistance;

11 “(3) dissemination of best practices developed
12 with grant funds provided under this part; and

13 “(4) carrying out prize awards consistent with
14 section 24 of the Stevenson-Wydler Technology In-
15 novation Act of 1980 (15 U.S.C. 3719).

16 “(c) AVAILABILITY OF FUNDS.—Funds for the activi-
17 ties described in subsection (a), and for prize awards
18 under subsection (b)(4), shall be available until expended.

19 **“SEC. 5203. PROGRAM AUTHORIZED; LENGTH OF GRANTS;
20 PRIORITIES.**

21 “(a) PROGRAM AUTHORIZATION.—

22 “(1) IN GENERAL.—The Secretary shall use
23 funds made available to carry out this part for a fis-
24 cal year to award grants, on a competitive basis, to
25 eligible entities.

1 “(2) ELIGIBLE ENTITY.—In this part, the term
2 ‘eligible entity’ means—

3 “(A) a local educational agency or a con-
4 sortium of local educational agencies; or

5 “(B) a partnership between a nonprofit or-
6 ganization or an educational service agency
7 and—

8 “(i) 1 or more local educational agen-
9 cies; or

10 “(ii) a consortium of public schools.

11 “(b) DURATION OF GRANTS.—The Secretary—

12 “(1) shall award grants under this part for a
13 period of not more than 3 years; and

14 “(2) may extend such grants for an additional
15 2-year period if the grantee demonstrates to the Sec-
16 retary that it is making significant progress on the
17 program performance measures identified in section
18 5206.

19 “(c) RURAL SET-ASIDE.—The Secretary shall ensure
20 that not less than 22 percent of the funds awarded under
21 subsection (a) for any fiscal year are for projects that meet
22 both of the following requirements, except that the Sec-
23 retary shall not be required to make such awards unless
24 a sufficient number of otherwise eligible high quality appli-
25 cations are received:

1 “(1) The eligible entity includes—

2 “(A) a local educational agency with an
3 urban-centric district locale code of 32, 33, 41,
4 42, or 43, as determined by the Secretary;

5 “(B) a consortium of such local edu-
6 cational agencies; or

7 “(C) if the applicant is a partnership, an
8 educational service agency or a nonprofit orga-
9 nization with demonstrated expertise in serving
10 students from rural areas.

11 “(2) A majority of the schools to be served by
12 the project are designated with a school locale code
13 of 41, 42, or 43, or a combination of such codes, as
14 determined by the Secretary, and—

15 “(A) are served by a local educational
16 agency in which 20 percent or more of the chil-
17 dren ages 5 through 17 years old are from fam-
18 ilies with incomes below the poverty line;

19 “(B) are served by a local educational
20 agency in which the total number of students in
21 average daily attendance at all of the schools
22 served by the local educational agency is fewer
23 than 600; or

24 “(C) are served by a local educational
25 agency located in a county that has a total pop-

1 ulation density of fewer than 10 persons per
2 square mile.

3 “(d) PRIORITIES.—In awarding grants under this
4 part, the Secretary shall give priority to an eligible entity
5 that includes, in its application under section 5204, a plan
6 to—

7 “(1) address the needs of high-need local edu-
8 cational agencies;

9 “(2) improve school readiness; or

10 “(3) address the unique learning needs of stu-
11 dents who are children with disabilities or English
12 learners.

13 “(e) STANDARDS OF EVIDENCE.—The Secretary
14 shall set standards for the quality of evidence that an ap-
15 plicant shall provide in order to demonstrate that the ac-
16 tivities it proposes to carry out with funds under this part
17 are likely to succeed in improving student outcomes, in-
18 cluding academic achievement and graduation rates.
19 These standards shall include the following:

20 “(1) Strong evidence that the activities pro-
21 posed by the applicant will have a statistically sig-
22 nificant effect on student outcomes.

23 “(2) Moderate evidence that the activities pro-
24 posed by the applicant will improve outcomes.

1 “(3) A rationale based on research findings or
2 a reasonable hypothesis that the activities proposed
3 by the applicant will improve student outcomes.

4 “(f) SUPPORT FOR NEW PRACTICES, STRATEGIES,
5 OR PROGRAMS.—

6 “(1) IN GENERAL.—The Secretary shall ensure
7 that not less than one-half of the funds awarded
8 under subsection (a) for any fiscal year are for
9 projects that—

10 “(A) meet an evidence standard described
11 in paragraph (2) or (3) of subsection (e); and

12 “(B) do not meet the evidence standard
13 described in paragraph (1) of subsection (e).

14 “(2) EXCEPTION.—The Secretary shall not be
15 required to make the awards described in paragraph
16 (1) unless a sufficient number of otherwise eligible
17 high-quality applications are received.

18 **“SEC. 5204. APPLICATIONS.**

19 “Each eligible entity that desires to receive a grant
20 under this part shall submit an application to the Sec-
21 retary at such time, in such manner, and containing such
22 information as the Secretary may reasonably require. At
23 a minimum, each application shall—

24 “(1) describe the project for which the appli-
25 cant is seeking a grant and how the evidence sup-

1 porting that project meets the standards of evidence
2 established by the Secretary under section 5203(e);

3 “(2) describe how the applicant will address at
4 least 1 of the areas described in section 5205(a)(1);

5 “(3) provide an estimate of the number of chil-
6 dren that the applicant plans to serve under the pro-
7 posed project, including the percentage of those chil-
8 dren who are from low-income families;

9 “(4) demonstrate that the applicant has estab-
10 lished 1 or more partnerships with public or private
11 organizations and that the partner or partners will
12 provide matching funds, except that the Secretary
13 may waive the matching funds requirement on a
14 case-by-case basis, upon a showing of exceptional
15 circumstances;

16 “(5) describe the applicant’s plan for continuing
17 the proposed project after funding under this part
18 ends;

19 “(6) if the applicant is a local educational agen-
20 cy—

21 “(A) document the local educational agen-
22 cy’s record during the previous 3 years in—

23 “(i) increasing student achievement,
24 including achievement for each subgroup of

1 students described in section
2 1111(a)(2)(B)(ix); and

3 “(ii) closing achievement gaps; and

4 “(B) demonstrate how the local edu-
5 cational agency has made significant improve-
6 ments in other outcomes, as applicable, on the
7 performance measures described in section
8 5206;

9 “(7) if the applicant is a partnership that in-
10 cludes a nonprofit organization, provide evidence
11 that the nonprofit organization has helped at least
12 1 school or local educational agency, during the pre-
13 vious 3 years, significantly—

14 “(A) increase student achievement, includ-
15 ing achievement for each subgroup of students
16 described in section 1111(a)(2)(B)(ix); and

17 “(B) close achievement gaps;

18 “(8) provide a description of the applicant’s
19 plan for independently evaluating the effectiveness of
20 activities carried out with funds under this part;

21 “(9) provide an assurance that the applicant
22 will—

23 “(A) cooperate with evaluations, as re-
24 quested by the Secretary;

1 “(B) make data available to third parties
2 for validation and further study; and

3 “(C) participate in communities of prac-
4 tice; and

5 “(10) if the applicant is a partnership that in-
6 cludes a nonprofit organization that intends to make
7 subgrants, consistent with section 5205(b), provide
8 an assurance that the applicant will apply para-
9 graphs (1) through (9), as appropriate, in its selec-
10 tion of subgrantees and in its oversight of those sub-
11 grants.

12 **“SEC. 5205. USES OF FUNDS.**

13 “(a) USES OF FUNDS.—

14 “(1) MANDATORY USES.—Each eligible entity
15 that receives a grant under this part shall carry out
16 the following:

17 “(A) Use the grant funds to carry out, at
18 a minimum, 1 of the following activities:

19 “(i) Improving the effectiveness of
20 teachers and school leaders and increasing
21 equity in the distribution of effective teach-
22 ers and school leaders.

23 “(ii) Strengthening the use of data to
24 improve teaching and learning.

1 “(iii) Providing high-quality instruc-
2 tion based on college and career ready
3 standards and measuring students’ mas-
4 tery of standards using high-quality assess-
5 ments aligned with those standards.

6 “(iv) Turning around the lowest-per-
7 forming schools.

8 “(v) Improving school readiness for
9 students who are low-income, English
10 learners, and children with disabilities.

11 “(vi) Other areas relating to school
12 improvement consistent with the purposes
13 of this part, as determined by the Sec-
14 retary.

15 “(B) Use the grant funds to develop or ex-
16 pand strategies to improve the performance of
17 high-need students on the performance meas-
18 ures described in section 5206.

19 “(2) PERMISSIVE USE OF FUNDS.—Each eligi-
20 ble entity that receives a grant under this part may
21 use the grant funds for an independent evaluation,
22 as required under section 5204(a)(8), of the innova-
23 tive practice carried out with the grant.

24 “(b) AUTHORITY TO SUBGRANT.—

1 “(1) IN GENERAL.—If an eligible entity that re-
2 ceives a grant under this part includes a nonprofit
3 organization, such nonprofit organization may use
4 the grant funds to award subgrants to other entities
5 to provide support to 1 or more schools or local edu-
6 cational agencies.

7 “(2) COMPLIANCE WITH REQUIREMENTS OF
8 GRANTEES.—Each entity awarded a subgrant under
9 paragraph (1) shall comply with the requirements of
10 this part relating to grantees, as appropriate.

11 **“SEC. 5206. PERFORMANCE MEASURES.**

12 “The Secretary shall establish performance measures
13 for the programs and activities carried out under this part.
14 These measures, at a minimum, shall track the grantee’s
15 progress in improving outcomes for each subgroup of stu-
16 dents described in section 1111(a)(2)(B)(ix) that is served
17 by the grantee, including, as applicable, by—

18 “(1) increasing student achievement and de-
19 creasing achievement gaps;

20 “(2) increasing high school graduation rates;

21 “(3) increasing college enrollment rates and
22 rates of college persistence;

23 “(4) improving teacher and school leader effec-
24 tiveness;

25 “(5) improving school readiness; and

1 “(6) any other indicator as the Secretary or
2 grantee may determine.

3 **“SEC. 5207. REPORTING.**

4 “An eligible entity that receives a grant under this
5 part shall submit to the Secretary, at such time and in
6 such manner as the Secretary may require, an annual re-
7 port that includes, among other things, information on the
8 entity’s progress on the performance measures established
9 under section 5206, and the data supporting that
10 progress.”.

11 **PART C—MAGNET SCHOOLS ASSISTANCE**

12 **SEC. 5301. FINDINGS AND PURPOSE.**

13 Section 5301 (20 U.S.C. 7231) is amended—

14 (1) in subsection (a)—

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

17 “(2) The use of magnet schools has increased
18 dramatically since the inception of the magnet
19 schools assistance program under this Act, with
20 more than 1,500,000 students nationwide attending
21 such schools.”; and

22 (B) in paragraph (4), by striking subpara-
23 graph (B) and inserting the following:

24 “(B) to ensure that all students have equi-
25 table access to a high-quality public education

1 that will prepare them to succeed in a highly
2 competitive economy comprised of people from
3 many different racial and ethnic backgrounds;
4 and”; and

5 (2) in subsection (b)—

6 (A) in paragraph (2)—

7 (i) by inserting “, particularly whole-
8 school programs,” after “magnet school
9 programs”; and

10 (ii) by striking “challenging State aca-
11 demic content standards and student aca-
12 demic achievement standards” and insert-
13 ing “college and career ready State aca-
14 demic content standards and student aca-
15 demic achievement standards under section
16 1111(a)”;

17 (B) by striking paragraphs (3) and (4) and
18 inserting the following:

19 “(3) the development and design of evidence-
20 based educational methods and practices that pro-
21 mote diversity and increase high-quality public edu-
22 cational options;

23 “(4) courses of instruction within magnet
24 schools that will substantially increase the college

1 and career readiness of students attending such
2 schools;”.

3 **SEC. 5302. PROGRAM AUTHORIZED.**

4 Section 5303 (20 U.S.C. 7231b) is amended, in the
5 matter preceding paragraph (1), by inserting “competi-
6 tive” after “to award”.

7 **SEC. 5303. APPLICATIONS AND REQUIREMENTS.**

8 Section 5305 (20 U.S.C. 7231d) is amended—

9 (1) by striking subsection (b) and inserting the
10 following:

11 “(b) INFORMATION AND ASSURANCES.—Each appli-
12 cation submitted under subsection (a) shall include—

13 “(1) a description of—

14 “(A) how a grant awarded under this part
15 will be used to—

16 “(i) improve student academic
17 achievement for all students and subgroups
18 of students described in section
19 1111(a)(2)(B)(ix) attending the magnet
20 school program; and

21 “(ii) promote desegregation, including
22 how the proposed magnet school program
23 will increase interaction among students of
24 different social, economic, ethnic, and ra-
25 cial backgrounds, including the policies,

1 programs, and activities aimed at increas-
2 ing interaction among such students;

3 “(B)(i) a description of the evidence that
4 the magnet school program that the applicant
5 proposes to implement would improve student
6 academic achievement and reduce minority
7 group isolation; or

8 “(ii) if such evidence is not available, a ra-
9 tionale, based on current research findings, for
10 how the program would improve student aca-
11 demic achievement and reduce minority group
12 isolation;

13 “(C) how the applicant will continue the
14 magnet school program after assistance under
15 this part is no longer available, and, if applica-
16 ble, an explanation of why magnet schools es-
17 tablished or supported by the applicant with
18 grant funds under this part cannot be contin-
19 ued without the use of grant funds under this
20 part;

21 “(D) how grant funds under this part will
22 be used—

23 “(i) to improve student academic
24 achievement for all students attending the
25 magnet school programs; and

1 “(ii) to implement services and activi-
2 ties that are consistent with other pro-
3 grams under this Act, and other Acts, as
4 appropriate;

5 “(E) the student application process, and
6 selection criteria, if any, to be used by the pro-
7 posed magnet school program;

8 “(F) how the applicant will conduct out-
9 reach and disseminate information about the
10 proposed magnet school program, including the
11 application and selection process, in a timely,
12 clear, and accessible manner to all students and
13 their parents and families and, to the extent
14 practicable, in a language they can understand;
15 and

16 “(G) how the applicant will assess, mon-
17 itor, and evaluate the impact of the activities
18 funded under this part on student academic
19 achievement and integration; and

20 “(2) assurances that the applicant will—

21 “(A) use grant funds under this part for
22 the purpose specified in section 5301(b);

23 “(B) employ highly rated school leaders
24 and teachers in the courses of instruction as-
25 sisted under this part;

1 “(C) not engage in discrimination based on
2 race, religion, color, national origin, sex, or dis-
3 ability in—

4 “(i) the hiring, promotion, or assign-
5 ment of employees of the applicant or
6 other personnel for whom the applicant has
7 any administrative responsibility;

8 “(ii) the assignment of students to
9 schools, or to courses of instruction within
10 the schools, of such applicant, except to
11 carry out the approved plan; and

12 “(iii) designing or operating extra-
13 curricular activities for students;

14 “(D) carry out a high-quality education
15 program that will result in greater parent and
16 family decisionmaking and engagement; and

17 “(E) give students residing in the local at-
18 tendance area of the proposed magnet school
19 program equitable consideration for placement
20 in the program, consistent with desegregation
21 guidelines and the capacity of the applicant to
22 accommodate the students.”; and

23 (2) in subsection (c), by striking “will be met”
24 and inserting “are being met”.

1 **SEC. 5304. PRIORITY.**

2 Section 5306 (20 U.S.C. 7231e) is amended by strik-
3 ing paragraphs (1), (2), and (3), and inserting the fol-
4 lowing:

5 “(1) have the highest quality applications or
6 demonstrate the greatest need for assistance, based
7 on the expense or difficulty of effectively carrying
8 out approved desegregation plans and the magnet
9 school program for which the grant is sought;

10 “(2) propose to carry out new magnet school
11 programs, significantly revise existing magnet school
12 programs, or significantly expand magnet school
13 programs, in a manner that—

14 “(A) is aligned with other programs that
15 have demonstrated a record of success in in-
16 creasing student academic achievement and re-
17 ducing minority group isolation; or

18 “(B) has a strong research basis for im-
19 proving student academic achievement and re-
20 ducing minority group isolation;

21 “(3) select, or propose to select, students to at-
22 tend magnet school programs solely or primarily by
23 lottery, rather than through academic examination
24 or other selective enrollment methods; and

25 “(4) propose to serve the entire student popu-
26 lation of a school.”.

1 **SEC. 5305. USE OF FUNDS.**

2 Section 5307 (20 U.S.C. 7231f) is amended—

3 (1) in subsection (a), by striking paragraphs
4 (1) through (7) and inserting the following:

5 “(1) for planning, outreach, and promotional
6 activities directly related to the development, expansion,
7 continuation, or enhancement of academic programs and services offered at magnet schools;

8 “(2) for the acquisition of books, educational
9 technology, materials, and equipment necessary to
10 conduct programs in magnet schools;

11 “(3) for—

12 “(A) the compensation, or subsidization of
13 the compensation, of elementary school and secondary
14 school teachers, leaders, and other instructional staff who are highly rated; and
15
16

17 “(B) high-quality professional development
18 and staff capacity-building activities, including
19 those designed to recruit, prepare, support, and
20 retain highly rated school teachers, leaders, and
21 other instructional staff;

22 “(4) with respect to a magnet school program
23 offered to less than the entire student population of
24 a school, for instructional activities that are designed
25 to make available the special curriculum that is offered
26 by the magnet school program to students who

1 are enrolled in the school but who are not enrolled
2 in the magnet school program;

3 “(5) for activities, which may include the for-
4 mation of partnerships with public or nonprofit or-
5 ganizations to help enhance the program or promote
6 parent and family decisionmaking and engagement
7 that will build the recipient’s capacity to operate
8 magnet school programs once the grant period has
9 ended;

10 “(6) to enable the local educational agency, or
11 consortium of such agencies, to have more flexibility
12 in designing magnet schools for students in all
13 grades; and

14 “(7) for other operational costs that cannot be
15 met with other State or local sources.”; and

16 (2) in subsection (b), by striking “based on the
17 State’s challenging academic content standards and
18 student academic achievement standards or directly
19 related to improving student reading skills or knowl-
20 edge of mathematics, science, history, geography,
21 English, foreign languages, art, or music, or to im-
22 proving vocational, technological, and professional
23 skills” and inserting “and growth and leading to
24 students being on track to college and career readi-
25 ness”.

1 **SEC. 5306. LIMITATIONS.**

2 Section 5309 (20 U.S.C. 7231h) is amended—

3 (1) in subsection (a), by striking “a period that
4 shall not exceed 3 fiscal years” and inserting “an
5 initial period of not more than 3 fiscal years, and
6 may be renewed for not more than an additional 2
7 years if the Secretary finds that the grantee is
8 achieving the intended outcomes of the grant and
9 shows improvement in increasing student academic
10 achievement and reducing minority-group isolation,
11 and other indicators of success established by the
12 Secretary”; and

13 (2) in subsection (b)—

14 (A) by striking “50” and inserting “40”;

15 and

16 (B) by striking “15” and inserting “10”.

17 **SEC. 5307. EVALUATIONS.**

18 Section 5310 (20 U.S.C. 7231i) is amended to read
19 as follows:

20 **“SEC. 5310. EVALUATIONS.**

21 “(a) **IMPACT OF ACTIVITIES.**—From the amount re-
22 served for evaluation activities in accordance with section
23 9601(a), the Secretary, acting through the Director of the
24 Institute of Education Sciences, shall, in consultation with
25 the relevant program office at the Department, evaluate

1 the implementation and impact of the activities supported
2 under this part, consistent with section 9601, including—

3 “(1) how, and the extent to which, magnet
4 school programs lead to educational quality and im-
5 provement;

6 “(2) the extent to which magnet school pro-
7 grams enhance student access to a high quality edu-
8 cation;

9 “(3) the extent to which magnet school pro-
10 grams lead to the elimination, reduction, or preven-
11 tion of minority group isolation in elementary
12 schools and secondary schools with substantial pro-
13 portions of minority students; and

14 “(4) the extent to which magnet school pro-
15 grams differ from other school programs in terms of
16 the organizational characteristics and resource allo-
17 cations of such magnet school programs.

18 “(b) DISSEMINATION.—The Secretary shall collect
19 and disseminate to the general public information on suc-
20 cessful magnet school programs.”.

21 **SEC. 5308. AVAILABILITY OF FUNDS FOR GRANTS TO AGEN-**
22 **CIES NOT PREVIOUSLY ASSISTED.**

23 Section 5311 (20 U.S.C. 7231j) is amended to read
24 as follows:

1 **“SEC. 5311. AVAILABILITY OF FUNDS FOR GRANTS TO**
 2 **AGENCIES NOT PREVIOUSLY ASSISTED.**

3 “For any fiscal year for which the amount appro-
 4 priated pursuant to section 3(t) exceeds \$75,000,000, the
 5 Secretary shall give priority in using such amounts in ex-
 6 cess of \$75,000,000 to awarding grants to local edu-
 7 cational agencies or consortia of such agencies that did
 8 not receive a grant under this part for the preceding fiscal
 9 year.”.

10 **PART D—PUBLIC CHARTER SCHOOLS**

11 **SEC. 5401. PUBLIC CHARTER SCHOOLS.**

12 Part D of title V (20 U.S.C. 7241 et seq.) is amended
 13 to read as follows:

14 **“PART D—PUBLIC CHARTER SCHOOLS**

15 **“SEC. 5401. PURPOSE.**

16 “The purpose of this part is to support the creation,
 17 expansion, and replication of high-performing charter
 18 schools that serve the needs and increase the academic
 19 achievement of all students.

20 **“SEC. 5402. DISTRIBUTION OF FUNDS.**

21 “From the funds appropriated to carry out this part
 22 for a fiscal year—

23 “(1) 85 percent shall be available to carry out
 24 subpart 1; and

25 “(2) 15 percent shall be available to carry out
 26 subpart 2.

1 **“Subpart 1—Successful Charter Schools Program**

2 **“SEC. 5411. DEFINITIONS.**

3 “In this subpart:

4 “(1) CHARTER SCHOOL.—The term ‘charter
5 school’ means a public school that—

6 “(A) is governed by a separate and inde-
7 pendent board that exercises authority over 1 or
8 more schools, including authority in the areas
9 of governance, personnel, budget, schedule, and
10 instructional program;

11 “(B) has ongoing, significant autonomy in
12 the areas of—

13 “(i) the hiring, replacement, and sala-
14 ries of the school staff;

15 “(ii) the school budget;

16 “(iii) scheduling formats for the
17 school day and school year;

18 “(iv) the instructional programs of the
19 school, including instructional models and
20 curricula; and

21 “(v) the management and daily oper-
22 ation of the school;

23 “(C) in accordance with a specific State
24 statute authorizing the granting of charters to
25 schools, is exempt from significant State or
26 local rules that inhibit the flexible operation

1 and management of public schools, but not
2 from any rules relating to the other require-
3 ments of this paragraph;

4 “(D) is created by a developer as a public
5 school, or is adapted by a developer from an ex-
6 isting public school, and is operated under pub-
7 lic supervision and direction;

8 “(E) operates in pursuit of a specific set of
9 educational objectives determined by the
10 school’s developer and agreed to by the charter
11 school authorizer;

12 “(F) provides 1 or more programs of ele-
13 mentary education, secondary education, or
14 both, and may also provide early childhood edu-
15 cation and care or adult education, in accord-
16 ance with State law;

17 “(G) is nonsectarian in its programs, ad-
18 missions policies, employment practices, and all
19 other operations, and is not affiliated with a
20 sectarian school or religious institution;

21 “(H) does not charge tuition;

22 “(I) complies with the Age Discrimination
23 Act of 1975, title VI of the Civil Rights Act of
24 1964, title IX of the Education Amendments of
25 1972, section 504 of the Rehabilitation Act of

1 1973, title II of the Americans with Disabilities
2 Act of 1990, and part B of the Individuals with
3 Disabilities Education Act;

4 “(J) is a school to which parents choose to
5 send their children, and that admits students
6 on the basis of a lottery if more students apply
7 for admission than can be accommodated, ex-
8 cept as modified by the Secretary by regulation
9 in accordance with clause (v) or (vi) of section
10 1116(c)(6)(B);

11 “(K) complies with the same Federal and
12 State audit requirements as do other elemen-
13 tary schools, secondary schools, and early child-
14 hood education and care and adult education
15 programs, as applicable, in the State, unless
16 such requirements are specifically waived for
17 the purpose of this program;

18 “(L) meets all applicable Federal, State,
19 and local health and safety requirements;

20 “(M) operates in accordance with State
21 law; and

22 “(N) has a written performance contract
23 with a charter school authorizer that includes—

1 “(i) a description of how student per-
2 formance will be measured on the basis
3 of—

4 “(I) State assessments that are
5 required of other public schools; and

6 “(II) any other assessments that
7 are mutually agreeable to the charter
8 school authorizer and the charter
9 school;

10 “(ii) a requirement that student aca-
11 demic achievement and growth, consistent
12 with section 1111, for the students en-
13 rolled at the school as a whole and for each
14 subgroup described in section
15 1116(b)(1)(B) will be used as a primary
16 factor in decisions about the renewal or
17 revocation of the charter, in addition to
18 other criteria, as appropriate;

19 “(iii) the student academic achieve-
20 ment, growth (consistent with section
21 1111), and student retention goals, and, in
22 the case of a high school, graduation rate
23 goals for the students enrolled at the
24 school as a whole and for each subgroup
25 described in section 1116(b)(1)(B), and

1 any other goals to be achieved by the end
2 of the contract period;

3 “(iv) the obligations and responsibil-
4 ities of the charter school and the charter
5 school authorizer; and

6 “(v) a description of the autonomy
7 that will be granted to the charter school
8 in each area described under subparagraph
9 (B).

10 “(2) CHARTER SCHOOL AUTHORIZER.—The
11 term ‘charter school authorizer’ means any public or
12 nonprofit entity that has the authority under State
13 law, and is approved by the Secretary, to authorize
14 or approve a public charter school.

15 “(3) DEVELOPER.—The term ‘developer’ means
16 any individual, group of individuals, or public non-
17 profit organization that—

18 “(A) has applied for, or been granted, a
19 charter for a charter school; or

20 “(B) has received authorization to start a
21 charter school.

22 “(4) ELIGIBLE ENTITY.—The term ‘eligible en-
23 tity’ means—

24 “(A) a State educational agency;

1 “(B) a local educational agency, except a
2 charter school that is considered a local edu-
3 cational agency under State law;

4 “(C) a charter school authorizer; or

5 “(D) a charter management organization.

6 “(5) EXPAND.—The term ‘expand’ means to in-
7 crease the student enrollment of an existing high-
8 performing charter school by more than 50 percent
9 or through the addition of not less than 2 grades to
10 such existing charter school over the course of a
11 grant or subgrant under this part.

12 “(6) HIGH-PERFORMING CHARTER SCHOOL.—
13 The term ‘high-performing charter school’ means—

14 “(A) in the case of a charter school that
15 was not open or did not enroll students in the
16 preceding school year, a charter school that has
17 a written performance contract with a charter
18 school authorizer that includes, for the students
19 enrolled at the school as a whole and for each
20 subgroup described in section 1116(b)(1)(B) for
21 the most recent year for which such data are
22 available—

23 “(i) student academic achievement
24 and growth goals (as measured, in the case
25 of a charter school that is an elementary

1 school or secondary school, by performance
2 on the statewide academic assessments re-
3 quired under section 1111(a)(2) and indi-
4 vidual academic growth, consistent with
5 section 1111) that are higher than the av-
6 erage student academic achievement and
7 growth results, consistent with section
8 1111, in demographically similar schools in
9 the State;

10 “(ii) student retention goals that are
11 similar to, or greater than, the average
12 student retention rates in demographically
13 similar schools in the State; and

14 “(iii) if the charter school is a high
15 school, goals for graduation rates, rates of
16 student enrollment at institutions of higher
17 education, and rates of student persistence
18 at institutions of higher education that are
19 higher than such average rates in demo-
20 graphically similar schools in the State; or

21 “(B) in the case of a charter school that
22 was open and enrolled students for the pre-
23 ceding school year, a charter school that has,
24 for the students enrolled at the school as a
25 whole and for each subgroup described in sec-

1 tion 1116(b)(1)(B) for the most recent year for
2 which such data are available—

3 “(i) student academic achievement
4 and growth results (as measured, in the
5 case of a charter school that is an elemen-
6 tary school or secondary school, by per-
7 formance on the statewide academic as-
8 sessments required under section
9 1111(a)(2) and individual academic
10 growth, consistent with section 1111) that
11 are significantly higher than the average
12 student academic achievement and growth
13 results, consistent with section 1111, in de-
14 mographically similar schools in the State;

15 “(ii) student retention rates that are
16 similar to or higher than the average stu-
17 dent retention rates in demographically
18 similar schools in the State; and

19 “(iii) if the school is a high school,
20 higher graduation rates, rates of student
21 enrollment at institutions of higher edu-
22 cation, and rates of student persistence at
23 institutions of higher education than such
24 average rates in demographically similar
25 schools in the State.

1 “(7) REPLICATE.—The term ‘replicate’ means
2 that an existing high-performing charter school will
3 open 1 or more new campuses under a new or exist-
4 ing charter, or both, over the course of a grant or
5 subgrant under this part.

6 **“SEC. 5412. PROGRAM AUTHORIZED.**

7 “(a) IN GENERAL.—From the amount available to
8 carry out this subpart, the Secretary shall award grants,
9 on a competitive basis, to eligible entities to enable such
10 eligible entities to award subgrants to developers to create,
11 expand, or replicate 1 or more high-performing charter
12 schools, including through conversion of an existing school
13 into a charter school.

14 “(b) ALLOCATIONS.—The Secretary shall use not less
15 than 65 percent of funds to award grants to eligible enti-
16 ties described in 5411(4)(A).

17 “(c) CONSIDERATIONS.—In awarding grants under
18 this subpart, the Secretary shall consider—

19 “(1) the geographic diversity of the eligible en-
20 tities, including the distribution of grants among
21 urban, suburban, and rural areas; and

22 “(2) the number of eligible entities in a State
23 that are receiving grants under this subpart in any
24 fiscal year.

25 “(d) GRANT AMOUNT.—

1 “(1) In determining the amount of each grant
2 to be awarded under subsection (a), the Secretary
3 shall consider—

4 “(A) the number of operating charter
5 schools under the jurisdiction or in the service
6 area of the eligible entity;

7 “(B) to the extent practicable, the number
8 of students, including students on charter
9 school waiting lists, that will be served by high-
10 performing charter schools that receive funds
11 under this subpart; and

12 “(C) the amount of funds that is needed to
13 implement the activities described in the ap-
14 proved application.

15 “(e) DURATION.—

16 “(1) IN GENERAL.—Each grant awarded under
17 this subpart shall be for an initial period of not
18 more than 3 years.

19 “(2) RENEWAL.—The Secretary may renew a
20 grant awarded under this subpart for an additional
21 period of not more than 2 years, if the eligible entity
22 is achieving the objectives of the grant and has
23 shown improvement on the performance measures
24 and targets described in section 5417(a).

25 “(f) LIMITATIONS.—

1 “(1) GRANTS.—An eligible entity described
2 under subparagraph (A) of section 5411(4) may not
3 receive more than 1 grant at a time under this sec-
4 tion.

5 “(2) SUBGRANTS.—A developer may not receive
6 more than 1 grant or subgrant at a time under this
7 section.

8 “(g) RESERVATIONS.—

9 “(1) ADMINISTRATIVE EXPENSES.—An eligible
10 entity that receives a grant under this subpart may
11 use not more than a total of 5 percent of grant
12 funds for administrative expenses associated with
13 the grant, including for improvement of the eligible
14 entity’s oversight or management of charter schools.

15 “(2) IMPROVING AUTHORIZER QUALITY.—An el-
16 igible entity described in subparagraph (A), (B), or
17 (C) of section 5411(4), shall use 5 percent of grant
18 funds for improving authorizer quality, including
19 charter school oversight and monitoring systems and
20 procedures for revoking or not renewing charters.

21 “(h) WAIVER.—The Secretary may waive a statutory
22 or regulatory requirement over which the Secretary exer-
23 cises administrative authority, except a requirement de-
24 scribed in section 5411(1), if—

1 “(1) the waiver is requested in an approved ap-
2 plication under this subpart; and

3 “(2) the Secretary determines that granting the
4 waiver will promote the purpose of this subpart.

5 **“SEC. 5413. APPLICATIONS.**

6 “(a) IN GENERAL.—Each eligible entity desiring a
7 grant under this subpart shall submit an application to
8 the Secretary at such time, in such manner, and con-
9 taining such information and assurances as the Secretary
10 may require.

11 “(b) CONTENTS.—

12 “(1) ELIGIBLE ENTITIES.—At a minimum, the
13 application described in subsection (a) shall include
14 a description of —

15 “(A) how the eligible entity will use grant
16 funds to create, expand, or replicate 1 or more
17 high-performing charter schools;

18 “(B) the need for the high-performing
19 charter schools that the eligible entity seeks to
20 support, including information that dem-
21 onstrates the interest of parents and commu-
22 nities in increasing charter school enrollment
23 capacity, such as the number of students who
24 are on waiting lists for charter schools under
25 the jurisdiction of the eligible entity;

1 “(C) the performance measures the eligible
2 entity will use to measure outcomes;

3 “(D) how the eligible entity will provide in-
4 formation and support to parents, families, and
5 students regarding the available charter school
6 options in a simple, clear, and easily accessible
7 format and, to the extent practicable, in a lan-
8 guage that such parents, families, and students
9 can understand;

10 “(E) how the eligible entity will coordinate
11 the grant funds received under this subpart
12 with other Federal, State, and local funds;

13 “(F) how the eligible entity will ensure
14 that each charter school within such eligible en-
15 tity’s jurisdiction or service area—

16 “(i) meets the requirements of section
17 5411(1); and

18 “(ii) provides equitable access and ef-
19 fectively serves the needs of all students,
20 including children with disabilities and
21 English learners, and implements outreach
22 and recruitment practices that include
23 families of such students;

24 “(G) how the eligible entity will award sub-
25 grants to developers, on a competitive basis and

1 through a high-quality review process, including
2 a description of the subgrant application;

3 “(H) how the eligible entity will target
4 subgrants to high-performing charter schools
5 that plan to serve students who attend schools
6 that have been identified through the State ac-
7 countability and improvement system described
8 in section 1116;

9 “(I) the eligible entity’s record, if applica-
10 ble, of success in creating, expanding, repli-
11 cating, managing, and overseeing high-per-
12 forming charter schools, and closing unsuccess-
13 ful schools;

14 “(J) how the eligible entity will hold char-
15 ter schools within such eligible entity’s jurisdic-
16 tion accountable if such schools do not meet the
17 objectives specified in the performance contract
18 described in section 5411(1)(N), including by
19 closing unsuccessful schools; and

20 “(K) how charter school authorizers are
21 approved, monitored, held accountable for es-
22 tablishing rigorous standards, periodically re-
23 viewed, and re-approved in the State in which
24 the eligible entity operates, based on the per-
25 formance of the charter schools that such char-

1 ter school authorizers authorize, including in
2 the areas of student safety, financial manage-
3 ment, and compliance with all applicable stat-
4 utes and regulations.

5 “(2) STATE EDUCATIONAL AGENCIES.—Each
6 eligible entity described in section 5411(4)(A) shall
7 include in the application described in paragraph (1)
8 (in addition to the requirements of such paragraph),
9 the following:

10 “(A) A description of the State’s laws,
11 policies, or procedures, if applicable, that ad-
12 dress—

13 “(i) how decisions are made to close
14 unsuccessful charter schools, and how stu-
15 dent academic achievement and growth,
16 consistent with section 1111, for all stu-
17 dents and for each subgroup of students
18 described in section 1116(b)(1)(B), is a
19 primary factor in such decisions;

20 “(ii) how charter schools are mon-
21 itored and held accountable for—

22 “(I) meeting the requirements
23 described in section 5411(1); and

24 “(II) providing equitable access
25 and effectively serving the needs of all

1 students, including students with dis-
2 abilities and English learners; and

3 “(iii) how a charter school that is con-
4 sidered a local educational agency under
5 State law, or a local educational agency in
6 which a charter school is located, will com-
7 ply with subsections (a)(5) and (e)(1)(B)
8 of section 613 of the Individuals with Dis-
9 abilities Education Act.

10 “(B) Information about the eligible entity’s
11 record of funding charter schools, including
12 funding charter school facilities.

13 “(C) Information about the number of
14 charter schools in the State that—

15 “(i) have been closed or have had
16 charters revoked or not renewed in the pre-
17 ceding 5-year period, and the reasons for
18 such closures, revocations, or nonrenewals;

19 “(ii) have been identified through the
20 State accountability and improvement sys-
21 tem described in section 1116 in the pre-
22 ceding 5-year period;

23 “(iii) have met objectives specified in
24 the performance contract described in sec-
25 tion 5411(1)(N); and

1 “(iv) the charter school authorizer has
2 authorized that are high-performing char-
3 ter schools, and the percentage of such
4 charter schools as compared to the total
5 number of charter schools that the charter
6 school authorizer has authorized.

7 “(3) LOCAL EDUCATIONAL AGENCIES.—Each
8 eligible entity described in section 5411(4)(B) shall
9 include in the application described in paragraph (1)
10 (in addition to the requirements described in such
11 paragraph), a description of the eligible entity’s poli-
12 cies and procedures for—

13 “(A) ensuring that charter schools under
14 the jurisdiction of such eligible entity have equi-
15 table access to school facilities;

16 “(B) complying with subsections (a)(5)
17 and (e)(1)(B) of section 613 of the Individuals
18 with Disabilities Education Act; and

19 “(C) supporting public school choice.

20 “(4) CHARTER SCHOOL AUTHORIZERS.—Each
21 eligible entity described in section 5411(4)(C) shall
22 include in the application described in paragraph (1)
23 (in addition to the requirements of such paragraph),
24 the following:

1 “(A) A demonstration that the eligible en-
2 tity has explicit and clear policies and proce-
3 dures in place for the approval, monitoring, re-
4 newal, and closure of charter schools, and an
5 assurance that such policies and procedures
6 make student academic achievement and
7 growth, consistent with section 1111, for all
8 students and for each subgroup of students de-
9 scribed in section 1116(b)(1)(B), a primary fac-
10 tor in such decisions.

11 “(B) A description of how the eligible enti-
12 ty will make publicly available (in a clear and
13 uniform format, a timely manner, and a form
14 that is easily accessible, and, to the extent prac-
15 ticable, in a language that families and students
16 can understand)—

17 “(i) information about the criteria and
18 procedures for granting, denying, revoking,
19 and renewing charters for charter schools;
20 and

21 “(ii) the results of decisions relating
22 to the granting, denial, revocation, and re-
23 newal of charters for charter schools, in-
24 cluding performance data and other rel-

1 evant information on which each decision
2 is based.

3 “(C) Information about the number of
4 charter schools that—

5 “(i) the charter school authorizer has
6 authorized that have been closed or have
7 had charters revoked or not renewed by
8 the eligible entity in the preceding 5-year
9 period, and the reasons for such closures,
10 revocations, or nonrenewals;

11 “(ii) have been identified through the
12 State accountability and improvement sys-
13 tem described in section 1116;

14 “(iii) have met objectives specified in
15 the performance contract described in sec-
16 tion 5411(1)(N); and

17 “(iv) the charter school authorizer has
18 authorized that are high-performing char-
19 ter schools, and the percentage of such
20 charter schools as compared to the total
21 number of charter schools that the charter
22 school authorizer has authorized.

23 “(5) CHARTER MANAGEMENT ORGANIZA-
24 TIONS.—Each eligible entity described in section
25 5411(4)(D) shall include in the application described

1 in paragraph (1) (in addition to the requirements of
2 such paragraph), a description of—

3 “(A) the qualifications of such eligible enti-
4 ty’s management team; and

5 “(B) a multi-year financial and operating
6 model for each of the high-performing charter
7 schools that such eligible entity will create, ex-
8 pand, or replicate under the grant.

9 “(6) SPECIAL RULE.—In the case of a devel-
10 oper that plans to open a charter school in a juris-
11 diction or service area where no eligible entity will
12 be awarding subgrants under this subpart for the
13 fiscal year for which the developer applies, the Sec-
14 retary may award a grant to such developer if such
15 developer has an approved application that includes
16 the requirements described in subparagraphs (A)
17 through (F) of paragraph (1) and paragraph (5).
18 The requirements of subsections (b) and (c) of sec-
19 tion 5416 and section 5417(c) shall apply to a devel-
20 oper receiving a grant under this paragraph in the
21 same manner as such sections apply to a developer
22 receiving a subgrant under section 5416, except that
23 the developer shall submit the data under section
24 5417(c) directly to the Secretary.

1 **“SEC. 5414. SELECTION CRITERIA; PRIORITY.**

2 “(a) SELECTION CRITERIA.—

3 “(1) IN GENERAL.—In awarding grants to eligi-
4 ble entities under this subpart, the Secretary shall
5 consider—

6 “(A) the quality of the eligible entity’s ap-
7 plication;

8 “(B) the eligible entity’s record, if applica-
9 ble, of success in creating, expanding, repli-
10 cating, managing, and overseeing high-per-
11 forming charter schools;

12 “(C) the eligible entity’s record of dis-
13 continuing funding or closing low-performing
14 charter schools, including, as applicable, by re-
15 voking or not renewing the charters of such
16 charter schools, and the eligible entity’s com-
17 mitment to discontinuing funding or closing
18 low-performing charter schools in the future;

19 “(D) the extent to which the eligible entity
20 demonstrates that such eligible entity will
21 award subgrants targeted to serving students
22 who attend schools that have been identified
23 through the State accountability and improve-
24 ment system described in section 1116;

25 “(E) the quality of the eligible entity’s
26 plan for supporting subgrant recipients,

1 through such activities as technical assistance,
2 directly or through grants, contracts, or cooper-
3 ative agreements, in order to—

4 “(i) improve student academic
5 achievement and growth, consistent with
6 section 1111, for all students and for each
7 subgroup of students described in section
8 1116(b)(1)(B); and

9 “(ii) promote effective outreach to,
10 and recruitment of, students who are chil-
11 dren with disabilities and students who are
12 English learners, and the parents and fam-
13 ilies of such students; and

14 “(F) the extent to which the State in
15 which the eligible entity operates provides for
16 and enforces high-quality standards for charter
17 school authorizers, including by establishing
18 standards for rigorous and periodic reviews.

19 “(2) STATE EDUCATIONAL AGENCIES.—In the
20 case of an applicant that is an eligible entity de-
21 scribed in section 5411(4)(A), in addition to the ele-
22 ments described in paragraph (1), the Secretary
23 shall also consider, the extent to which such eligible
24 entity—

1 “(A) ensures that charter schools receive
2 equitable funding compared to other public
3 schools in the State, and a commensurate share
4 of Federal, State, and local revenues compared
5 to public schools in the State, including equi-
6 table State funding to support early childhood
7 education and care programs operated by char-
8 ter schools in the State, in accordance with
9 State law; and

10 “(B) provides charter schools with equi-
11 table access to funds for facilities (which may
12 include funds for leasing or purchasing facilities
13 or for making tenant improvements), assistance
14 for facilities acquisition, access to public facili-
15 ties, the ability to share in the proceeds of
16 bonds and levies, or other support related to fa-
17 cilities.

18 “(3) LOCAL EDUCATIONAL AGENCIES.—In the
19 case of an applicant that is an eligible entity de-
20 scribed in section 5411(4)(B) (except for a charter
21 school that is considered a local educational agency
22 under State law) in addition to the elements de-
23 scribed in paragraph (1), the Secretary shall also
24 consider—

1 “(A) if charter schools are operating with-
2 in the area served by such eligible entity, the
3 extent to which the eligible entity has policies
4 and procedures in place to ensure that—

5 “(i) charter schools have equitable ac-
6 cess to school facilities; or

7 “(ii) charter schools are not denied
8 access to available public school facilities;
9 and

10 “(B) the extent to which the eligible entity
11 demonstrates support for public school choice.

12 “(4) CHARTER SCHOOL AUTHORIZERS.—In the
13 case of an applicant that is an eligible entity de-
14 scribed in section 5411(4)(C), in addition to the ele-
15 ments described in paragraph (1), the Secretary
16 shall also consider the eligible entity’s record of suc-
17 cess in authorizing and supporting high-performing
18 charter schools.

19 “(5) CHARTER MANAGEMENT ORGANIZA-
20 TIONS.—In the case of an applicant that is an eligi-
21 ble entity described in section 5411(4)(D), in addi-
22 tion to the elements described in paragraph (1), as
23 applicable, the Secretary shall also consider—

24 “(A) the quality of the eligible entity’s
25 management team; and

1 “(B) the quality and sustainability of the
2 eligible entity’s multi-year financial and oper-
3 ating model.

4 “(b) PRIORITY.—

5 “(1) STUDENTS FROM LOW-INCOME FAMI-
6 LIES.—In awarding grants under this subpart, the
7 Secretary shall give priority to eligible entities that
8 propose to create, expand, or replicate high-per-
9 forming charter schools that plan to enroll a large
10 percentage of students from low-income families.

11 “(2) DIVERSITY.—In awarding grants under
12 this subpart, the Secretary may give priority to eligi-
13 ble entities that propose to create, expand, or rep-
14 licate a high-performing charter school that will have
15 a diverse student population.

16 “(3) STATE EDUCATIONAL AGENCIES.—In the
17 case of an applicant that is an eligible entity de-
18 scribed in section 5411(4)(A), the Secretary shall
19 give priority to such eligible entities—

20 “(A) from States that do not have a law
21 that prohibits, or effectively inhibits, increasing
22 the number of high-performing charter schools
23 in the State;

24 “(B) from States that—

1 “(i) provide for, and adequately sup-
2 port, 2 or more charter school authorizers,
3 of which not less than 1 is a statewide
4 charter school authorizer; or

5 “(ii) in the case of a State in which
6 local educational agencies are the only
7 charter school authorizers—

8 “(I) allow for an appeals process
9 through which developers have an op-
10 portunity to appeal a denial to an-
11 other authorizer that will issue a final
12 determination regarding whether or
13 not to grant the developer a charter;
14 and

15 “(II) require charter school au-
16 thorizers to indicate an affirmative in-
17 terest in serving as charter school au-
18 thorizers; and

19 “(C) that have a policy or procedure in
20 place that ensures that charter schools are re-
21 authorized or have their charter renewed not
22 less than once every 5 years.

23 **“SEC. 5415. USES OF FUNDS.**

24 “(a) **REQUIRED USES OF FUNDS.**—Each eligible en-
25 tity receiving a grant under section 5412(a) shall—

1 “(1) use not less than 95 percent of the re-
2 remaining grant funds, after the reservations made
3 under section 5412(g), to award subgrants to 1 or
4 more developers, as described under section 5416, to
5 enable such developers to create, expand, or replicate
6 1 or more high-performing charter schools (which
7 may include opening new schools or converting exist-
8 ing schools into charter schools) in the area served
9 by the eligible entity or under the jurisdiction of the
10 eligible entity;

11 “(2) in awarding subgrants, give priority to de-
12 velopers that propose to create, expand, or replicate
13 a high-performing charter school in which a large
14 percentage of the students enrolled are from low-in-
15 come families;

16 “(3) provide developers who are receiving a
17 subgrant with support and technical assistance in—

18 “(A) improving student academic achieve-
19 ment and growth, consistent with section 1111;

20 “(B) effectively serving the needs of all
21 students, including students who are children
22 with disabilities and students who are English
23 learners; and

24 “(C) implementing outreach and recruit-
25 ment practices that includes families of stu-

1 dents who are children with disabilities and
2 English learners;

3 “(4) directly, or through a partnership with a
4 nonprofit organization (such as a community-based
5 organization), develop and implement parent, family,
6 and student information, outreach, and recruitment
7 programs to provide information and support to par-
8 ents, families, and students about the public school
9 choice options available to them, including students
10 who are children with disabilities and students who
11 are English learners, in a simple, clear, and easily
12 accessible format and, to the extent practicable, in
13 a language that such parents, families, and students
14 can understand.

15 “(b) PERMISSIBLE USE OF FUNDS.—Each eligible
16 entity receiving a grant under section 5412(a) may use
17 not more than 1 percent of grant funds to disseminate
18 information to public schools in the eligible entity’s juris-
19 diction or service area about lessons learned through the
20 grant activities, in order to—

21 “(1) successfully address the education needs of
22 all students, including students who are children
23 with disabilities and students who are English learn-
24 ers; and

1 “(2) replicate high-performing charter school
2 models.

3 **“SEC. 5416. SUBGRANTS.**

4 “(a) APPLICATIONS.—Each developer that desires to
5 receive a subgrant under this subpart shall submit an ap-
6 plication to the appropriate eligible entity at such time,
7 in such form, and including such information and assur-
8 ances as the eligible entity may reasonably require, which
9 shall include the information required under subpara-
10 graphs (A) through (F) of paragraph (1) and paragraph
11 (5) of section 5413(b).

12 “(b) USE OF FUNDS.—A developer that receives a
13 subgrant under this subpart shall use such subgrant funds
14 to create, expand, or replicate 1 or more high-performing
15 charter schools, which may include carrying out the fol-
16 lowing activities:

17 “(1) If necessary, carrying out not more than
18 12 months of planning and program design, unless
19 such developer demonstrates the need for an addi-
20 tional planning period of not more than 3 months.

21 “(2) Recruiting and providing preparation, in-
22 duction, and professional development for teachers,
23 school leaders, and other staff who will work in a
24 charter school that is supported by the developer.

1 “(3) Acquiring necessary equipment, supplies,
2 and educational materials, including curricula, as-
3 sessments, and instructional materials.

4 “(4) Professional development and implementa-
5 tion of systems for the delivery of appropriate serv-
6 ices for students who are children with disabilities
7 and students who are English learners, including
8 through centralizing, purchasing, or sharing the pro-
9 vision of such services with other organizations.

10 “(5) Providing transportation to students to
11 and from the school.

12 “(6) Paying operational costs for a charter
13 school that cannot be met through State or local
14 funding sources.

15 “(7) Directly, or through a partnership with a
16 nonprofit organization (including a community-based
17 organization), developing and implementing parent,
18 family, and student information and outreach pro-
19 grams to provide information and support to par-
20 ents, families, and students about each charter
21 school, in a simple, clear, and easily accessible for-
22 mat and, to the extent practicable, in a language
23 that the parents, families, and students can under-
24 stand.

1 “(8) Developing and implementing effective out-
2 reach and recruitment strategies to inform families
3 of students who are children with disabilities and
4 students who are English learners about the charter
5 school, the charter school admissions process, and
6 the charter school’s plan to effectively provide appro-
7 priate educational and related services to such stu-
8 dents.

9 “(9) Evaluating and disseminating information,
10 including through technical assistance, about the ef-
11 fectiveness of the activities supported by the
12 subgrant.

13 “(c) LIMITATIONS.—Not more than 1 percent of
14 subgrant funds may be used to carry out the activities de-
15 scribed in subsection (b)(9).

16 **“SEC. 5417. PERFORMANCE MEASURES; REPORTS.**

17 “(a) PERFORMANCE MEASURES AND TARGETS.—
18 Each eligible entity receiving a grant under this subpart
19 shall establish performance measures and annual targets,
20 approved by the Secretary, for the charter schools that
21 are created, expanded, or replicated with funds provided
22 through a grant or subgrant under this subpart. Such
23 measures and targets shall include, at a minimum, in the
24 aggregate and disaggregated by each subgroup of students
25 described in section 1116(b)(1)(B)—

1 “(1) the number of students enrolled in each
2 charter school;

3 “(2) the number of students enrolled in each
4 high-performing charter school;

5 “(3) the number of students enrolled in each
6 high-performing charter school who were formerly
7 attending a school that has been identified through
8 the State accountability and improvement system de-
9 scribed in section 1116;

10 “(4) student academic achievement and growth,
11 consistent with section 1111, including, if applicable,
12 performance on the State academic assessments re-
13 quired under section 1111(a)(2), and student growth
14 consistent with section 1111;

15 “(5) student retention rates;

16 “(6) in the case of a public charter school that
17 is a secondary school, student graduation rates, and
18 student rates of enrollment and persistence in insti-
19 tutions of higher education; and

20 “(7) other measures required by the Secretary.

21 “(b) REPORTS.—Each eligible entity receiving a
22 grant under this subpart shall annually prepare and sub-
23 mit a report to the Secretary containing the information
24 described under subsection (a).

1 “(c) DEVELOPERS.—Each developer receiving a
2 subgrant under this subpart from an eligible entity shall
3 provide the eligible entity with the data necessary to com-
4 ply with the requirements of this section.

5 **“SEC. 5418. FEDERAL FORMULA ALLOCATION DURING**
6 **FIRST YEAR AND FOR SUCCESSIVE ENROLL-**
7 **MENT EXPANSIONS.**

8 “(a) IN GENERAL.—For purposes of the allocation
9 to schools by the States or their agencies of funds under
10 part A of title I, and any other Federal funds which the
11 Secretary allocates to States on a formula basis, the Sec-
12 retary and each State educational agency shall take such
13 measures as are necessary to ensure that every charter
14 school receives the Federal funding for which the charter
15 school is eligible not later than 5 months after the charter
16 school first opens, notwithstanding the fact that the iden-
17 tity and characteristics of the students enrolling in that
18 charter school are not fully and completely determined
19 until that charter school actually opens. The measures
20 similarly shall ensure that every charter school expanding
21 its enrollment in any subsequent year of operation receives
22 the Federal funding for which the charter school is eligible
23 not later than 5 months after such expansion.

24 “(b) ADJUSTMENT AND LATE OPENINGS.—

1 “(1) IN GENERAL.—The measures described in
2 subsection (a) shall include provision for appropriate
3 adjustments, through recovery of funds or reduction
4 of payments for the succeeding year, in cases where
5 payments made to a charter school on the basis of
6 estimated or projected enrollment data exceed the
7 amounts that the school is eligible to receive on the
8 basis of actual or final enrollment data.

9 “(2) RULE.—For charter schools that first
10 open after November 1 of any academic year, the
11 State, in accordance with guidance provided by the
12 Secretary and applicable Federal statutes and regu-
13 lations, shall ensure that such charter schools that
14 are eligible for the funds described in subsection (a)
15 for such academic year have a full and fair oppor-
16 tunity to receive those funds during the charter
17 schools’ first year of operation.

18 **“SEC. 5419. RECORDS TRANSFER.**

19 “State educational agencies and local educational
20 agencies receiving funds under part A of title I or any
21 other Federal funds from the Secretary, shall, in the most
22 timely manner possible and to the extent practicable, en-
23 sure that a student’s records and, if applicable, a student’s
24 individualized education program as defined in section
25 602(11) of the Individuals with Disabilities Education

1 Act, are transferred to a charter school upon the transfer
2 of the student to the charter school, and to another public
3 school upon the transfer of the student from a charter
4 school to another public school, in accordance with appli-
5 cable State law.

6 **“SEC. 5420. NATIONAL ACTIVITIES.**

7 “From funds made available under this subpart for
8 each fiscal year, the Secretary may reserve not more than
9 2.5 percent for national activities to carry out (directly
10 or through grants, contracts that use a competitive bid-
11 ding process, or cooperative agreements) research, devel-
12 opment, data collection, technical assistance, outreach,
13 and dissemination activities, including—

14 “(1) research, technical assistance, and other
15 activities to assist eligible entities receiving a grant
16 under this subpart, and other eligible entities in im-
17 proving the entity’s capacity to—

18 “(A) create, expand, replicate, operate, or
19 support high-performing charter schools that
20 meet the needs of, and improve the outcomes
21 for, all students, including students who are
22 children with disabilities and students who are
23 English learners;

24 “(B) support charter school authorizers to
25 improve quality through the adoption of re-

1 search-based policies and procedures and in-
2 creased capacity; and

3 “(C) work to turn around schools that
4 have been identified through the State account-
5 ability and improvement system described in
6 section 1116;

7 “(2) providing for the research and dissemina-
8 tion of information about specific charter school
9 models and program characteristics for which there
10 is strong evidence of a significant impact on improv-
11 ing student academic achievement and growth, con-
12 sistent with section 1111, for all students, including
13 students who are children with disabilities and
14 English learners;

15 “(3) developing and implementing activities
16 that help parents, families, students, and the com-
17 munity identify and access high-performing charter
18 schools;

19 “(4) providing for the collection of information
20 regarding the financial resources available to charter
21 schools (including access to private capital) and
22 widely disseminating to charter schools any such rel-
23 evant information and model descriptions of success-
24 ful programs; and

25 “(5) carrying out other related activities.

1 **“Subpart 2—Charter School Facility Acquisition,**
2 **Construction, and Renovation**

3 **“SEC. 5431. PURPOSE.**

4 “The purpose of this subpart is to provide grants to
5 eligible entities to improve access to facilities and facilities
6 financing for high-performing charter schools and assist
7 such schools to address the cost of acquiring, constructing,
8 and renovating facilities.

9 **“SEC. 5432. DEFINITIONS.**

10 “In this subpart:

11 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
12 tity’ means—

13 “(A) a State educational agency;

14 “(B) a local educational agency, except a
15 charter school that is considered a local edu-
16 cational agency under State law;

17 “(C) a nonprofit entity;

18 “(D) a State financing authority; or

19 “(E) a consortium of entities described in
20 any of subparagraphs (A) through (D).

21 “(2) HIGH-PERFORMING CHARTER SCHOOL.—

22 The term ‘high-performing charter school’ has the
23 meaning given such term in section 5411(6).

24 “(3) PER-PUPIL FACILITIES AID PROGRAM.—

25 The term ‘per-pupil facilities aid program’ means a
26 program—

1 “(A) that is specified in State law;

2 “(B) that provides annual financing, on a
3 per-pupil basis, for charter school facilities; and

4 “(C) in which a State makes payments, on
5 a per-pupil basis, to charter schools to provide
6 such schools with financing—

7 “(i) that is dedicated solely for fund-
8 ing charter school facilities; or

9 “(ii) a portion of which is dedicated
10 for funding charter school facilities.

11 **“SEC. 5433. GRANTS TO ELIGIBLE ENTITIES.**

12 “(a) CREDIT ENHANCEMENT GRANTS.—The Sec-
13 retary shall use not less than 65 percent of the amount
14 available to carry out this subpart to award grants on a
15 competitive basis to eligible entities to enable such eligible
16 entities to demonstrate innovative credit enhancement
17 methods of assisting high-performing charter schools to
18 access private sector capital to address the cost of acquir-
19 ing, constructing, and renovating facilities by enhancing
20 the availability of loans or bond financing.

21 “(b) OTHER FACILITIES GRANTS.—The Secretary
22 shall use the remainder of the amount available to carry
23 out this subpart to award grants on a competitive basis
24 to eligible entities to—

1 “(1) improve access to facilities and facilities fi-
2 nancing for high-performing charter schools, through
3 methods that may include—

4 “(A) leveraging State and local facilities
5 funds, including the cost of implementing school
6 bond programs that include high-performing
7 charter schools;

8 “(B) implementing open-facilities-access
9 programs or making available renovated or
10 adapted space for high-performing charter
11 schools; and

12 “(C) assisting with constructing or improv-
13 ing, at low cost, facilities for high-performing
14 charter schools through innovative methods;
15 and

16 “(2) support an eligible entity described in sec-
17 tion 5432(1)(A) in the establishment, enhancement,
18 and administration of a per-pupil facilities aid pro-
19 gram through Federal payments that shall be not
20 more than—

21 “(A) 90 percent of the cost, for the first
22 fiscal year for which the program receives as-
23 sistance under this subsection;

24 “(B) 80 percent in the second such year;

25 “(C) 60 percent in the third such year;

1 “(D) 40 percent in the fourth such year;

2 and

3 “(E) 20 percent in the fifth such year.

4 “(c) STATE SHARE OF PER-PUPIL FACILITIES AID
5 PROGRAM.—A State receiving a grant under subsection
6 (b)(2) may partner with 1 or more organizations to pro-
7 vide not more than 50 percent of the State share of the
8 cost of establishing, enhancing, or administering the per-
9 pupil facilities aid program.

10 “(d) GRANT AMOUNT.—In determining the amount
11 of each grant to be awarded under this subpart, the Sec-
12 retary shall consider—

13 “(1) the quality of the application submitted
14 under section 5435;

15 “(2) the number of students that are served or
16 may be served by high-performing charter schools
17 that would receive assistance under the grant pro-
18 gram; and

19 “(3) the amount of funds that is needed to im-
20 plement the activities described in the approved ap-
21 plication.

22 “(e) SUPPLEMENT NOT SUPPLANT.—Funds made
23 available under this section shall be used to supplement,
24 and not supplant, State and local public funds expended
25 to provide programs for charter schools.

1 **“SEC. 5434. CHARTER SCHOOL OBJECTIVES.**

2 “An eligible entity receiving a grant under this sub-
3 part shall use the funds to assist 1 or more high-per-
4 forming charter schools to accomplish 1 or both of the fol-
5 lowing objectives:

6 “(1) The acquisition (by purchase, lease, dona-
7 tion, or otherwise) of an interest (including an inter-
8 est held by a third party for the benefit of a charter
9 school) in improved or unimproved real property
10 that is necessary to commence or continue the oper-
11 ation of a charter school.

12 “(2) The construction of new facilities, or the
13 renovation, repair, or alteration of existing facilities,
14 necessary to commence or continue the operation of
15 a charter school.

16 **“SEC. 5435. APPLICATIONS; SELECTION CRITERIA.**

17 “(a) IN GENERAL.—Each eligible entity desiring a
18 grant under this subpart shall submit an application to
19 the Secretary at such time, in such manner, and con-
20 taining such information and assurances as the Secretary
21 may require.

22 “(b) CONTENTS.—An application submitted under
23 subsection (a) shall include—

24 “(1) a description of the activities that the eligi-
25 ble entity proposes to carry out using funds received
26 under this subpart;

1 “(2) a demonstration that the eligible entity will
2 consider the quality of a charter school when deter-
3 mining—

4 “(A) which charter schools will receive as-
5 sistance under this subpart;

6 “(B) how much grant assistance will be
7 provided to each charter school; and

8 “(C) the type of assistance that each char-
9 ter school will receive;

10 “(3) a description of the eligible entity’s record
11 of successfully carrying out the activities that such
12 eligible entity proposes to carry out;

13 “(4) if applicable, the eligible entity’s record of
14 leveraging private-sector funding and a description
15 of how the proposed activities will leverage the max-
16 imum amount of private-sector financing capital rel-
17 ative to the amount of government funding;

18 “(5) an explanation of how the eligible entity
19 possesses sufficient expertise in education to evalu-
20 ate the likelihood of success of a charter school for
21 which facilities financing is sought;

22 “(6) in the case of an application submitted by
23 an eligible entity that includes 1 or more State or
24 local educational agencies, a description of the agen-
25 cy’s policies and procedures for ensuring that char-

1 ter schools have equitable access to school facilities;
2 and

3 “(7) such other information as the Secretary
4 may reasonably require.

5 “(c) SELECTION CRITERIA.—In awarding grants
6 under this subpart, the Secretary shall consider—

7 “(1) the quality of the eligible entity’s applica-
8 tion;

9 “(2) the extent to which the eligible entity pro-
10 poses to support high-performing charter schools
11 that plan to enroll a large percentage of students
12 from low-income families;

13 “(3) the geographic diversity of the eligible en-
14 tities, including the distribution of grants between
15 urban and rural areas; and

16 “(4) the number of eligible entities in a State
17 that are receiving grants under this subpart in any
18 fiscal year.

19 **“SEC. 5436. RESERVE ACCOUNT.**

20 “(a) USE OF FUNDS.—To assist charter schools with
21 addressing the cost of acquiring, constructing, and ren-
22 ovating facilities and accessing facilities and facilities fi-
23 nancing, an eligible entity receiving a grant under section
24 5433(a) shall, in accordance with State and local law, di-
25 rectly or indirectly, alone or in collaboration with others,

1 deposit the funds received under this subpart (other than
2 funds used for administrative costs in accordance with sec-
3 tion 5437) in a reserve account established and main-
4 tained by the eligible entity for this purpose. Amounts de-
5 posited in such account shall be used by the eligible entity
6 for 1 or more of the following purposes:

7 “(1) Guaranteeing, insuring, and reinsuring
8 bonds, notes, evidences of debt, loans, and interests
9 therein, the proceeds of which are used for an objec-
10 tive described in section 5434.

11 “(2) Guaranteeing and insuring leases of per-
12 sonal and real property for an objective described in
13 section 5434.

14 “(3) Facilitating financing by identifying poten-
15 tial lending sources, encouraging private lending,
16 and other similar activities that directly promote
17 lending to, or for the benefit of, charter schools.

18 “(4) Facilitating the issuance of bonds by char-
19 ter schools, or by other public entities for the benefit
20 of charter schools, by providing technical, adminis-
21 trative, and other appropriate assistance (including
22 the recruitment of bond counsel, underwriters, and
23 potential investors and the consolidation of multiple
24 charter school projects within a single bond issue).

1 “(b) INVESTMENT.—Funds received under this sub-
2 part and deposited in the reserve account established
3 under subsection (a) shall be invested in obligations issued
4 or guaranteed by the United States or a State, or in other
5 similarly low-risk securities.

6 “(c) REINVESTMENT OF EARNINGS.—Any earnings
7 on funds received under this subpart shall be deposited
8 in the reserve account established under subsection (a)
9 and used in accordance with such subsection.

10 **“SEC. 5437. LIMITATION ON ADMINISTRATIVE COSTS.**

11 “An eligible entity may use not more than 2.5 percent
12 of the funds received under this subpart for the adminis-
13 trative costs of carrying out its responsibilities under this
14 subpart.

15 **“SEC. 5438. AUDITS AND REPORTS.**

16 “(a) FINANCIAL RECORD MAINTENANCE AND
17 AUDIT.—The financial records of each eligible entity re-
18 ceiving a grant under this subpart shall be maintained in
19 accordance with generally accepted accounting principles
20 and shall be subject to an annual audit by an independent
21 public accountant.

22 “(b) REPORTS.—

23 “(1) GRANTEE ANNUAL REPORTS.—Each eligi-
24 ble entity receiving a grant under this subpart annu-

1 ally shall submit to the Secretary a report of its op-
2 erations and activities under this subpart.

3 “(2) CONTENTS.—Each annual report sub-
4 mitted under paragraph (1) shall include—

5 “(A) a copy of the most recent financial
6 statements, and any accompanying opinion on
7 such statements, prepared by the independent
8 public accountant reviewing the financial
9 records of the eligible entity;

10 “(B) a copy of any report made on an
11 audit of the financial records of the eligible en-
12 tity that was conducted under subsection (a)
13 during the reporting period;

14 “(C) if applicable, an evaluation by the eli-
15 gible entity of the effectiveness of its use of the
16 Federal funds provided under this subpart in
17 leveraging private funds;

18 “(D) a listing and description of the char-
19 ter schools served during the reporting period
20 and the performance of such charter schools in
21 increasing student achievement and growth,
22 consistent with section 1111;

23 “(E) a description of the activities carried
24 out by the eligible entity to assist charter

1 schools in meeting the objectives set forth in
2 section 5434; and

3 “(F) a description of the characteristics of
4 lenders and other financial institutions partici-
5 pating in the activities undertaken by the eligi-
6 ble entity under this subpart during the report-
7 ing period, if applicable.

8 “(3) SECRETARIAL REPORT.—The Secretary
9 shall review the reports submitted under paragraph
10 (1) and shall provide a comprehensive annual report
11 to Congress on the activities conducted under this
12 subpart.

13 **“SEC. 5439. NO FULL FAITH AND CREDIT FOR GRANTEE OB-**
14 **LIGATIONS.**

15 “No financial obligation of an eligible entity entered
16 into pursuant to this subpart (such as an obligation under
17 a guarantee, bond, note, evidence of debt, or loan) shall
18 be an obligation of, or guaranteed in any respect by, the
19 United States. The full faith and credit of the United
20 States is not pledged to the payment of funds which may
21 be required to be paid under any obligation made by an
22 eligible entity pursuant to any provision of this subpart.

1 **“SEC. 5440. RECOVERY OF FUNDS.**

2 “(a) IN GENERAL.—The Secretary, in accordance
3 with chapter 37 of title 31, United States Code, shall col-
4 lect—

5 “(1) all of the funds in a reserve account estab-
6 lished by an eligible entity under section 5436(a) if
7 the Secretary determines, not earlier than 2 years
8 after the date on which the eligible entity first re-
9 ceived funds under this subpart, that the eligible en-
10 tity has failed to make substantial progress in car-
11 rying out the purposes described in section 5436(a);
12 or

13 “(2) all or a portion of the funds in a reserve
14 account established by an eligible entity under sec-
15 tion 5436(a) if the Secretary determines that the eli-
16 gible entity has permanently ceased to use all or a
17 portion of the funds in such account to accomplish
18 any purpose described in section 5436(a).

19 “(b) EXERCISE OF AUTHORITY.—The Secretary shall
20 not exercise the authority provided in subsection (a) to
21 collect from any eligible entity any funds that are being
22 properly used to achieve 1 or more of the purposes de-
23 scribed in section 5436(a).

24 “(c) PROCEDURES.—The provisions of sections 451,
25 452, and 458 of the General Education Provisions Act
26 shall apply to the recovery of funds under subsection (a).

1 grant funds to establish or expand inter- or intra-district
2 public school choice programs for students attending the
3 lowest-performing schools to attend high-quality public el-
4 ementary schools and secondary schools, including charter
5 schools.

6 “(b) PERMISSIBLE USES OF FUNDS.—An eligible en-
7 tity that receives a grant under this subpart may use the
8 grant funds for—

9 “(1) planning or designing a program (for not
10 more than 1 year);

11 “(2) transportation services to and from high-
12 quality schools for participating students;

13 “(3) improving public school finance systems to
14 allow school funding to follow students, including
15 tuition transfer payments to high-quality public ele-
16 mentary schools or secondary schools to which stu-
17 dents transfer under the program;

18 “(4) capacity-enhancing activities that enable
19 high-quality public elementary schools or secondary
20 schools to accommodate transfer requests under the
21 program;

22 “(5) public education and recruitment cam-
23 paigns to inform students attending the lowest-per-
24 forming schools and their parents about the program
25 and to facilitate their participation; and

1 “(6) other costs reasonably necessary to imple-
2 ment the program, such as the development of lot-
3 tery systems.

4 “(c) NONPERMISSIBLE USES OF FUNDS.—An eligible
5 entity that receives a grant under this subpart may not
6 use the grant funds for school construction.

7 “(d) ADMINISTRATIVE EXPENSES.—The eligible enti-
8 ty may use not more than 5 percent of the funds made
9 available through the grant for any fiscal year for adminis-
10 trative expenses.

11 **“SEC. 5503. APPLICATIONS.**

12 “(a) SUBMISSION.—An eligible entity that desires a
13 grant under this subpart shall submit an application to
14 the Secretary at such time, in such manner, and con-
15 taining such information as the Secretary may require.

16 “(b) CONTENTS.—An application submitted under
17 subsection (a) shall include a comprehensive plan that de-
18 scribes—

19 “(1) the activities to be carried out;

20 “(2) how the activities—

21 “(A) will increase access to high-quality
22 schools for students attending the lowest-per-
23 forming schools;

24 “(B) will increase the student academic
25 achievement and student growth of students

1 participating in the grant activities, including
2 English learners and students with disabilities;
3 and

4 “(C) if applicable, will increase diversity;
5 “(3) how students will be selected to participate
6 in grant activities, including the design and imple-
7 mentation of a lottery system if the program is over-
8 subscribed, and how students and parents will be in-
9 formed of their opportunity to participate;

10 “(4) how the program will be coordinated with
11 and leverage other related Federal and non-Federal
12 funding and programs;

13 “(5) how the applicant will continue to imple-
14 ment the plan after the period of the grant has ex-
15 pired;

16 “(6) if the activities required under section
17 5505(a)(2) are to be carried out in partnership with
18 a public or other nonprofit organization, a descrip-
19 tion of the organization’s experience, capacity, re-
20 sponsibilities, and how the eligible entity will mon-
21 itor the public or other nonprofit organization’s ef-
22 fectiveness in carrying out such activities; and

23 “(7) such other information as the Secretary
24 may require.

1 “(c) SELECTION CRITERIA.—In selecting grantees
2 under this part, the Secretary shall consider—

3 “(1) the quality of the applicant’s comprehen-
4 sive plan;

5 “(2) the extent to which the applicant can dem-
6 onstrate that its grant activities will increase student
7 academic achievement and student growth for stu-
8 dents participating in the grant activities, including
9 English learners and students with disabilities; and

10 “(3) the extent to which the applicant can dem-
11 onstrate that its grant activities will ensure that par-
12 ents and students are informed of the program, in
13 a clear and uniform format and, to the extent prac-
14 ticable, in a language that the parents and students
15 can understand, to increase the likelihood that par-
16 ents will have their children participate in the grant-
17 ee’s program.

18 **“SEC. 5504. PRIORITIES.**

19 “In awarding grants under this subpart, the Sec-
20 retary shall give priority to an eligible entity that proposes
21 to—

22 “(1) establish or expand an inter-district choice
23 program that serves a large percentage of students
24 from low-income families; and

1 “(2) establish or expand a program that will in-
2 crease diversity.

3 **“SEC. 5505. REQUIREMENTS AND VOLUNTARY PARTICIPA-**
4 **TION.**

5 “(a) PARENT AND COMMUNITY INVOLVEMENT AND
6 NOTICE.—In carrying out a program under this subpart,
7 an eligible entity shall carry out the following:

8 “(1) Develop the program with—

9 “(A) the involvement of parents and other
10 education stakeholders in the community to be
11 served; and

12 “(B) individuals who will carry out the
13 program, including administrators, teachers,
14 principals, and other staff.

15 “(2) Develop and carry out the following activi-
16 ties, alone or in partnership with a public or other
17 nonprofit organization that has a record of success
18 in implementing such activities:

19 “(A) Disseminating timely and accurate in-
20 formation about the program to parents of stu-
21 dents attending the lowest-performing schools,
22 in a clear and uniform format and, to the ex-
23 tent practicable, in a language that they can
24 understand, including through the use of a vari-
25 ety of effective and innovative outreach ap-

1 proaches, such as by sending customized letters
2 to each family about available programs.

3 “(B) Providing education and training to
4 parents of students attending the lowest-per-
5 forming schools to enable the parents to use the
6 information provided under subparagraph (A)
7 in their decisions about their children’s edu-
8 cation.

9 “(b) SELECTION OF STUDENTS.—An eligible entity
10 that receives a grant under this subpart shall select stu-
11 dents to participate in a program on the basis of a lottery,
12 if more students apply for admission to the program than
13 can be accommodated.

14 “(c) VOLUNTARY PARTICIPATION.—Student partici-
15 pation in a program funded under this subpart shall be
16 voluntary.

17 “(d) PERFORMANCE MEASURES.—

18 “(1) IN GENERAL.—Each eligible entity award-
19 ed a grant under this part shall establish perform-
20 ance measures and targets that—

21 “(A) are approved by the Secretary;

22 “(B) are implemented for each program
23 established or expanded with funds provided
24 under this part; and

25 “(C) at a minimum, track—

1 “(i) the number of students partici-
2 pating;

3 “(ii) the participating students’ aca-
4 demic achievement and student growth;

5 “(iii) in the case of participating high
6 school students, their graduation rates;
7 and

8 “(iv) any other measure required by
9 the Secretary.

10 “(2) REPORTS.—Each eligible entity awarded a
11 grant under this part shall annually report to the
12 Secretary on its performance on the measures and
13 targets established under paragraph (1), and shall
14 provide that information both in the aggregate and
15 disaggregated for each subgroup of students de-
16 scribed in section 1111(a)(2)(B)(ix).

17 **“SEC. 5506. EVALUATIONS.**

18 “From the amount reserved for evaluation activities
19 in accordance with section 9601(a), the Secretary, acting
20 through the Director of the Institute of Education
21 Sciences, shall, in consultation with the relevant program
22 office at the Department, evaluate the implementation and
23 impact of the activities supported under this part, con-
24 sistent with section 9601, including—

1 “(1) how, and the extent to which, the pro-
2 grams promote educational equity and excellence;

3 “(2) the characteristics of the students partici-
4 pating in the programs; and

5 “(3) the effect of the programs on the academic
6 achievement and student growth of students partici-
7 pating in the programs both in the aggregate and
8 disaggregated for each subgroup of students de-
9 scribed in section 1111(a)(2)(B)(ix).

10 **“SEC. 5507. DEFINITIONS.**

11 “In this subpart:

12 “(1) CHARTER SCHOOL.—The term ‘charter
13 school’ has the meaning given such term in section
14 5411.

15 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
16 tity’ means—

17 “(A) 1 or more high-need local educational
18 agencies applying with 1 or more other local
19 educational agencies; or

20 “(B) a State educational agency applying
21 with 1 or more high-need local educational
22 agencies.

23 “(3) LOWEST-PERFORMING SCHOOL.—The term
24 ‘lowest-performing school’ means a public elemen-
25 tary school or secondary school that has been identi-

1 fied as an achievement gap school pursuant to sec-
 2 tion 1116(b) or a persistently low-achieving school
 3 pursuant to section 1116(c).”.

4 **TITLE VI—PROMOTING FLEXI-**
 5 **BILITY; RURAL EDUCATION**

6 **SEC. 6101. PROMOTING FLEXIBILITY.**

7 Title VI (20 U.S.C. 7301 et seq.) is amended—

8 (1) by striking the title heading and inserting
 9 the following: “**PROMOTING FLEXIBILITY;**
 10 **RURAL EDUCATION**”; and

11 (2) by striking part A and inserting the fol-
 12 lowing:

13 **“PART A—TRANSFERABILITY**

14 **“SEC. 6101. TRANSFERABILITY OF FUNDS.**

15 “(a) TRANSFERS BY STATES.—

16 “(1) AUTHORITY TO TRANSFER.—Except as
 17 provided in paragraph (2), in accordance with this
 18 part, a State may transfer up to 100 percent of the
 19 State funds allotted to the State for a fiscal year for
 20 use for State-level activities described in this Act
 21 that are carried out as part of a grant program in
 22 which funds for the grant are distributed by a for-
 23 mula to 1 or more other State formula grant pro-
 24 grams under this Act for such fiscal year.

1 “(2) PROHIBITION AGAINST TRANSFERRING
2 FUNDS OUT CERTAIN TITLES.—A State may not
3 transfer, pursuant to paragraph (1), any funds that
4 originate in title I, III, VII, or VIII out of such re-
5 spective title.

6 “(b) TRANSFERS BY LOCAL EDUCATIONAL AGEN-
7 CIES.—

8 “(1) AUTHORITY TO TRANSFER.—Except as
9 provided in paragraph (2), in accordance with this
10 part, a local educational agency may transfer 100
11 percent of the funds allocated to it for a fiscal year
12 for use for local-level activities described in this Act
13 that are carried out as part of a grant program in
14 which funds for the grant are distributed by a for-
15 mula to 1 or more other local educational agency
16 formula grant programs under this Act for such fis-
17 cal year.

18 “(2) PROHIBITION AGAINST TRANSFERRING
19 FUNDS OUT OF CERTAIN TITLES.—A local edu-
20 cational agency may not transfer, pursuant to para-
21 graph (1), any funds that originate in title I, III,
22 VII, or VIII out of such respective title.

23 “(3) SPECIAL RULE WITH RESPECT TO RURAL
24 DISTRICTS.—Except as provided in paragraph (2), a
25 local educational agency that is eligible to receive as-

1 sistance under part B may transfer 100 percent of
2 the funds allocated to it for a fiscal year for use for
3 local-level activities described in this Act that are
4 carried out as part of a grant program in which
5 funds for the grant are distributed by a formula to
6 1 or more other local educational agency formula
7 grant programs under this Act for such fiscal year
8 or to carry out activities under a grant program in
9 which funds for the grant are distributed by formula
10 to States.

11 “(c) MODIFICATION OF PLANS AND APPLICATIONS;
12 NOTIFICATION.—

13 “(1) STATE TRANSFERS.—Each State that
14 makes a transfer of funds under this section shall—

15 “(A) modify, to account for such transfer,
16 each State plan, or application submitted by the
17 State, to which such funds relate;

18 “(B) not later than 30 days after the date
19 of such transfer, submit a copy of such modi-
20 fied plan or application to the Secretary; and

21 “(C) not later than 30 days before the ef-
22 fective date of such transfer, notify the Sec-
23 retary of such transfer.

1 “(2) LOCAL TRANSFERS.—Each local edu-
2 cational agency that makes a transfer of funds
3 under this section shall—

4 “(A) modify, to account for such transfer,
5 each local plan, or application submitted by the
6 agency, to which such funds relate;

7 “(B) not later than 30 days after the date
8 of such transfer, submit a copy of such modi-
9 fied plan or application to the State; and

10 “(C) not later than 30 days before the ef-
11 fective date of such transfer, notify the State of
12 such transfer.

13 “(d) APPLICABLE RULES.—

14 “(1) IN GENERAL.—Except as otherwise pro-
15 vided in this part, funds transferred pursuant to this
16 section are subject to each of the rules and require-
17 ments applicable to the funds under the provision—

18 “(A) to which the transferred funds are
19 transferred; and

20 “(B) from which the transferred funds are
21 transferred.

22 “(2) CONSULTATION.—Each State educational
23 agency or local educational agency that transfers
24 funds under this section shall conduct consultations
25 in accordance with section 9501, if such transfer

1 transfers funds from a program that provides for
2 the participation of students, teachers, or other edu-
3 cational personnel, from private schools.”.

4 **SEC. 6102. RURAL EDUCATION.**

5 Part B of title VI (20 U.S.C. 7341 et seq.) is amend-
6 ed—

7 (1) by striking section 6211;

8 (2) by redesignating sections 6212 and 6213 as
9 sections 6211 and 6212, respectively;

10 (3) in section 6211, as redesignated by para-
11 graph (2)—

12 (A) in the section heading, by striking
13 “**GRANT**”;

14 (B) in subsection (a), by striking “activi-
15 ties authorized” and all that follows through
16 the period at the end of paragraph (5) and in-
17 serting “activities consistent with section
18 6101(b).”;

19 (C) in subsection (b)—

20 (i) in paragraph (1)—

21 (I) by striking “section 6211(b)”
22 and inserting “subsection (d)”; and

23 (II) by striking “section 6211(c)”
24 and inserting “subpart 2 of part A of
25 title II”; and

1 (ii) by striking paragraph (2) and in-
2 serting the following:

3 “(2) DETERMINATION OF INITIAL AMOUNT.—

4 “(A) IN GENERAL.—The initial amount re-
5 ferred to in paragraph (1) is equal to \$100
6 multiplied by the total number of students in
7 excess of 50 students, in average daily attend-
8 ance at the schools served by the local edu-
9 cational agency, plus \$20,000, except that the
10 initial amount may not exceed \$60,000.

11 “(B) APPROPRIATION MORE THAN
12 \$211,723,832.—Notwithstanding subparagraph
13 (A), if the appropriation for this part is more
14 than \$211,723,832, a grant under this part
15 shall not be less than \$25,000, and the initial
16 amount may not exceed \$80,000.”;

17 (D) by redesignating subsection (d) as sub-
18 section (e);

19 (E) by inserting after subsection (c) the
20 following:

21 “(d) ELIGIBILITY.—

22 “(1) IN GENERAL.—A local educational agency
23 shall be eligible for a grant under this section if—

24 “(A)(i)(I) the total number of students in
25 average daily attendance at all of the schools

1 served by the local educational agency is fewer
2 than 600; or

3 “(II) each county or locale in which a
4 school served by the local educational agency is
5 located has a total population density of fewer
6 than 10 persons per square mile; and

7 “(ii) each of the schools served by the local
8 educational agency is designated with a school
9 locale code of 33, 41, 42, or 43, as determined
10 by the Secretary; or

11 “(B) the agency meets at least 1 of the cri-
12 teria established in subparagraph (A)(i) and the
13 Secretary, in accordance with paragraph (2),
14 grants the State educational agency’s request to
15 waive the criterion described in subparagraph
16 (A)(ii).

17 “(2) CERTIFICATION.—The Secretary shall de-
18 termine whether to waive the criterion described in
19 paragraph (1)(A)(ii) based on a demonstration by
20 the local educational agency, and with the concu-
21 rrence of the State educational agency, that the local
22 educational agency is located in an area defined as
23 rural by a governmental agency of the State.”; and

1 (F) by striking subsection (e), as redesignig-
2 nated by subparagraph (D), and inserting the
3 following:

4 “(e) SPECIAL ELIGIBILITY RULE.—

5 “(1) ELIGIBILITY.—A local educational agency
6 that is eligible to receive a grant under this subpart
7 for a fiscal year shall be eligible to receive funds for
8 such fiscal year under subpart 2.

9 “(2) LIMITATION ON RECEIPT OF GRANTS.—A
10 local educational agency may receive grant funding
11 under subpart 1 or subpart 2, but may not receive
12 grant funding under both such subparts.”;

13 (4) by striking section 6212, as redesignated by
14 paragraph (2), and inserting the following:

15 **“SEC. 6212. ACADEMIC ACHIEVEMENT ASSESSMENTS.**

16 “Each local educational agency that uses or receives
17 funds under this subpart for a fiscal year shall administer
18 assessments that are consistent with section 1111(a)(2).”;

19 (5) in section 6221—

20 (A) in subsection (a)(1), by striking
21 “under section 6234 for” and inserting “to
22 carry out”;

23 (B) in subsection (b)(1)(B), by striking “6,
24 7, or 8” and inserting “33, 41, 42, or 43,”; and

25 (C) in subsection (c)—

1 (i) in the matter preceding paragraph
2 (1), by striking “under section 6234 for”
3 and inserting “to carry out”; and

4 (ii) in paragraph (1), by striking “Bu-
5 reau of Indian Affairs” and inserting “Bu-
6 reau of Indian Education”;

7 (6) in section 6222, by striking subsection (a)
8 and inserting the following:

9 “(a) LOCAL AWARDS.—Grant funds awarded to local
10 educational agencies under this subpart shall be used to
11 carry out local-level activities consistent with section
12 6101(b).”;

13 (7) in section 6224—

14 (A) in subsection (c)—

15 (i) in the matter preceding paragraph
16 (1), by striking “the Committee on Edu-
17 cation and the Workforce of the House of
18 Representatives and the Committee on
19 Health, Education, Labor, and Pensions of
20 the Senate” and inserting “the authorizing
21 committees”; and

22 (ii) by striking “local educational
23 agencies and schools” and inserting the
24 following:

1 “(2) how local educational agencies and
2 schools”;

3 (B) in subsection (d)—

4 (i) in the subsection heading, by strik-
5 ing “ASSESSMENT” and inserting “AS-
6 SESSMENTS”; and

7 (ii) by striking “an assessment that is
8 consistent with section 1111(b)(3)” and in-
9 serting “assessments that are consistent
10 with section 1111(a)(2)”; and

11 (C) by striking subsection (e);

12 (8) by striking section 6234;

13 (9) by redesignating sections 6231 through
14 6233 as sections 6232 through 6234, respectively;

15 (10) by inserting before section 6232, as redesi-
16 gnated by paragraph (9), the following:

17 **“SEC. 6231. CHOICE OF PARTICIPATION.**

18 “If a local educational agency is eligible for funding
19 under subpart 1 and subpart 2 of this part, such local
20 educational agency may choose to participate in either
21 subpart 1 or subpart 2.”;

22 (11) in section 6232, as redesignated by para-
23 graph (9)—

24 (A) in subsection (a), by striking “6212”
25 and inserting “6211”; and

1 (B) in subsection (b)—

2 (i) by striking “under section 6212 or
3 subpart 2” each place the term appears
4 and inserting “under this part”; and

5 (ii) by striking “under this section”
6 and inserting “under this part”; and

7 (12) in section 6233, as redesignated by para-
8 graph (9), by striking “subpart 1 or subpart 2” and
9 inserting “this part”.

10 **SEC. 6103. GENERAL PROVISIONS.**

11 Title VI (20 U.S.C. 7301 et seq.) is amended by
12 striking part C.

13 **TITLE VII—INDIAN, NATIVE HA-**
14 **WAIAN, AND ALASKA NATIVE**
15 **EDUCATION**

16 **PART A—INDIAN EDUCATION**

17 **SEC. 7101. PURPOSE.**

18 Section 7102 (20 U.S.C. 7402) is amended to read
19 as follows:

20 **“SEC. 7102. PURPOSE.**

21 “It is the purpose of this part to support the efforts
22 of local educational agencies, Indian tribes and organiza-
23 tions, postsecondary institutions, and other entities—

24 “(1) to ensure the academic achievement of In-
25 dian and Alaska Native students by meeting their

1 unique cultural, language, and educational needs,
2 consistent with section 1111(a);

3 “(2) to ensure that Indian and Alaska Native
4 students gain knowledge and understanding of Na-
5 tive communities, languages, tribal histories, tradi-
6 tions, and cultures; and

7 “(3) to ensure that principals, teachers, and
8 other staff who serve Indian and Alaska Native stu-
9 dents have the ability to provide culturally appro-
10 priate and effective instruction to such students.”.

11 **Subpart 1—Formula Grants to Local Educational**
12 **Agencies**

13 **SEC. 7111. FORMULA GRANT PURPOSE.**

14 Section 7111 (20 U.S.C. 7421) is amended to read
15 as follows:

16 **“SEC. 7111. PURPOSE.**

17 “It is the purpose of this subpart to support local
18 educational agencies in developing elementary school and
19 secondary school programs that are designed to—

20 “(1) meet the unique cultural, language, and
21 educational needs of Indian students; and

22 “(2) ensure that all students meet the college
23 and career ready student academic achievement
24 standards adopted under section 1111(a)(1).”.

1 **SEC. 7112. GRANTS TO LOCAL EDUCATIONAL AGENCIES,**
2 **TRIBES, AND TRIBAL ORGANIZATIONS.**

3 Section 7112 (20 U.S.C. 7422) is amended—

4 (1) in subsection (a), by striking “and Indian
5 tribes” and inserting “Indian tribes, and tribal orga-
6 nizations”;

7 (2) in subsection (b)(2), by striking “a reserva-
8 tion” and inserting “an Indian reservation”; and

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

11 “(c) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

12 “(1) IN GENERAL.—If a local educational agen-
13 cy that is otherwise eligible for a grant under this
14 subpart does not establish a committee under section
15 7114(e)(5) for such grant, an Indian tribe, a tribal
16 organization (as defined for purposes of this title by
17 section 4 of the Indian Self Determination and Edu-
18 cation Act (25 U.S.C. 450b)), or a consortium of
19 such entities that represents not less than one-third
20 of the eligible Indian children who are served by
21 such local educational agency may apply for such
22 grant.

23 “(2) SPECIAL RULE.—

24 “(A) IN GENERAL.—The Secretary shall
25 treat each Indian tribe, tribal organization, or
26 consortium of such entities applying for a grant

1 pursuant to paragraph (1) as if such entity
2 were a local educational agency for purposes of
3 this subpart.

4 “(B) EXCEPTIONS.—Notwithstanding sub-
5 paragraph (A), such Indian tribe, tribal organi-
6 zation, or consortium shall not be subject to the
7 requirements of subsections (b)(9) or (c)(5) of
8 section 7114 or section 7118(c).

9 “(3) ELIGIBILITY.—If more than 1 Indian
10 tribe, tribal organization, or consortium of such enti-
11 ties qualify to apply for a grant under paragraph
12 (1), the entity that represents the most eligible In-
13 dian children who are served by the local educational
14 agency shall be eligible to receive the grant.

15 “(4) UNAFFILIATED INDIAN TRIBES.—An In-
16 dian tribe that operates a school and is not affiliated
17 with either the local educational agency or the Bu-
18 reau of Indian Education, shall be eligible to apply
19 for a grant under this subpart.

20 “(5) ASSURANCE TO SERVE ALL INDIAN CHIL-
21 DREN.—An Indian tribe, tribal organization, or con-
22 sortium of such entities that qualifies to apply for a
23 grant under paragraph (1) shall provide in the appli-
24 cation an assurance that the entity will use the

1 grant funds to provide services to all Indian students
2 served by the local educational agency.”.

3 **SEC. 7113. AMOUNT OF GRANTS.**

4 Section 7113 (20 U.S.C. 7423) is amended—

5 (1) in subsection (b)—

6 (A) in paragraph (1), by striking “Bureau
7 of Indian Affairs” and inserting “Bureau of In-
8 dian Education”; and

9 (B) in paragraph (2)—

10 (i) by inserting “with other local edu-
11 cational agencies, Indian tribes, or tribal
12 organizations” after “consortium”; and

13 (ii) by inserting “and operating pro-
14 grams” after “grants”;

15 (2) in subsection (d)—

16 (A) in the heading, by striking “BUREAU
17 OF INDIAN AFFAIRS” and inserting “BUREAU
18 OF INDIAN EDUCATION”;

19 (B) in paragraph (1)(A)(i), by striking
20 “the Bureau of Indian Affairs” and inserting
21 “the Bureau of Indian Education”; and

22 (C) in paragraph (2), by striking “section
23 7114(c)(4)” and inserting “section 7114(c)(5)”;
24 and

1 (3) in subsection (e), by striking “under section
2 7152(a)” and inserting “to carry out this subpart”.

3 **SEC. 7114. APPLICATIONS.**

4 (a) IN GENERAL.—Section 7114 (20 U.S.C. 7424)
5 is amended—

6 (1) in subsection (b)—

7 (A) in paragraph (2)—

8 (i) in subparagraph (A)—

9 (I) by striking “is consistent
10 with” and inserting “supports”; and

11 (II) by inserting “, tribal,” after
12 “State”; and

13 (ii) in subparagraph (B), by striking
14 “such goals” and all that follows through
15 the semicolon at the end and inserting
16 “such goals, to ensure such students meet
17 the same college and career ready State
18 academic achievement standards under sec-
19 tion 1111(a)(1) for all children;”;

20 (B) by striking paragraph (3) and insert-
21 ing the following:

22 “(3) explains how the local educational agency
23 will use the funds made available under this subpart
24 to supplement other Federal, State, and local pro-
25 grams that meet the needs of such students;”;

1 (C) in paragraph (5)(B), by striking “and”
2 after the semicolon;

3 (D) in paragraph (6)—

4 (i) in subparagraph (B)—

5 (I) in clause (i), by striking “sub-
6 section (c)(4)” and inserting “sub-
7 section (c)(5)”; and

8 (II) by striking clause (ii) and in-
9 serting the following:

10 “(ii) the Indian tribes whose children
11 are served by the local educational agency;
12 and”;

13 (ii) in subparagraph (C), by striking
14 the period at the end and inserting a semi-
15 colon; and

16 (E) by adding at the end the following:

17 “(7) provides an assurance that the local edu-
18 cational agency will coordinate activities under this
19 title with other Federal programs supporting edu-
20 cational and related services administered by such
21 agency;

22 “(8) provides an assurance that the local edu-
23 cational agency conducted outreach to parents and
24 family members to meet the requirements under
25 subsection (c)(5); and

1 “(9) describes—

2 “(A) the formal process the local edu-
3 cational agency used to collaborate with Indian
4 tribes located in the community in the develop-
5 ment of the comprehensive programs; and

6 “(B) the actions taken as a result of the
7 collaboration.”;

8 (2) in subsection (c)—

9 (A) in paragraph (1), by striking “the edu-
10 cation of Indian children, and not to supplant
11 such funds” and inserting “services and activi-
12 ties consistent with those described in this sub-
13 part, and not to supplant such funds”;

14 (B) by redesignating paragraphs (2), (3),
15 and (4), as paragraphs (3), (4), and (5), re-
16 spectively;

17 (C) by inserting after paragraph (1) the
18 following:

19 “(2) the local educational agency will use funds
20 received under this subpart only for activities de-
21 scribed and authorized under this subpart;”;

22 (D) in paragraph (3)(B), as redesignated
23 by subparagraph (B), by inserting “, as meas-
24 ured by the State academic assessments re-
25 quired under section 1111(a)(2), high school

1 graduation rates, and other academic outcomes
2 as appropriate,” after “effective”;

3 (E) in paragraph (4)(C), as redesignated
4 by subparagraph (B), by striking “and” after
5 the semicolon;

6 (F) in paragraph (5), as redesignated by
7 subparagraph (B)—

8 (i) by inserting “and family members”
9 after “parents” each place the term ap-
10 pears;

11 (ii) in subparagraph (D)(ii), by strik-
12 ing “and” after the semicolon;

13 (iii) in subparagraph (E), by striking
14 the period at the end and inserting a semi-
15 colon; and

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

18 “(F) that shall determine the extent to
19 which the activities of the local educational
20 agency will address the unique cultural, lan-
21 guage, and education needs of Indian students;
22 and

23 “(G) that shall determine the extent to
24 which grant funds will directly enhance the edu-

1 cational experiences of American Indian stu-
2 dents.”.

3 **SEC. 7115. AUTHORIZED SERVICES AND ACTIVITIES.**

4 Section 7115 (20 U.S.C. 7425) is amended—

5 (1) in subsection (a)—

6 (A) by adjusting the margin of paragraph
7 (1) to align with paragraphs (2) and (3); and

8 (B) in paragraph (1), by inserting “solely
9 for the services and activities described in such
10 application” after “section 7114(a)”;

11 (2) in subsection (b)—

12 (A) by redesignating paragraphs (1)
13 through (11) as paragraphs (2) through (12),
14 respectively;

15 (B) by inserting before paragraph (2), as
16 redesignated by subparagraph (A), the fol-
17 lowing:

18 “(1) activities that support Native American
19 language immersion programs and Native American
20 language restoration programs, which may be taught
21 by traditional leaders;”;

22 (C) in paragraph (3), as redesignated by
23 subparagraph (A), by striking “early childhood”
24 and inserting “high-quality early care and edu-
25 cation”;

1 (D) in paragraph (4), as redesignated by
2 subparagraph (A), by striking “challenging
3 State academic content and student academic
4 achievement standards” and inserting “college
5 and career ready State academic content and
6 student academic achievement standards under
7 section 1111(a)”;

8 (E) by striking paragraph (5), as redesign-
9 dated by subparagraph (A), and inserting the
10 following:

11 “(5) programs that promote parent, family, and
12 tribal engagement to meet the unique needs of In-
13 dian and Alaska Native children;”;

14 (F) by striking paragraph (7), as redesign-
15 dated by subparagraph (A), and inserting the
16 following:

17 “(7) activities to educate individuals so as to
18 prevent violence, suicide, and substance abuse;”;

19 (G) by striking paragraph (10), as redesign-
20 dated by subparagraph (A), and inserting the
21 following:

22 “(10) activities that incorporate culturally and
23 linguistically relevant curriculum content into class-
24 room instruction that is responsive to the unique
25 learning styles of Indian and Alaska Native children

1 to ensure that such children are better able to meet
2 the student academic achievement standards, con-
3 sistent with section 1111(a);”;

4 (H) by striking paragraph (11), as redesign-
5 nated by subparagraph (A) and inserting the
6 following:

7 “(11) family literacy activities;”;

8 (I) in paragraph (12), as redesignated by
9 subparagraph (A), by striking “qualified tribal
10 elders and seniors.” and inserting “traditional
11 leaders; and”;

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

13 “(13) dropout prevention strategies, and strate-
14 gies—

15 “(A) to meet the educational needs of at-
16 risk Indian students in correctional facilities;
17 and

18 “(B) to support Indian students who are
19 transitioning from such facilities to schools
20 served by local educational agencies.”;

21 (3) in subsection (c)(1), by striking “section
22 7114(e)(4)” and inserting “section 7114(c)(5)”;

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

24 “(e) LIMITATION ON USE OF FUNDS.—Funds pro-
25 vided to a grantee under this subpart may not be used

1 for long-distance travel expenses for training activities
2 available locally or regionally.”.

3 **SEC. 7116. INTEGRATION OF SERVICES AUTHORIZED.**

4 Section 7116 (20 U.S.C. 7426) is amended—

5 (1) in subsection (d)(9), by striking “section
6 7114(c)(4)” and inserting “section 7114(c)(5)”;

7 (2) in subsection (g), in the matter preceding
8 paragraph (1)—

9 (A) by striking “the No Child Left Behind
10 Act of 2001” and inserting “the Elementary
11 and Secondary Education Reauthorization Act
12 of 2011”;

13 (B) by inserting “the Secretary of Health
14 and Human Services,” after “the Secretary of
15 the Interior,”; and

16 (C) by inserting “and coordination” after
17 “providing for the implementation”;

18 (3) by striking subsection (o) and inserting the
19 following:

20 “(o) REPORT ON STATUTORY OBSTACLES TO, AND
21 BEST PRACTICES FOR, PROGRAM INTEGRATION.—

22 “(1) IN GENERAL.—Not later than 3 years
23 after the date of enactment of the Elementary and
24 Secondary Education Reauthorization Act of 2011,
25 the Secretary of Education shall submit a report to

1 the authorizing committees, the Committee on In-
2 dian Affairs of the Senate, and the Committee on
3 Natural Resources of the House of Representatives
4 on the results of the implementation of the dem-
5 onstration projects authorized under this section.

6 “(2) CONTENTS.—Such report shall identify—

7 “(A) statutory barriers to the ability of
8 participants to integrate more effectively their
9 education and related services to Indian stu-
10 dents in a manner consistent with the objectives
11 of this section; and

12 “(B) the best practices for program inte-
13 gration that result in increased student pro-
14 ficiency, graduation rates, and other relevant
15 academic outcomes for Indian and Alaska Na-
16 tive students.”.

17 **SEC. 7117. STUDENT ELIGIBILITY FORMS.**

18 Section 7117 (20 U.S.C. 7427) is amended—

19 (1) in subsection (b)(1)—

20 (A) in subparagraph (A)(ii), by inserting
21 “or membership” after “enrollment”; and

22 (B) in subparagraph (B), by inserting “or
23 membership” after “enrollment”;

24 (2) by striking subsection (d) and inserting the
25 following:

1 “(d) FORMS AND STANDARDS OF PROOF.—

2 “(1) TYPES OF PROOF.—For purposes of deter-
3 mining whether a child is eligible to be counted for
4 the purpose of computing the amount of a grant
5 award under section 7113, the membership of the
6 child, or any parent or grandparent of the child, in
7 a tribe or tribal organization may be established by
8 proof other than an enrollment number, notwith-
9 standing the availability of an enrollment number
10 for a member of such tribe or tribal organization.

11 “(2) PREVIOUSLY FILED FORMS.—An Indian
12 student eligibility form that was on file as required
13 by this section on the day before the date of enact-
14 ment of the Elementary and Secondary Education
15 Reauthorization Act of 2011 and that met the re-
16 quirements of this section, as this section was in ef-
17 fect on the day before the date of enactment of such
18 Act, shall remain valid for such Indian student.”;

19 (3) by striking subsection (e);

20 (4) by redesignating subsection (f) as sub-
21 section (e);

22 (5) by inserting after subsection (e), as redesign-
23 nated by paragraph (4), the following:

24 “(f) TECHNICAL ASSISTANCE.—The Secretary shall
25 either directly or through a contract provide technical as-

1 sistance to a local educational agency upon request, in ad-
2 dition to any technical assistance available under section
3 1116 or available through the Institute of Education
4 Sciences, to support the services and activities described
5 under this section, including for the—

6 “(1) development of applications under this sec-
7 tion;

8 “(2) improvement in the quality of implementa-
9 tion, content of activities, and evaluation of activities
10 supported under this subpart;

11 “(3) integration of activities under this title
12 with other educational activities established by the
13 local educational agency; and

14 “(4) coordination of activities under this title
15 with programs administered by each Federal agency
16 providing grants for the provision of educational and
17 related services.”; and

18 (6) in subsection (g), by striking “the Bureau
19 of Indian Affairs” and inserting “the Bureau of In-
20 dian Education”.

1 **Subpart 2—Special Programs and Projects to Im-**
 2 **prove Educational Opportunities for Indian**
 3 **Children and Youth**

4 **SEC. 7121 SPECIAL PROGRAMS AND PROJECTS TO IM-**
 5 **PROVE EDUCATIONAL OPPORTUNITIES FOR**
 6 **INDIAN CHILDREN AND YOUTH.**

7 Subpart 2 of part A of title VII is amended by insert-
 8 ing “**and Youth**” after “**children**” in the subpart
 9 heading.

10 **SEC. 7122. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**
 11 **TIES FOR INDIAN CHILDREN AND YOUTH.**

12 Section 7121 (20 U.S.C. 7441) is amended—

13 (1) in the heading, by adding “**AND YOUTH**”
 14 after “**CHILDREN**”;

15 (2) in subsection (a), by inserting “and youth”
 16 after “children” both places the term appears;

17 (3) in subsection (c)—

18 (A) by inserting “and youth” after “chil-
 19 dren” each place the term appears; and

20 (B) in paragraph (1)—

21 (i) in subparagraph (D), by inserting
 22 “emotional,” after “social,”;

23 (ii) by striking subparagraph (G) and
 24 inserting the following:

25 “(G) high-quality early childhood education
 26 and care programs that are effective in pre-

1 paring young children to be on track for college
2 and career readiness by the end of grade 3, in-
3 cluding kindergarten and prekindergarten pro-
4 grams, family-based preschool programs that
5 emphasize school readiness, screening and refer-
6 ral, and the provision of services to Indian chil-
7 dren and youth with disabilities;”;

8 (iii) in subparagraph (K), by striking
9 “family literacy services” and inserting
10 “family literacy activities”;

11 (iv) in subparagraph (L), by striking
12 “qualified tribal elders and seniors; or”
13 and inserting “traditional leaders;”;

14 (v) in subparagraph (M), by striking
15 the period at the end and inserting “; or”;
16 and

17 (vi) by adding at the end the fol-
18 lowing:

19 “(N) other services that meet the purpose
20 described in this section.”;

21 (C) in paragraph (2), by striking “Profes-
22 sional development of” and inserting “High-
23 quality professional development of”;

24 (4) in subsection (d)—

1 (A) in paragraph (1)(C), by striking
2 “make a grant payment for a grant described
3 in this paragraph to an eligible entity after the
4 initial year of the multiyear grant only if the
5 Secretary determines” and inserting “award
6 grants for an initial period of not more than 3
7 years and may renew such grants for not more
8 than an additional 2 years if the Secretary de-
9 termines”; and

10 (B) in paragraph (3)(B)—

11 (i) in clause (i), by striking “parents
12 of Indian children and representatives of
13 Indian tribes” and inserting “family mem-
14 bers of Indian children and youth and offi-
15 cial representatives designated by the In-
16 dian tribes”; and

17 (ii) in clause (iii)—

18 (I) by striking “information” and
19 inserting “evidence”; and

20 (II) by striking “scientifically
21 based” and inserting “evidence-
22 based”; and

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

24 “(f) CONTINUATION.—Notwithstanding any other
25 provision of this section, a grantee that is carrying out

1 activities pursuant to a grant awarded under this section
2 prior to the date of enactment of the Elementary and Sec-
3 ondary Education Reauthorization Act of 2011 may con-
4 tinue to carry out such activities under such grant in ac-
5 cordance with the terms of that grant award.”.

6 **SEC. 7123. PROFESSIONAL DEVELOPMENT FOR TEACHERS**
7 **AND EDUCATION PROFESSIONALS.**

8 Section 7122 (20 U.S.C. 7442) is amended—

9 (1) in subsection (a), by striking paragraphs
10 (1) and (2) and inserting the following:

11 “(1) to increase the number of qualified Indian
12 teachers and administrators serving Indian students;

13 “(2) to recruit and provide training and sup-
14 port to qualified Indian individuals to enable such
15 individuals to become highly rated teachers or ad-
16 ministrators; and”;

17 (2) in subsection (d), by adding at the end the
18 following:

19 “(3) CONTINUATION.—Notwithstanding any
20 other provision of this section, a grantee that is car-
21 rying out activities pursuant to a grant awarded
22 under this section prior to the date of enactment of
23 the Elementary and Secondary Education Reauthor-
24 ization Act of 2011 may continue to carry out such

1 activities under such grant in accordance with the
2 terms of that award.”;

3 (3) by striking subsection (e) and inserting the
4 following:

5 “(e) APPLICATION.—Each eligible entity desiring a
6 grant under this section shall submit an application to the
7 Secretary at such time, in such manner, and accompanied
8 by such information, as the Secretary may reasonably re-
9 quire. At a minimum, an application under this section
10 shall describe how the eligible entity will—

11 “(1) recruit qualified Indian individuals, such
12 as students who may not be of traditional college
13 age, to become teachers or principals;

14 “(2) use funds made available under the grant
15 to support the recruitment, preparation, and profes-
16 sional development of Indian teachers or principals
17 in local educational agencies that serve a high pro-
18 portion of Indian students; and

19 “(3) assist participants in meeting the require-
20 ments under subsection (h).”; and

21 (4) by striking subsection (g) and inserting the
22 following:

23 “(g) GRANT PERIOD.—The Secretary shall award
24 grants under this section for an initial period of not more
25 than 3 years, and may renew such grants for not more

1 than an additional 2 years if the Secretary finds that the
2 grantee is achieving the objectives of the grant.”; and

3 (5) in subsection (h)(1)(A), by striking clause
4 (ii) and inserting the following:

5 “(ii) in a local educational agency that
6 serves a high proportion of Indian stu-
7 dents; or”.

8 **Subpart 3—National Activities**

9 **SEC. 7131. NATIONAL ACTIVITIES.**

10 Subpart 3 of part A of title VII (20 U.S.C. 7451 et
11 seq.) is amended—

12 (1) in section 7131—

13 (A) in subsection (a)—

14 (i) in the matter preceding paragraph
15 (1) by striking “under section 7152(b)”
16 and inserting “to carry out this subpart”;

17 (ii) in paragraph (1), by striking “the
18 education” and inserting “improving the
19 academic achievement and development”;

20 (iii) by striking paragraph (2);

21 (iv) by redesignating paragraph (3) as
22 paragraph (2);

23 (v) in paragraph (2), as redesignated
24 by clause (iii), by striking “Indians; and”
25 and inserting “Indian students;”; and

1 (vi) by inserting after paragraph (2),
2 as redesignated by clause (iii), the fol-
3 lowing:

4 “(3) provide technical assistance and logistical
5 support to grantees under this subpart; and”;

6 (B) by striking subsection (c) and insert-
7 ing the following:

8 “(c) COORDINATION.—Research activities supported
9 under this section—

10 “(1) shall be coordinated with appropriate of-
11 fices within the Department; and

12 “(2) may include collaborative research activi-
13 ties that are jointly funded and carried out by the
14 Bureau of Indian Education and the Institute of
15 Education Sciences.”;

16 (2) by striking sections 7132, 7133, 7134,
17 7135, and 7136; and

18 (3) by inserting at the end the following:

19 **“SEC. 7132. IMPROVEMENT OF ACADEMIC SUCCESS FOR**
20 **STUDENTS THROUGH NATIVE AMERICAN**
21 **LANGUAGE.**

22 “(a) PURPOSE.—It is the purpose of this section to
23 improve educational opportunities and academic achieve-
24 ment of Indian and Alaska Native students through Na-

1 tive American language programs and to foster the acqui-
2 sition of Native American language.

3 “(b) ELIGIBLE ENTITIES.—In this section, the term
4 ‘eligible entity’ means a State educational agency, local
5 educational agency, Indian tribe, Indian organization, fed-
6 erally supported elementary school or secondary school for
7 Indian students, Indian institution (including an Indian
8 institution of higher education), or a consortium of such
9 entities.

10 “(c) GRANTS AUTHORIZED.—The Secretary shall
11 award grants to eligible entities to enable such entities to
12 carry out the following activities:

13 “(1) Native American language programs
14 that—

15 “(A) provide instruction through the use of
16 a Native American language for not less than
17 10 children for an average of not less than 500
18 hours per year per student;

19 “(B) provide for the involvement of par-
20 ents, caregivers, and families of students en-
21 rolled in the program;

22 “(C) utilize, and may include the develop-
23 ment of instructional courses and materials for
24 learning Native American languages and for in-

1 instruction through the use of Native American
2 languages;

3 “(D) provide support for professional de-
4 velopment activities; and

5 “(E) include a goal of all students achiev-
6 ing—

7 “(i) fluency in a Native American lan-
8 guage; and

9 “(ii) academic proficiency in mathe-
10 matics, English, reading or language arts,
11 and science.

12 “(2) Native American language restoration pro-
13 grams that—

14 “(A) provide instruction in not less than 1
15 Native language;

16 “(B) provide support for professional de-
17 velopment activities for teachers of Native
18 American languages;

19 “(C) develop instructional materials for the
20 programs; and

21 “(D) include the goal of increasing pro-
22 ficiency and fluency in not less than 1 Native
23 American language.

24 “(d) APPLICATION.—

1 “(1) IN GENERAL.—An eligible entity that de-
2 sires to receive a grant under this section shall sub-
3 mit an application to the Secretary at such time, in
4 such manner, and accompanied by such information
5 as the Secretary may require.

6 “(2) CERTIFICATION.—An eligible entity that
7 submits an application for a grant to carry out the
8 activity specified in subsection (c)(1), shall include
9 in such application a certification that assures that
10 such entity has experience and a demonstrated
11 record of effectiveness in operating and admin-
12 istering a Native American language program or any
13 other educational program in which instruction is
14 conducted in a Native American language.

15 “(e) GRANT DURATION.—The Secretary shall make
16 grants under this section only on a multi-year basis for
17 a period not to exceed 5 years.

18 “(f) DEFINITION.—In this section, the term ‘average’
19 means the aggregate number of hours of instruction
20 through the use of a Native American language to all stu-
21 dents enrolled in a Native language program during a
22 school year divided by the total number of students en-
23 rolled in the program.

24 “(g) ADMINISTRATIVE COSTS.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), not more than 5 percent of the funds pro-
3 vided to a grantee under this section for any fiscal
4 year may be used for administrative purposes.

5 “(2) EXCEPTION.—An elementary school or
6 secondary school for Indian students that receives
7 funds from a recipient of a grant under subsection
8 (c) for any fiscal year may use not more than 10
9 percent of the funds for administrative purposes.

10 **“SEC. 7133. IMPROVING STATE AND TRIBAL EDUCATIONAL**
11 **AGENCY COLLABORATION.**

12 “The Secretary, in consultation with the Director of
13 the Bureau of Indian Education, shall conduct a study of
14 the relationship among State educational agencies, local
15 educational agencies, and other relevant State and local
16 agencies, and tribes or tribal representatives to—

17 “(1) identify examples of best practices in col-
18 laboration among those entities that result in the
19 provision of better services to Indian students; and

20 “(2) provide recommendations on—

21 “(A) State educational agency functions
22 that tribal educational agencies could perform;

23 “(B) areas and agency functions in which
24 greater State educational agency and tribal
25 educational agency collaboration is needed; and

1 “(C) other steps to reducing barriers to
2 serving Indian students, especially such stu-
3 dents who are at risk of academic failure.”.

4 **Subpart 4—Federal Administration**

5 **SEC. 7141. NATIONAL ADVISORY COUNCIL ON INDIAN EDU-**
6 **CATION.**

7 Section 7141(b)(1) (20 U.S.C. 7471(b)(1)) is amend-
8 ed by inserting “and the Secretary of the Interior” after
9 “advise the Secretary”.

10 **Subpart 5—Definitions; Authorization of**
11 **Appropriations**

12 **SEC. 7151. DEFINITIONS; AUTHORIZATION OF APPROPRIA-**
13 **TIONS.**

14 Subpart 5 of part A of title VII is amended—

15 (1) in the subpart heading, by striking “; **Au-**
16 **thorizations of Appropriations**”;

17 (2) by striking section 7152; and

18 (3) in section 7151 (20 U.S.C. 7491)—

19 (A) by striking paragraph (2);

20 (B) by redesignating paragraph (3) as
21 paragraph (2); and

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

23 “(3) TRADITIONAL LEADERS.—The term ‘tradi-
24 tional leaders’ has the meaning given the term in the

1 Native American Languages Act of 1990 (25 U.S.C.
2 2902).”.

3 **PART B—NATIVE HAWAIIAN EDUCATION; ALASKA**
4 **NATIVE EDUCATION**

5 **SEC. 7201. NATIVE HAWAIIAN EDUCATION AND ALASKA NA-**
6 **TIVE EDUCATION.**

7 Title VII (20 U.S.C. 7401 et seq.) is amended—

8 (1) in part B, by striking the heading and in-
9 sserting the following: “**NATIVE HAWAIIAN EDU-**
10 **CATION; ALASKA NATIVE EDUCATION**”;

11 (2) by inserting before section 7201 the fol-
12 lowing: “**Subpart 1—Native Hawaiian Edu-**
13 **cation**”;

14 (3) in section 7201, by striking “part” and in-
15 sserting “subpart”;

16 (4) by redesignating part C as subpart 2; and

17 (5) in subpart 2, as redesignated by paragraph
18 (4), by striking the heading and inserting “**Alaska**
19 **Native Education**”.

20 **Subpart 1—Native Hawaiian Education**

21 **SEC. 7202. FINDINGS.**

22 Section 7202 (20 U.S.C. 7512) is amended to read
23 as follows:

24 **“SEC. 7202. FINDINGS.**

25 “Congress finds the following:

1 “(1) Native Hawaiians are a distinct and
2 unique indigenous people with a historical continuity
3 to the original inhabitants of the Hawaiian archi-
4 pelago, whose society was organized as a nation and
5 internationally recognized as a nation by the United
6 States, Britain, France, and Japan, as evidenced by
7 treaties governing friendship, commerce, and naviga-
8 tion.

9 “(2) The United States has recognized and re-
10 affirmed that—

11 “(A) Native Hawaiians have a cultural,
12 historic, and land-based link to the indigenous
13 people who exercised sovereignty over the Ha-
14 waiian Islands, and that group has never relin-
15 quished its claims to sovereignty or its sov-
16 ereign lands;

17 “(B) Congress does not extend services to
18 Native Hawaiians because of their race, but be-
19 cause of their unique status as the indigenous
20 people of a once sovereign nation as to whom
21 the United States has established a trust rela-
22 tionship;

23 “(C) Congress has also delegated broad
24 authority to administer a portion of the Federal
25 trust responsibility to the State of Hawaii;

1 “(D) the political status of Native Hawai-
2 ians is comparable to that of American Indians
3 and Alaska Natives; and

4 “(E) the aboriginal, indigenous people of
5 the United States have—

6 “(i) a continuing right to autonomy in
7 their internal affairs; and

8 “(ii) an ongoing right of self-deter-
9 mination and self-governance that has
10 never been extinguished.

11 “(3) The political relationship between the
12 United States and the Native Hawaiian people has
13 been recognized and reaffirmed by the United
14 States, as evidenced by the inclusion of Native Ha-
15 waiians in—

16 “(A) the Native American Programs Act of
17 1974 (42 U.S.C. 2991 et seq.);

18 “(B) the American Indian Religious Free-
19 dom Act (42 U.S.C. 1996);

20 “(C) the National Museum of the Amer-
21 ican Indian Act (20 U.S.C. 80q et seq.);

22 “(D) the Native American Graves Protec-
23 tion and Repatriation Act (25 U.S.C. 3001 et
24 seq.);

1 “(E) the National Historic Preservation
2 Act (16 U.S.C. 470 et seq.);

3 “(F) the Native American Languages Act
4 (25 U.S.C. 2901 et seq.);

5 “(G) the American Indian, Alaska Native,
6 and Native Hawaiian Culture and Art Develop-
7 ment Act (20 U.S.C. 4401 et seq.);

8 “(H) the Workforce Investment Act of
9 1998 (29 U.S.C. 2801 et seq.); and

10 “(I) the Older Americans Act of 1965 (42
11 U.S.C. 3001 et seq.).

12 “(4) In 1993, 2005, and 2009 the Kameha-
13 meha Schools Bishop Estate released an updated
14 findings of the Native Hawaiian Educational Assess-
15 ment Project, which found that despite the successes
16 of the programs established under title IV of the Au-
17 gustus F. Hawkins-Robert T. Stafford Elementary
18 and Secondary School Improvement Amendments of
19 1988, many of the same educational needs still ex-
20 isted for Native Hawaiians. Subsequent reports by
21 the Kamehameha Schools Bishop Estate and other
22 organizations have generally confirmed those find-
23 ings. For example—

24 “(A) Native Hawaiian students continue to
25 begin their school experience lagging behind

1 other students in terms of readiness factors
2 such as vocabulary test scores;

3 “(B) Native Hawaiian students continue to
4 score below national norms on standardized
5 education achievement tests at all grade levels;

6 “(C) both public and private schools con-
7 tinue to show a pattern of lower percentages of
8 Native Hawaiian students in the uppermost
9 achievement levels and in gifted and talented
10 programs;

11 “(D) Native Hawaiian students continue to
12 be overrepresented among students qualifying
13 for special education programs provided to stu-
14 dents with learning disabilities, mild mental re-
15 tardation, emotional impairment, and other
16 such disabilities;

17 “(E) Native Hawaiians continue to be
18 underrepresented in institutions of higher edu-
19 cation and among adults who have completed 4
20 or more years of college; and

21 “(F) Native Hawaiians continue to be dis-
22 proportionately represented in many negative
23 social and physical statistics indicative of spe-
24 cial educational needs.

1 “(5) Native Hawaiian students served by the
2 State of Hawaii Department of Education has risen
3 from 20 percent in 1980 to 26 percent in 2008, and
4 there are and will continue to be geographically
5 rural, isolated areas with a high Native Hawaiian
6 population density.

7 “(6) Despite the consequences of more than
8 100 years of nonindigenous influence, the Native
9 Hawaiian people are determined to preserve, de-
10 velop, and transmit to future generations their an-
11 cestral territory and their cultural identity in accord-
12 ance with their own spiritual and traditional beliefs,
13 customs, practices, language, and social institutions.

14 “(7) The State of Hawaii, in the constitution
15 and statutes of the State of Hawaii—

16 “(A) reaffirms and protects the unique
17 right of the Native Hawaiian people to practice
18 and perpetuate their culture and religious cus-
19 toms, beliefs, practices, and language;

20 “(B) recognizes the traditional language of
21 the Native Hawaiian people as an official lan-
22 guage of the State of Hawaii, which may be
23 used as the language of instruction for all sub-
24 jects and grades in the public school system;
25 and

1 “(C) promotes the study of the Hawaiian
2 culture, language, and history by providing a
3 Hawaiian education program and using commu-
4 nity expertise as a suitable and essential means
5 to further the program.”.

6 **SEC. 7203. PURPOSES.**

7 Section 7203 (20 U.S.C. 7513) is amended to read
8 as follows:

9 **“SEC. 7203. PURPOSES.**

10 “The purposes of this subpart are to—

11 “(1) develop, implement, assess, expand, and
12 evaluate innovative educational programs, Native
13 Hawaiian language medium programs, Native Ha-
14 waiian culture-based education programs, and other
15 education programs to improve the academic
16 achievement of Native Hawaiian students by meet-
17 ing their unique cultural and language needs to help
18 such students meet college and career ready State
19 academic content and student academic achievement
20 standards adopted under section 1111(a)(1);

21 “(2) provide guidance to appropriate Federal,
22 State, and local agencies to more effectively and effi-
23 ciently focus resources, including resources made
24 available under this subpart, on the development and
25 implementation of—

1 “(A) innovative educational programs for
2 Native Hawaiian students;

3 “(B) rigorous and substantive Native Ha-
4 waiian language programs; and

5 “(C) Native Hawaiian culture-based edu-
6 cational programs; and

7 “(3) create a system by which information from
8 programs funded under this subpart will be col-
9 lected, analyzed, evaluated, reported, and used in de-
10 cision making activities with respect to the types of
11 grants awarded under this subpart.”.

12 **SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL.**

13 Section 7204 (20 U.S.C. 7514) is amended to read
14 as follows:

15 **“SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL.**

16 “(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDU-
17 CATION COUNCIL.—In order to better effectuate the pur-
18 poses of this subpart through the coordination of edu-
19 cational and related services and programs available to
20 Native Hawaiian students, including those programs re-
21 ceiving funding under this subpart, the Secretary shall es-
22 tablish a Native Hawaiian Education Council (referred to
23 in this subpart as the ‘Education Council’).

24 “(b) COMPOSITION.—

1 “(1) IN GENERAL.—The Education Council
2 shall consist of 15 members of whom—

3 “(A) 1 shall be the President of the Uni-
4 versity of Hawaii (or a designee);

5 “(B) 1 shall be the Governor of the State
6 of Hawaii (or a designee);

7 “(C) 1 shall be the Superintendent of the
8 State of Hawaii Department of Education (or a
9 designee);

10 “(D) 1 shall be the chairperson of the Of-
11 fice of Hawaiian Affairs (or a designee);

12 “(E) 1 shall be the executive director of
13 the Hawaii Charter School Network (or a des-
14 ignee);

15 “(F) 1 shall be the chief executive officer
16 of the Kamehameha Schools (or a designee);

17 “(G) 1 shall be the chairperson of the
18 Queen Liliuokalani Trust (or a designee);

19 “(H) 1 shall be a member, selected by the
20 other members of the Education Council, who
21 represents a private grant making entity (or a
22 designee);

23 “(I) 1 shall be the mayor of the County of
24 Hawaii (or a designee);

1 “(J) 1 shall be the Mayor of Maui County
2 (or a designee from the Island of Maui);

3 “(K) 1 shall be the Mayor of the County
4 of Kauai (or a designee);

5 “(L) 1 shall be appointed by the Mayor of
6 Maui County from the Island of either Molokai
7 or Lanai;

8 “(M) 1 shall be the Mayor of the City and
9 County of Honolulu (or a designee);

10 “(N) 1 shall be the Chairperson of the Ha-
11 waiian Homes Commission (or a designee); and

12 “(O) 1 shall be the Chairperson of the Ha-
13 waii Workforce Development Council (or a des-
14 ignee representing the private sector).

15 “(2) LIMITATION.—A member of the Education
16 Council, including a designee, may not receive, as an
17 individual, grant funds awarded under this subpart
18 while serving on the Education Council.

19 “(c) CHAIR, VICE CHAIR.—

20 “(1) SELECTION.—The Education Council shall
21 select a Chair and Vice Chair from among the mem-
22 bers of the Education Council.

23 “(2) SERVICE.—The Chair and Vice Chair se-
24 lected under paragraph (1) shall each serve for one
25 2-year term.

1 “(d) NATIVE HAWAIIAN EDUCATION COUNCIL
2 GRANT.—The Secretary shall make a grant to the Edu-
3 cation Council to carry out the following activities:

4 “(1) Coordinate the educational and related
5 services and programs available to Native Hawaiian
6 students, including the programs assisted under this
7 subpart.

8 “(2) Assess the extent to which such services
9 and programs meet the needs of Native Hawaiians,
10 and collect data on the status of Native Hawaiian
11 education.

12 “(3) Provide direction and guidance, through
13 the issuance of reports and recommendations, to ap-
14 propriate Federal, State, and local agencies in order
15 to focus and improve the use of resources, including
16 resources made available under this subpart, relating
17 to Native Hawaiian student education, and serve,
18 where appropriate, in an advisory capacity.

19 “(4) Make direct grants and subgrants, if such
20 grants and subgrants would enable the Education
21 Council to carry out the duties of the Education
22 Council, as described in paragraphs (1) through (3).

23 “(5) Hire an executive director who shall,
24 through the Education Council, execute the duties

1 and powers of the Education Council as described in
2 subsection (e).

3 “(e) DUTIES AND POWERS OF THE EDUCATION
4 COUNCIL.—The Education Council shall—

5 “(1) obtain from the Secretary information re-
6 garding grants awarded under this subpart;

7 “(2) provide technical assistance to Native Ha-
8 waiian organizations that are grantees or potential
9 grantees under this subpart;

10 “(3) assess and define the educational needs of
11 Native Hawaiian students;

12 “(4) assess the programs and services currently
13 available to address the educational needs of Native
14 Hawaiian students;

15 “(5) assess and evaluate the individual and ag-
16 gregate impact achieved by grantees in improving
17 Native Hawaiian educational performance and meet-
18 ing the goals of this subpart;

19 “(6) prepare and submit to the Secretary, be-
20 fore the end of each calendar year, annual reports
21 that contain—

22 “(A) a description of the activities of the
23 Education Council during the preceding cal-
24 endar year;

1 “(B) recommendations of the Education
2 Council, if any, regarding priorities established
3 under section 7205(b);

4 “(C) significant barriers to achieving the
5 goals under this part;

6 “(D) a summary of each community con-
7 sultation session, as described in subsection (f);

8 “(E) recommendations to establish funding
9 priorities based on an assessment of—

10 “(i) the educational needs of Native
11 Hawaiians;

12 “(ii) programs and services currently
13 available to address such needs, including
14 the effectiveness of such programs in im-
15 proving educational performance of Native
16 Hawaiians; and

17 “(iii) priorities for funding in specific
18 geographic communities; and

19 “(7) hold annual community consultations as
20 described in subsection (f).

21 “(f) COMMUNITY CONSULTATIONS.—

22 “(1) IN GENERAL.—The Education Council
23 shall hold not less than 1 community consultation
24 each year on each of the Islands of Hawaii, Maui,
25 Molokai, Lanai, Oahu, and Kauai—

1 “(A) which not less than 3 members of the
2 Education Council shall attend;

3 “(B) at which the Education Council shall
4 gather community input regarding—

5 “(i) entities that are, at the time of
6 the community consultation, receiving a
7 grant under this subpart;

8 “(ii) priorities and needs;

9 “(iii) other Native Hawaiian edu-
10 cational issues; and

11 “(C) at which the Education Council shall
12 report to the community on the outcomes of the
13 grants awarded under this subpart.

14 “(2) SUPPORT FOR COMMUNITY CONSULTA-
15 TIONS.—The Education Council may, from funds
16 made available under section 7205(h)(1), provide
17 such financial support to the community consulta-
18 tions described in paragraph (1) as the Education
19 Council determines to be appropriate.

20 “(g) ADMINISTRATIVE PROVISIONS RELATING TO
21 EDUCATION COUNCIL.—The Education Council shall
22 meet at the call of the Chair of the Council, or upon re-
23 quest by a majority of the members of the Education
24 Council, but in any event not less often than every 120
25 days.

1 “(h) FUNDING.—

2 “(1) IN GENERAL.—For each fiscal year, the
3 Secretary shall provide to the Education Council (in-
4 cluding through grants and contracts) the amount
5 described in section 7205(h)(1), to remain available
6 until expended.

7 “(2) NO COMPENSATION.—Each member of the
8 Education Council, and each member of a commu-
9 nity consultation or other working group established
10 by the Education Council, shall serve without com-
11 pensation.

12 “(i) REPORT.—Not later than 2 years after the date
13 of enactment of the Elementary and Secondary Education
14 Reauthorization Act of 2011, the Secretary shall prepare
15 and submit to the Committee on Indian Affairs and the
16 authorizing committees a report that—

17 “(1) summarizes the annual reports of the Edu-
18 cation Council;

19 “(2) describes the allocation and use of funds
20 under this subpart and the information gathered
21 since the first annual report submitted by the Edu-
22 cation Council to the Secretary under this section;
23 and

1 “(3) contains recommendations for changes in
2 Federal, State, and local policy to advance the pur-
3 poses of this subpart.

4 “(j) FEDERAL ADVISORY COMMITTEE ACT APPLICA-
5 BILITY.—The provisions of the Federal Advisory Com-
6 mittee Act (5 U.S.C. App.) shall apply to the Education
7 Council, except that section 14 of such Act shall not apply.

8 “(k) TERMINATION.—The Education Council shall
9 terminate on the date that is the expiration of the 10-
10 year period following the date of enactment of the Elemen-
11 tary and Secondary Education Reauthorization Act of
12 2011.”.

13 **SEC. 7205. PROGRAM AUTHORIZED.**

14 Section 7205 (20 U.S.C. 7515) is amended to read
15 as follows:

16 **“SEC. 7205. PROGRAM AUTHORIZED.**

17 “(a) GRANTS AND CONTRACTS.—In order to carry
18 out programs that meet the purposes of this subpart, the
19 Secretary is authorized to award grants to, or enter into
20 contracts with—

21 “(1) Native Hawaiian educational organiza-
22 tions;

23 “(2) Native Hawaiian community-based organi-
24 zations;

1 “(3) public and private nonprofit organizations,
2 agencies, and institutions with experience in success-
3 fully developing or operating Native Hawaiian edu-
4 cation and workforce development programs or pro-
5 grams of instruction in the Native Hawaiian lan-
6 guage;

7 “(4) charter schools; and

8 “(5) consortia of the organizations, agencies,
9 and institutions described in paragraphs (1) through
10 (4).

11 “(b) PRIORITY.—In providing grants and entering
12 into contracts under this subpart, the Secretary shall give
13 priority to—

14 “(1) programs that meet the educational prior-
15 ities established by the Education Council under sec-
16 tion 7204(e)(6);

17 “(2) programs designed to improve the aca-
18 demic achievement of Native Hawaiian students by
19 meeting their unique cultural and language needs in
20 order to help such students meet college and career
21 ready State academic content and student academic
22 achievement standards adopted under section
23 1111(a)(1), including activities relating to—

1 “(A) achieving competence in reading, lit-
2 eracy, mathematics, and science for students in
3 preschool through grade 3;

4 “(B) the educational needs of at-risk chil-
5 dren and youth;

6 “(C) professional development for teachers
7 and administrators;

8 “(D) the use of Native Hawaiian language
9 and preservation or reclamation of Native Ha-
10 waiian culture-based educational practices;

11 “(E) preparation for employment in fields
12 in which Native Hawaiians are underemployed
13 or underrepresented; and

14 “(F) other programs relating to the activi-
15 ties described in this subpart; and

16 “(3) programs in which a State educational
17 agency, local educational agency, institution of high-
18 er education, or a State educational agency or local
19 educational agency in partnership with an institution
20 of higher education apply for a grant or contract
21 under this subpart as part of a partnership or con-
22 sortium involving—

23 “(A) a Native Hawaiian community-based
24 organization;

1 “(B) a Native Hawaiian education organi-
2 zation;

3 “(C) a Native Hawaiian focused public
4 charter school; or

5 “(D) a Native Hawaiian organization.

6 “(e) AUTHORIZED ACTIVITIES.—Activities provided
7 through programs carried out under this subpart may in-
8 clude—

9 “(1) the development and maintenance of a
10 statewide Native Hawaiian early childhood education
11 and care system to provide a continuum of high-
12 quality services for Native Hawaiian children from
13 the prenatal period through the age of kindergarten
14 entry;

15 “(2) the operation of family-based education
16 centers that provide such services as—

17 “(A) programs for Native Hawaiian par-
18 ents and their infants from the prenatal period
19 of infancy through age 3;

20 “(B) preschool programs for Native Ha-
21 waiian children; and

22 “(C) research on, and development and as-
23 sessment of, family-based early care and edu-
24 cation and preschool programs for Native Ha-
25 waiians;

1 “(3) activities that enhance beginning reading
2 and literacy in either the Hawaiian or the English
3 language among Native Hawaiian students in kin-
4 dergarten through grade 3 and assistance in ad-
5 dressing the distinct features of combined English
6 and Hawaiian literacy for Hawaiian speakers grades
7 5 and 6;

8 “(4) activities to meet the special needs of Na-
9 tive Hawaiian students with disabilities, including—

10 “(A) the identification of such students
11 and their needs;

12 “(B) the provision of support services to
13 the families of those students; and

14 “(C) other activities consistent with the re-
15 quirements of the Individuals with Disabilities
16 Education Act;

17 “(5) activities that address the special needs of
18 Native Hawaiian students who are gifted and tal-
19 ented, including—

20 “(A) educational, psychological, social,
21 emotional, and developmental activities designed
22 to assist in the educational progress of such
23 students; and

1 “(B) activities that involve the parents of
2 such students in a manner designed to assist in
3 the students’ educational progress;

4 “(6) the development of academic and voca-
5 tional curricula to address the needs of Native Ha-
6 waiian children, youth, and adults, including cur-
7 ricula materials in the Hawaiian language, mathe-
8 matics, science, engineering, and technology cur-
9 ricula that incorporate Native Hawaiian tradition
10 and culture;

11 “(7) professional development activities for edu-
12 cators, including—

13 “(A) the development of programs to pre-
14 pare prospective teachers to address the unique
15 needs of Native Hawaiian students within the
16 context of Native Hawaiian culture, language,
17 and traditions;

18 “(B) in-service programs to improve the
19 ability of teachers who teach in schools with
20 concentrations of Native Hawaiian students to
21 meet those students’ unique needs; and

22 “(C) the recruitment and preparation of
23 Native Hawaiian individuals, and other individ-
24 uals who live in communities with a high con-

1 centration of Native Hawaiians, to become
2 teachers or leaders;

3 “(8) the operation of community-based learning
4 centers that address the needs of Native Hawaiian
5 families and communities through the coordination
6 of public and private programs and services, includ-
7 ing—

8 “(A) early care and education programs,
9 including preschool programs;

10 “(B) before- and after-school programs
11 and Saturday academies;

12 “(C) career and technical and adult edu-
13 cation programs; and

14 “(D) programs that recognize and support
15 the unique cultural and educational needs of
16 Native Hawaiian children and youth and incor-
17 porate appropriately qualified Native Hawaiian
18 elders and seniors;

19 “(9) activities, including program co-location, to
20 enable Native Hawaiian individuals to enter and
21 complete programs of postsecondary education, in-
22 cluding—

23 “(A) the provision of full or partial schol-
24 arships for undergraduate or graduate study
25 that are awarded to students based on their

1 academic promise and financial need, with a
2 priority, at the graduate level, given to Native
3 Hawaiian students entering professions in
4 which Native Hawaiians are underrepresented;

5 “(B) family literacy activities;

6 “(C) counseling and support services for
7 students receiving scholarship assistance;

8 “(D) counseling and guidance for Native
9 Hawaiian secondary school students who have
10 the potential to receive scholarships;

11 “(E) assistance with completing the college
12 admissions and financial aid application pro-
13 cess; and

14 “(F) faculty development activities de-
15 signed to promote the matriculation of Native
16 Hawaiian students;

17 “(10) activities that recognize and support the
18 unique needs of Native Hawaiian youth regarding
19 the completion of quality workforce preparation and
20 training programs and activities, including appren-
21 ticeship programs;

22 “(11) research and data collection activities to
23 determine the educational status and needs of Na-
24 tive Hawaiian children and youth;

1 “(12) other research and evaluation activities
2 related to programs carried out under this subpart;
3 and

4 “(13) other activities, consistent with the pur-
5 poses of this subpart, to meet the educational needs
6 of Native Hawaiian children and youth.

7 “(d) ADDITIONAL ACTIVITIES.—From funds made
8 available to carry out this section, the Secretary shall sup-
9 port the following:

10 “(1) The development of a body of Native Ha-
11 waiian law.

12 “(2) The repair and renovation of public
13 schools that serve high concentrations of Native Ha-
14 waiian students.

15 “(3) Informal education programs that present
16 traditional Hawaiian knowledge, science, astronomy,
17 and the environment through State museums or
18 learning centers.

19 “(e) SPECIAL RULE AND CONDITIONS.—

20 “(1) INSTITUTIONS OUTSIDE HAWAII.—The
21 Secretary may not establish a policy under this sec-
22 tion that prevents a Native Hawaiian student en-
23 rolled at a 2- or 4-year degree granting institution
24 of higher education outside of the State of Hawaii

1 from receiving a scholarship pursuant to subsection
2 (c)(9)(A).

3 “(2) SCHOLARSHIP CONDITIONS.—The Sec-
4 retary shall establish conditions for receipt of a
5 scholarship awarded under subsection (c)(9)(A). The
6 conditions shall require that an individual seeking
7 such a scholarship enter into a contract to provide
8 professional services, either during the scholarship
9 period or upon completion of a program of postsec-
10 ondary education, to the Native Hawaiian commu-
11 nity.

12 “(f) TREATMENT OF FUNDS.—

13 “(1) IN GENERAL.—Except as provided in para-
14 graph (2), funds made available under this subpart
15 shall be used to supplement, and not supplant, any
16 State or local funds used to achieve the purposes of
17 this subpart.

18 “(2) EXCEPTION.—Paragraph (1) shall not
19 apply to any nonprofit entity or Native Hawaiian
20 community-based organization that receives a grant
21 or other funds under this subpart.

22 “(g) ADMINISTRATIVE COSTS.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), not more than 5 percent of funds pro-
25 vided to a recipient of a grant or contract under

1 subsection (a) for any fiscal year may be used for
2 administrative purposes.

3 “(2) EXCEPTION.—Not more than 10 percent
4 of funds provided under subsection (a) for any fiscal
5 year to a nonprofit entity serving the Native Hawai-
6 ian community may be used for administrative pur-
7 poses.

8 “(h) RESERVATION; AVAILABILITY OF FUNDS.—

9 “(1) RESERVATION.—From the funds made
10 available to carry out this subpart, the Secretary
11 shall reserve, for each of fiscal years 2012 through
12 2017 not less than \$500,000 for the Education
13 Council.

14 “(2) AVAILABILITY.—Funds made available to
15 carry out this subpart and funds reserved under this
16 subsection shall remain available until expended.”.

17 **SEC. 7206. ADMINISTRATIVE PROVISIONS.**

18 Section 7206 (20 U.S.C. 7516) is amended to read
19 as follows:

20 **“SEC. 7206. ADMINISTRATIVE PROVISIONS.**

21 “(a) APPLICATION REQUIRED.—

22 “(1) IN GENERAL.—No grant may be made
23 under this subpart, and no contract may be entered
24 into under this subpart, unless the entity seeking the
25 grant or contract submits an application to the Sec-

1 retary at such time, in such manner, and containing
2 such information as the Secretary may determine to
3 be necessary to carry out the provisions of this sub-
4 part.

5 “(2) ACADEMIC PROJECTS.—Applications sub-
6 mitted under this subpart to carry out projects and
7 activities that are academic in nature shall de-
8 scribe—

9 “(A) the criteria that will be used to en-
10 sure that such projects and activities use evi-
11 dence-based strategies and methods; and

12 “(B) the process through which the appli-
13 cant will monitor and report such activities, in-
14 cluding the achievement of identified objectives.

15 “(b) APPLICATIONS TO EDUCATION COUNCIL.—The
16 Secretary shall provide to the Education Council a copy
17 of each grant or contract application submitted under this
18 subpart.

19 “(c) ANNUAL REPORT.—

20 “(1) IN GENERAL.—Each entity that receives a
21 grant under this subpart shall submit to the Sec-
22 retary an annual report, in such form and con-
23 taining such information as the Secretary may re-
24 quire that determines the extent to which activities
25 carried out with funds provided under this subpart

1 are effective in improving the educational achieve-
2 ment of Native Hawaiian students served by such
3 funds.

4 “(2) CONTENT.—As a part of the information
5 reported under paragraph (1), each entity that re-
6 ceives a grant under this subpart shall provide data,
7 using information from the most recent year for
8 which data are available, on—

9 “(A) the academic achievement of the Na-
10 tive Hawaiian students the entity serves, as
11 measured by the State assessments required
12 under section 1111(a) and the high school
13 graduation and college attendance rates of
14 those students; and

15 “(B) such other measures as the Secretary
16 may prescribe.”

17 **SEC. 7207. DEFINITIONS.**

18 Section 7207 (20 U.S.C. 7517) is amended—

19 (1) in the matter preceding paragraph (1), by
20 striking “part” and inserting “subpart”;

21 (2) by redesignating paragraphs (1) through
22 (6) as paragraphs (2) through (7), respectively; and

23 (3) by inserting before paragraph (2), as red-
24 igned by paragraph (1), the following:

1 “(1) COMMUNITY CONSULTATION.—The term
2 ‘community consultation’ means a public gath-
3 ering—

4 “(A) to discuss Native Hawaiian education
5 concerns; and

6 “(B) about which the public has been given
7 not less than 30 days notice.”.

8 **Subpart 2—Alaska Native Education**

9 **SEC. 7301. ALASKA NATIVE EDUCATION.**

10 Title VII (20 U.S.C. 7401 et seq.) is amended by
11 striking sections 7301 through 7306 and inserting the fol-
12 lowing:

13 **“SEC. 7301. SHORT TITLE.**

14 “‘This subpart may be cited as the ‘Alaska Native
15 Educational Equity, Support, and Assistance Act’.

16 **“SEC. 7302. FINDINGS.**

17 “Congress finds the following:

18 “(1) The attainment of educational success is
19 critical to the betterment of the conditions, long-
20 term well-being, and preservation of the culture and
21 languages of Alaska Natives.

22 “(2) It is the policy of the Federal Government
23 to encourage the maximum participation by Alaska
24 Natives in the planning and the management of
25 Alaska Native education programs and to support

1 efforts developed by and undertaken within the Alas-
2 ka Native community to improve educational oppor-
3 tunity for all students.

4 “(3) Alaska Native children enter and exit
5 school with serious educational handicaps.

6 “(4) The educational achievement of Alaska
7 Native children is far below national norms. Native
8 performance on standardized tests is low, Native
9 student dropout rates are high, Natives are signifi-
10 cantly underrepresented among holders of bacca-
11 laureate degrees in the State of Alaska, and Alaska
12 Natives are more likely than other Alaskans to be
13 without access to employment. As a result, Native
14 students are being denied their opportunity to be-
15 come full participants in society and an entire gen-
16 eration is being condemned to an underclass status
17 and a life of limited choices.

18 “(5) The programs and activities authorized in
19 this subpart are essential if educational handicaps
20 are to be overcome.

21 “(6) The sheer magnitude of the geographic
22 and other barriers to be overcome in delivering edu-
23 cational services in rural Alaska and Alaska villages
24 should be addressed through the development and

1 implementation of innovative, model programs in a
2 variety of areas.

3 “(7) Alaska Native children should be afforded
4 the opportunity to begin their formal education on
5 a par with their non-Native peers. The Federal Gov-
6 ernment should lend support to efforts developed by
7 and undertaken within the Alaska Native community
8 to improve educational opportunity for all students.

9 “(8) In 1983, pursuant to Public Law 98–63,
10 Alaska ceased to receive educational funding from
11 the Bureau of Indian Affairs.

12 **“SEC. 7303. PURPOSES.**

13 “The purposes of this subpart are as follows:

14 “(1) To address the critical need to meet the
15 unique educational needs of Alaska Natives.

16 “(2) To authorize the development and expan-
17 sion of effective supplemental educational programs
18 to benefit Alaska Natives.

19 “(3) To supplement existing programs and au-
20 thorities in the area of education to further the pur-
21 poses of this subpart.

22 “(4) To provide direction and guidance to ap-
23 propriate Federal, State, and local agencies to focus
24 resources, including resources made available under

1 this subpart, on meeting the educational needs of
2 Alaska Natives.

3 “(5) To ensure the maximum participation by
4 Alaska Natives in the planning and management of
5 programs designed to serve Alaska Natives.

6 **“SEC. 7304. PROGRAM AUTHORIZED.**

7 “(a) GENERAL AUTHORITY.—

8 “(1) GRANTS AND CONTRACTS.—The Secretary
9 is authorized to make grants to, or enter into con-
10 tracts with, the following entities in order to enable
11 such entities to carry out programs that meet the
12 purposes of this subpart:

13 “(A) Alaska Native organizations.

14 “(B) Educational entities with experience
15 in developing or operating Alaska Native pro-
16 grams or programs of instruction conducted in
17 Alaska Native languages.

18 “(C) Cultural and community-based orga-
19 nizations with experience in developing or oper-
20 ating programs to benefit the educational needs
21 of Alaska Natives.

22 “(D) Consortia of organizations and enti-
23 ties described in this paragraph.

1 “(2) PERMISSIBLE ACTIVITIES.—Activities pro-
2 vided through programs carried out under this sub-
3 part may include the following:

4 “(A) The development and implementation
5 of plans, methods, and strategies to improve the
6 education of Alaska Natives.

7 “(B) The development of curricula and
8 programs that address the educational needs of
9 Alaska Native students, including the following:

10 “(i) Curricula materials that reflect
11 the cultural diversity, languages, history,
12 or the contributions of Alaska Natives.

13 “(ii) Instructional programs that
14 make use of Alaska Native languages and
15 cultures.

16 “(iii) Networks that develop, test, and
17 disseminate best practices and introduce
18 successful programs, materials, and tech-
19 niques to meet the educational needs of
20 Alaska Native students in urban and rural
21 schools.

22 “(C) Training and professional develop-
23 ment activities for educators, including the fol-
24 lowing:

1 “(i) Pre-service and in-service training
2 and professional development programs to
3 prepare teachers to develop appreciation
4 for and understanding of Alaska Native
5 cultures, values, and ways of knowing and
6 learning in order to effectively address the
7 cultural diversity and unique needs of
8 Alaska Native students.

9 “(ii) The recruitment and preparation
10 of teachers who are Alaska Native.

11 “(iii) Programs that will lead to the
12 certification and licensing of Alaska Native
13 teachers, principals, and superintendents.

14 “(D) The development and operation of
15 home instruction programs for Alaska Native
16 preschool children, to ensure the active involve-
17 ment of parents in their children’s education
18 from the earliest ages.

19 “(E) Family literacy activities.

20 “(F) The development and operation of
21 student enrichment programs, including such
22 programs in science, technology, engineering,
23 and mathematics that—

24 “(i) are designed to prepare Alaska
25 Native students to excel in such subjects;

1 “(ii) provide appropriate support serv-
2 ices to the families of such students that
3 are needed to enable such students to ben-
4 efit from the programs; and

5 “(iii) include activities that recognize
6 and support the unique cultural and edu-
7 cational needs of Alaska Native children,
8 and incorporate appropriately qualified
9 Alaska Native elders and other tradition
10 bearers.

11 “(G) Research and data collection activi-
12 ties to determine the educational status and
13 needs of Alaska Native children and adults.

14 “(H) Other research and evaluation activi-
15 ties related to programs carried out under this
16 subpart.

17 “(I) Remedial and enrichment programs to
18 assist Alaska Native students to be college or
19 career ready upon graduation from high school.

20 “(J) Parenting education for parents and
21 caregivers of Alaska Native children to improve
22 parenting and caregiving skills (including skills
23 relating to discipline and cognitive develop-
24 ment), including parenting education provided
25 through in-home visitation of new mothers.

1 “(K) Culturally based education programs
2 designed and provided by an entity with dem-
3 onstrated experience in—

4 “(i) providing programs of study, both
5 on site and in local schools, to share the
6 rich and diverse cultures of Alaska Native
7 peoples among youth, elders, teachers, and
8 the larger community;

9 “(ii) instructing Alaska Native youth
10 in leadership, communication, Native cul-
11 ture, arts, and languages;

12 “(iii) increasing the high school grad-
13 uation rate of the Alaska Native students
14 who are served;

15 “(iv) providing instruction in Alaska
16 Native history and ways of living to stu-
17 dents and teachers in the local school dis-
18 trict;

19 “(v) providing intergenerational learn-
20 ing and internship opportunities to Alaska
21 Native youth and young adults; and

22 “(vi) providing cultural immersion ac-
23 tivities aimed at Alaska Native cultural
24 preservation.

1 “(L) A statewide on-site exchange pro-
2 gram, for both students and teachers, involving
3 schools and culture camps that demonstrates
4 effectiveness in facilitating cultural relation-
5 ships between urban and rural Alaskans to
6 build mutual respect and understanding, and
7 foster a statewide sense of common identity
8 through host family, school, and community
9 cross-cultural immersion. Such a program
10 should be competitively awarded.

11 “(M) Activities carried out through Head
12 Start programs carried out under the Head
13 Start Act, including the training of teachers for
14 such programs.

15 “(N) Other early learning and preschool
16 programs.

17 “(O) Education programs for at-risk urban
18 Alaska Native students in kindergarten through
19 grade 12 that are operated by tribes or tribal
20 organizations that have demonstrated experi-
21 ence in increasing graduation rates among such
22 students and that—

23 “(i) include a culturally informed cur-
24 riculum intended to preserve and promote
25 Alaska Native culture;

1 “(ii) partner effectively with the local
2 school district by providing a school-within-
3 a school program model;

4 “(iii) provide high-quality academic
5 instruction, small classroom sizes, and so-
6 cial-emotional support for students from
7 elementary school through high school;

8 “(iv) work with parents to increase
9 parental involvement in their students’
10 education;

11 “(v) have a proven track record of im-
12 proving academic proficiency and increas-
13 ing graduation rates;

14 “(vi) provide college preparation and
15 career planning; and

16 “(vii) incorporate a strong data collec-
17 tion and continuous evaluation component
18 at all levels of the program.

19 “(P) A statewide program that has dem-
20 onstrated effectiveness in providing technical
21 assistance and support to schools and commu-
22 nities in order to engage adults in promoting
23 the academic progress and overall well-being of
24 young people through strengths-based ap-
25 proaches to child and youth development, posi-

1 tive youth-adult relationships, improved condi-
2 tions for learning (such as school climate and
3 student connection to school and community),
4 and increased connections between schools and
5 families.

6 “(Q) Career preparation activities to en-
7 able Alaska Native children and adults to pre-
8 pare for meaningful employment, including pro-
9 grams providing career and technical prepara-
10 tion, mentoring, training, and apprenticeship
11 activities.

12 “(R) The provision of operational support
13 and the purchase of equipment to develop re-
14 gional vocational schools in rural areas of Alas-
15 ka, including boarding schools, for Alaska Na-
16 tive students in grades 9 through 12, or at
17 higher levels of education, to provide the stu-
18 dents with necessary resources to prepare for
19 skilled employment opportunities.

20 “(S) Other activities, consistent with the
21 purposes of this subpart, to meet the edu-
22 cational needs of Alaska Native children and
23 adults.

24 “(T) Regional leadership academies that
25 demonstrate effectiveness in building respect

1 and understanding and fostering a sense of
2 Alaska Native identity to promote Alaska Na-
3 tive students pursuit of, and success in, com-
4 pleting higher education or career training.

5 “(3) HOME INSTRUCTION PROGRAMS.—Home
6 instruction programs for Alaska Native preschool
7 children carried out under paragraph (2)(D) may in-
8 clude the following:

9 “(A) Programs for parents and their in-
10 fants, from the prenatal period of the infant
11 through age 3.

12 “(B) Preschool programs.

13 “(C) Training, education, and support for
14 parents in such areas as reading readiness, ob-
15 servation, story telling, and critical thinking.

16 “(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not
17 more than 5 percent of funds provided to a grantee under
18 this section for any fiscal year may be used for administra-
19 tive purposes.

20 “(c) PRIORITIES.—In awarding grants or contracts
21 to carry out activities described in this subpart, the Sec-
22 retary shall give priority to applications from Alaska Na-
23 tive regional nonprofit organizations, Alaska Native orga-
24 nizations, or consortia that include not less than 1 Alaska
25 Native regional nonprofit organization.

1 **“SEC. 7305. ADMINISTRATIVE PROVISIONS.**

2 “(a) APPLICATION REQUIRED.—No grant may be
3 made under this subpart, and no contract may be entered
4 into under this subpart, unless the entity seeking the
5 grant or contract submits an application to the Secretary
6 in such form, in such manner, and containing such infor-
7 mation as the Secretary may determine necessary to carry
8 out the provisions of this subpart.

9 “(b) APPLICATIONS.—A State educational agency or
10 local educational agency may apply for an award under
11 this subpart only as part of a consortium involving an
12 Alaska Native organization. The consortium may include
13 other eligible applicants.

14 “(c) CONSULTATION REQUIRED.—Each applicant for
15 an award under this subpart shall provide for ongoing ad-
16 vice from and consultation with representatives of the
17 Alaska Native community.

18 “(d) LOCAL EDUCATIONAL AGENCY COORDINA-
19 TION.—Each entity that applies for an award under this
20 subpart shall inform each local educational agency that
21 serves students who would participate in the program that
22 such entity plans to carry out under the grant or contract
23 about the application described in subsection (a).

24 **“SEC. 7306. DEFINITIONS.**

25 “In this subpart:

1 “(1) ALASKA NATIVE.—The term ‘Alaska Na-
 2 tive’ has the same meaning as the term Native has
 3 in section 3(b) of the Alaska Native Claims Settle-
 4 ment Act (43 U.S.C. 1602(b)).

5 “(2) ALASKA NATIVE ORGANIZATION.—The
 6 term ‘Alaska Native organization’ means—

7 “(A) a federally recognized tribe

8 “(B) a consortium of tribes;

9 “(C) a regional nonprofit Native associa-
 10 tion; or

11 “(D) another organization that—

12 “(i) has or commits to acquire exper-
 13 tise in the education of Alaska Natives;
 14 and

15 “(ii) has Alaska Natives in sub-
 16 stantive and policymaking positions within
 17 the organization.”.

18 **TITLE VIII—IMPACT AID**

19 **SEC. 8001. PURPOSE.**

20 Section 8001 (20 U.S.C. 7701) is amended, in the
 21 matter preceding paragraph (1), by striking “challenging
 22 State standards” and inserting “college and career ready
 23 State academic content and student academic achievement
 24 standards under section 1111(a)(1)”.

1 **SEC. 8002. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.**
2

3 (a) AMENDMENTS.—Section 8002 (20 U.S.C. 7702)
4 is amended—

5 (1) in subsection (b)—

6 (A) in paragraph (1)(B), by striking
7 “8014(a)” and inserting “3(aa)(1)”;

8 (B) in paragraph (2), by striking “aggre-
9 gate assessed” and inserting “estimated tax-
10 able”; and

11 (C) by striking paragraph (3) and insert-
12 ing the following:

13 “(3) DETERMINATION OF TAXABLE VALUE FOR
14 ELIGIBLE FEDERAL PROPERTY.—

15 “(A) IN GENERAL.—In determining the
16 total taxable value of such acquired Federal
17 property for fiscal year 2011 and each suc-
18 ceeding fiscal year, the Secretary shall—

19 “(i) first determine the total taxable
20 value for the purpose of levying property
21 tax for school purposes for current expend-
22 itures of real property located within the
23 boundaries of such local educational agen-
24 cy;

25 “(ii) then determine the per acre
26 value of the eligible Federal property by di-

1 viding the total taxable value as deter-
2 mined in clause (i) by the difference be-
3 tween the total acres located within the
4 boundaries of the local educational agency
5 and the number of Federal acres eligible
6 under this section; and

7 “(iii) multiply the per acre value as
8 calculated under clause (ii) by the number
9 of Federal acres eligible under this section.

10 “(B) SPECIAL RULE.—When 2 or more
11 local educational agencies share Federal prop-
12 erty eligible under this section, a local edu-
13 cational agency may ask the Secretary to cal-
14 culate the per acre value of each local edu-
15 cational agency as provided under subpara-
16 graph (A) and apply the average of these per
17 acre values to the acres of the Federal property
18 in that agency.”;

19 (2) in subsection (f)—

20 (A) by aligning the margins of paragraphs
21 (2) and (3) with the margins of paragraph (1);
22 and

23 (B) by striking paragraphs (4) and (5);

24 (3) by striking subsection (g) and inserting the
25 following:

1 “(g) FORMER DISTRICTS.—

2 “(1) CONSOLIDATIONS.—For fiscal year 2006
3 and all succeeding fiscal years, if a local educational
4 agency described in paragraph (2) is formed at any
5 time after 1938 by the consolidation of 2 or more
6 former school districts, the local educational agency
7 may elect to have the Secretary determine its eligi-
8 bility and any amount for which the local edu-
9 cational agency is eligible under this section for any
10 fiscal year on the basis of 1 or more of those former
11 districts, as designated by the local educational
12 agency.

13 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
14 CIES.—A local educational agency referred to in
15 paragraph (1) is—

16 “(A) any local educational agency that, for
17 fiscal year 1994 or any preceding fiscal year,
18 applied, and was determined to be eligible
19 under section 2(e) of the Act of September 30,
20 1950 (Public Law 874, 81st Congress) as the
21 section was in effect for that fiscal year; or

22 “(B) a local educational agency formed by
23 the consolidation of 2 or more districts, at least
24 1 of which was eligible for assistance under this

1 section for the fiscal year proceeding the year
2 of consolidation, if—

3 “(i) for fiscal years 2006 through
4 2011, the local educational agency had no-
5 tified the Secretary of the designation not
6 later than 30 days after the date of enact-
7 ment of the Elementary and Secondary
8 Education Reauthorization Act of 2011;
9 and

10 “(ii) for fiscal year 2012, and any
11 subsequent fiscal year, the local edu-
12 cational agency includes the designation in
13 its application under section 8005 or any
14 timely amendment to such application.

15 “(3) AVAILABILITY OF FUNDS.—Notwith-
16 standing any other provision of law limiting the pe-
17 riod during which the Secretary may obligate funds
18 appropriated for any fiscal year after 2005, the Sec-
19 retary may obligate funds remaining after final pay-
20 ments have been made from any of such fiscal years
21 to carry out this subsection.”;

22 (4) in subsection (h)—

23 (A) by striking “8014(a)” each place the
24 term appears and inserting “3(aa)(1)”;

25 (B) in paragraph (1)—

1 (i) in the paragraph heading, by strik-
2 ing “FOR PRE-1995 RECIPIENTS”;

3 (ii) in subparagraph (A), by striking
4 “is eligible” and all that follows through
5 the period at the end and inserting “was
6 eligible to receive a payment under this
7 section for fiscal year 2007.”; and

8 (iii) in subparagraph (B), by striking
9 “38 percent” and all that follows through
10 the period at the end and inserting “90
11 percent of the payment the local edu-
12 cational agency received in 2006.”; and

13 (C) by striking paragraphs (2) through (4)
14 and inserting the following:

15 “(2) FOUNDATION PAYMENTS FOR LOCAL EDU-
16 CATIONAL AGENCIES DETERMINED ELIGIBLE AFTER
17 FISCAL YEAR 2007.—

18 “(A) FIRST YEAR.—From any amounts re-
19 maining after making payments under para-
20 graph (1) for the fiscal year involved, the Sec-
21 retary shall make a payment, in an amount de-
22 termined in accordance with subparagraph (C),
23 to each local educational agency that the Sec-
24 retary determines eligible for a payment under
25 this section for a fiscal year after fiscal year

1 2007, for the fiscal year for which such agency
2 was determined eligible for such payment.

3 “(B) SECOND AND SUCCEEDING YEARS.—

4 For any succeeding fiscal year after the first
5 fiscal year that a local educational agency re-
6 ceives a foundation payment under subpara-
7 graph (A), the amount of the local educational
8 agency’s foundation payment under this para-
9 graph for such succeeding fiscal year shall be
10 equal to the local educational agency’s founda-
11 tion payment under this paragraph for the first
12 fiscal year.

13 “(C) AMOUNTS.—The amount of a pay-
14 ment under subparagraph (A) for a local edu-
15 cational agency shall be determined as follows:

16 “(i) Calculate the local educational
17 agency’s maximum payment under sub-
18 section (b).

19 “(ii) Calculate the percentage that the
20 amount appropriated under section
21 3(aa)(1) for the most recent fiscal year for
22 which the Secretary has completed making
23 payments under this section is of the total
24 maximum payments for such fiscal year for
25 all local educational agencies eligible for a

1 payment under subsection (b) and multiply
2 the agency's maximum payment by such
3 percentage.

4 “(iii) Multiply the amount determined
5 under clause (ii) by 90 percent.

6 “(3) REMAINING FUNDS.—From any funds re-
7 maining after making payments under paragraphs
8 (1) and (2) for the fiscal year involved, the Sec-
9 retary shall make a payment to each local edu-
10 cational agency that received a foundation payment
11 under paragraph (1) or (2), or subsection (i)(1), for
12 the fiscal year involved in an amount that bears the
13 same relation to the remainder as a percentage
14 share determined for the local educational agency
15 (by dividing the maximum amount that the agency
16 is eligible to receive under subsection (b) by the total
17 of the maximum amounts for all such agencies)
18 bears to the percentage share determined (in the
19 same manner) for all local educational agencies eligi-
20 ble to receive a payment under this section for the
21 fiscal year involved, except that, for the purpose of
22 calculating a local educational agency's maximum
23 amount under subsection (b), data from the most
24 current fiscal year shall be used.”;

1 (5) by striking paragraph (1) of subsection (i)
2 and inserting the following:

3 “(1) IN GENERAL.—The calculation of the
4 foundation payment under subsection (h)(1)(B) for
5 a local educational agency described in paragraph
6 (2) of this subsection shall be equal to 90 percent
7 of the payment received in fiscal year 2005, for fis-
8 cal year 2011 and each succeeding fiscal year.”;

9 (6) by striking subsections (k) and (m);

10 (7) by redesignating subsections (l) and (n) as
11 subsections (j) and (k), respectively;

12 (8) in subsection (j) (as redesignated by para-
13 graph (7)), in the matter preceding paragraph (1),
14 by striking “(h)(4)(B)” and inserting “(h)(3)”; and

15 (9) by adding at the end the following:

16 “(l) RECORDS.—The Secretary may base a deter-
17 mination of eligibility under subsection (a)(1) on original
18 records (including facsimiles or other reproductions of
19 those records) documenting the assessed value of real
20 property, prepared by a legally authorized official as of
21 the time of the Federal acquisition, or other records that
22 the Secretary determines to be appropriate and reliable,
23 including Federal agency records or local historical
24 records.”.

1 (b) EFFECTIVE DATE.—Notwithstanding section
 2 5(d), this section, and the amendments made by this sec-
 3 tion, shall take effect with respect to applications sub-
 4 mitted under section 8002 of the Elementary and Sec-
 5 ondary Education Act of 1965 for fiscal year 2011.

6 **SEC. 8003. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
 7 **NECTED CHILDREN.**

8 Section 8003 (20 U.S.C. 7703) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1), in the matter pre-
 11 ceeding subparagraph (A), by inserting after “of
 12 such agency” the following: “(including those
 13 children enrolled in a State that has a State
 14 open enrollment policy but not including chil-
 15 dren enrolled in a distance learning program
 16 who are not residing within the geographic
 17 boundaries of the agency)”;

18 (B) in paragraph (4)—

19 (i) in subparagraph (A), by inserting
 20 “, or was authorized for demolition,” after
 21 “rebuilding” each place the term appears;
 22 and

23 (ii) in subparagraph (B)—

24 (I) in each of clauses (i)(I) and

25 (ii) (I) of subparagraph (B), by strik-

1 ing “ 3 fiscal years” and inserting “4
2 fiscal years (which are not required to
3 run consecutively)”;

4 (II) in clause (i)—

5 (aa) in subclause (I), by in-
6 serting “, or authorized for dem-
7 olition,” after “rebuilding”; and

8 (bb) in subclause (II), by in-
9 serting “, or authorized for dem-
10 olition,” before “in accordance”;

11 and

12 (III) in clause (ii)—

13 (aa) in subclause (I), by in-
14 serting “, or authorized for dem-
15 olition,” after “rebuilding”; and

16 (bb) in subclause (II), by in-
17 serting “, or authorized for dem-
18 olition,” before “in accordance”;

19 and

20 (C) in paragraph (5)(A), by inserting after
21 “1984,” the following: “or under lease of off-
22 base property under subchapter IV of chapter
23 169 of title 10, United States Code (10 U.S.C.
24 2871 et seq.),”;

25 (2) in subsection (b)—

1 (A) in each of paragraphs (1)(A) and
2 (2)(A)(i), by striking “8014(b)” and inserting
3 “3(aa)(2)”;

4 (B) in paragraph (2)—

5 (i) in subparagraph (B)—

6 (I) in the subparagraph heading,
7 by striking “CONTINUING”;

8 (II) by striking clauses (i) and
9 (ii) and inserting the following:

10 “(i) IN GENERAL.—A heavily im-
11 pacted local educational agency is eligible
12 to receive a basic support payment under
13 subparagraph (A) with respect to a num-
14 ber of children determined under sub-
15 section (a)(1) if the agency—

16 “(I) is a local educational agency
17 whose boundaries are the same as a
18 Federal military installation, or whose
19 boundaries are the same as island
20 property designated by the Secretary
21 of the Interior to be property that is
22 held in trust by the Federal Govern-
23 ment, and that has no taxing author-
24 ity;

1 “(II) is a local educational agen-
2 cy that—

3 “(aa) has an enrollment of
4 children described in subsection
5 (a)(1) that constitutes a percent-
6 age of the total student enroll-
7 ment of the agency that is not
8 less than 45 percent;

9 “(bb) has a per-pupil ex-
10 penditure that is less than—

11 “(AA) for an agency
12 that has a total student en-
13 rollment of 500 or more stu-
14 dents, 125 percent of the av-
15 erage per-pupil expenditure
16 of the State in which the
17 agency is located; or

18 “(BB) for an agency
19 that has a total student en-
20 rollment of less than 500
21 students, 150 percent of the
22 average per-pupil expendi-
23 ture of the State in which
24 the agency is located, or the
25 average per-pupil expendi-

1 ture of 3 or more com-
2 parable local educational
3 agencies in the State in
4 which the agency is located;
5 “(cc) is an agency that—

6 “(AA) has a tax rate
7 for general fund purposes
8 that is not less than 95 per-
9 cent of the average tax rate
10 for general fund purposes of
11 comparable local educational
12 agencies in the State; or

13 “(BB) was eligible to
14 receive a payment under this
15 subsection for fiscal year
16 2012 and is located in a
17 State that by State law has
18 eliminated ad valorem tax as
19 a revenue source for local
20 educational agencies; or

21 “(dd) has an enrollment of
22 children described in subsection
23 (a)(1) that constitutes a percent-
24 age of the total student enroll-
25 ment of the agency which is not

1 less than 30 percent, and has a
2 tax rate for general fund pur-
3 poses which is not less than 125
4 percent of the average tax rate
5 for general fund purposes for
6 comparable local educational
7 agencies in the State; or

8 “(III) is a local educational agen-
9 cy that has a total student enrollment
10 of not less than 25,000 students, of
11 which not less than 50 percent are
12 children described in subsection (a)(1)
13 and not less than 5,500 of such chil-
14 dren are children described in sub-
15 paragraphs (A) and (B) of subsection
16 (a)(1).

17 “(ii) LOSS OF ELIGIBILITY.—

18 “(I) IN GENERAL.—Subject to
19 subclause (II), a heavily impacted
20 local educational agency that met the
21 requirements of clause (i) for a fiscal
22 year shall be ineligible to receive a
23 basic support payment under subpara-
24 graph (A) if the agency fails to meet
25 the requirements of such clause for

1 the subsequent fiscal year, except that
2 such agency shall continue to receive
3 a basic support payment under this
4 paragraph for the fiscal year for
5 which the ineligibility determination is
6 made.

7 “(II) EXCEPTION.—A local edu-
8 cational agency that is eligible under
9 subparagraph (A) but whose tax rate
10 for general fund purposes falls below
11 95 percent of the average tax rate for
12 general fund purposes of local edu-
13 cational agencies in the State for two
14 consecutive years shall lose its eligi-
15 bility and be subject to subclause
16 (I).”; and

17 (III) by adding at the end the
18 following:

19 “(iv) SPECIAL RULE.—Notwith-
20 standing clause (i)(II), a local educational
21 agency shall be considered eligible to re-
22 ceive a basic support payment under sub-
23 paragraph (A) with respect to the number
24 of children determined under subsection
25 (a)(1) if the agency—

1 “(I) has an enrollment of chil-
2 dren described in subsection (a)(1),
3 including, for purposes of determining
4 eligibility, those children described in
5 subparagraphs (F) and (G) of such
6 subsection, that constitutes a percent-
7 age of the total student enrollment of
8 the agency that is not less than 35
9 percent; and

10 “(II) was eligible to receive as-
11 sistance under this paragraph for fis-
12 cal year 2001.

13 “(v) APPLICATION.—With respect to
14 the first fiscal year for which a heavily im-
15 pacted local educational agency described
16 in clause (i) applies for a basic support
17 payment under subparagraph (A), or with
18 respect to the first fiscal year for which a
19 heavily impacted local educational agency
20 applies for a basic support payment under
21 subparagraph (A) after becoming ineligible
22 under clause (i) for 1 or more preceding
23 fiscal years, the agency shall apply for
24 such payment at least 1 year prior to the
25 start of that first fiscal year.”;

1 (ii) by striking subparagraphs (C) and
2 (D) and inserting the following:

3 “(C) MAXIMUM AMOUNT FOR HEAVILY IM-
4 PACTED LOCAL EDUCATIONAL AGENCIES.—

5 “(i) IN GENERAL.—Except as pro-
6 vided for in subparagraph (D), the max-
7 imum amount that a heavily impacted local
8 educational agency is eligible to receive
9 under this paragraph for any fiscal year is
10 the sum of the total weighted student
11 units, as computed under subsection (a)(2)
12 and subject to clause (ii), multiplied by the
13 greater of—

14 “(I) four-fifths of the average
15 per-pupil expenditure of the State in
16 which the local educational agency is
17 located for the third fiscal year pre-
18 ceding the fiscal year for which the
19 determination is made; or

20 “(II) four-fifths of the average
21 per-pupil expenditure of all of the
22 States for the third fiscal year pre-
23 ceding the fiscal year for which the
24 determination is made.

25 “(ii) SPECIAL RULES.—

1 “(I) CALCULATIONS FOR LOCAL
2 EDUCATIONAL AGENCIES WITH LARGE
3 NUMBERS OF CERTAIN ELIGIBLE
4 CHILDREN.—

5 “(aa) IN GENERAL.—In the
6 case of a local educational agency
7 with respect to which 35 percent
8 or more of the total student en-
9 rollment of the schools of the
10 agency are children described in
11 subparagraph (D) or (E) of sub-
12 section (a)(1), and that has an
13 enrollment of children described
14 in subparagraph (A), (B), or (C)
15 of such subsection equal to at
16 least 10 percent of the agency’s
17 total enrollment, the Secretary
18 shall calculate the weighted stu-
19 dent units of the children de-
20 scribed in subparagraph (D) or
21 (E) of such subsection by multi-
22 plying the number of such chil-
23 dren by a factor of 0.55.

24 “(bb) EXCEPTION.—Not-
25 withstanding subclause (I), any

1 local educational agency that re-
2 ceived a payment under this
3 clause for fiscal year 2006, shall
4 not be required to have an enroll-
5 ment of children described in
6 subparagraph (A), (B), or (C) of
7 subsection (a)(1) equal to at least
8 10 percent of the agency's total
9 enrollment for purposes of sub-
10 clause (I).

11 “(II) CALCULATIONS FOR LOCAL
12 EDUCATIONAL AGENCIES WITH SMALL
13 NUMBERS OF ELIGIBLE CHILDREN.—
14 For a local educational agency that
15 has an enrollment of 100 or fewer
16 children described in subsection
17 (a)(1), the Secretary shall calculate
18 the total number of weighted student
19 units for purposes of subsection (a)(2)
20 by multiplying the number of such
21 children by a factor of 1.75.

22 “(III) CALCULATIONS FOR CER-
23 TAIN OTHER LOCAL EDUCATIONAL
24 AGENCIES.—For a local educational
25 agency that does not qualify under

1 paragraph (2)(B)(i)(I) and has an en-
2 rollment of more than 100 but not
3 more than 1,000 children described in
4 subsection (a)(1), the Secretary shall
5 calculate the total number of weighted
6 student units for purposes of sub-
7 section (a)(2) by multiplying the num-
8 ber of such children by a factor of
9 1.25.

10 “(D) MAXIMUM AMOUNT FOR LARGE
11 HEAVILY IMPACTED LOCAL EDUCATIONAL
12 AGENCIES.—

13 “(i) APPLICABLE FORMULA.—

14 “(I) IN GENERAL.—Subject to
15 clause (ii), the maximum amount that
16 a heavily impacted local educational
17 agency described in subclause (II) is
18 eligible to receive under this para-
19 graph for any fiscal year shall be de-
20 termined in accordance with the for-
21 mula described in paragraph (1)(C).

22 “(II) HEAVILY IMPACTED LOCAL
23 EDUCATIONAL AGENCIES.—A heavily
24 impacted local educational agency de-
25 scribed in this subclause is a local

1 educational agency that has a total
2 student enrollment of not less than
3 25,000 students, of which not less
4 than 50 percent are children described
5 in subsection (a)(1) and not less than
6 5,500 of such children are children
7 described in subparagraphs (A) and
8 (B) of subsection (a)(1).

9 “(ii) FACTOR.—For purposes of calcu-
10 lating the maximum amount described in
11 clause (i), the factor used in determining
12 the weighted student units under sub-
13 section (a)(2) with respect to children de-
14 scribed in subparagraphs (A) and (B) of
15 subsection (a)(1) shall be 1.35.”;

16 (iii) by striking subparagraph (E);

17 (iv) by redesignating subparagraphs
18 (F) through (H) as subparagraph (E)
19 through (G), respectively;

20 (v) in subparagraph (E) (as redesign-
21 nated by clause (iv))—

22 (I) by striking clause (ii);

23 (II) by striking “; and” at the
24 end of clause (i) and inserting a pe-
25 riod; and

1 (III) by striking “the Secretary”
2 and all that follows through “shall
3 use” and inserting “the Secretary
4 shall use”;

5 (vi) in subparagraph (F) (as redesign-
6 nated by clause (iv)), in the matter pre-
7 ceding clause (i), by striking
8 “(C)(i)(II)(bb)” and inserting
9 “(B)(i)(II)(bb)”;

10 (vii) in subparagraph (G) (as redesign-
11 nated by clause (iv))—

12 (I) in clause (i)—

13 (aa) by striking “(B), (C),
14 (D), or (E)”, and inserting “(B),
15 (C), or (D),”;

16 (bb) by striking “by reason
17 of” and inserting “due to”;

18 (cc) by inserting after
19 “clause (iii)” the following: “or
20 as the direct result of base re-
21 alignment and closure or
22 modularization as determined by
23 the Secretary of Defense, force
24 structure change, or force reloca-
25 tion,”; and

1 (dd) by inserting before the
2 period at the end the following:
3 “or during such time as activities
4 associated with base realignment
5 and closure, modularization, force
6 structure change, or force reloca-
7 tion are ongoing”; and
8 (II) in clause (ii), by striking
9 “(D) or (E)” in both places such term
10 appears and inserting “(C) or (D)”;
11 and
12 (viii) by adding at the end the fol-
13 lowing:
14 “(H) SPECIAL RULE.—The Secretary
15 shall—
16 “(i) deem each local educational agen-
17 cy that received a fiscal year 2009 basic
18 support payment for heavily impacted local
19 educational agencies under this paragraph
20 as eligible to receive a basic support pay-
21 ment for heavily impacted local educational
22 agencies under this paragraph for each of
23 fiscal years 2010, 2011, and 2012; and

1 “(ii) make a payment to such local
2 educational agency under such section for
3 each of fiscal years 2010, 2011, and 2012.

4 “(I) CONTINUED ELIGIBILITY FOR A HEAV-
5 ILY IMPACTED LOCAL EDUCATIONAL AGENCY
6 ENTERING INTO AN INTERGOVERNMENTAL CO-
7 OPERATIVE AGREEMENT WITH A STATE EDU-
8 CATIONAL AGENCY.—For any fiscal year, a
9 heavily impacted local educational agency that
10 received a basic support payment under this
11 paragraph for the fiscal year prior to the fiscal
12 year for which such local educational agency en-
13 tered into an intergovernmental cooperative
14 agreement with a State educational agency shall
15 remain eligible to receive a basic support pay-
16 ment under this paragraph for the duration of
17 the intergovernmental cooperative agreement,
18 but in no case for more than 5 years.”; and

19 (C) in paragraph (3)—

20 (i) in subparagraph (A), by striking
21 “8014(b)” and inserting “3(aa)(2)”;

22 (ii) in subparagraph (B)—

23 (I) by redesignating clause (iv) as
24 clause (v); and

1 (II) by inserting after clause (iii)
2 the following:

3 “(iv) In the case of a local educational
4 agency that is providing a program of dis-
5 tance learning to children not residing
6 within the geographic boundaries of the
7 agency, the Secretary shall disregard such
8 children from such agency’s total enroll-
9 ment when calculating the percentage
10 under clause (i)(I) and shall disregard any
11 funds received for such children when cal-
12 culating the total current expenditures at-
13 tributed to the operation of such agency
14 when calculating the percentage under
15 clause (i)(II).”;

16 (iii) in subparagraph (C), by striking
17 “subparagraph (D) or (E) of paragraph
18 (2), as the case may be” and inserting
19 “paragraph (2)(D)”; and

20 (iv) by striking subparagraph (D) and
21 inserting the following:

22 “(D) RATABLE DISTRIBUTION.—

23 “(i) IN GENERAL.—For each fiscal
24 year described in subparagraph (A) for
25 which the sums appropriated under section

1 3(aa)(2) exceed the amount required to
2 pay each local educational agency 100 per-
3 cent of the local educational agency's
4 threshold payment under subparagraph
5 (B), the Secretary shall distribute the ex-
6 cess sums to each eligible local educational
7 agency that has not received the agency's
8 maximum payment amount computed
9 under paragraph (1) or (2) (as the case
10 may be) by multiplying—

11 “(I) a percentage, the denomi-
12 nator of which is the difference be-
13 tween the maximum payment amount
14 computed under paragraph (1) or (2)
15 (as the case may be) for all local edu-
16 cational agencies and the amount of
17 the threshold payment (as calculated
18 under subparagraphs (B) and (C)) of
19 all local educational agencies, and the
20 numerator of which is the aggregate
21 amount of the excess sums; by

22 “(II) the difference between the
23 maximum payment amount computed
24 under paragraph (1) or (2) (as the
25 case may be) for the agency and the

1 amount of the threshold payment as
2 calculated under subparagraphs (B)
3 and (C) for the agency.

4 “(ii) INSUFFICIENT PAYMENTS.—For
5 each fiscal year described in subparagraph
6 (A) for which the sums appropriated under
7 section 3(aa)(2) are insufficient to pay
8 each local educational agency all of the
9 local educational agency’s threshold pay-
10 ment described in clause (i), the Secretary
11 shall ratably reduce the payment to each
12 local educational agency under this para-
13 graph.

14 “(iii) INCREASES.—If the sums appro-
15 priated under section 3(aa)(2) are suffi-
16 cient to increase the threshold payment
17 above the 100 percent threshold payment
18 described in clause (i), then the Secretary
19 shall increase payments on the same basis
20 as such payments were reduced, except no
21 local educational agency may receive a pay-
22 ment amount greater than 100 percent of
23 the maximum payment calculated under
24 this subsection.”;

1 (3) in subsection (c), by amending paragraph
2 (2) to read as follows:

3 “(2) EXCEPTION.—Calculation of payments for
4 a local educational agency shall be based on data
5 from the fiscal year for which the agency is making
6 an application for payment if such agency—

7 “(A) is newly established by a State, for
8 the first year of operation of such agency only;

9 “(B) was eligible to receive a payment
10 under this section for the previous fiscal year
11 and has had an overall increase in enrollment
12 (as determined by the Secretary in consultation
13 with the Secretary of Defense, the Secretary of
14 Interior, or the heads of other Federal agen-
15 cies)—

16 “(i) of not less than 10 percent, or
17 100 students, of children described in—

18 “(I) subparagraph (A), (B), (C),
19 or (D) of subsection (a)(1); or

20 “(II) subparagraph (F) or (G) of
21 subsection (a)(1), but only to the ex-
22 tent such children are civilian depend-
23 ents of employees of the Department
24 of Defense or the Department of the
25 Interior; and

1 “(ii) that is the direct result of closure
2 or realignment of military installations
3 under the base closure process or the relo-
4 cation of members of the Armed Forces
5 and civilian employees of the Department
6 of Defense as part of force structure
7 changes or movements of units or per-
8 sonnel between military installations or be-
9 cause of actions initiated by the Secretary
10 of Interior or the head of another Federal
11 agency; or

12 “(C) was eligible to receive a payment
13 under this section for the previous fiscal year
14 and has had an overall increase in enrollment
15 (as determined by the Secretary)—

16 “(i) of not less than 10 percent of
17 children described in subsection (a)(1), or
18 not less than 100 of such children; and

19 “(ii) that is the direct result of the
20 closure of a local educational agency that
21 received a payment under paragraph (1) or
22 (2) of subsection (b) in the previous fiscal
23 year.”;

24 (4) in subsection (d)(1), by striking “8014(c)”
25 and inserting “3(aa)(3)”;

1 (5) in subsection (e)—

2 (A) by striking paragraphs (1) and (2) and
3 inserting the following:

4 “(1) IN GENERAL.—Subject to paragraph (2),
5 the total amount the Secretary shall pay a local edu-
6 cational agency under subsection (b)—

7 “(A) for fiscal year 2012, shall not be less
8 than 90 percent of the total amount that the
9 local educational agency received under para-
10 graphs (1) and (2) of subsection (b) for fiscal
11 year 2011;

12 “(B) for fiscal year 2013, shall not be less
13 than 85 percent of the total amount that the
14 local educational agency received under para-
15 graphs (1) and (2) of subsection (b) for fiscal
16 year 2011; and

17 “(C) for fiscal year 2014, shall not be less
18 than 80 percent of the total amount that the
19 local educational agency received under para-
20 graphs (1) and (2) of subsection (b) for fiscal
21 year 2011.”; and

22 (B) by redesignating paragraph (3) as
23 paragraph (2); and

24 (6) by striking subsection (g).

1 **SEC. 8004. CONSTRUCTION.**

2 Section 8007 (20 U.S.C. 7707) is amended—

3 (1) by striking “8014(e)” each place the term
4 appears and inserting “3(aa)(4)”; and

5 (2) in subsection (a)(2), by adding at the end
6 the following:

7 “(C) The agency is eligible under section
8 8003(b)(2) or is receiving a basic support pay-
9 ment under circumstances described in section
10 8003(b)(2)(B)(ii).”.

11 **SEC. 8005. FACILITIES.**

12 Section 8008(a) (20 U.S.C. 7708(a)) is amended by
13 striking “8014(f)” and inserting “3(aa)(5)”.

14 **SEC. 8006. FEDERAL ADMINISTRATION.**

15 Section 8010 (20 U.S.C. 7710) is amended—

16 (1) in subsection (c)—

17 (A) in paragraph (1), by striking “para-
18 graph (3) of this subsection” each place the
19 term appears and inserting “paragraph (2)”;
20 and

21 (B) in paragraph (2)(E), by striking
22 “under section 8003(b)” and all that follows
23 through the period at the end and inserting
24 “under this title.”; and

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

26 “(d) **TIMELY PAYMENTS.**—

1 “(1) IN GENERAL.—Subject to paragraph (2),
2 the Secretary shall pay a local educational agency
3 the full amount that the agency is eligible to receive
4 under this title for a fiscal year not later than Sep-
5 tember 30 of the second fiscal year following the fis-
6 cal year for which such amount has been appro-
7 priated if, not later than 1 calendar year following
8 the fiscal year in which such amount has been ap-
9 propriated, such local educational agency submits to
10 the Secretary all the data and information necessary
11 for the Secretary to pay the full amount that the
12 agency is eligible to receive under this title for such
13 fiscal year.

14 “(2) PAYMENTS WITH RESPECT TO FISCAL
15 YEARS IN WHICH INSUFFICIENT FUNDS ARE APPRO-
16 PRIATED.—For a fiscal year in which the amount
17 appropriated under section 3(aa) is insufficient to
18 pay the full amount a local educational agency is eli-
19 gible to receive under this title, paragraph (1) shall
20 be applied by substituting ‘is available to pay the
21 agency’ for ‘the agency is eligible to receive’ each
22 place the term appears.”.

23 **SEC. 8007. DEFINITIONS.**

24 Section 8013 (20 U.S.C. 7713) is amended—

1 (1) in paragraph (1), by striking “and Marine
2 Corps” and inserting “Marine Corps, and Coast
3 Guard”; and

4 (2) in paragraph (5)(A)(iii)(II), by striking
5 “Stewart B. McKinney Homeless Assistance Act”
6 and inserting “McKinney-Vento Homeless Assist-
7 ance Act”.

8 **SEC. 8008. CONFORMING AMENDMENT.**

9 Title VIII (20 U.S.C. 7701 et seq.) is amended by
10 striking section 8014.

11 **SEC. 8009. ELIGIBILITY FOR IMPACT AID PAYMENT.**

12 (a) LOCAL EDUCATIONAL AGENCIES.—Notwith-
13 standing section 8013(9) of the Elementary and Sec-
14 ondary Education Act of 1965 (20 U.S.C. 7713(9)),
15 North Chicago Community Unit School District 187,
16 North Shore District 112, and Township High School Dis-
17 trict 113 in Lake County, Illinois, and Glenview Public
18 School District 34 and Glenbrook High School District
19 225 in Cook County, Illinois, shall be considered local edu-
20 cational agencies as such term is used in, and for purposes
21 of, title VIII of such Act.

22 (b) COMPUTATION.—Notwithstanding any other pro-
23 vision of law, federally connected children (as determined
24 under section 8003(a) of the Elementary and Secondary
25 Education Act of 1965 (20 U.S.C. 7703(a))) who are in

1 attendance in the North Shore District 112, Township
2 High School District 113, Glenview Public School District
3 34, and Glenbrook High School District 225 described in
4 subsection (a), shall be considered to be in attendance in
5 the North Chicago Community Unit School District 187
6 described in subsection (a) for purposes of computing the
7 amount that the North Chicago Community Unit School
8 District 187 is eligible to receive under subsection (b) or
9 (d) of section 8003 of such Act if—

10 (1) such school districts have entered into an
11 agreement for such students to be so considered and
12 for the equitable apportionment among all such
13 school districts of any amount received by the North
14 Chicago Community Unit School District 187 under
15 such section; and

16 (2) any amount apportioned among all such
17 school districts pursuant to paragraph (1) is used by
18 such school districts only for the direct provision of
19 educational services.

20 **TITLE IX—GENERAL** 21 **PROVISIONS**

22 **SEC. 9101. DEFINITIONS.**

23 (a) IN GENERAL.—Section 9101 (20 U.S.C. 7801)
24 is amended to read as follows:

1 **“SEC. 9101. DEFINITIONS.**

2 “Except as otherwise provided, in this Act:

3 “(1) ADJUSTED COHORT; ENTERING COHORT;
4 TRANSFERRED INTO; TRANSFERRED OUT.—

5 “(A) ADJUSTED COHORT.—Subject to
6 clauses (ii) and (iii) of subparagraph (D) and
7 subparagraphs (E) through (G), the term ‘ad-
8 justed cohort’ means the difference of—

9 “(i) the sum of—

10 “(I) the entering cohort; plus

11 “(II) any students that trans-
12 ferred into the cohort in any of grades
13 9 through 12; minus

14 “(ii) any students that are removed
15 from the cohort as described in subpara-
16 graph (E).

17 “(B) ENTERING COHORT.—The term ‘en-
18 tering cohort’ when used with respect to a sec-
19 ondary school, means the number of first-time
20 students in grade 9 enrolled in the secondary
21 school 1 month after the start of the secondary
22 school’s academic year.

23 “(C) TRANSFERRED INTO.—The term
24 ‘transferred into’ when used with respect to a
25 secondary school student, means a student
26 who—

1 “(i) was a first-time student in grade
2 9 during the same school year as the en-
3 tering cohort; and

4 “(ii) enrolls after the entering cohort
5 is calculated as described in subparagraph
6 (B).

7 “(D) TRANSFERRED OUT.—

8 “(i) IN GENERAL.—The term ‘trans-
9 ferred out’ when used with respect to a
10 secondary school student, means a student
11 who the secondary school or local edu-
12 cational agency has confirmed has trans-
13 ferred—

14 “(I) to another school from which
15 the student is expected to receive a
16 regular secondary school diploma; or

17 “(II) to another educational pro-
18 gram from which the student is ex-
19 pected to receive a regular secondary
20 school diploma.

21 “(ii) CONFIRMATION REQUIRE-
22 MENTS.—

23 “(I) DOCUMENTATION RE-
24 QUIRED.—The confirmation of a stu-
25 dent’s transfer to another school or

1 educational program described in
2 clause (i) requires documentation
3 from the receiving school or program
4 that the student enrolled in the receiv-
5 ing school or program.

6 “(II) LACK OF CONFIRMATION.—
7 A student who was enrolled, but for
8 whom there is no confirmation of the
9 student having transferred out, shall
10 remain in the cohort as a nongraduate
11 for reporting and accountability pur-
12 poses under this Act.

13 “(iii) PROGRAMS NOT PROVIDING
14 CREDIT.—A student enrolled in a GED or
15 other alternative educational program that
16 does not issue or provide credit toward the
17 issuance of a regular secondary school di-
18 ploma shall not be considered transferred
19 out and shall remain in the adjusted co-
20 hort.

21 “(E) COHORT REMOVAL.—To remove a
22 student from a cohort, a school or local edu-
23 cational agency shall require documentation to
24 confirm that the student has transferred out,
25 emigrated to another country, or is deceased.

1 “(F) TREATMENT OF OTHER DEPARTURES
2 AND WITHDRAWALS.—A student who was re-
3 tained in a grade, enrolled in a GED program,
4 aged out of a secondary school or secondary
5 school program, or left secondary school for any
6 other reason, including expulsion, shall not be
7 considered transferred out, and shall remain in
8 the adjusted cohort.

9 “(G) SPECIAL RULE.—For those secondary
10 schools that start after grade 9, the entering
11 cohort shall be calculated 1 month after the
12 start of the secondary school’s academic year in
13 the earliest secondary school grade at the sec-
14 ondary school.

15 “(2) ADVANCED PLACEMENT OR INTER-
16 NATIONAL BACCALAUREATE COURSE.—The term
17 ‘Advanced Placement or International Baccalaureate
18 course’ means—

19 “(A) a course of postsecondary-level in-
20 struction provided to secondary school students,
21 terminating in Advanced Placement or Inter-
22 national Baccalaureate examination; or

23 “(B) another highly rigorous, evidence-
24 based, postsecondary preparatory program ter-
25 minating in—

1 “(i) an examination administered by a
2 nationally recognized educational organiza-
3 tion that has a demonstrated record of ef-
4 fectiveness in assessing secondary school
5 students; or

6 “(ii) another such examination ap-
7 proved by the Secretary.

8 “(3) ADVANCED PLACEMENT OR INTER-
9 NATIONAL BACCALAUREATE EXAMINATION.—The
10 term ‘Advanced Placement or International Bacca-
11 laureate examination’ means an Advanced Place-
12 ment examination administered by the College
13 Board, an International Baccalaureate examination
14 administered by the International Baccalaureate Or-
15 ganization, or another such examination approved by
16 the Secretary.

17 “(4) AUTHORIZING COMMITTEES.—The term
18 ‘authorizing committees’ means the Committee on
19 Education and the Workforce of the House of Rep-
20 resentatives and the Committee on Health, Edu-
21 cation, Labor, and Pensions of the Senate.

22 “(5) AVERAGE DAILY ATTENDANCE.—

23 “(A) IN GENERAL.—Except as provided
24 otherwise by State law or this paragraph, the
25 term ‘average daily attendance’ means—

1 “(i) the aggregate number of days of
2 attendance of all students during a school
3 year; divided by

4 “(ii) the number of days school is in
5 session during that year.

6 “(B) CONVERSION.—The Secretary shall
7 permit the conversion of average daily member-
8 ship (or other similar data) to average daily at-
9 tendance for local educational agencies in
10 States that provide State aid to local edu-
11 cational agencies on the basis of average daily
12 membership (or other similar data).

13 “(C) SPECIAL RULE.—If the local edu-
14 cational agency in which a child resides makes
15 a tuition or other payment for the free public
16 education of the child in a school served by an-
17 other local educational agency, the Secretary
18 shall, for the purpose of this Act—

19 “(i) consider the child to be in attend-
20 ance at a school of the agency making the
21 payment; and

22 “(ii) not consider the child to be in at-
23 tendance at a school of the agency receiv-
24 ing the payment.

1 “(6) AVERAGE PER-PUPIL EXPENDITURE.—The
2 term ‘average per-pupil expenditure’ means, in the
3 case of a State or of the United States—

4 “(A) without regard to the source of
5 funds—

6 “(i) the aggregate current expendi-
7 tures, during the most recent fiscal year
8 for which satisfactory data are available, of
9 all local educational agencies in the State
10 or, in the case of the United States, for all
11 States (which, for the purpose of this para-
12 graph, means the 50 States and the Dis-
13 trict of Columbia); plus

14 “(ii) any direct current expenditures
15 by the State for the operation of those
16 agencies; divided by

17 “(B) the aggregate number of children in
18 average daily attendance to whom those agen-
19 cies provided free public education during that
20 year.

21 “(7) CHARTER MANAGEMENT ORGANIZATION.—
22 The term ‘charter management organization’ means
23 a nonprofit organization that operates, manages, or
24 oversees multiple charter schools by centralizing or

1 sharing certain functions and resources among such
2 schools.

3 “(8) CHILD.—The term ‘child’ means any per-
4 son within the age limits for which the State pro-
5 vides free public education.

6 “(9) CHILD WITH A DISABILITY.—The term
7 ‘child with a disability’ has the same meaning given
8 that term in section 602 of the Individuals with Dis-
9 abilities Education Act.

10 “(10) CONDITIONS FOR LEARNING.—The term
11 ‘conditions for learning’ means conditions that ad-
12 vance student achievement and positive child and
13 youth development by supporting schools that—

14 “(A) promote physical, mental, and emo-
15 tional health;

16 “(B) ensure the safety of students and
17 staff;

18 “(C) promote social, emotional, and char-
19 acter development; and

20 “(D) have the following attributes:

21 “(i) Provide opportunities for physical
22 activity and good nutrition.

23 “(ii) Are free of violence, harassment,
24 and weapons.

1 “(iii) Prevent use and abuse of drugs
2 and controlled substances.

3 “(iv) Help staff and students to model
4 positive social and emotional skills.

5 “(v) Employ adults who have high ex-
6 pectations for student conduct, character,
7 and academic achievement.

8 “(vi) Engage parents and family
9 members in meaningful and sustained
10 ways to promote positive student academic
11 achievement and developmental outcomes.

12 “(11) CONSOLIDATED LOCAL APPLICATION.—
13 The term ‘consolidated local application’ means an
14 application submitted by a local educational agency
15 pursuant to section 9305.

16 “(12) CONSOLIDATED LOCAL PLAN.—The term
17 ‘consolidated local plan’ means a plan submitted by
18 a local educational agency pursuant to section 9305.

19 “(13) CONSOLIDATED STATE APPLICATION.—
20 The term ‘consolidated State application’ means an
21 application submitted by a State educational agency
22 pursuant to section 9302.

23 “(14) CONSOLIDATED STATE PLAN.—The term
24 ‘consolidated State plan’ means a plan submitted by

1 a State educational agency pursuant to section
2 9302.

3 “(15) CORE ACADEMIC SUBJECTS.—The term
4 ‘core academic subjects’ means English, reading or
5 language arts, mathematics, science, foreign lan-
6 guages, civics and government, economics, arts, his-
7 tory, and geography.

8 “(16) COVERED PROGRAM.—The term ‘covered
9 program’ means each of the programs authorized
10 by—

11 “(A) part A of title I;

12 “(B) part C of title I;

13 “(C) part D of title I;

14 “(D) part A of title II;

15 “(E) part A of title III;

16 “(F) part B of title IV; and

17 “(G) subpart 2 of part B of title VI.

18 “(17) CURRENT EXPENDITURES.—The term
19 ‘current expenditures’ means expenditures for free
20 public education—

21 “(A) including expenditures for adminis-
22 tration, instruction, attendance and health serv-
23 ices, pupil transportation services, operation
24 and maintenance of plant, fixed charges, and

1 net expenditures to cover deficits for food serv-
2 ices and student body activities; but

3 “(B) not including expenditures for com-
4 munity services, capital outlay, and debt serv-
5 ice, or any expenditures made from funds re-
6 ceived under title I.

7 “(18) DEPARTMENT.—The term ‘Department’
8 means the Department of Education.

9 “(19) DEVELOPMENTAL DELAY.—The term ‘de-
10 velopmental delay’ has the meaning given the term
11 in section 632 of the Individuals with Disabilities
12 Education Act (20 U.S.C. 1432).

13 “(20) DISTANCE LEARNING.—The term ‘dis-
14 tance learning’ means the transmission of edu-
15 cational or instructional programming to geographi-
16 cally dispersed individuals and groups via tele-
17 communications.

18 “(21) EDUCATIONAL SERVICE AGENCY.—The
19 term ‘educational service agency’ means a regional
20 public multiservice agency authorized by State stat-
21 ute to develop, manage, and provide services or pro-
22 grams to local educational agencies.

23 “(22) ELEMENTARY SCHOOL.—The term ‘ele-
24 mentary school’ means a nonprofit institutional day
25 or residential school, including a public elementary

1 charter school, that provides elementary education,
2 as determined under State law.

3 “(23) ENGLISH LEARNER.—The term ‘English
4 learner’ means an individual—

5 “(A) who is aged 3 through 21;

6 “(B) who is enrolled or preparing to enroll
7 in an elementary school or secondary school;

8 “(C)(i) who was not born in the United
9 States or whose native language is a language
10 other than English;

11 “(ii)(I) who is a Native American or Alas-
12 ka Native, or a native resident of the outlying
13 areas; and

14 “(II) who comes from an environment
15 where a language other than English has had
16 a significant impact on the individual’s level of
17 English language proficiency; or

18 “(iii) who is migratory, whose native lan-
19 guage is a language other than English, and
20 who comes from an environment where a lan-
21 guage other than English is dominant; and

22 “(D) whose difficulties in speaking, read-
23 ing, writing, or understanding the English lan-
24 guage may be sufficient to deny the indi-
25 vidual—

1 “(i) the ability to meet the State’s on-
2 track level of performance on State assess-
3 ments described in section 1111(a)(2);

4 “(ii) the ability to successfully achieve
5 in classrooms where the language of in-
6 struction is English; or

7 “(iii) the opportunity to participate
8 fully in society.

9 “(24) EVIDENCE-BASED.—The term ‘evidence-
10 based’, when used with respect to a program, prac-
11 tice, or policy, means—

12 “(A) based on a comprehensive, unbiased
13 review and weighing of 1 or more evaluation
14 studies that—

15 “(i) have been carried out consistent
16 with the principles of scientific research;

17 “(ii) have strong internal and external
18 validity; and

19 “(iii) support the direct attribution of
20 1 or more outcomes to the program, prac-
21 tice, or policy; or

22 “(B) in the absence of any study described
23 in subparagraph (A), based on a comprehensive,
24 unbiased review and weighing of data analysis,

1 research, or 1 or more evaluation studies of rel-
2 evant programs, practices, or policies, that—

3 “(i) were carried out consistent with
4 the principles of scientifically based re-
5 search; and

6 “(ii) are accompanied by strategies to
7 generate more robust evidence over time
8 through research, evaluation, and data
9 analysis, including—

10 “(I) the measurement of per-
11 formance with reliable process and
12 outcome indicators; and

13 “(II) the implementation of eval-
14 uations with strong internal and ex-
15 ternal validity where feasible and ap-
16 propriate.

17 “(25) EXPANDED LEARNING TIME.—The term
18 ‘expanded learning time’ means using a longer
19 school day, week, or year schedule to significantly
20 increase the total number of school hours, in order
21 to include additional time for—

22 “(A) instruction in core academic subjects;

23 “(B) instruction in other subjects and en-
24 richment and other activities that contribute to
25 a well-rounded education, including music and

1 the arts, physical education, and experiential
2 and work-based learning; and

3 “(C) instructional and support staff to col-
4 laborate, plan, and engage in professional devel-
5 opment, including on family and community en-
6 gagement, within and across grades and sub-
7 jects.

8 “(26) FAMILY LITERACY ACTIVITIES.—The
9 term ‘family literacy activities’ means activities
10 that—

11 “(A) are of sufficient intensity in terms of
12 hours, and of sufficient duration, to make sus-
13 tainable improvements in the literacy rates of a
14 family;

15 “(B) better enable parents to support their
16 children’s learning needs; and

17 “(C) integrate all of the following activi-
18 ties:

19 “(i) Parent adult education and lit-
20 eracy activities that lead to readiness for
21 postsecondary education or training, career
22 advancement, and economic self-suffi-
23 ciency.

24 “(ii) Interactive literacy activities be-
25 tween parents and their children.

1 “(iii) Training for parents regarding
2 how to be the primary teacher for their
3 children and full partners in the education
4 of their children.

5 “(iv) Age-appropriate education to
6 prepare children for success in school and
7 life experiences.

8 “(27) FAMILY MEMBER.—The term ‘family
9 member’ means a parent, relative, or other adult
10 who is responsible for the care and well-being of a
11 child.

12 “(28) FREE PUBLIC EDUCATION.—The term
13 ‘free public education’ means education that is pro-
14 vided—

15 “(A) at public expense, under public super-
16 vision and direction, and without tuition charge;
17 and

18 “(B) as elementary or secondary edu-
19 cation, as determined under State law, except
20 that, notwithstanding State law, such term—

21 “(i) includes preschool education; and

22 “(ii) does not include any education
23 provided beyond grade 12.

24 “(29) GIFTED AND TALENTED.—The term
25 ‘gifted and talented’, when used with respect to stu-

1 dents, children, or youth, means students, children,
2 or youth who give evidence of high achievement ca-
3 pability in areas such as intellectual, creative, artis-
4 tic, or leadership capacity, or in specific academic
5 fields, and who need services or activities not ordi-
6 narily provided by the school in order to fully de-
7 velop those capabilities.

8 “(30) GRADUATION RATES.—The term ‘gradua-
9 tion rates’ shall, at a minimum, include both of the
10 following:

11 “(A) A 4-year adjusted cohort graduation
12 rate for a school year, defined as the percent
13 obtained by calculating the product of—

14 “(i) the result of—

15 “(I) the number of students
16 who—

17 “(aa) formed the adjusted
18 cohort 4 years earlier; and

19 “(bb) graduate in 4 years or
20 less with a regular secondary
21 school diploma; divided by

22 “(II) the number of students who
23 formed the adjusted cohort for that
24 year’s graduating class 4 years ear-
25 lier; multiplied by

1 “(ii) 100.

2 “(B) A cumulative graduation rate for a
3 school year, defined as the percent obtained by
4 calculating the product of—

5 “(i) the result of—

6 “(I) the sum of—

7 “(aa) the number of stu-
8 dents who—

9 “(AA) form the ad-
10 justed cohort for that year’s
11 graduating class; and

12 “(BB) graduate in 4
13 years or less with a regular
14 secondary school diploma;
15 plus

16 “(bb) the number of addi-
17 tional students from previous co-
18 horts who graduate with a reg-
19 ular secondary school diploma by
20 the end of the school year in—

21 “(AA) more than 4
22 years but not more than 6
23 years; or

24 “(BB) before exceeding
25 the age for eligibility for a

1 free appropriate public edu-
 2 cation (as defined in section
 3 602 of the Individuals with
 4 Disabilities Education Act)
 5 under State law; divided by

6 “(II) the sum of—

7 “(aa) the number of stu-
 8 dents who form the adjusted co-
 9 hort for that year’s graduating
 10 class; plus

11 “(bb) the number of addi-
 12 tional student graduates de-
 13 scribed in subclause (I)(bb); mul-
 14 tiplied by

15 “(ii) 100.

16 “(31) HIGH SCHOOL.—The term ‘high school’
 17 means a secondary school that—

18 “(A) grants a diploma, as defined by the
 19 State; and

20 “(B) includes, at least, grade 12.

21 “(32) HIGHLY QUALIFIED TEACHER.—

22 “(A) IN GENERAL.—The term ‘highly
 23 qualified teacher’ means—

24 “(i) with respect to any public elemen-
 25 tary school, middle school, or high school

1 teacher teaching in a State, a teacher
2 who—

3 “(I)(aa) has obtained State cer-
4 tification as a teacher (including cer-
5 tification obtained through alternative
6 routes to certification) or passed the
7 State teacher licensing examination,
8 and holds a license to teach in the
9 State, except that when used with re-
10 spect to any teacher teaching in a
11 charter school, the term means that
12 the teacher meets the requirements
13 set forth in the State’s charter school
14 law; or

15 “(bb) has passed a rigorous State
16 test for subject matter knowledge and
17 is making satisfactory progress to-
18 wards obtaining full certification or li-
19 censure within 3 years through par-
20 ticipation in a high-quality, State-ap-
21 proved alternative certification pro-
22 gram; and

23 “(II) has not had certification or
24 licensure requirements waived on an

1 emergency, temporary, or provisional
2 basis;

3 “(ii) with respect to—

4 “(I) an elementary school teacher
5 who is new to the profession, that the
6 teacher holds at least a bachelor’s de-
7 gree and—

8 “(aa) if teaching more than
9 a single subject, has dem-
10 onstrated, by receiving a passing
11 score on a rigorous State test,
12 subject knowledge and teaching
13 skills in reading, writing, mathe-
14 matics, and other areas of the
15 basic elementary school cur-
16 riculum (which may consist of
17 passing a State-required certifi-
18 cation or licensing test or tests in
19 reading, writing, mathematics,
20 and other areas of the basic ele-
21 mentary school curriculum); or

22 “(bb) if teaching a single
23 subject, meets either the require-
24 ment in item (aa) or (bb) of sub-
25 clause (II); and

1 “(II) a middle school or high
2 school teacher who is new to the pro-
3 fession, that the teacher holds at least
4 a bachelor’s degree and has dem-
5 onstrated a high level of competency
6 in each of the academic subjects in
7 which the teacher teaches by—

8 “(aa) receiving a passing
9 score on a rigorous State aca-
10 demic subject test in each of the
11 academic subjects in which the
12 teacher teaches (which may con-
13 sist of a passing level of perform-
14 ance on a State-required certifi-
15 cation or licensing test or tests in
16 each of the academic subjects the
17 teacher teaches); or

18 “(bb) successful completion,
19 in each of the academic subjects
20 in which the teacher teaches, of
21 an academic major, a graduate
22 degree, coursework equivalent to
23 an undergraduate academic
24 major, or advanced certification
25 or credentialing; and

1 “(iii) with respect to an elementary
2 school, middle school, or high school teach-
3 er who is not new to the profession, that
4 the teacher holds at least a bachelor’s de-
5 gree and—

6 “(I) has met the applicable
7 standard in subclause (I) or (II) of
8 clause (ii), which includes an option
9 for a test; or

10 “(II) demonstrates competence in
11 all the academic subjects in which the
12 teacher teaches based on a high objec-
13 tive uniform State standard of evalua-
14 tion, which may include multiple sub-
15 jects, that—

16 “(aa) is set by the State for
17 both grade-appropriate academic
18 subject-matter knowledge and
19 teaching skills;

20 “(bb) is aligned with State
21 academic content and student
22 academic achievement standards
23 under section 1111(a)(1) and de-
24 veloped in consultation with core
25 content specialists, teachers,

1 principals, and school administra-
2 tors;

3 “(cc) provides objective, co-
4 herent information about the
5 teacher’s attainment of core con-
6 tent knowledge in the academic
7 subjects in which a teacher
8 teaches;

9 “(dd) is applied uniformly to
10 all teachers in the same academic
11 subject and the same grade level
12 throughout the State;

13 “(ee) takes into consider-
14 ation, but is not based primarily
15 on, the time the teacher has been
16 teaching in the academic subject;

17 “(ff) is made available to the
18 public on request; and

19 “(gg) may involve multiple,
20 objective measures of teacher
21 competency.

22 “(B) SPECIAL RULE.—Notwithstanding
23 the requirements of subparagraph (A), a State
24 may deem a teacher to be a highly qualified

1 teacher for purposes of this Act, if the teacher
2 is—

3 “(i) a teacher with a bachelor’s degree
4 who has received and maintained, for the
5 State in which the teacher teaches, a rat-
6 ing in the highest categories of a teacher
7 evaluation system consistent with section
8 2301(b)(4);

9 “(ii) a teacher in a rural local edu-
10 cational agency, as described in section
11 6211(d), who teaches multiple subjects, if
12 the teacher is a highly qualified teacher in
13 1 of the core academic subjects that the
14 teacher teaches and becomes highly quali-
15 fied in the additional subjects in not more
16 than 3 years by meeting the requirements
17 of clause (ii) or (iii) of subparagraph (A);

18 “(iii) a science teacher who holds a
19 broad field science or individual science
20 certification or licensure and whom the
21 State determines is highly qualified for
22 purposes of this paragraph;

23 “(iv) a teacher who has been deter-
24 mined to be highly qualified by the State
25 as of the day before the date of enactment

1 of the Elementary and Secondary Edu-
2 cation Reauthorization Act of 2011; or

3 “(v) a teacher who is a participant in
4 an exchange visitor program and whom the
5 State determines is highly qualified for the
6 purposes of this paragraph.

7 “(C) SPECIAL EDUCATION TEACHERS.—
8 The definition of the term ‘highly qualified
9 teacher’ shall also include a special education
10 teacher who is highly qualified as determined
11 under section 602(10) of the Individuals with
12 Disabilities Education Act.

13 “(33) HIGH-NEED LOCAL EDUCATIONAL AGEN-
14 CY.—The term ‘high-need local educational agency’
15 means a local educational agency—

16 “(A) that serves not fewer than 10,000
17 children from families with incomes below the
18 poverty line;

19 “(B) for which not less than 20 percent of
20 the children served by the agency are from fam-
21 ilies with incomes below the poverty line; or

22 “(C) that is in the highest quartile of local
23 educational agencies in the State, based on stu-
24 dent poverty.

25 “(34) HIGH-NEED SCHOOL.—

1 “(A) IN GENERAL.—The term ‘high-need
2 school’ means—

3 “(i) an elementary school or middle
4 school in which not less than 50 percent of
5 the enrolled students are children from
6 low-income families; or

7 “(ii) a high school in which not less
8 than 40 percent of the enrolled students
9 are children from low-income families,
10 which may be calculated using comparable
11 data from feeder schools.

12 “(B) LOW-INCOME FAMILY.—For purposes
13 of subparagraph (A), the term ‘low-income fam-
14 ily’ means a family—

15 “(i) in which the children are eligible
16 for a free or reduced price lunch under the
17 Richard B. Russell National School Lunch
18 Act (42 U.S.C. 1751 et seq.);

19 “(ii) receiving assistance under a
20 State program funded under part A of title
21 IV of the Social Security Act (42 U.S.C.
22 601 et seq.); or

23 “(iii) in which the children are eligible
24 to receive medical assistance under the
25 Medicaid program.

1 “(35) INSTITUTION OF HIGHER EDUCATION.—
2 The term ‘institution of higher education’ has the
3 meaning given that term in section 101(a) of the
4 Higher Education Act of 1965.

5 “(36) LEADING INDICATORS.—The term ‘lead-
6 ing indicators’ means areas in which a persistently
7 low-achieving school is expected to demonstrate im-
8 provement, such as—

9 “(A) average student attendance rates;

10 “(B) teacher attendance rates;

11 “(C) on-time grade promotion;

12 “(D) credit accumulation rates;

13 “(E) expulsion, suspension, violence and
14 harassment rates;

15 “(F) teacher retention and turnover rates;

16 “(G) percentage of students failing a core,
17 credit-bearing course; and

18 “(H) entrance and placement examina-
19 tions, and preparation courses, for postsec-
20 ondary education.

21 “(37) LOCAL EDUCATIONAL AGENCY.—

22 “(A) IN GENERAL.—The term ‘local edu-
23 cational agency’ means a public board of edu-
24 cation or other public authority legally con-
25 stituted within a State for either administrative

1 control or direction of, or to perform a service
2 function for, public elementary schools or sec-
3 ondary schools in a city, county, township,
4 school district, or other political subdivision of
5 a State, or of or for a combination of school
6 districts or counties that is recognized in a
7 State as an administrative agency for its public
8 elementary schools or secondary schools.

9 “(B) ADMINISTRATIVE CONTROL AND DI-
10 RECTION.—The term includes any other public
11 institution or agency having administrative con-
12 trol and direction of a public elementary school
13 or secondary school.

14 “(C) BIE SCHOOLS.—The term includes an
15 elementary school or secondary school funded
16 by the Bureau of Indian Education but only to
17 the extent that including the school makes the
18 school eligible for programs for which specific
19 eligibility is not provided to the school in an-
20 other provision of law and the school does not
21 have a student population that is smaller than
22 the student population of the local educational
23 agency receiving assistance under this Act with
24 the smallest student population, except that the
25 school shall not be subject to the jurisdiction of

1 any State educational agency other than the
2 Bureau of Indian Affairs.

3 “(D) EDUCATIONAL SERVICE AGENCIES.—
4 The term includes educational service agencies
5 and consortia of those agencies.

6 “(E) STATE EDUCATIONAL AGENCY.—The
7 term includes the State educational agency in a
8 State in which the State educational agency is
9 the sole educational agency for all public
10 schools.

11 “(38) MAGNET SCHOOL.—The term ‘magnet
12 school’ means a public elementary school, public sec-
13 ondary school, public elementary education center,
14 or public secondary education center, that offers a
15 special curriculum capable of attracting substantial
16 numbers of students of different racial backgrounds.

17 “(39) MUTUAL CONSENT.—The term ‘mutual
18 consent’ means a process through which—

19 “(A) the principal or hiring team and the
20 teacher agree to the placement at a school;

21 “(B) the principal or hiring team selects
22 teachers for the school from an unrestricted
23 pool of internal and external candidates based
24 on an assessment of the qualifications of the in-
25 dividual candidates; and

1 “(C) the local educational agency ensures
2 that other schools served by the local edu-
3 cational agency are not being forced to accept
4 teachers displaced from persistently low-achiev-
5 ing schools.

6 “(40) NATIVE AMERICAN AND NATIVE AMER-
7 ICAN LANGUAGE.—The terms ‘Native American’ and
8 ‘Native American language’ have the same meaning
9 given those terms in section 103 of the Native
10 American Languages Act of 1990 (25 U.S.C. 2902).

11 “(41) ON TRACK TO COLLEGE AND CAREER
12 READINESS.—The term ‘on track to college and ca-
13 reer readiness’, when used with respect to a student,
14 means that—

15 “(A) the student is performing at or above
16 the student’s grade level in a subject so that the
17 student will be college and career ready in such
18 subject by the time of high school graduation,
19 as demonstrated by student performance that
20 meets or exceeds the on-track level of student
21 academic achievement for such subject under
22 section 1111(a)(1)(A)(iv) for the student’s
23 grade, as measured by the State’s assessment
24 system under section 1111(a)(2); or

1 “(B) in the case of a student in a State
2 that has chosen in accordance with section
3 1111(b)(1)(B) to measure student growth in
4 addition to student achievement for purposes of
5 determining readiness, the student meets the
6 requirements of subparagraph (A) for a subject
7 or the student is attaining student growth in
8 accordance with clauses (i) and (ii) of such sec-
9 tion in the subject.

10 “(42) OUTLYING AREA.—The term ‘outlying
11 area’—

12 “(A) means American Samoa, the Com-
13 monwealth of the Northern Mariana Islands,
14 Guam, and the United States Virgin Islands;

15 “(B) means the Republic of Palau, to the
16 extent permitted under section 105(f)(1)(B)(ix)
17 of the Compact of Free Association Amend-
18 ments Act of 2003 (Public Law 108–188; 117
19 Stat. 2751) and until an agreement for the ex-
20 tension of United States education assistance
21 under the Compact of Free Association becomes
22 effective for the Republic of Palau; and

23 “(C) for the purpose of any discretionary
24 grant program under this Act, includes the Re-
25 public of the Marshall Islands and the Fed-

1 erated States of Micronesia, to the extent per-
2 mitted under section 105(f)(1)(B)(viii) of the
3 Compact of Free Association Amendments Act
4 of 2003 (Public Law 108–188; 117 Stat.
5 2751).

6 “(43) PARENT.—The term ‘parent’ includes a
7 legal guardian or other person standing in loco
8 parentis (such as a grandparent or stepparent with
9 whom the child lives, or a person who is legally re-
10 sponsible for the child’s welfare).

11 “(44) POVERTY LINE.—The term ‘poverty line’
12 means the poverty line (as defined by the Office of
13 Management and Budget and revised annually in ac-
14 cordance with section 673(2) of the Community
15 Services Block Grant Act (42 U.S.C. 9902(2)) appli-
16 cable to a family of the size involved.

17 “(45) PROFESSIONAL DEVELOPMENT.—The
18 term ‘professional development’ means activities
19 based on scientifically valid research that are coordi-
20 nated and aligned to increase the effectiveness of
21 educators (including teachers, principals, other
22 school leaders, specialized instructional support per-
23 sonnel, paraprofessionals, and, as applicable, early
24 childhood educators) and are regularly assessed to
25 determine the activities’ effectiveness, and that—

1 “(A) are designed and implemented to im-
2 prove student achievement and classroom prac-
3 tice;

4 “(B) are aligned with—

5 “(i) State academic content standards
6 and student academic achievement stand-
7 ards developed under section 1111(a)(1);

8 “(ii) related academic and school im-
9 provement goals of the school, local edu-
10 cational agency, and, as appropriate, state-
11 wide and local curricula; and

12 “(iii) rigorous teaching standards;

13 “(C) increase educators’—

14 “(i) knowledge and understanding
15 about how students learn;

16 “(ii) academic content knowledge;

17 “(iii) ability to analyze student work
18 and achievement data from multiple
19 sources, including how to adjust instruc-
20 tional strategies, assessments, and mate-
21 rials based on such analysis; and

22 “(iv) ability to instruct students with
23 disabilities and English learners so that
24 they are able to meet the State academic

1 content standards and student academic
2 achievement standards;

3 “(D) address areas for improvement based
4 on such educators’ evaluations;

5 “(E) are job-embedded, ongoing, collabo-
6 rative, data-driven, and classroom-focused; and

7 “(F) are, as appropriate—

8 “(i) designed to provide educators
9 with the knowledge and skills to work more
10 effectively with parents and families; and

11 “(ii) provided jointly for school staff
12 and other early childhood education and
13 care providers, where applicable, to address
14 the transition to elementary school, includ-
15 ing issues related to school readiness
16 across all major domains of early learning.

17 “(46) REGULAR SECONDARY SCHOOL DI-
18 PLOMA.—

19 “(A) IN GENERAL.—The term ‘regular sec-
20 ondary school diploma’ means the standard sec-
21 ondary school diploma awarded to the prepon-
22 derance of students in the State that is fully
23 aligned with State standards, or a higher di-
24 ploma. Such term shall not include a GED or
25 other recognized equivalent of a diploma, a cer-

1 tificate of attendance, or any lesser diploma
2 award.

3 “(B) EXCEPTION FOR STUDENTS WITH
4 SIGNIFICANT COGNITIVE DISABILITIES.—For a
5 student who has a significant cognitive dis-
6 ability and is assessed using an alternate as-
7 sessment aligned to alternate academic achieve-
8 ment standards under section 1111(a)(1)(D),
9 receipt of a regular secondary school diploma or
10 a State-defined alternate diploma aligned with
11 completion of the student’s right to a free ap-
12 propriate public education under the Individuals
13 with Disabilities Education Act shall be counted
14 as graduating with a regular secondary school
15 diploma for the purposes of this Act, except
16 that not more than 1 percent of students served
17 by a State or a local educational agency, as ap-
18 propriate, shall be counted as graduates with a
19 regular secondary school diploma under this
20 subparagraph.

21 “(47) SCIENTIFICALLY BASED RESEARCH.—

22 The term ‘scientifically based research’—

23 “(A) means research that involves the ap-
24 plication of rigorous, systematic, and objective
25 procedures to obtain reliable and valid knowl-

1 edge relevant to education activities and pro-
2 grams; and

3 “(B) includes research that—

4 “(i) employs systematic, empirical
5 methods that draw on observation or ex-
6 periment;

7 “(ii) involves rigorous data analyses
8 that are adequate to test the stated
9 hypotheses and justify the general conclu-
10 sions drawn;

11 “(iii) relies on measurements or obser-
12 vational methods that provide reliable and
13 valid data across evaluators and observers,
14 across multiple measurements and observa-
15 tions, and across studies by the same or
16 different investigators;

17 “(iv) is evaluated using experimental
18 or quasi-experimental designs in which in-
19 dividuals, entities, programs, or activities
20 are assigned to different conditions and
21 with appropriate controls to evaluate the
22 effects of the condition of interest, with a
23 preference for random-assignment experi-
24 ments, or other designs to the extent that

1 those designs contain within-condition or
2 across-condition controls;

3 “(v) ensures that experimental studies
4 are presented in sufficient detail and clar-
5 ity to allow for replication or, at a min-
6 imum, offer the opportunity to build sys-
7 tematically on their findings; and

8 “(vi) has been accepted by a peer-re-
9 viewed journal or approved by a panel of
10 independent experts through a comparably
11 rigorous, objective, and scientific review.

12 “(48) SCIENTIFICALLY VALID RESEARCH.—The
13 term ‘scientifically valid research’ includes applied
14 research, basic research, and field-initiated research
15 in which the rationale, design, and interpretation are
16 soundly developed in accordance with principles of
17 scientific research.

18 “(49) SECONDARY SCHOOL.—The term ‘sec-
19 ondary school’ means a nonprofit institutional day or
20 residential school, including a public secondary char-
21 ter school, that provides secondary education, as de-
22 termined under State law, except that the term does
23 not include any education beyond grade 12.

24 “(50) SECRETARY.—The term ‘Secretary’
25 means the Secretary of Education.

1 “(51) SPECIALIZED INSTRUCTIONAL SUPPORT
2 PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT
3 SERVICES.—

4 “(A) SPECIALIZED INSTRUCTIONAL SUP-
5 PORT PERSONNEL.—The term ‘specialized in-
6 structional support personnel’ means school
7 counselors, school social workers, school psy-
8 chologists, school nurses, and other qualified
9 professional personnel involved in providing as-
10 sessment, diagnosis, counseling, educational,
11 therapeutic, and other necessary services (in-
12 cluding related services as that term is defined
13 in section 602 of the Individuals with Disabil-
14 ities Education Act) as part of a comprehensive
15 program to meet student needs.

16 “(B) SPECIALIZED INSTRUCTIONAL SUP-
17 PORT SERVICES.—The term ‘specialized instruc-
18 tional support services’ means the services pro-
19 vided by specialized instructional support per-
20 sonnel.

21 “(52) STATE.—The term ‘State’ means each of
22 the 50 States, the District of Columbia, the Com-
23 monwealth of Puerto Rico, and each of the outlying
24 areas.

1 “(53) STATE ADVISORY COUNCIL ON EARLY
2 CHILDHOOD EDUCATION AND CARE.—The term
3 ‘State Advisory Council on Early Childhood Edu-
4 cation and Care’ means the State Advisory Council
5 on Early Childhood Education and Care established
6 under section 642B(b) of the Head Start Act (42
7 U.S.C. 9837b(b)).

8 “(54) STATE EDUCATIONAL AGENCY.—The
9 term ‘State educational agency’ means the agency
10 primarily responsible for the State supervision of
11 public elementary schools and secondary schools.

12 “(55) TEACHER MENTORING.—The term
13 ‘teacher mentoring’ means supporting teachers or
14 principals to increase the effectiveness and retention
15 of such teachers or principals through a program
16 that—

17 “(A) includes clear criteria for the selec-
18 tion of mentors that takes into account the
19 mentor’s—

20 “(i) effectiveness; and

21 “(ii) ability to facilitate adult learn-
22 ing;

23 “(B) provides high-quality training for
24 mentors in how to support teachers or prin-
25 cipals effectively;

1 “(C) provides regularly scheduled time for
2 collaboration, examination of student work and
3 achievement data, and ongoing opportunities for
4 mentors and mentees to observe each other’s
5 teaching or leading, and identify and address
6 areas for improvement; and

7 “(D) matches mentees with mentors in the
8 same field, grade, grade span, or subject area.

9 “(56) TURNAROUND PARTNER.—The term
10 ‘turnaround partner’ means a public or private non-
11 profit organization, institution of higher education,
12 or charter management organization, with a dem-
13 onstrated record of successful school improvement.

14 “(57) UNIVERSAL DESIGN FOR LEARNING.—
15 The term ‘universal design for learning’ has the
16 meaning given the term in section 103 of the Higher
17 Education Act of 1965.”.

18 (b) CONFORMING AMENDMENTS.—The Act (20
19 U.S.C. 6301 et seq.) is amended—

20 (1) in section 1604(b) (20 U.S.C. 6574(b)), as
21 redesignated by section 1601(a)(3) of this Act, by
22 striking “the Committee on Education and the
23 Workforce of the House of Representatives and the
24 Committee on Health, Education, Labor and Pen-

1 sions of the Senate” and inserting “the authorizing
2 committees”;

3 (2) in section 3122(b) (20 U.S.C. 6843(b)), as
4 redesignated by section 3001(3) of this Act, by
5 striking “the Committee on Education and the
6 Workforce of the House of Representatives and the
7 Committee on Health, Education, Labor, and Pen-
8 sions of the Senate” and inserting “the authorizing
9 committees”; and

10 (3) in section 9401(e)(4) (20 U.S.C.
11 7861(e)(4)), by striking “the Committee on Edu-
12 cation and the Workforce of the House of Rep-
13 resentatives and the Committee on Health, Edu-
14 cation, Labor, and Pensions of the Senate” and in-
15 serting “the authorizing committees”.

16 **SEC. 9102. UNSAFE SCHOOL CHOICE OPTION.**

17 Section 9532(a) (20 U.S.C. 7912(a)) is amended by
18 striking “attending” and all that follows through “victim
19 of” and inserting “who is threatened with, or becomes a
20 victim of,”.

21 **SEC. 9103. EVALUATION AUTHORITY.**

22 Section 9601 (20 U.S.C. 7941) is amended to read
23 as follows:

1 **“SEC. 9601. EVALUATION AUTHORITY.**

2 “(a) RESERVATION OF FUNDS.—Except as provided
3 in subsection (b), the Secretary may reserve not more than
4 3 percent of the amount appropriated to carry out each
5 categorical program and demonstration project authorized
6 under this Act. The reserved amounts shall be used by
7 the Secretary, acting through the Director of the Institute
8 of Education Sciences, to—

9 “(1) conduct—

10 “(A) comprehensive, high-quality evalua-
11 tions of the program or project that—

12 “(i) provide information to inform pol-
13 icy-making and to support continuous pro-
14 gram improvement; and

15 “(ii) use methods appropriate for the
16 questions being asked; and

17 “(B) impact evaluations that employ exper-
18 imental or quasi-experimental designs, where
19 practicable and appropriate, and other rigorous
20 methodologies that permit the strongest pos-
21 sible causal inferences;

22 “(2) provide technical assistance to grant re-
23 cipients on—

24 “(A) the conduct of the evaluation activi-
25 ties that the grantees carry out under this Act;
26 and

1 “(B) the collection and reporting of per-
2 formance data relating to the program or
3 project;

4 “(3) evaluate the aggregate short- and long-
5 term effects and cost efficiencies across Federal pro-
6 grams assisted or authorized under this Act and re-
7 lated Federal preschool, elementary, and secondary
8 programs under any other Federal law;

9 “(4) increase the usefulness of evaluations of
10 grant recipients in order to ensure the continuous
11 progress of the program or project by improving the
12 quality, timeliness, efficiency, dissemination, and use
13 of information relating to performance under the
14 program or project; and

15 “(5) identify and disseminate research and best
16 practices related to the programs and projects au-
17 thorized under this Act.

18 “(b) TITLE I.—The Secretary may not reserve under
19 subsection (a) more than 1 percent of the funds appro-
20 priated to carry out title I.

21 “(c) EVALUATION PLAN.—Beginning not later than
22 1 year after the date of enactment of the Elementary and
23 Secondary Education Reauthorization Act of 2011, the
24 Secretary shall annually develop and submit to Congress
25 a plan that—

1 “(1) describes the timeline for evaluation of the
2 programs and projects authorized under this Act;
3 and

4 “(2) describes the specific evaluation activities
5 that the Secretary intends to carry out for such pro-
6 grams and projects during the next year.

7 “(d) EVALUATION ACTIVITIES AUTHORIZED ELSE-
8 WHERE.—If, under any other provision of this Act (other
9 than title I), funds are authorized to be reserved or used
10 for evaluation activities with respect to a program or
11 project, the Secretary may not reserve additional funds
12 under this section for the evaluation of that program or
13 project.

14 “(e) SPECIAL RULE REGARDING ALLOCATION FOR
15 IMPACT EVALUATIONS.—The Secretary shall use not less
16 than 30 percent of the funds reserved under this section
17 for each of the fiscal years 2012 through 2017, in the ag-
18 gregate for each year, for impact evaluations that meet
19 the requirements of subsection (a)(1).”.

20 **SEC. 9104. CONFORMING AMENDMENTS.**

21 (a) REORGANIZATION.—Title IX (20 U.S.C. 7801 et
22 seq.) is amended by adding at the end the following:

23 **“PART G—MISCELLANEOUS PROVISIONS”.**

24 (b) CONFORMING AMENDMENTS.—Title IX (20
25 U.S.C. 7801 et seq.) is amended—

1 (1) in section 9401 (20 U.S.C. 7861)—

2 (A) in subsection (b)(1)(C), by striking “,
3 in accordance with section 1111(b),”; and

4 (B) in subsection (c), by striking “subpart
5 1 of part B of title V” and inserting “subpart
6 1 of part D of title V”;

7 (2) by striking paragraph (1) of section
8 9501(b) (20 U.S.C. 7881(b)) and inserting the fol-
9 lowing:

10 “(1) IN GENERAL.—This section applies to pro-
11 grams under—

12 “(A) part C of title I;

13 “(B) part A of title II, to the extent pro-
14 vided in paragraph (3);

15 “(C) part A of title III;

16 “(D) part A of title IV;

17 “(E) part B of title IV;

18 “(F) part D of title IV; and

19 “(G) part E of title IV.”; and

20 (3) in section 9534(b) (20 U.S.C. 7914(b)), by
21 striking “part B of title V” each place the term ap-
22 pears and inserting “part D of title V”.

1 **TITLE X—COMMISSION ON EF-**
2 **FECTIVE REGULATION AND**
3 **ASSESSMENT SYSTEMS FOR**
4 **PUBLIC SCHOOLS**

5 **SEC. 10011. SHORT TITLE.**

6 This title may be cited as the “Commission on Effec-
7 tive Regulation and Assessment Systems for Public
8 Schools Act”.

9 **SEC. 10012. DEFINITIONS.**

10 In this title:

11 (1) **CHAIRPERSON.**—The term “Chairperson”
12 means the Chairperson of the Commission.

13 (2) **COMMISSION.**—The term “Commission”
14 means the Commission on Effective Regulation and
15 Assessment Systems for Public Schools.

16 **SEC. 10013. ESTABLISHMENT OF COMMISSION ON EFFEC-**
17 **TIVE REGULATION AND ASSESSMENT SYS-**
18 **TEMS FOR PUBLIC SCHOOLS.**

19 (a) **IN GENERAL.**—Not later than 30 days after the
20 date of enactment of this Act, the Secretary shall establish
21 a commission to be known as the “Commission on Effec-
22 tive Regulation and Assessment Systems for Public
23 Schools”.

24 (b) **PURPOSE.**—The Commission shall—

1 (1) examine Federal, State, and local regulatory
2 requirements on elementary and secondary edu-
3 cation;

4 (2) make recommendations on how to align and
5 improve such Federal, State, and local requirements
6 to improve performance and innovation;

7 (3) examine the quality and purpose of current
8 Federal, State, and local assessment requirements;
9 and

10 (4) make recommendations to improve and
11 align assessment systems to provide quality and
12 meaningful information for parents, teachers, and
13 students to improve student achievement, teacher
14 performance, and innovation.

15 (c) MEMBERSHIP.—

16 (1) COMPOSITION.—The Commission shall be
17 composed of—

18 (A) 4 Governors;

19 (B) 6 State legislators;

20 (C) 2 Chief State school officers;

21 (D) 2 State officials responsible for admin-
22 istering Federal education programs;

23 (E) 4 superintendents;

24 (F) 2 principals;

25 (G) 2 teachers;

1 (H) 2 assessment experts; and

2 (I) 2 teacher and principal effectiveness ex-
3 perts.

4 (2) RECOMMENDATIONS.—The Secretary shall
5 solicit input and nominations for appointing mem-
6 bers of the Commission from—

7 (A) Governors;

8 (B) members of Congress;

9 (C) State legislators;

10 (D) superintendents, principals, teachers,
11 and other members of the education commu-
12 nity; and

13 (E) parents, students, and other members
14 of the general public.

15 (3) DETERMINATION.—The Secretary shall de-
16 termine the membership of the Commission after
17 considering recommendations submitted under para-
18 graph (2).

19 (d) CHAIRPERSON.—The Secretary shall designate a
20 Governor as the Chairperson of the Commission.

21 (e) MEETINGS.—The Commission shall hold, at the
22 call of the Chairperson, not less than 1 meeting every 6
23 months. All such meetings shall be open to the public. The
24 Commission may hold, at the call of the Chairperson, such

1 other meetings as the Chairperson sees fit to carry out
2 this title.

3 (f) QUORUM.—A majority of the members of the
4 Commission shall constitute a quorum, but a lesser num-
5 ber of members may hold hearings.

6 (g) INITIAL MEETING.—The Commission shall hold
7 its first meeting not later than 60 days after the date of
8 enactment of this Act.

9 **SEC. 10014. POWERS OF THE COMMISSION.**

10 (a) HEARINGS.—

11 (1) IN GENERAL.—The Commission shall hold
12 such hearings, sit and act at such times and places,
13 take such testimony, and receive such evidence as
14 the Commission determines appropriate to carry out
15 this title.

16 (2) PARTICIPATION.—In hearings held under
17 this subsection, the Commission shall consider invit-
18 ing witnesses from, among other groups—

19 (A) teachers;

20 (B) parents;

21 (C) principals;

22 (D) superintendents;

23 (E) Federal, State, and local educational
24 agency personnel;

25 (F) researchers and other experts; and

1 (G) any other individuals determined ap-
2 propriate by the Commission.

3 (b) INFORMATION FROM FEDERAL AGENCIES.—The
4 Commission may secure directly from any Federal depart-
5 ment or agency such information as the Commission con-
6 siderers necessary to carry out this title. Upon request of
7 the Chairperson, the head of such department or agency
8 shall furnish such information to the Commission.

9 **SEC. 10015. DUTIES OF THE COMMISSION.**

10 (a) DUTIES.—

11 (1) IN GENERAL.—The Commission shall take
12 such actions as it determines necessary to gain a full
13 understanding of the issues of effective regulation
14 and assessment systems for public schools.

15 (2) AREAS OF EMPHASIS.—The Commission
16 shall focus—

17 (A) in examining the over-regulation of
18 public schools, on—

19 (i) examining Federal, State, and
20 local regulations governing public schools;

21 (ii) differentiating between financial,
22 programmatic, general education, special
23 education, and civil rights requirements;

24 (iii) identifying which government en-
25 tity requires each regulation;

1 (iv) measuring the cost of compliance
2 in terms of funds spent on compliance and
3 time in hours and personnel;

4 (v) identifying duplicative, redundant,
5 or unnecessary regulations at each govern-
6 mental level; and

7 (vi) investigating how Federal, State,
8 and local interpretations of laws and regu-
9 lations create an additional or unnecessary
10 burden and are used as a rationale for im-
11 posing requirements that are not actually
12 mandated by law; and

13 (B) in examining the effective testing of
14 public schools, on—

15 (i) examining Federal, State, and
16 local testing and standardized assessment
17 requirements for public elementary schools,
18 middle schools, and high schools;

19 (ii) determining the purpose and in-
20 tent of each such test or assessment, in-
21 cluding whether it is intended to measure
22 student achievement and growth, teacher
23 and principal effectiveness, or system ac-
24 countability;

1 (iii) determining the frequency,
2 length, and scheduling of such tests and
3 assessments, and measuring, in hours and
4 days, the student and teacher time spent
5 on testing;

6 (iv) examining standardized assess-
7 ments required by Federal, State, or local
8 requirements, excluding teacher-created
9 tests and quizzes and formative assess-
10 ments;

11 (v) reporting on the quality of stand-
12 ardized assessments;

13 (vi) examining reporting practices of
14 test results and the degree to which such
15 results are returned in a timely manner
16 with sufficient quality to be useful to par-
17 ents, teachers and principals, and students
18 to inform and improve their work, includ-
19 ing targeting instruction to student needs,
20 grading student work, and evaluating
21 teacher and principal effectiveness;

22 (vii) analyzing the ability of quality
23 assessments to measure whether a student
24 is prepared to graduate from high school

1 and pursue college or a career without the
2 need for academic remediation;

3 (viii) examining what factors most
4 contribute to quality assessments and the
5 extent to which high-quality assessments
6 can advance student learning;

7 (ix) determining the technology infra-
8 structure required for next generation as-
9 sessments; and

10 (x) identifying opportunities to im-
11 prove assessment practices to better pro-
12 mote parent, teacher and principal, and
13 student understanding of progress toward
14 college and career readiness and public un-
15 derstanding of school performance and
16 educational productivity.

17 (3) SAMPLES.—In conducting its work under
18 this title, the Commission may rely on samples of
19 States and local educational agencies for examples of
20 regulations and testing requirements.

21 (b) REPORTS.—

22 (1) IN GENERAL.—Subject to paragraph (2),
23 the Commission shall provide regular reports in a
24 manner and form of the Commission's choosing to—

25 (A) the Secretary; and

1 (B) the members of the authorizing com-
2 mittees.

3 (2) ANNUAL REPORT.—Not later than 1 year
4 after the date of the first meeting of the Commis-
5 sion, and annually thereafter, the Commission shall
6 issue a report to—

7 (A) the Secretary; and

8 (B) the members of the authorizing com-
9 mittees.

10 (3) PUBLIC REPORT.—The Commission shall—

11 (A) prepare a report—

12 (i) analyzing findings of the Commis-
13 sion; and

14 (ii) making recommendations for Fed-
15 eral, State, and local policy makers; and

16 (B) broadly disseminate such report to the
17 general public.

18 (c) TESTIMONY.—The Chairperson shall annually
19 provide testimony to the authorizing committees.

20 **SEC. 10016. COMMISSION PERSONNEL MATTERS.**

21 (a) COMPENSATION OF MEMBERS.—Each member of
22 the Commission shall serve without compensation in addi-
23 tion to any such compensation received for the member's
24 service as an officer or employee of the United States, if
25 applicable.

1 (b) TRAVEL EXPENSES.—The members of the Com-
 2 mission shall be allowed travel expenses, including per
 3 diem in lieu of subsistence, at rates authorized for employ-
 4 ees of agencies under subchapter 1 of chapter 57 of title
 5 5, United States Code, while away from their homes or
 6 regular places of business in the performance of services
 7 for the Commission.

8 (c) ASSISTANCE.—

9 (1) IN GENERAL.—The Assistant Secretary of
 10 Elementary and Secondary Education shall provide
 11 assistance to the Commission, upon request of the
 12 Commission, without reimbursement.

13 (2) DETAIL OF GOVERNMENT EMPLOYEES.—
 14 Any Federal Government employee may be detailed
 15 to the Commission without reimbursement, and such
 16 detail shall be without interruption or loss of civil
 17 service status or privilege.

18 **TITLE XI—AMENDMENTS TO**
 19 **OTHER LAWS; MISCELLA-**
 20 **NEOUS PROVISIONS**

21 **PART A—AMENDMENTS TO OTHER LAWS**

22 **Subpart 1—McKinney-Vento Homeless Assistance Act**

23 **SEC. 11011. SHORT TITLE.**

24 This subpart may be cited as the “McKinney-Vento
 25 Homeless Education Reauthorization Act of 2011”.

1 **SEC. 11012. EDUCATION FOR HOMELESS CHILDREN AND**
2 **YOUTH.**

3 Subtitle B of title VII of the McKinney-Vento Home-
4 less Assistance Act (42 U.S.C. 11431 et seq.) is amended
5 to read as follows:

6 **“Subtitle B—Education for**
7 **Homeless Children and Youth**

8 **“SEC. 721. STATEMENT OF POLICY.**

9 “The following is the policy of Congress:

10 “(1) Each State shall ensure that each home-
11 less child and youth has access to the same free ap-
12 propriate public education, including a public pre-
13 school education, as is provided to other children
14 and youth.

15 “(2) In any State where compulsory residency
16 requirements or other requirements of laws, regula-
17 tions, practices, or policies may act as a barrier to
18 the identification, enrollment, attendance, or success
19 in school of homeless children and youth, the State
20 shall review and revise such laws, regulations, prac-
21 tices, or policies to ensure that homeless children
22 and youth are afforded the same free appropriate
23 public education as is provided to other children and
24 youth.

1 “(3) Homelessness is not a sufficient reason to
2 separate students from the mainstream school envi-
3 ronment.

4 “(4) Homeless children and youth shall have
5 access to the education and other services that such
6 children and youth need to ensure that such children
7 and youth have an opportunity to meet the same col-
8 lege and career ready State student academic
9 achievement standards to which all students are
10 held.

11 **“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
12 **THE EDUCATION OF HOMELESS CHILDREN**
13 **AND YOUTH.**

14 “(a) GENERAL AUTHORITY.—The Secretary is au-
15 thorized to make grants to States from allotments made
16 under subsection (c) and in accordance with this section
17 to enable such States to carry out the activities described
18 in subsections (d) through (h).

19 “(b) APPLICATION.—In order for a State to be eligi-
20 ble to receive a grant under this section, the State edu-
21 cational agency, in consultation with other relevant State
22 agencies, shall submit an application to the Secretary at
23 such time, in such manner, and containing or accompanied
24 by such information as the Secretary may reasonably re-
25 quire.

1 “(c) ALLOCATION AND RESERVATIONS.—

2 “(1) ALLOCATION.—

3 “(A) IN GENERAL.—Subject to subpara-
4 graph (C), the Secretary is authorized to allot
5 to each State an amount that bears the same
6 ratio to the amount appropriated for such year
7 under section 726 that remains after the Sec-
8 retary reserves funds under paragraph (2) and
9 uses funds to carry out section 724 (d) and (h),
10 as the amount allocated under section 1122 of
11 the Elementary and Secondary Education Act
12 of 1965 (20 U.S.C. 6332) to the State for that
13 year bears to the total amount allocated under
14 section 1122 of such Act to all States for that
15 year, except as provided in subparagraph (B).

16 “(B) MINIMUM ALLOTMENTS.—No State
17 shall receive for a fiscal year less under this
18 paragraph than the greater of—

19 “(i) \$150,000; or

20 “(ii) an amount that bears the same
21 ratio to the amount appropriated for such
22 year under section 726 that remains after
23 the Secretary reserves funds under para-
24 graph (2) and uses funds to carry out sec-
25 tion 724 (d) and (h), as the amount the

1 State received under this paragraph for the
2 preceding fiscal year bears to the total
3 amount received by all States under this
4 paragraph for the preceding fiscal year.

5 “(C) REDUCTION FOR INSUFFICIENT
6 FUNDS.—If there are insufficient funds in a fis-
7 cal year to allot to each State the minimum
8 amount under subparagraph (B), the Secretary
9 shall ratably reduce the allotments to all States
10 based on the proportionate share that each
11 State received under this subsection for the pre-
12 ceding fiscal year.

13 “(2) RESERVATIONS.—

14 “(A) STUDENTS IN TERRITORIES.—The
15 Secretary is authorized to reserve 0.1 percent of
16 the amount appropriated for each fiscal year
17 under section 726 to be allocated by the Sec-
18 retary among the United States Virgin Islands,
19 Guam, American Samoa, and the Common-
20 wealth of the Northern Mariana Islands, ac-
21 cording to their respective need for assistance
22 under this subtitle, as determined by the Sec-
23 retary. Funds allocated under this subpara-
24 graph shall be used for programs that are con-

1 sistent with the purposes of the programs de-
2 scribed in this subtitle.

3 “(B) INDIAN STUDENTS.—

4 “(i) TRANSFER.—The Secretary shall
5 transfer 1 percent of the amount appro-
6 priated for each fiscal year under section
7 726 to the Department of the Interior for
8 programs that are for Indian students
9 served by schools funded by the Secretary
10 of the Interior, as determined under the
11 Indian Self-Determination and Education
12 Assistance Act (25 U.S.C. 450 et seq.),
13 and that are consistent with the purposes
14 of the programs described in this subtitle.

15 “(ii) AGREEMENT.—The Secretary of
16 Education and the Secretary of the Inte-
17 rior shall enter into an agreement, con-
18 sistent with the requirements of this sub-
19 title, for the distribution and use of the
20 funds described in clause (i) under terms
21 that the Secretary of Education determines
22 best meet the purposes of the programs de-
23 scribed in this subtitle. Such agreement
24 shall set forth the plans of the Secretary of
25 the Interior for the use of the funds trans-

1 ferred, including appropriate goals, objec-
2 tives, and milestones for that use.

3 “(d) STATE ACTIVITIES.—Grant funds from a grant
4 made to a State under this section shall be used for the
5 following:

6 “(1) To provide activities for and services to
7 improve the identification of homeless children and
8 youth and enable such children and youth to enroll
9 in, attend, and succeed in school.

10 “(2) To establish or designate an Office of the
11 Coordinator for Education of Homeless Children and
12 Youth in the State educational agency in accordance
13 with subsection (f) that has sufficient knowledge,
14 authority, and time to carry out the duties described
15 in this subtitle.

16 “(3) To prepare and carry out the duties de-
17 scribed in subsection (f) in the State plan described
18 in subsection (g).

19 “(4) To develop and implement professional de-
20 velopment activities for liaisons designated under
21 subsection (g)(1)(J)(ii), other local educational agen-
22 cy and school personnel, and community agencies—

23 “(A) to improve their identification of
24 homeless children and youth; and

1 “(B) to improve their awareness of, and
2 capacity to respond to, specific needs in the
3 education of homeless children and youth.

4 “(e) STATE AND LOCAL SUBGRANTS.—

5 “(1) MINIMUM DISBURSEMENTS BY STATES.—

6 From the grant funds made available each year to
7 a State under subsection (a) to carry out this sub-
8 title, the State educational agency—

9 “(A) may use not more than 20 percent of
10 the State’s allocation under subsection (c)(1) or
11 \$85,000, whichever amount is greater, for
12 State-level activities; and

13 “(B) shall use the remainder of the State’s
14 allocation after using amounts for State-level
15 activities under subparagraph (A) to award sub-
16 grants to local educational agencies for the pur-
17 poses of carrying out section 723.

18 “(2) USE BY STATE EDUCATIONAL AGENCY.—

19 A State educational agency may use funds for State-
20 level activities made available under paragraph
21 (1)(A) to conduct activities under subsection (f) di-
22 rectly or through grants or contracts.

23 “(3) PROHIBITION ON SEGREGATING HOMELESS
24 STUDENTS.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), in providing a free public
3 education to a homeless child or youth, no State
4 receiving funds under this subtitle shall seg-
5 regate such child or youth in a separate school,
6 or in a separate program within a school, based
7 on such child’s or youth’s status as homeless.

8 “(B) EXCEPTION.—Notwithstanding sub-
9 paragraph (A), paragraphs (1)(J)(i) and (3) of
10 subsection (g), section 723(a)(2), and any other
11 provision of this subtitle relating to the place-
12 ment of homeless children or youths in schools,
13 a State that has a separate school for homeless
14 children or youths that was operated in fiscal
15 year 2000 in a covered county shall be eligible
16 to receive funds under this subtitle for pro-
17 grams carried out in such school if—

18 “(i) the school meets the requirements
19 of subparagraph (C);

20 “(ii) any local educational agency
21 serving a school that the homeless children
22 and youths enrolled in the separate school
23 are eligible to attend meets the require-
24 ments of subparagraph (E); and

1 “(iii) the State is otherwise eligible to
2 receive funds under this subtitle.

3 “(C) SCHOOL REQUIREMENTS.—For the
4 State to be eligible under subparagraph (B) to
5 receive funds under this subtitle, the school de-
6 scribed in such subparagraph shall—

7 “(i) provide written notice, at the time
8 any child or youth seeks enrollment in such
9 school, and at least twice annually while
10 the child or youth is enrolled in such
11 school, to the parent or guardian of the
12 child or youth (or, in the case of an unac-
13 companied youth, the youth) that—

14 “(I) shall be signed by the parent
15 or guardian (or, in the case of an un-
16 accompanied youth, the youth);

17 “(II) sets forth the general rights
18 provided under this subtitle;

19 “(III) specifically states—

20 “(aa) the choice of schools
21 homeless children and youths are
22 eligible to attend, as provided in
23 subsection (g)(4)(A);

24 “(bb) that no homeless child
25 or youth is required to attend a

1 separate school for homeless chil-
2 dren or youths;

3 “(cc) that homeless children
4 and youths shall be provided
5 comparable services described in
6 subsection (g)(5), including
7 transportation services, edu-
8 cational services, and meals
9 through school meals programs;
10 and

11 “(dd) that homeless children
12 and youths should not be stig-
13 matized by school personnel; and

14 “(IV) provides contact informa-
15 tion for the local liaison for homeless
16 children and youths and the State Co-
17 ordinator for Education of Homeless
18 Children and Youths;

19 “(ii)(I) provide assistance to the par-
20 ent or guardian of each homeless child or
21 youth (or, in the case of an unaccompanied
22 youth, the youth) to exercise the right to
23 attend the parent’s or guardian’s (or
24 youth’s) choice of schools, as provided in
25 subsection (g)(4)(A); and

1 “(II) coordinate with the local edu-
2 cational agency with jurisdiction for the
3 school selected by the parent or guardian
4 (or youth), to provide transportation and
5 other necessary services;

6 “(iii) ensure that the parent or guard-
7 ian (or, in the case of an unaccompanied
8 youth, the youth) shall receive the informa-
9 tion required by this subparagraph in a
10 manner and form understandable to such
11 parent or guardian (or youth), including, if
12 necessary and to the extent feasible, in the
13 native language of such parent or guardian
14 (or youth); and

15 “(iv) demonstrate in the school’s ap-
16 plication for funds under this subtitle that
17 such school—

18 “(I) is complying with clauses (i)
19 and (ii); and

20 “(II) is meeting (as of the date
21 of submission of the application) the
22 same Federal and State standards,
23 regulations, and mandates as other
24 public schools in the State (such as
25 complying with sections 1111 and

1 1116 of the Elementary and Sec-
2 ondary Education Act of 1965 and
3 providing a full range of education
4 and related services, including services
5 applicable to students with disabil-
6 ities).

7 “(D) SCHOOL INELIGIBILITY.—A separate
8 school described in subparagraph (B) that fails
9 to meet the standards, regulations, and man-
10 dates described in subparagraph (C)(iv)(II)
11 shall not be eligible to receive funds under this
12 subtitle for programs carried out in such school
13 after the first date of such failure.

14 “(E) LOCAL EDUCATIONAL AGENCY RE-
15 QUIREMENTS.—For the State to be eligible to
16 receive the funds described in subparagraph
17 (B), the local educational agency described in
18 subparagraph (B)(ii) shall—

19 “(i) implement a coordinated system
20 for ensuring that homeless children and
21 youths—

22 “(I) are advised of the choice of
23 schools provided in subsection
24 (g)(4)(A);

1 “(II) are immediately enrolled, in
2 accordance with subsection (g)(4)(C),
3 in the school selected under subsection
4 (g)(4)(A); and

5 “(III) are promptly provided nec-
6 essary services described in subsection
7 (g)(5), including transportation, to
8 allow homeless children and youths to
9 exercise their choices of schools under
10 subsection (g)(4)(A);

11 “(ii) document that written notice has
12 been provided—

13 “(I) in accordance with subpara-
14 graph (C)(i) for each child or youth
15 enrolled in a separate school under
16 subparagraph (B); and

17 “(II) in accordance with sub-
18 section (g)(7)(A)(vi);

19 “(iii) prohibit schools within the agen-
20 cy’s jurisdiction from referring homeless
21 children or youths to, or requiring home-
22 less children and youths to enroll in or at-
23 tend, a separate school described in sub-
24 paragraph (B);

1 “(iv) identify and remove any barriers
2 that exist in schools within the agency’s ju-
3 risdiction that may have contributed to the
4 creation or existence of separate schools
5 described in subparagraph (B); and

6 “(v) not use funds received under this
7 subtitle to establish—

8 “(I) new or additional separate
9 schools for homeless children or
10 youths; or

11 “(II) new or additional sites for
12 separate schools for homeless children
13 or youths, other than the sites occu-
14 pied by the schools described in sub-
15 paragraph (B) in fiscal year 2000.

16 “(F) REPORT.—

17 “(i) PREPARATION.—The Secretary
18 shall prepare a report on the separate
19 schools and local educational agencies de-
20 scribed in subparagraph (B) that receive
21 funds under this subtitle in accordance
22 with this paragraph. The report shall con-
23 tain, at a minimum, information on—

24 “(I) compliance with all require-
25 ments of this paragraph;

1 “(II) barriers to school access in
2 the school districts served by the local
3 educational agencies; and

4 “(III) the progress the separate
5 schools are making in integrating
6 homeless children and youths into the
7 mainstream school environment, in-
8 cluding the average length of student
9 enrollment in such schools.

10 “(ii) COMPLIANCE WITH INFORMA-
11 TION REQUESTS.—For purposes of ena-
12 bling the Secretary to prepare the report,
13 the separate schools and local educational
14 agencies shall cooperate with the Secretary
15 and the State Coordinator for Education
16 of Homeless Children and Youths estab-
17 lished in the State under subsection (d)(2),
18 and shall comply with any requests for in-
19 formation by the Secretary and State Co-
20 ordinator for such State.

21 “(iii) SUBMISSION.—The Secretary
22 shall submit the report described in clause
23 (i) to—

24 “(I) the President;

1 “(II) the Committee on Edu-
2 cation and the Workforce of the
3 House of Representatives; and

4 “(III) the Committee on Health,
5 Education, Labor, and Pensions of
6 the Senate.

7 “(G) DEFINITION.—For purposes of this
8 paragraph, the term ‘covered county’ means—

9 “(i) San Joaquin County, California;

10 “(ii) Orange County, California;

11 “(iii) San Diego County, California;

12 and

13 “(iv) Maricopa County, Arizona.

14 “(f) FUNCTIONS OF THE OFFICE OF THE COORDI-
15 NATOR.—The Coordinator for Education of Homeless
16 Children and Youth established in each State shall—

17 “(1) gather and make publicly available reliable,
18 valid, and comprehensive information on—

19 “(A) the nature and extent of the problems
20 homeless children and youth have in gaining ac-
21 cess to public preschool programs, and to public
22 elementary schools and secondary schools;

23 “(B) the difficulties in identifying the spe-
24 cial needs and barriers to participation and
25 achievement of such children and youth;

1 “(C) any progress made by the State edu-
2 cational agency and local educational agencies
3 in the State in addressing such problems and
4 difficulties; and

5 “(D) the success of the programs under
6 this subtitle in identifying homeless children
7 and youth and allowing homeless children and
8 youth to enroll in, attend, and succeed in,
9 school; and

10 “(2) develop and carry out the State plan de-
11 scribed in subsection (g);

12 “(3) collect data for and transmit to the Sec-
13 retary, at such time and in such manner as the Sec-
14 retary may require, reports containing such informa-
15 tion as the Secretary determines is necessary to as-
16 sess the educational needs of homeless children and
17 youth within the State, including data requested
18 pursuant to subsection (h) of section 724;

19 “(4) improve the provision of comprehensive
20 education and related support services to homeless
21 children and youth and their families, and to mini-
22 mize educational disruption, through coordination of
23 activities, and collaboration with—

1 “(A) educators, including teachers, admin-
2 istrators, special education personnel, and child
3 development and preschool program personnel;

4 “(B) providers of services to homeless chil-
5 dren and youth and homeless families, public
6 and private child welfare and social services
7 agencies, law enforcement agencies, juvenile and
8 family courts, agencies providing mental health
9 services, domestic violence agencies, child care
10 providers, runaway and homeless youth centers,
11 and providers of services and programs funded
12 under the Runaway and Homeless Youth Act
13 (42 U.S.C. 5701 et seq.);

14 “(C) providers of emergency, transitional,
15 and permanent housing to homeless children
16 and youth, and their families, including public
17 housing agencies, shelter operators, operators of
18 transitional housing facilities, and providers of
19 transitional living programs for homeless youth;

20 “(D) local educational agency liaisons des-
21 ignated under subsection (g)(1)(J)(ii) for home-
22 less children and youth; and

23 “(E) community organizations and groups
24 representing homeless children and youth and
25 their families;

1 “(5) provide professional development and tech-
2 nical assistance to and conduct monitoring of local
3 educational agencies, in coordination with local edu-
4 cational agency liaisons designated under subsection
5 (g)(1)(J)(ii), to ensure that local educational agen-
6 cies comply with the requirements of paragraphs (3)
7 through (7) of subsection (g), and subsection (h);
8 and

9 “(6) make opportunities available for teachers
10 and local educational agency liaisons designated
11 under subsection (g)(1)(J)(ii) to participate in ongo-
12 ing and relevant professional development programs
13 and activities.

14 “(g) STATE PLAN.—

15 “(1) IN GENERAL.—Each State shall submit to
16 the Secretary and implement a plan to provide for
17 the education of all homeless children and youth
18 within the State. Such plan shall include the fol-
19 lowing:

20 “(A) A description of how such children
21 and youth are (or will be) given the oppor-
22 tunity—

23 “(i) to meet the same college and ca-
24 reer ready State student academic achieve-

1 ment standards as all students are ex-
2 pected to meet; and

3 “ (ii) to become college and career
4 ready.

5 “(B) A description of the procedures the
6 State educational agency will use, in coordina-
7 tion with local educational agencies, to identify
8 such children and youth in the State and to as-
9 sess their needs.

10 “(C) A description of procedures for the
11 prompt resolution of disputes arising under this
12 subtitle, which shall—

13 “(i) be developed in coordination and
14 collaboration with the liaisons designated
15 under subparagraph (J)(ii);

16 “(ii) be readily available and provided
17 in a written format and, to the extent
18 practicable, in a manner and form under-
19 standable to the parents and guardians of
20 homeless children and youth;

21 “(iii) take into account the edu-
22 cational best interest of the homeless child
23 or youth, or unaccompanied youth, in-
24 volved; and

1 “(iv) ensure that parents and guard-
2 ians of homeless children and youth, and
3 unaccompanied youth, who have exhausted
4 the procedures available under this para-
5 graph are able to appeal to the State edu-
6 cational agency, and are enrolled in school
7 pursuant to paragraph (4)(C) and receive
8 transportation pursuant to subparagraph
9 (J)(iii) pending final resolution of the dis-
10 pute.

11 “(D) A description of programs for school
12 personnel (including the liaisons, principals, at-
13 tendance officers, teachers, enrollment per-
14 sonnel, and specialized instructional support
15 personnel) to increase the awareness of such
16 personnel of the specific needs of homeless ado-
17 lescents, including runaway and homeless
18 youth.

19 “(E) A description of procedures that en-
20 sure that homeless children and youth are able
21 to participate in Federal, State, or local nutri-
22 tion programs.

23 “(F) A description of procedures that en-
24 sure that—

1 “(i) homeless children have access to
2 public preschool programs, administered by
3 the State educational agency or local edu-
4 cational agency, including through the poli-
5 cies and practices required under para-
6 graph (3);

7 “(ii) homeless youth, including youth
8 separated from public schools, are identi-
9 fied and accorded equal access to appro-
10 priate and available secondary education
11 and support services, including receiving
12 appropriate credit for full or partial
13 coursework satisfactorily completed while
14 attending a prior school, and for work
15 completed after their enrollment in a new
16 school, consistent with State graduation re-
17 quirements and accreditation standards;
18 and

19 “(iii) homeless children and youth
20 who meet the relevant eligibility criteria
21 are able to participate in Federal, State, or
22 local before- and after-school care, magnet
23 schools, summer schools, career and tech-
24 nical education, advanced placement, on-
25 line learning opportunities, charter school

1 programs, and relevant workforce invest-
2 ment programs.

3 “(G) Strategies to address problems identi-
4 fied in the reports provided to the Secretary
5 under subsection (f)(3).

6 “(H) Strategies to address other problems
7 with respect to the education of homeless chil-
8 dren and youth, including enrollment problems
9 related to—

10 “(i) immunization and other required
11 health records and screenings;

12 “(ii) residency requirements;

13 “(iii) lack of birth certificates, school
14 records, or other documentation;

15 “(iv) guardianship issues; or

16 “(v) uniform or dress code require-
17 ments.

18 “(I) A demonstration that the State edu-
19 cational agency, and local educational agencies
20 and schools in the State, have developed and
21 shall regularly review and revise their policies
22 and practices to remove barriers to the identi-
23 fication, enrollment, attendance, retention, and
24 success of homeless children and youth in
25 schools in the State.

1 “(J) Assurances that the following will be
2 carried out:

3 “(i) The State educational agency and
4 local educational agencies in the State will
5 adopt policies and practices to ensure that
6 homeless children and youth are not stig-
7 matized or segregated on the basis of their
8 status as homeless.

9 “(ii) Local educational agencies will
10 designate an appropriate staff person as
11 the local educational agency liaison for
12 homeless children and youth, who shall
13 have sufficient training and time to carry
14 out the duties described in paragraph
15 (7)(A), and who may also be a coordinator
16 for other Federal programs.

17 “(iii) The State and local educational
18 agencies in the State will adopt policies
19 and practices to ensure that transportation
20 is provided at the request of the parent or
21 guardian involved (or in the case of an un-
22 accompanied youth, the liaison), to and
23 from the school of origin, for as long as
24 the student has the right to attend the
25 school of origin as determined in para-

1 graph (4)(A), in accordance with the fol-
2 lowing, as applicable:

3 “(I) If the child or youth con-
4 tinues to live in the area served by the
5 local educational agency for the school
6 of origin, the child’s or youth’s trans-
7 portation to and from the school of
8 origin shall be provided or arranged
9 by the local educational agency for the
10 school of origin.

11 “(II) If the child’s or youth’s liv-
12 ing arrangements in the area served
13 by the local educational agency of ori-
14 gin terminate and the child or youth,
15 though continuing the child’s or
16 youth’s education in the school of ori-
17 gin, begins living in an area served by
18 another local educational agency, the
19 local educational agency of origin and
20 the local educational agency for the
21 area in which the child or youth is liv-
22 ing shall agree upon a method to ap-
23 portion the responsibility and cost for
24 providing transportation to and from
25 the school of origin. If the local edu-

1 cational agencies are unable to agree
2 upon such method, the responsibility
3 and costs for transportation shall be
4 shared equally between the agencies.

5 “(iv) SCHOOL SUCCESS.—The State
6 educational agency and local educational
7 agencies will adopt policies and practices to
8 promote school success for homeless chil-
9 dren and youth, including access to full
10 participation in academic and extra-
11 curricular activities that are made available
12 to non-homeless students.

13 “(2) COMPLIANCE.—

14 “(A) IN GENERAL.—Each plan adopted
15 under this subsection shall also describe how
16 the State will ensure that local educational
17 agencies in the State will comply with the re-
18 quirements of paragraphs (3) through (7).

19 “(B) COORDINATION.—Such plan shall in-
20 dicate what technical assistance the State will
21 furnish to local educational agencies and how
22 compliance efforts will be coordinated with the
23 local educational agency liaisons designated
24 under paragraph (1)(J)(ii).

1 “(3) SCHOOL READINESS FOR HOMELESS CHIL-
2 DREN.—Each State plan adopted under this sub-
3 section shall ensure that entities carrying out pre-
4 school programs funded, administered, or overseen
5 by the agency involved—

6 “(A) shall not be required to enroll a
7 homeless child immediately in an early learning
8 program that is operating at full capacity when
9 the child seeks to enroll;

10 “(B) identify and prioritize homeless chil-
11 dren for enrollment and increase their enroll-
12 ment and attendance in early learning pro-
13 grams, including through policies such as—

14 “(i) reserving spaces in preschool pro-
15 grams for homeless children;

16 “(ii) conducting targeted outreach to
17 homeless children and their families;

18 “(iii) waiving application deadlines;

19 “(iv) providing ongoing professional
20 development for staff regarding the needs
21 of homeless children and their families and
22 strategies to serve the children and fami-
23 lies; and

24 “(v) developing the capacity to serve
25 all identified homeless children; and

1 “(C) review the educational and related
2 needs of homeless children and their families in
3 such agency’s service area, in coordination with
4 the liaison designated under paragraph
5 (1)(J)(ii).

6 “(4) LOCAL EDUCATIONAL AGENCY REQUIRE-
7 MENTS.—

8 “(A) IN GENERAL.—The local educational
9 agency serving each child or youth to be as-
10 sisted under this subtitle shall, according to the
11 child’s or youth’s best interest—

12 “(i) continue the child’s or youth’s
13 education in the school of origin for the
14 duration of homelessness—

15 “(I) in any case in which the
16 child or youth becomes a homeless
17 child or youth between academic years
18 or during an academic year; and

19 “(II) for the remainder of the
20 academic year, if the child or youth
21 becomes permanently housed during
22 an academic year; or

23 “(ii) enroll the child or youth in any
24 public school that nonhomeless students
25 who live in the attendance area in which

1 the child or youth is actually living are eli-
2 gible to attend.

3 “(B) BEST INTEREST IN SCHOOL STA-
4 BILITY.—In determining the best interest of the
5 child or youth under subparagraph (A), the
6 local educational agency shall—

7 “(i) presume that keeping a homeless
8 child or youth in the school of origin is in
9 the child’s or youth’s best interest, except
10 when doing so is contrary to the wishes of
11 the child’s or youth’s parent or guardian;

12 “(ii) consider student-centered factors
13 related to the child’s or youth’s best inter-
14 est, including factors related to the impact
15 of mobility on achievement, education,
16 health, and safety of homeless children and
17 youth, giving priority to the wishes of the
18 homeless child’s or youth’s parent or
19 guardian or the unaccompanied youth in-
20 volved;

21 “(iii) if, after conducting the best in-
22 terest determination described in clause
23 (ii), the local educational agency deter-
24 mines that it is not in the child’s or
25 youth’s best interest to attend the school of

1 origin or the school requested by the par-
2 ent, guardian, or unaccompanied youth,
3 provide, in coordination with the local edu-
4 cation agency liaison, the homeless child's
5 or youth's parent or guardian or the unac-
6 companied youth, with a written expla-
7 nation in a manner or form understandable
8 to such parent, guardian, or youth, to the
9 extent practicable, including a statement
10 regarding the right to appeal under sub-
11 paragraph (E);

12 “(iv) in the case of an unaccompanied
13 youth, ensure that the local educational
14 agency liaison assists in placement or en-
15 rollment decisions under this subpara-
16 graph, gives priority to the views of such
17 unaccompanied youth, and provides notice
18 to such youth of the right to appeal under
19 subparagraph (E); and

20 “(v) provide transportation pursuant
21 to paragraphs (1)(J)(iii) and (4).

22 “(C) ENROLLMENT.—

23 “(i) ENROLLMENT.—The school se-
24 lected in accordance with this paragraph

1 shall immediately enroll the homeless child
2 or youth, even if the child or youth—

3 “(I) is unable to produce records
4 traditionally required for enrollment,
5 including previous academic records,
6 health records, proof of residency or
7 guardianship, or other documentation;

8 “(II) has unpaid fines or fees
9 from prior schools or is unable to pay
10 fees in the school selected; or

11 “(III) has missed application or
12 enrollment deadlines during any pe-
13 riod of homelessness.

14 “(ii) CONTACTING SCHOOL LAST AT-
15 TENDED.—The enrolling school shall im-
16 mediately contact the school last attended
17 by the child or youth to obtain relevant
18 academic and other records.

19 “(iii) RELEVANT HEALTH RECORDS.—
20 If the child or youth needs to obtain immu-
21 nizations or other required health records,
22 the enrolling school shall immediately refer
23 the parent or guardian of the child or
24 youth, or the unaccompanied youth, to the
25 local educational agency liaison designated

1 under paragraph (1)(J)(ii), who shall as-
2 sist in obtaining necessary immunizations
3 or screenings, or immunization or other re-
4 quired health records in accordance with
5 subparagraph (D).

6 “(iv) NO LIABILITY.—Whenever the
7 school selected enrolls an unaccompanied
8 youth in accordance with this paragraph,
9 no liability shall be imposed upon the
10 school by reason of enrolling the youth
11 without parent or guardian consent.

12 “(D) RECORDS.—Any record ordinarily
13 kept by the school, including immunizations or
14 medical records, academic records, birth certifi-
15 cates, guardianship records, and evaluations for
16 special services or programs, regarding each
17 homeless child or youth shall be maintained—

18 “(i) so that the records involved are
19 available when a homeless child or youth
20 enters a new school or school district, even
21 if the child or youth owes fees or fines or
22 did not withdraw from the previous school
23 in conformance with local withdrawal pro-
24 cedures; and

1 “(ii) in a manner consistent with sec-
2 tion 444 of the General Education Provi-
3 sions Act (20 U.S.C. 1232g).

4 “(E) DISPUTES.—If a dispute arises over
5 eligibility, enrollment, school selection, or serv-
6 ice in a public school or public preschool, or any
7 other issue relating to services under this sub-
8 title—

9 “(i) in the case of a dispute relating
10 to eligibility for enrollment or school selec-
11 tion, the child or youth shall be imme-
12 diately enrolled in the school in which en-
13 rollment is sought, pending final resolution
14 of the dispute including all available ap-
15 peals;

16 “(ii) the parent or guardian of the
17 child or youth shall be provided with a
18 written explanation of the school’s decision
19 regarding eligibility for enrollment, school
20 selection, or services, made by the school
21 or the local educational agency, which shall
22 include information about the right to ap-
23 peal the decision;

24 “(iii) the child, youth, parent, or
25 guardian shall be referred to the local edu-

1 cational agency liaison designated under
2 paragraph (1)(J)(ii), who shall carry out
3 the dispute resolution process as described
4 in paragraph (1)(C) as expeditiously as
5 possible after receiving notice of such dis-
6 pute; and

7 “(iv) in the case of an unaccompanied
8 youth, the liaison shall ensure that the
9 youth is immediately enrolled in school
10 pending resolution of such dispute.

11 “(F) PLACEMENT CHOICE.—The choice re-
12 garding placement shall be made regardless of
13 whether the child or youth involved lives with
14 the homeless parents or has been temporarily
15 placed elsewhere.

16 “(G) SCHOOL OF ORIGIN DEFINED.—In
17 this paragraph, the term ‘school of origin’
18 means the school that the child or youth at-
19 tended when permanently housed or the school
20 in which the child or youth was last enrolled.

21 “(H) CONTACT INFORMATION.—Nothing
22 in this subtitle shall prohibit a local educational
23 agency from requiring a parent or guardian of
24 a homeless child to submit contact information.

1 “(I) PRIVACY.—Information about a home-
2 less child’s or youth’s living situation shall be
3 treated as a student education record under
4 section 444 of the General Education Provi-
5 sions Act (20 U.S.C. 1232g) and shall not be
6 released to housing providers, employers, law
7 enforcement personnel, or other persons or
8 agencies not authorized to have such informa-
9 tion under section 99.31 of title 34, Code of
10 Federal Regulations, paying particular atten-
11 tion to preventing disruption of the living situa-
12 tion of the child or youth and to supporting the
13 safety of such children and youth who are sur-
14 vivors of domestic violence and unaccompanied
15 youth.

16 “(J) ACADEMIC ACHIEVEMENT.—The
17 school selected in accordance with this para-
18 graph shall ensure that homeless children and
19 youth have opportunities to meet the same col-
20 lege and career ready State student academic
21 achievement standards to which other students
22 are held, including implementing the policies
23 and practices required by paragraph (1)(J)(iv).

24 “(K) SCHOOL READINESS FOR HOMELESS
25 CHILDREN.—Each local educational agency

1 shall ensure school readiness for homeless chil-
2 dren as described in paragraph (3).

3 “(5) COMPARABLE SERVICES.—In addition to
4 receiving services provided for homeless children and
5 youth under this subtitle or other Federal, State, or
6 local laws, regulations, policies, or practices, each
7 homeless child or youth to be assisted under this
8 subtitle also shall be provided services comparable to
9 services offered to other students in the school se-
10 lected under paragraph (4), including the following:

11 “(A) Transportation services.

12 “(B) Educational services for which the
13 child or youth meets the eligibility criteria, in-
14 cluding services provided under title I of the El-
15 ementary and Secondary Education Act of 1965
16 (20 U.S.C. 6301 et seq.), similar State or local
17 programs, charter schools, magnet schools, edu-
18 cational programs for children with disabilities,
19 and educational programs for students with
20 limited English proficiency.

21 “(C) Programs in career and technical
22 education.

23 “(D) Programs for gifted and talented stu-
24 dents.

25 “(E) School nutrition programs.

1 “(F) Health and counseling services, as
2 appropriate.

3 “(6) COORDINATION.—

4 “(A) IN GENERAL.—Each local educational
5 agency shall coordinate—

6 “(i) the provision of services under
7 this subtitle with the services of local social
8 services agencies and other agencies or en-
9 tities providing services to homeless chil-
10 dren and youth and their families, includ-
11 ing services and programs funded under
12 the Runaway and Homeless Youth Act (42
13 U.S.C. 5701 et seq.); and

14 “(ii) transportation, transfer of school
15 records, and other interdistrict activities,
16 with other local educational agencies.

17 “(B) HOUSING ASSISTANCE.—Each State
18 educational agency and local educational agency
19 that receives assistance under this subtitle shall
20 coordinate, if applicable, with State and local
21 housing agencies responsible for developing a
22 comprehensive housing affordability strategy
23 described in section 105 of the Cranston-Gon-
24 zalez National Affordable Housing Act (42

1 U.S.C. 12705) to minimize education disruption
2 for children and youth who become homeless.

3 “(C) COORDINATION PURPOSE.—The co-
4 ordination required under subparagraphs (A)
5 and (B) shall be designed to—

6 “(i) ensure that all homeless children
7 and youth are identified within a reason-
8 able time frame;

9 “(ii) ensure that homeless children
10 and youth have access to and are in rea-
11 sonable proximity to available education
12 and related support services; and

13 “(iii) raise the awareness of school
14 personnel and service providers of the ef-
15 fects of short-term stays in a shelter and
16 other challenges associated with homeless-
17 ness.

18 “(D) HOMELESS CHILDREN AND YOUTHS
19 WITH DISABILITIES.—For children and youth
20 who are to be assisted both under this subtitle,
21 and under the Individuals with Disabilities
22 Education Act (20 U.S.C. 1400 et seq.) or sec-
23 tion 504 of the Rehabilitation Act of 1973 (29
24 U.S.C. 794), each local educational agency shall
25 coordinate the provision of services under this

1 subtitle with the provision of programs for chil-
2 dren with disabilities served by such local edu-
3 cational agency and other involved local edu-
4 cational agencies.

5 “(7) LOCAL EDUCATIONAL AGENCY LIAISON.—

6 “(A) DUTIES.—Each local educational
7 agency liaison for homeless children and youth,
8 designated under paragraph (1)(J)(ii), shall en-
9 sure that—

10 “(i) all homeless children and youth
11 are identified by school personnel and
12 through outreach and coordination activi-
13 ties with other entities and agencies;

14 “(ii) homeless children and youth are
15 enrolled in, and have a full and equal op-
16 portunity to succeed in, schools of that
17 local educational agency;

18 “(iii) homeless families, and homeless
19 children and youth, have access to edu-
20 cational services for which such families,
21 children, and youth are eligible, including
22 services through Head Start, Early Head
23 Start, early intervention, and Even Start
24 programs, and preschool programs de-
25 scribed in paragraph (3);

1 “(iv) homeless families, and homeless
2 children and youth receive referrals to
3 health care services, dental services, mental
4 health and substance abuse services, hous-
5 ing services, and other appropriate serv-
6 ices;

7 “(v) the parents or guardians of
8 homeless children and youth are informed
9 of the educational and related opportuni-
10 ties available to their children, including
11 early learning opportunities, and are pro-
12 vided with meaningful opportunities to par-
13 ticipate in the education of their children;

14 “(vi) public notice of the educational
15 rights of homeless children and youth is in-
16 corporated into documents related to resi-
17 dency requirements or enrollment, provided
18 upon school enrollment and withdrawal,
19 posted on the local educational agency’s
20 website, and disseminated in locations fre-
21 quented by parents or guardians of such
22 children and youth, and unaccompanied
23 youth, including schools, shelters, public li-
24 braries, and soup kitchens, in a manner
25 and form understandable to parents and

1 guardians of homeless children and youth
2 and unaccompanied youth;

3 “(vii) disputes are resolved in accord-
4 ance with paragraph (4)(E);

5 “(viii) the parent or guardian of a
6 homeless child or youth, and any unaccom-
7 panied youth, is fully informed of all trans-
8 portation services, including transportation
9 to the school of origin, as described in
10 paragraph (1)(J)(iii), and is assisted in ac-
11 cessing transportation to the school that is
12 selected under paragraph (4)(A);

13 “(ix) school personnel are adequately
14 prepared to implement this subtitle and re-
15 ceive professional development, resource
16 materials, technical assistance, and other
17 support; and

18 “(x) unaccompanied youth—

19 “(I) are enrolled in school;

20 “(II) have opportunities to meet
21 the same college and career ready
22 State student academic achievement
23 standards to which other students are
24 held, including through implementa-
25 tion of the policies and practices re-

1 quired by subparagraphs (F)(ii) and
2 (J)(iv) of paragraph (1); and

3 “(III) are informed of their sta-
4 tus as independent students under
5 section 480 of the Higher Education
6 Act of 1965 (20 U.S.C. 1087vv), in-
7 cluding through school counselors that
8 have received professional develop-
9 ment about unaccompanied youth,
10 and receive verification of such status
11 for purposes of the Free Application
12 for Federal Student Aid described in
13 section 483 of such Act (20 U.S.C.
14 1090).

15 “(B) NOTICE.—State Coordinators ap-
16 pointed under subsection (d)(3) and local edu-
17 cational agencies shall inform school personnel,
18 service providers, and advocates working with
19 homeless families and homeless children and
20 youth of the contact information and duties of
21 the local educational agency liaisons, including
22 publishing an annually updated list of the liai-
23 sons on the State educational agency’s website.

24 “(C) LOCAL AND STATE COORDINATION.—
25 The local educational agency liaisons shall, as a

1 part of their duties, coordinate and collaborate
2 with the State Coordinators and community
3 and school personnel responsible for the provi-
4 sion of education and related support services
5 to homeless children and youth. Such coordina-
6 tion shall include collecting and providing to the
7 State Coordinator the reliable, valid, and com-
8 prehensive data needed to meet the require-
9 ments of paragraphs (1) and (3) of subsection
10 (f).

11 “(D) PROFESSIONAL DEVELOPMENT.—The
12 local educational agency liaisons shall partici-
13 pate, as appropriate, in the professional devel-
14 opment and other technical assistance activities
15 provided by the State Coordinator pursuant to
16 subsection (f)(5).

17 “(h) SPECIAL RULE FOR EMERGENCY ASSIST-
18 ANCE.—

19 “(1) EMERGENCY ASSISTANCE.—

20 “(A) RESERVATION OF AMOUNTS.—Sub-
21 ject to paragraph (4) and notwithstanding any
22 other provision of this title, the Secretary shall
23 use funds appropriated under section 726 for
24 fiscal year 2012, for the purposes of providing
25 emergency assistance through grants.

1 “(B) GENERAL AUTHORITY.—The Sec-
2 retary may use the funds to make grants to
3 State educational agencies under paragraph (2),
4 to enable the agencies to make subgrants to
5 local educational agencies under paragraph (3),
6 to provide activities described in section 723(d)
7 for individuals referred to in subparagraph (C).

8 “(C) ELIGIBLE INDIVIDUALS.—Funds
9 made available under this subsection shall be
10 used to provide such activities for eligible indi-
11 viduals, consisting of homeless children and
12 youths, and their families, who—

13 “(i) have become homeless due to
14 home foreclosure, including children and
15 youths, and their families, who became
16 homeless when lenders foreclosed on prop-
17 erties rented by the families; or

18 “(ii) have become homeless due to a
19 major disaster, including natural disasters
20 such as hurricanes, tornadoes, and floods,
21 or man-made disasters such as acts of ter-
22 rorism.

23 “(2) GRANTS TO STATE EDUCATIONAL AGEN-
24 CIES.—

1 “(A) DISBURSEMENT.—The Secretary
2 shall make grants with funds provided under
3 paragraph (1)(A) to State educational agencies
4 based on need, consistent with the number of
5 eligible individuals described in paragraph
6 (1)(C) in the States involved, as determined by
7 the Secretary.

8 “(B) ASSURANCE.—To be eligible to re-
9 ceive a grant under this paragraph, a State
10 educational agency shall provide an assurance
11 to the Secretary that the State educational
12 agency, and each local educational agency re-
13 ceiving a subgrant from the State educational
14 agency under this subsection shall ensure that
15 the activities carried out under this subsection
16 are consistent with the activities described in
17 section 723(d).

18 “(3) SUBGRANTS TO LOCAL EDUCATIONAL
19 AGENCIES.—A State educational agency that re-
20 ceives a grant under paragraph (2) shall use the
21 funds made available through the grant to make
22 subgrants to local educational agencies. The State
23 educational agency shall make the subgrants to local
24 educational agencies based on need, consistent with
25 the number of eligible individuals described in para-

1 graph (1)(C) in the areas served by the local edu-
 2 cational agencies, as determined by the State edu-
 3 cational agency.

4 “(4) RESTRICTION.—The Secretary—

5 “(A) shall determine the amount (if any)
 6 by which the funds appropriated under section
 7 726 for fiscal year 2009 exceed \$70,000,000;
 8 and

9 “(B) may only use funds from that amount
 10 to carry out this subsection.

11 “(i) SCHOOL READINESS FOR HOMELESS CHIL-
 12 DREN.—Each State educational agency and local edu-
 13 cational agency receiving assistance under this subtitle
 14 shall ensure that programs serving public preschool chil-
 15 dren comply with the requirements of this subtitle.

16 **“SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**
 17 **THE EDUCATION OF HOMELESS CHILDREN**
 18 **AND YOUTH.**

19 “(a) GENERAL AUTHORITY.—

20 “(1) IN GENERAL.—The State educational
 21 agency shall, in accordance with section 722(e), and
 22 from amounts made available to such agency under
 23 section 726, make subgrants to local educational
 24 agencies for the purpose of facilitating the identifica-

1 tion, enrollment, attendance, and success in school
2 of homeless children and youth.

3 “(2) SERVICES.—

4 “(A) IN GENERAL.—Services under para-
5 graph (1)—

6 “(i) may be provided through pro-
7 grams on school grounds or at other facili-
8 ties; and

9 “(ii) shall, to the maximum extent
10 practicable, be provided through existing
11 programs and mechanisms that integrate
12 homeless children and youth with non-
13 homeless children and youth.

14 “(B) SERVICES ON SCHOOL GROUNDS.—If
15 services under paragraph (1) are provided to
16 homeless children and youth on school grounds,
17 the school involved may use funds under this
18 subtitle to provide the same services to other
19 children and youth who are determined by the
20 local educational agency serving the school to be
21 at risk of failing in, or dropping out of, school.

22 “(3) REQUIREMENT.—Services provided under
23 this section shall not replace the regular academic
24 program and shall be designed to expand upon or

1 improve services provided as part of the school's reg-
2 ular academic program.

3 “(4) DURATION OF GRANTS.—Subgrants
4 awarded under this section shall be for terms of not
5 to exceed 3 years.

6 “(b) APPLICATION.—A local educational agency that
7 desires to receive a subgrant under this section shall sub-
8 mit an application to the State educational agency at such
9 time, in such manner, and containing or accompanied by
10 such information as the State educational agency may rea-
11 sonably require. Such application shall include the fol-
12 lowing:

13 “(1) An assessment of the educational and re-
14 lated needs of homeless children and youth in the
15 area served by the local educational agency (which
16 may be undertaken as part of a needs assessment
17 for another disadvantaged group).

18 “(2) A description of the services and programs
19 for which assistance is sought to address the needs
20 identified in paragraph (1).

21 “(3) An assurance that the local educational
22 agency's combined fiscal effort per student, or the
23 aggregate expenditures of that agency and the State
24 with respect to the provision of free public education
25 by such agency for the fiscal year preceding the fis-

1 cal year for which the subgrant determination is
2 made, was not less than 90 percent of such com-
3 bined fiscal effort or aggregate expenditures for the
4 second fiscal year preceding the fiscal year for which
5 the determination is made.

6 “(4) An assurance that the applicant complies
7 with, or will use requested funds to comply with,
8 paragraphs (3) through (7) of section 722(g).

9 “(5) A description of policies and procedures
10 that the agency will implement to ensure that activi-
11 ties carried out by the agency will not isolate or stig-
12 matize homeless children and youth.

13 “(6) An assurance that the local educational
14 agency will collect and promptly provide data re-
15 quested by the State Coordinator pursuant to para-
16 graphs (1) and (3) of section 722(f).

17 “(7) An assurance that the local educational
18 agency has removed the policies and practices that
19 have created barriers to the identification, enroll-
20 ment, attendance, retention, and success in school of
21 all homeless children and youth.

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 722(a), make subgrants on a competi-
2 tive basis to local educational agencies that submit
3 applications under subsection (b). Such subgrants
4 shall be awarded on the basis of the need of such
5 agencies for assistance under this subtitle and the
6 quality of the applications submitted.

7 “(2) NEED.—

8 “(A) IN GENERAL.—In determining need
9 under paragraph (1), the State educational
10 agency may consider the number of homeless
11 children and youth enrolled in preschool, ele-
12 mentary schools, and secondary schools within
13 the area served by the local educational agency,
14 and shall consider the needs of such children
15 and youth and the ability of the local edu-
16 cational agency to meet such needs.

17 “(B) OTHER CONSIDERATIONS.—The
18 State educational agency may also consider the
19 following:

20 “(i) The extent to which the proposed
21 use of funds will facilitate the identifica-
22 tion, enrollment, attendance, retention, and
23 educational success of homeless children
24 and youth.

1 “(ii) The extent to which the applica-
2 tion reflects coordination with other local
3 and State agencies that serve homeless
4 children and youth.

5 “(iii) The extent to which the appli-
6 cant exhibits in the application and in cur-
7 rent practice (as of the date of submission
8 of the application) a commitment to edu-
9 cation for all homeless children and youth.

10 “(iv) Such other criteria as the State
11 agency determines to be appropriate.

12 “(3) QUALITY.—In determining the quality of
13 applications under paragraph (1), the State edu-
14 cational agency shall consider each of the following:

15 “(A) The applicant’s needs assessment
16 under subsection (b)(2) and the likelihood that
17 the program presented in the application will
18 meet such needs.

19 “(B) The types, intensity, and coordination
20 of the services to be provided under the pro-
21 gram.

22 “(C) The extent to which the applicant will
23 promote meaningful involvement of parents or
24 guardians of homeless children or youth in the
25 education of their children.

1 “(D) The extent to which homeless chil-
2 dren and youth will be integrated into the reg-
3 ular education program involved.

4 “(E) The quality of the applicant’s evalua-
5 tion plan for the program.

6 “(F) The extent to which services provided
7 under this subtitle will be coordinated with
8 other services available to homeless children
9 and youth and their families, including housing
10 and social services and services provided under
11 the Individuals with Disabilities Education Act
12 (20 U.S.C. 1400 et seq.), title I of the Elemen-
13 tary and Secondary Education Act of 1965 (20
14 U.S.C. 6301 et seq.), and similar State and
15 local programs.

16 “(G) The extent to which the local edu-
17 cational agency will use the subgrant to lever-
18 age resources, including by maximizing
19 nonsubgrant funding for the position of the liai-
20 son described in section 722(g)(1)(J)(ii) and
21 the provision of transportation.

22 “(H) The local educational agency’s use of
23 funds to serve homeless children and youth
24 under section 1113(c)(3) of the Elementary and

1 Secondary Education Act of 1965 (20 U.S.C.
2 6313(c)(3)).

3 “(I) The extent to which the applicant’s
4 program meets such other measures as the
5 State educational agency considers to be indic-
6 ative of a high-quality program, including the
7 extent to which the local educational agency will
8 provide services to unaccompanied youth and
9 preschool-aged children.

10 “(J) The extent to which the application
11 describes how the applicant will meet the re-
12 quirements of section 722(g)(4).

13 “(d) AUTHORIZED ACTIVITIES.—A local educational
14 agency may use funds awarded under this section for ac-
15 tivities that carry out the purpose of this subtitle, includ-
16 ing the following:

17 “(1) The provision of tutoring, supplemental in-
18 struction, and enriched educational services that are
19 linked to the achievement of the same college and
20 career ready State academic content standards and
21 college and career ready State student academic
22 achievement standards as the State establishes for
23 other children and youth.

24 “(2) The provision of expedited evaluations of
25 the strengths, needs, and eligibility of homeless chil-

1 dren and youth, including needs and eligibility for
2 programs and services (including educational pro-
3 grams for gifted and talented students, children with
4 disabilities, and students with limited English pro-
5 ficiency, charter school programs, magnet school
6 programs, and programs in career and technical
7 education, and school nutrition programs).

8 “(3) Professional development and other activi-
9 ties for educators and specialized instructional sup-
10 port personnel that are designed to heighten the un-
11 derstanding and sensitivity of such educators and
12 personnel to the needs of homeless children and
13 youth, the rights of such children and youth under
14 this subtitle, and the specific educational needs of
15 runaway and homeless youth.

16 “(4) The provision of referral services to home-
17 less children and youth for medical, dental, mental,
18 and other health services.

19 “(5) The provision of assistance to defray the
20 cost of transportation under paragraphs (1)(J)(iii)
21 and (5)(A) of section 722(g), not otherwise provided
22 through Federal, State, or local funding.

23 “(6) The provision of developmentally appro-
24 priate early childhood and care programs, not other-

1 wise provided through Federal, State, or local fund-
2 ing.

3 “(7) The provision of services and assistance to
4 attract, engage, and retain homeless children and
5 youth, particularly homeless children and youth who
6 are not enrolled in school, in public school programs
7 and services provided to nonhomeless children and
8 youth.

9 “(8) The provision for homeless children and
10 youth of before- and after-school, mentoring, and
11 summer programs in which a teacher or other quali-
12 fied individual provides tutoring, homework assist-
13 ance, and supervision of educational activities.

14 “(9) If necessary, the payment of fees and
15 other costs associated with tracking, obtaining, and
16 transferring records necessary to facilitate the ap-
17 propriate placement of homeless children and youth
18 in school, including birth certificates, immunization
19 or other required health records, academic records,
20 guardianship records, and evaluations for special
21 programs or services.

22 “(10) The provision of education and training
23 to the parents of homeless children and youth about
24 the rights of, and resources available to, such chil-
25 dren and youth, and other activities designed to in-

1 crease the meaningful involvement of families of
2 homeless children or youth in the education of their
3 children.

4 “(11) The development of coordination of ac-
5 tivities between schools and agencies providing serv-
6 ices to homeless children and youth, as described in
7 section 722(g)(6).

8 “(12) The provision of specialized instructional
9 support services (including counseling) and referrals
10 for such services.

11 “(13) Activities to address the particular needs
12 of homeless children and youth that may arise from
13 domestic violence and parental mental health or sub-
14 stance abuse problems.

15 “(14) The adaptation of space and purchase of
16 supplies for any nonschool facilities made available
17 under subsection (a)(2) to provide services under
18 this subsection.

19 “(15) The provision of school supplies, includ-
20 ing supplies to be distributed at shelters or tem-
21 porary housing facilities, or other appropriate loca-
22 tions.

23 “(16) The provision of assistance to defray the
24 cost of the position of liaison designated pursuant to

1 section 722(g)(1)(J)(ii), not otherwise provided
2 through Federal, State, or local funding.

3 “(17) The provision of other extraordinary or
4 emergency assistance needed to enable homeless chil-
5 dren and youth to enroll, attend, and succeed in
6 school, including in early learning programs.

7 **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

8 “(a) REVIEW OF STATE PLANS.—In reviewing the
9 State plan submitted by a State educational agency under
10 section 722(g), the Secretary shall use a peer review proc-
11 ess and shall evaluate whether State laws, policies, and
12 practices described in such plan adequately address the
13 problems of all homeless children and youth relating to
14 access to education and placement as described in such
15 plan.

16 “(b) TECHNICAL ASSISTANCE.—The Secretary—

17 “(1) shall provide support and technical assist-
18 ance to State educational agencies to assist such
19 agencies in carrying out their responsibilities under
20 this subtitle; and

21 “(2) may designate an individual who shall co-
22 ordinate services and activities for the education of
23 homeless children and youth.

24 “(c) NOTICE.—

1 “(1) IN GENERAL.—The Secretary shall, before
2 the next school year that begins after the date of en-
3 actment of the McKinney-Vento Homeless Education
4 Reauthorization Act of 2011, develop and dissemi-
5 nate a public notice of the educational rights of
6 homeless children and youth. The notice shall in-
7 clude information regarding the definition of home-
8 less children and youth in section 725.

9 “(2) DISSEMINATION.—The Secretary shall dis-
10 seminate the notice nationally. The Secretary also
11 shall disseminate such notice to heads of other De-
12 partment of Education offices, including those re-
13 sponsible for special education programs, higher
14 education, and programs under parts A, B, C, D, G,
15 and H of title I, title III, title IV, and part B of title
16 V of the Elementary and Secondary Education Act
17 of 1965 (20 U.S.C. 6311 et seq., 6361 et seq., 6391
18 et seq., 6421 et seq., 6531 et seq., 6551 et seq.,
19 6801 et seq., 7102 et seq., and 7221 et seq.). The
20 Secretary shall also disseminate such notice to heads
21 of other Federal agencies, and grant recipients and
22 other entities carrying out federally funded pro-
23 grams, including Head Start programs, grant recipi-
24 ents under the Health Care for the Homeless pro-
25 gram of the Health Resources and Services Adminis-

1 tration of the Department of Health and Human
2 Services, grant recipients under the Emergency
3 Food and Shelter National Board Program of the
4 Federal Emergency Management Agency, grant re-
5 cipients under the Runaway and Homeless Youth
6 Act (42 U.S.C. 5701 et seq.), grant recipients under
7 the John H. Chafee Foster Care Independence pro-
8 gram, grant recipients under homeless assistance
9 programs administered by the Department of Hous-
10 ing and Urban Development, and recipients of Fed-
11 eral funding for programs carried out by the Admin-
12 istration on Children, Youth and Families of the De-
13 partment of Health and Human Services.

14 “(d) EVALUATION AND DISSEMINATION.—The Sec-
15 retary shall conduct evaluation, dissemination, and tech-
16 nical assistance activities for programs that are designed
17 to meet the educational needs of homeless preschool, ele-
18 mentary school, and secondary school students, and may
19 use funds appropriated under section 726 to conduct such
20 activities.

21 “(e) SUBMISSION AND DISTRIBUTION.—The Sec-
22 retary shall require applications for grants under section
23 722 to be submitted to the Secretary not later than the
24 expiration of the 120-day period beginning on the date
25 that funds are available for purposes of making such

1 grants and shall make such grants not later than the expi-
2 ration of the 180-day period beginning on such date.

3 “(f) DETERMINATION BY SECRETARY.—The Sec-
4 retary, based on the information received from the States
5 and information gathered by the Secretary under sub-
6 section (h), shall determine the extent to which State edu-
7 cational agencies are ensuring that each homeless child or
8 youth has access to a free appropriate public education,
9 as described in section 721(1). The Secretary shall provide
10 support and technical assistance to State educational
11 agencies in areas in which barriers to a free appropriate
12 public education persist.

13 “(g) PUBLICATION.—The Secretary shall develop,
14 issue, and publish in the Federal Register, not later than
15 90 days after the date of enactment of the McKinney-
16 Vento Homeless Education Reauthorization Act of 2011,
17 a summary of the changes enacted by that Act and related
18 strategies, which summary shall include—

19 “(1) strategies by which a State can assist local
20 educational agencies to implement the provisions
21 amended by the Act;

22 “(2) strategies by which a State can review and
23 revise State policies and procedures that may
24 present barriers to the identification, enrollment, at-

1 tendance, and success of homeless children and
2 youth in school; and

3 “(3) strategies by which entities carrying out
4 preschool programs can implement requirements of
5 section 722(g)(3).

6 “(h) INFORMATION.—

7 “(1) IN GENERAL.—From funds appropriated
8 under section 726, the Secretary shall, directly or
9 through grants, contracts, or cooperative agree-
10 ments, periodically but not less frequently than every
11 2 years, collect and disseminate publicly data and in-
12 formation regarding—

13 “(A) the number of homeless children and
14 youth;

15 “(B) the education and related support
16 services such children and youth receive;

17 “(C) the extent to which the needs of
18 homeless children and youth are being met;

19 “(D) the academic progress being made by
20 homeless children and youth, including the per-
21 cent or number of homeless children and youth
22 participating in State assessments; and

23 “(E) such other data and information as
24 the Secretary determines to be necessary and
25 relevant to carry out this subtitle.

1 “(2) COORDINATION.—The Secretary shall co-
2 ordinate such collection and dissemination with
3 other agencies and entities that receive assistance
4 and administer programs under this subtitle.

5 “(i) REPORT.—Not later than 4 years after the date
6 of enactment of the McKinney-Vento Homeless Education
7 Reauthorization Act of 2011, the Secretary shall prepare
8 and submit to the President and the Committee on Edu-
9 cation and the Workforce of the House of Representatives
10 and the Committee on Health, Education, Labor, and
11 Pensions of the Senate a report on the status of the provi-
12 sion of education and related support services to homeless
13 children and youth, which shall include information on—

14 “(1) the education of homeless children and
15 youth; and

16 “(2) the actions of the Secretary and the effec-
17 tiveness of the programs supported under this sub-
18 title.

19 **“SEC. 725. DEFINITIONS.**

20 “‘In this subtitle:

21 “(1) ENROLL; ENROLLMENT.—The terms ‘en-
22 roll’ and ‘enrollment’ include attending classes and
23 participating fully in school activities.

24 “(2) HOMELESS CHILDREN AND YOUTH.—The
25 term ‘homeless children and youth’—

1 “(A) means individuals who lack a fixed,
2 regular, and adequate nighttime residence
3 (within the meaning of section 103(a)(1)); and

4 “(B) includes—

5 “(i) children and youth who—

6 “(I) are sharing the housing of
7 other persons due to loss of housing,
8 economic hardship, or a similar rea-
9 son;

10 “(II) are living in motels, hotels,
11 trailer parks, or camping grounds due
12 to the lack of alternative adequate ac-
13 commodation;

14 “(III) are living in emergency or
15 transitional shelters; and

16 “(IV) are abandoned in hospitals;

17 “(ii) children and youth who have a
18 primary nighttime residence that is a pub-
19 lic or private place not designed for or or-
20 dinarily used as a regular sleeping accom-
21 modation for human beings (within the
22 meaning of section 103(a)(2)(C));

23 “(iii) children and youth who are liv-
24 ing in cars, parks, public spaces, aban-

1 doned buildings, substandard housing, bus
2 or train stations, or similar settings; and

3 “(iv) migratory children (as such term
4 is defined in section 1312 of the Elemen-
5 tary and Secondary Education Act of
6 1965) who qualify as homeless for the pur-
7 poses of this subtitle because the children
8 are living in circumstances described in
9 clauses (i) through (iii).

10 “(3) LOCAL EDUCATIONAL AGENCY; STATE
11 EDUCATIONAL AGENCY.—The terms ‘local edu-
12 cational agency’ and ‘State educational agency’ have
13 the meanings given such terms in section 9101 of
14 the Elementary and Secondary Education Act of
15 1965 (20 U.S.C. 7801).

16 “(4) SECRETARY.—The term ‘Secretary’ means
17 the Secretary of Education.

18 “(5) STATE.—The term ‘State’ means each of
19 the 50 States, the District of Columbia, and the
20 Commonwealth of Puerto Rico.

21 “(6) UNACCOMPANIED YOUTH.—The term ‘un-
22 accompanied youth’ means a homeless child or youth
23 not in the physical custody of a parent or legal
24 guardian.

1 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

2 “For the purpose of carrying out this subtitle, there
3 are authorized to be appropriated such sums as may be
4 necessary for fiscal year 2012 and each of the 6 suc-
5 ceeding fiscal years.”.

6 **Subpart 2—Advanced Research Projects Agency-**
7 **Education**

8 **SEC. 11021. ADVANCED RESEARCH PROJECTS AGENCY-EDU-**
9 **CATION.**

10 The Department of Education Organization Act (20
11 U.S.C. 3401 et seq.) is amended by inserting after section
12 220 the following new section:

13 **“SEC. 221. ADVANCED RESEARCH PROJECTS AGENCY-EDU-**
14 **CATION.**

15 “(a) ESTABLISHMENT.—There shall be in the De-
16 partment an Advanced Research Projects Agency-Edu-
17 cation (referred to in this section as ‘ARPA-ED’).

18 “(b) PURPOSES.—ARPA-ED is established under
19 this section for the purposes of pursuing breakthrough re-
20 search and development in educational technology and
21 providing the effective use of the technology to improve
22 achievement for all students, by—

23 “(1) identifying and promoting revolutionary
24 advances in fundamental and applied sciences and
25 engineering that could be translated into new learn-
26 ing technologies;

1 “(2) developing novel learning technologies, and
2 the enabling processes and contexts for effective use
3 of those technologies;

4 “(3) developing, testing, and evaluating the im-
5 pact and efficacy of those technologies;

6 “(4) accelerating transformational technological
7 advances in areas in which the private sector, by
8 itself, is not likely to accelerate such advances be-
9 cause of difficulties in implementation or adoption,
10 or technical and market uncertainty;

11 “(5) coordinating activities with nongovern-
12 mental entities to demonstrate technologies and re-
13 search applications to facilitate technology transfer;
14 and

15 “(6) encouraging educational research using
16 new technologies and the data produced by the tech-
17 nologies.

18 “(c) **AUTHORITIES OF SECRETARY.**—The Secretary
19 is authorized to—

20 “(1) appoint a Director, who shall be respon-
21 sible for carrying out the purposes of ARPA-ED, as
22 described in subsection (b), and such additional
23 functions as the Secretary may prescribe;

1 “(2) establish processes for the development
2 and execution of projects and the solicitation of enti-
3 ties to carry out the projects in a manner that is—

4 “(A) tailored to the purposes of ARPA-ED
5 and not constrained by other Department-wide
6 administrative requirements that could detract
7 from achieving program results; and

8 “(B) designed to heighten transparency,
9 and public- and private-sector involvement, to
10 ensure that investments are made in the most
11 promising areas;

12 “(3) award grants, contracts, cooperative agree-
13 ments, and cash prizes, and enter into other trans-
14 actions (in accordance with such regulations as the
15 Secretary may establish regarding other trans-
16 actions);

17 “(4) make appointments of up to 20 scientific,
18 engineering, professional, and other mission-related
19 employees, for periods of up to 4 years (which ap-
20 pointments may not be renewed) without regard to
21 the provisions of title 5, United States Code, gov-
22 erning appointments in the competitive service;

23 “(5)(A) prescribe the rates of basic pay for the
24 personnel described in paragraph (4) at rates not in
25 excess of the maximum rate of basic pay authorized

1 for senior-level positions under section 5376 of title
2 5, United States Code, notwithstanding any provi-
3 sion of that title governing the rates of basic pay or
4 classification of employees in the executive branch,
5 but those personnel shall not receive any payment
6 for service (such as an award, premium payment, in-
7 centive payment or bonus, allowance, or other simi-
8 lar payment) under any other provision of that title;
9 and

10 “(B) pay any employee appointed pursuant to
11 paragraph (4) payments in addition to that basic
12 pay, except that the total amount of those payments
13 for any calendar year shall not exceed the lesser
14 of—

15 “(i) \$25,000; or

16 “(ii) the difference between the employee’s
17 annual rate of basic pay under paragraph (4)
18 and the annual rate for level I of the Executive
19 Schedule under section 5312 of title 5, United
20 States Code, based on the rates in effect at the
21 end of the applicable calendar year (or, if the
22 employee separated during that year, on the
23 date of separation);

24 “(6) obtain independent, periodic, rigorous eval-
25 uations, as appropriate, of—

1 “(A) the effectiveness of the processes
2 ARPA-ED is using to achieve its purposes; and

3 “(B) the effectiveness of individual projects
4 assisted by ARPA-ED, using evidence stand-
5 ards developed in consultation with the Insti-
6 tute of Education Sciences, and the suitability
7 of ongoing projects assisted by ARPA-ED for
8 further investment or increased scale; and

9 “(7) disseminate, through the comprehensive
10 centers established under section 203 of the Edu-
11 cational Technical Assistance Act of 2002 (20
12 U.S.C. 9602), the regional educational laboratories
13 system established under section 174 of the Edu-
14 cation Sciences Reform Act of 2002 (20 U.S.C.
15 9564), or such other means as the Secretary deter-
16 mines to be appropriate, information on effective
17 practices and technologies developed with ARPA-ED
18 support.

19 “(d) EVALUATION FUNDS.—The Secretary may use
20 funds made available for ARPA-ED to pay the cost of the
21 evaluations under subsection (c)(6).

22 “(e) FEDERAL ADVISORY COMMITTEE ACT.—Not-
23 withstanding any other provision of law, any advisory com-
24 mittee convened by the Secretary to provide advice with
25 respect to this section shall be exempt from the require-

1 ments of the Federal Advisory Committee Act (5 U.S.C.
 2 App.) and the definition of ‘employee’ in section 2105 of
 3 title 5, United States Code, shall not be considered to in-
 4 clude any appointee to such a committee.

5 “(f) NONDUPLICATION.—To the maximum extent
 6 practicable, the Secretary shall ensure that grants, con-
 7 tracts, cooperative agreements, cash prizes, or other as-
 8 sistance or arrangements awarded or entered into pursu-
 9 ant to this section that are designed to carry out the pur-
 10 poses of ARPA-ED do not duplicate activities under pro-
 11 grams carried out under Federal law other than this sec-
 12 tion by the Department or other Federal agencies.”.

13 **PART B—MISCELLANEOUS PROVISIONS**

14 **SEC. 11211. TECHNICAL AND CONFORMING AMENDMENTS.**

15 (a) HIGHER EDUCATION ACT OF 1965.—The Higher
 16 Education Act of 1965 (20 U.S.C. 1001 et seq.) is amend-
 17 ed as follows:

18 (1) Section 103(24)(B) (20 U.S.C.
 19 1003(24)(B)) is amended by striking “students who
 20 are limited English proficient” and inserting
 21 “English learners”.

22 (2) Section 200 (20 U.S.C. 1021) is amended—

23 (A) in paragraph (6)(B)(x) by striking
 24 “section 5210” and inserting “section 5411”;

25 (B) by striking paragraph (8);

1 (C) by redesignating paragraphs (9)
2 through (23) as paragraphs (8) through (22),
3 respectively;

4 (D) by striking paragraph (12), as redesign-
5 ated by subparagraph (C), and inserting the
6 following:

7 “(12) HIGHLY QUALIFIED TEACHER.—The
8 term ‘highly qualified teacher’ has the meaning
9 given such term in section 9101 of the Elementary
10 and Secondary Education Act of 1965.”;

11 (E) by striking paragraph (14), as redesign-
12 ated by subparagraph (C), and inserting the
13 following:

14 “(14) ENGLISH LEARNER.—The term ‘English
15 learner’ has the meaning given the term in section
16 9101 of the Elementary and Secondary Education
17 Act of 1965.”;

18 (F) in paragraph (16)(B)(ii), as redesign-
19 ated by subparagraph (C), by striking “to be-
20 come highly qualified” and inserting “to become
21 a highly qualified teacher”;

22 (G) in paragraph (21)(D)(i), as redesign-
23 ated by subparagraph (C), by striking “be-
24 comes highly qualified” and inserting “becomes
25 a highly qualified teacher”; and

1 (H) in paragraph (22)(D)(iii), as redesignated by subparagraph (C), by striking “students who are limited English proficient” and
2
3 inserting “English learners”.

4
5 (3) Section 202 (20 U.S.C. 1022a) is amended—
6

7 (A) in subsection (b)(6)—

8 (i) in subparagraph (E)(ii), by striking
9 “student academic achievement standards and academic content standards
10 under section 1111(b)(1)” and inserting
11 “college and career ready State academic
12 content standards and student academic
13 achievement standards under section
14 1111(a)(1)”; and
15

16 (ii) in subparagraph (G), by striking
17 “students who are limited English pro-
18 ficient” and inserting “English learners”;
19 and

20 (B) in subsection (d)—

21 (i) in paragraph (1)—

22 (I) in subparagraph (A)(i)(I)—

23 (aa) by inserting “teachers”
24 after “highly qualified”; and

1 (bb) by striking “students
2 who are limited English pro-
3 ficient” and inserting “English
4 learners”; and

5 (II) in subparagraph (B)—

6 (aa) in clause (ii)(IV)(aa),
7 by striking “students who are
8 limited English proficient” and
9 inserting “English learners”; and

10 (bb) in clause (iii), by insert-
11 ing “teachers” after “highly
12 qualified”; and

13 (ii) in paragraph (5)(B), by striking
14 “limited English proficient students” and
15 inserting “English learners”.

16 (4) Section 204(a)(4)(D) (20 U.S.C.
17 1022c(a)(4)(D)) is amended by striking “limited
18 English proficient students” and inserting “English
19 learners”.

20 (5) Section 205 (20 U.S.C. 1022d) is amend-
21 ed—

22 (A) in subsection (a)(1)(G), by striking
23 “students who are limited English proficient”
24 and inserting “English learners”; and

25 (B) in subsection (b)(1)—

1 (i) in subparagraph (C), by striking
2 “State’s challenging academic content
3 standards required under section
4 1111(b)(1)” and inserting “college and ca-
5 reer ready State academic content stand-
6 ards required under section 1111(a)(1)”;
7 and

8 (ii) in subparagraph (L), by striking
9 “students who are limited English pro-
10 ficient” and inserting “English learners”.

11 (6) Section 206 (20 U.S.C. 1022e) is amend-
12 ed—

13 (A) in subsection (a), by striking “limited
14 English proficient students” and inserting
15 “English learners”; and

16 (B) in subsection (b)(4), by striking “lim-
17 ited English proficient students” and inserting
18 “English learners”.

19 (7) Section 208(b) (20 U.S.C. 1022g(b)) is
20 amended—

21 (A) by inserting “teachers” after “are
22 highly qualified”; and

23 (B) by striking “is highly qualified” and
24 inserting “is a highly qualified teacher”.

1 (8) Section 242(b) (20 U.S.C. 1033a(b)) is
2 amended—

3 (A) in the matter preceding paragraph (1),
4 by inserting “teachers” after “highly qualified”;
5 and

6 (B) in paragraph (1), by inserting “teach-
7 ers” after “highly qualified”.

8 (9) Section 251(b)(1)(A)(iii) (20 U.S.C.
9 1034(b)(1)(A)(iii)) is amended by inserting “teach-
10 ers” after “highly qualified”.

11 (10) Section 255(k) (20 U.S.C. 1035(k)) is
12 amended—

13 (A) in paragraph (1), by striking “section
14 9101(23)(B)(ii)” and inserting “section
15 9101(32)(A)(ii)(II)”; and

16 (B) in paragraph (3), by striking “section
17 9101(23)” and inserting “section 9101(32)”.

18 (11) Section 258(d) (20 U.S.C. 1036(d)) is
19 amended—

20 (A) in paragraph (1)—

21 (i) by striking “limited English pro-
22 ficient students” and inserting “English
23 learners”; and

24 (ii) by inserting “teachers who will
25 be” after “highly qualified”; and

1 (B) in paragraph (2)(C), by striking “lim-
2 ited English proficient students” and inserting
3 “English learners”.

4 (12) Section 402B(c)(7) (20 U.S.C. 1070a-
5 12(c)(7)) is amended by striking “students who are
6 limited English proficient” and inserting “English
7 learners”.

8 (13) Section 402C(d)(7) (20 U.S.C. 1070a-
9 13(d)(7)) is amended by striking “students who are
10 limited English proficient” and inserting “English
11 learners”.

12 (14) Section 402D (20 U.S.C. 1070a-14) is
13 amended—

14 (A) in subsection (a)(3), by striking “stu-
15 dents who are limited English proficient” and
16 inserting “English learners”; and

17 (B) in subsection (c)(6), by striking “stu-
18 dents who are limited English proficient” and
19 inserting “English learners”.

20 (15) Section 402F(b)(11) (20 U.S.C. 1070a-
21 16(b)(11)) is amended by striking “students who are
22 limited English proficient” and inserting “English
23 learners”.

24 (16) Section 404D (20 U.S.C. 1070a-24) is
25 amended—

1 (A) in subsection (b)(10)(K), by striking
2 “students who are limited English proficient”
3 and inserting “English learners”; and

4 (B) in subsection (c)(6)(B)(ii), by striking
5 “students who are limited English proficient”
6 and inserting “English learners”.

7 (17) Section 428J(b)(1)(B) (20 U.S.C. 1078–
8 10(b)(1)(B)) is amended by striking “is highly quali-
9 fied” and inserting “is a highly qualified teacher”.

10 (18) Section 428K(b)(5) (20 U.S.C. 1078–
11 11(b)(5)) is amended—

12 (A) in the heading, by striking “STUDENTS
13 WHO ARE LIMITED ENGLISH PROFICIENT” and
14 inserting “ENGLISH LEARNERS”;

15 (B) in subparagraph (A), by striking “is
16 highly qualified” and inserting “is a highly
17 qualified teacher”; and

18 (C) in subparagraph (B)(i), by striking
19 “students who are limited English proficient”
20 and inserting “English learners”.

21 (19) Section 460(b)(1)(B) (20 U.S.C.
22 1087j(b)(1)(B)) is amended by striking “is highly
23 qualified” and inserting “is a highly qualified teach-
24 er”.

1 (20) Section 741(a)(10) (20 U.S.C.
2 1138(a)(10)) is amended by striking “limited
3 English proficient students” and inserting “English
4 learners” each place the term appears.

5 (21) Section 806(a)(2) (20 U.S.C. 1161f(a)(2))
6 is amended to read as follows:

7 “(2) HIGHLY QUALIFIED TEACHER.—The term
8 ‘highly qualified teacher’ has the meaning given the
9 term in section 9101 of the Elementary and Sec-
10 ondary Education Act of 1965.”.

11 (b) INDIVIDUALS WITH DISABILITIES EDUCATION
12 ACT.—The Individuals with Disabilities Education Act
13 (20 U.S.C. 1400 et seq.) is amended as follows:

14 (1) Section 602 (20 U.S.C. 1401) is amended—

15 (A) in paragraph (10)—

16 (i) in subparagraph (A)—

17 (I) in the matter preceding clause
18 (i), by striking “has the meaning
19 given the term in section 9101” and
20 inserting “means that the teacher is a
21 highly qualified teacher in accordance
22 with subparagraphs (A) and (B) of
23 section 9101(32)”; and

24 (II) in clause (ii), by striking
25 “requirements of section 9101” and

- 1 inserting “requirements for a highly
2 qualified teacher as defined in section
3 9101(32)(A)”;
- 4 (ii) in subparagraph (C)—
- 5 (I) in the matter preceding clause
6 (i), by striking “section 1111(b)(1)”
7 and inserting “section 1111(a)(1)”;
- 8 (II) clause (i), by striking “re-
9 quirements of section 9101” and in-
10 sserting “requirements for a highly
11 qualified teacher, as defined in section
12 9101”; and
- 13 (III) in clause (ii), by striking
14 “subparagraph (B) or (C) of section
15 9101(23)” and inserting “clause (ii)
16 or (iii) of section 9101(32)(A)”;
- 17 (iii) in subparagraph (D)—
- 18 (I) in clause (i), by striking “ap-
19 plicable requirements of section 9101”
20 and inserting “applicable require-
21 ments to be a highly qualified teacher
22 as defined in section 9101”; and
- 23 (II) in each of clauses (ii) and
24 (iii), by striking “section

1 9101(23)(C)(ii)” and inserting “sec-
2 tion 9101(32)(A)(iii)(II)”;

3 (iv) in subparagraph (F), by striking
4 “highly qualified for purposes of” and in-
5 serting “to be a highly qualified teacher
6 for purposes of”; and

7 (B) in paragraph (18), by striking “has
8 the meaning given the term in section 9101 of
9 the Elementary and Secondary Education Act
10 of 1965” and inserting “when used in reference
11 to an individual, means an individual who meets
12 the requirements described in subparagraphs
13 (C) and (D) of section 9101(23) of the Elemen-
14 tary and Secondary Education Act of 1965”.

15 (2) Section 611(e)(2)(C) (20 U.S.C.
16 1411(e)(2)(C)) is amended—

17 (A) in clause (x), by striking “sections
18 1111(b) and 6111” and inserting “sections
19 1111 and 1131”; and

20 (B) in clause (xi)—

21 (i) by striking “, including supple-
22 mental educational services as defined in
23 1116(e) of the Elementary and Secondary
24 Education Act of 1965”; and

1 (ii) by striking “section
2 1111(b)(2)(G)” and inserting “section
3 1111(a)(3)(A)(ii) of”.

4 (3) Section 612(a) (20 U.S.C. 1412(a))—

5 (A) in paragraph (15)—

6 (i) by striking clause (ii) of subpara-
7 graph (A);

8 (ii) by redesignating clauses (iii) and
9 (iv) of subparagraph (A) as clauses (ii)
10 and (iii), respectively;

11 (iii) in subparagraph (B), by striking
12 “, including measurable annual objectives
13 for progress by children with disabilities
14 under section 1111(b)(2)(C)(v)(II)(cc) of
15 the Elementary and Secondary Education
16 Act of 1965”; and

17 (iv) in subparagraph (C), by striking
18 “section 1111(h)” and inserting “section
19 1111(e)”;

20 (B) in paragraph (16)(C)(ii)(II), by strik-
21 ing “section 1111(b)(1)” and inserting “section
22 1111(a)”;

23 (4) Section 654(a)(1)(B) (20 U.S.C.
24 1454(a)(1)(B)) is amended by striking “challenging
25 State student academic achievement and functional

1 standards and with the requirements for professional
2 development, as defined in section 9101” and insert-
3 ing “college and career ready State academic
4 achievement and functional standards and with the
5 requirements for professional development, as de-
6 fined in section 9101”.

7 (5) Section 663(b)(2) (20 U.S.C. 1463(b)(2)) is
8 amended by striking “for assessing adequate yearly
9 progress, as described under section 1111(b)(2)(B)”
10 and inserting “as described under section
11 1111(a)(2)”.

12 (c) CARL D. PERKINS CAREER AND TECHNICAL
13 EDUCATION ACT OF 2006.—The Carl D. Perkins Career
14 and Technical Education Act of 2006 (20 U.S.C. 2301
15 et seq.) is amended as follows:

16 (1) Section 3(8) (20 U.S.C. 2302(8)) is amend-
17 ed by striking “section 5210” and inserting “section
18 5411”.

19 (2) Section 8(e) (20 U.S.C. 2306a(e)) is
20 amended by striking “section 1111(b)(1)(D)” and
21 inserting section “1111(a)(1)”.

22 (3) Section 113 (20 U.S.C. 2323) is amended—

23 (A) in subsection (b)—

24 (i) in paragraph (2)(A)—

1 (I) in clause (i), by striking
2 “challenging academic content stand-
3 ards and student academic achieve-
4 ment standards, as adopted by a
5 State in accordance with section
6 1111(b)(1) of the Elementary and
7 Secondary Education Act of 1965 and
8 measured by the State determined
9 proficient levels on the academic as-
10 sssments described in section
11 1111(b)(3) of such Act” and inserting
12 “college and career ready State aca-
13 demic content and student academic
14 achievement standards, as adopted by
15 a State in accordance with section
16 1111(a)(1) of the Elementary and
17 Secondary Education Act of 1965 and
18 measured by the State-determined
19 proficient levels on the academic as-
20 sssments described in section
21 1111(a)(2) of such Act”; and

22 (II) in clause (iv), by striking
23 “Student graduation rates (as de-
24 scribed in section 1111(b)(2)(C)(vi) of
25 the Elementary and Secondary Edu-

1 cation Act of 1965)” and inserting
2 “Student graduation rates (as de-
3 scribed under section 9101 of the Ele-
4 mentary and Secondary Education
5 Act of 1965)”;

6 (ii) in paragraph (4)(C)(ii)(I), by
7 striking “categories of students described
8 in section 1111(h)(1)(C)(i)” and inserting
9 “categories of students described in section
10 1111(a)(2)(B)(ix)”;

11 (B) in subsection (c)(2)(A), by striking
12 “categories of students described in section
13 1111(h)(1)(C)(i)” and inserting “categories of
14 students described in section
15 1111(a)(2)(B)(ix)”.

16 (4) Section 114(d)(4)(A)(iii)(I)(aa) (20 U.S.C.
17 2324(d)(4)(A)(iii)(I)(aa)) is amended by striking
18 “academic content standards and student academic
19 achievement standards, as adopted by States under
20 section 1111(b)(1)” and inserting “college and ca-
21 reer ready State academic content and student aca-
22 demic achievement standards, as adopted by a State
23 in accordance with section 1111(a)(1)”.

24 (5) Section 122(c)(1)(I)(i) (20 U.S.C.
25 2342(c)(1)(I)(i)) is amended by striking “rigorous

1 and challenging academic content standards and stu-
2 dent academic achievement standards adopted by the
3 State under section 1111(b)(1)” and inserting “col-
4 lege and career ready State academic content and
5 student academic achievement standards, as adopted
6 by a State in accordance with section 1111(a)(1)”.

7 (d) NATIONAL AND COMMUNITY SERVICE ACT OF
8 1990.—The National and Community Service Act of 1990
9 (42 U.S.C. 12501 et seq.) is amended as follows:

10 (1) Section 112(a)(1)(F) (42 U.S.C.
11 12523(a)(1)(F)) is amended by striking “attention
12 to schools not making adequate yearly progress for
13 two or more consecutive years under section 1111 of
14 the Elementary and Secondary Education Act of
15 1965 (20 U.S.C. 6301 et seq.)” and inserting “at-
16 tention to schools that are identified as achievement
17 gap schools or persistently low-achieving schools
18 under subsection (b) or (c) of section 1116 of the
19 Elementary and Secondary Education Act of 1965
20 (20 U.S.C. 6316)”.

21 (2) Section 119(a)(2)(A)(ii)(II) (42 U.S.C.
22 12563(a)(2)(A)(ii)(II)) is amended by striking “the
23 graduation rate (as defined in section
24 1111(b)(2)(C)(vi)” and inserting “the graduation
25 rate (as defined under section 9101(30))”.

1 (3) Section 120(a)(2)(C) (42 U.S.C.
2 12565(a)(2)(C)) is amended by striking “improved
3 graduation rates, as defined in section
4 1111(b)(2)(C)(vi)” and inserting “improved gradua-
5 tion rates, as defined under section 9101”.

6 (4) Section 122 (42 U.S.C. 12572) is amend-
7 ed—

8 (A) in subsection (a)(1)(C)(iii), by striking
9 “secondary school graduation rates as defined
10 in section 1111(b)(2)(C)(vi)” and inserting
11 “secondary school graduation rates as defined
12 under section 9101”; and

13 (B) in subsection (i)(1), by inserting “col-
14 lege and career ready” after “State”.

15 (e) TITLE VI OF THE AMERICA COMPETES ACT.—
16 The America COMPETES Act (Public Law 110–69) is
17 amended as follows:

18 (1) Section 6112 (20 U.S.C. 9812) is amend-
19 ed—

20 (A) in paragraph (3)(B)(i), by inserting
21 “teachers” after “highly qualified”; and

22 (B) by striking paragraph (4) and insert-
23 ing the following:

24 “(4) HIGHLY QUALIFIED TEACHER.—The term
25 ‘highly qualified teacher’ has the meaning given such

1 term in section 9101 of the Elementary and Sec-
2 ondary Education Act of 1965 (20 U.S.C. 7801).”.

3 (2) Section 6113(d)(2)(G)(i) (20 U.S.C.
4 9813(d)(2)(G)(i)) is amended—

5 (A) by inserting “teachers of” after “high-
6 ly qualified”; and

7 (B) by striking “teachers” after “foreign
8 language”.

9 (3) Section 6114(b)(3) (20 U.S.C. 9814(b)(3))
10 is amended—

11 (A) by inserting “teachers of” after “high-
12 ly qualified”; and

13 (B) by striking “teachers” after “foreign
14 language”.

15 (4) Section 6122 (20 U.S.C. 9832) is amend-
16 ed—

17 (A) in paragraph (3), by striking “has the
18 meaning given the term ‘low-income individual’
19 in section 1707(3) of the Elementary and Sec-
20 ondary Education Act of 1965 (20 U.S.C.
21 6537(3))” and inserting “means a student who
22 is from a low-income family, as defined in sec-
23 tion 9101(34)(B) of the Elementary and Sec-
24 ondary Education Act of 1965 (20 U.S.C.
25 7801(34)(B))”;

1 (B) in paragraph (4), by striking “has the
2 meaning” and all that follows through the pe-
3 riod and inserting “, used with respect to a
4 school, means a school that serves a student
5 population 40 percent or more of whom are
6 low-income students.”; and

7 (C) in paragraph (5), by striking “means
8 a local educational agency or educational service
9 agency described in 6112(3)(A)” and inserting
10 “means a high-need local educational agency, as
11 defined under section 9101 of the Elementary
12 and Secondary Education Act of 1965 (20
13 U.S.C. 7801)”.

14 (5) Section 6123(j)(2)(B) (20 U.S.C.
15 9833(j)(2)(B)) is amended by striking
16 “disaggregated under section 1111(h)(1)(C)(i)” and
17 inserting “disaggregated under section
18 1111(a)(2)(B)(ix)”.

19 (6) Section 6201(e)(2)(D)(ii)(I) (20 U.S.C.
20 9871(e)(2)(D)(ii)(I)) is amended by striking “as-
21 sssments under section 1111(b)” and inserting “as-
22 sssments under section 1111(a)”.

23 (f) THE EDUCATION OF THE DEAF ACT OF 1986.—
24 Section 104(b)(5) of the Education of the Deaf Act of
25 1986 (20 U.S.C. 4304(b)(5)) is amended—

1 (1) in subparagraph (A)—

2 (A) in clause (i), by striking “challenging
3 academic content standards, challenging stu-
4 dent academic achievement standards, and aca-
5 demic assessments of a State, adopted and im-
6 plemented, as appropriate, pursuant to para-
7 graphs (1) and (3) of section 1111(b)” and in-
8 serting “college and career ready State aca-
9 demic content and student academic achieve-
10 ment standards and assessments of a State,
11 adopted and implemented, as appropriate, pur-
12 suant to section 1111(a)”;

13 (B) in clause (ii), by adding “and” after
14 the semicolon;

15 (2) by striking subparagraph (B);

16 (3) by redesignating subparagraph (C) as sub-
17 paragraph (B); and

18 (4) in subparagraph (B), as redesignated by
19 paragraph (3), by striking “, and whether the pro-
20 grams at the Clerc Center are making adequate
21 yearly progress, as determined under subparagraph
22 (B)”.

23 (g) THE EDUCATION SCIENCES REFORM ACT OF
24 2002.—The Education Sciences Reform Act of 2002 (20
25 U.S.C. 9501 et seq.) is amended as follows:

1 (1) Section 153(a)(1)(F)(ii) (20 U.S.C.
2 9543(a)(1)(F)(ii)) is amended by striking “the per-
3 centage of teachers who are highly qualified” and in-
4 serting “the percentage of teachers who are highly
5 qualified teachers”.

6 (2) Section 177(a)(5) (20 U.S.C. 9567b(a)(5))
7 is amended by striking “section 1111(b)” and in-
8 serting “section 1111(a)”.

9 (h) THE EDUCATIONAL TECHNICAL ASSISTANCE
10 ACT OF 2002.—Section 203 of the Educational Technical
11 Assistance Act of 2002 (20 U.S.C. 9602) is amended—

12 (1) in subsection (a)(2)(B), by striking “schools
13 identified for school improvement (as described in
14 section 1116(b) of the Elementary and Secondary
15 Education Act of 1965 (20 U.S.C. 6316(b))” and
16 inserting “schools identified as persistently low-
17 achieving schools (as described in section 1116(c)(2)
18 of the Elementary and Secondary Education Act of
19 1965 (20 U.S.C. 6316(c)(2)))”;

20 (2) in subsection (e), by striking paragraph (3)
21 and inserting the following:

22 “(3) schools in the region identified by the
23 State’s accountability system under section 1116 of
24 the Elementary and Secondary Education Act of
25 1965 (20 U.S.C. 6316).”; and

1 (3) in subsection (f)(1)(B), by striking
2 “1116(b) of the Elementary and Secondary Edu-
3 cation Act of 1965 (20 U.S.C. 6316(b))” and insert-
4 ing “1116 of the Elementary and Secondary Edu-
5 cation Act of 1965 (20 U.S.C. 6316)”.

6 (i) NATIONAL SCIENCE FOUNDATION AUTHORIZA-
7 TION ACT OF 2002.—Section 9 of the National Science
8 Foundation Authorization Act of 2002 (42 U.S.C. 1862n)
9 is amended—

10 (1) in subsection (a)(10)(A)(iii)(I), by striking
11 “are considered highly qualified” and inserting “are
12 considered highly qualified teachers”; and

13 (2) in subsection (b)(3)(A), by striking “or a
14 high-need local educational agency in which at least
15 one school does not make adequate yearly progress,
16 as determined pursuant to part A of title I of the
17 Elementary and Secondary Education Act of 1965
18 (20 U.S.C. 6311 et seq.)”.

19 (j) RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH
20 ACT.—Section 9 of the Richard B. Russell National
21 School Lunch Act (42 U.S.C. 1758) is amended—

22 (1) in subsection (b)—

23 (A) in paragraph (5)(D), by striking “sec-
24 tion 1309” and inserting “section 1312”; and

1 (B) in paragraph (12)(A)(vi), by striking
2 “section 1309” and inserting “section 1312”;
3 and
4 (2) in subsection (d)(2)(E), by striking “section
5 1309” and inserting “section 1312”.

6 (k) AMERICA COMPETES REAUTHORIZATION ACT
7 OF 2010.—Section 553(d)(6) of the America COMPETES
8 Reauthorization Act of 2010 (20 U.S.C. 9903(d)(6)) is
9 amended by striking “the requirements under section
10 9101(23) of the Elementary and Secondary Education Act
11 of 1965 (20 U.S.C. 7801(23)) for highly qualified teach-
12 ers” and inserting “the requirements for a highly qualified
13 teacher as defined in section 9101(32)”.

14 (l) VIOLENCE AGAINST WOMEN ACT OF 1994.—Sec-
15 tion 41403(6)(B)(iii) of the Violence Against Women Act
16 of 1994 (42 U.S.C. 14043e-2(6)(B)(iii)) is amended by
17 striking “section 1309” and inserting “section 1312”.

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112TH CONGRESS
2ND SESSION

S. 3578

[Report No. 112-221]

A BILL

To amend the Elementary and Secondary
Education Act of 1965.

SEPTEMBER 20, 2012

Read twice and placed on the calendar