

113TH CONGRESS
1ST SESSION

H. R. 5

IN THE SENATE OF THE UNITED STATES

JULY 24, 2013

Received; read twice and referred to the Committee on Health, Education,
Labor, and Pensions

AN ACT

To support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Student Success Act”.

3 **SEC. 2. TABLE OF CONTENTS.**

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

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TITLE VIII—MISCELLANEOUS PROVISIONS

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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 Unless otherwise provided in this Act, any person or
10 agency that was awarded a grant under the Elementary
11 and Secondary Education Act of 1965 (20 U.S.C. 6301
12 et seq.) prior to the date of the enactment of this Act shall
13 continue to receive funds in accordance with the terms of
14 such award, except that funds for such award may not
15 continue more than one year after the date of the enact-
16 ment of this Act.

17 **SEC. 5. EFFECTIVE DATES.**

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

21 (b) NONCOMPETITIVE PROGRAMS.—With respect to
22 noncompetitive programs under which any funds are allot-
23 ted by the Secretary of Education to recipients on the
24 basis of a formula, this Act, and the amendments made
25 by this Act, shall take effect on October 1, 2013.

1 (c) COMPETITIVE PROGRAMS.—With respect to pro-
2 grams that are conducted by the Secretary on a competi-
3 tive basis, this Act, and the amendments made by this Act,
4 shall take effect with respect to appropriations for use
5 under those programs for fiscal year 2014.

6 (d) IMPACT AID.—With respect to title IV of the Act
7 (20 U.S.C. 7701 et seq.) (Impact Aid), this Act, and the
8 amendments made by this Act, shall take effect with re-
9 spect to appropriations for use under that title for fiscal
10 year 2014.

11 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

14 **“SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS.**

15 “(a) TITLE I.—

16 “(1) PART A.—There are authorized to be ap-
17 propriated to carry out part A of title I
18 \$16,651,767,000 (reduced by \$195,399,345) for
19 each of fiscal years 2014 through 2019.

20 “(2) PART B.—There are authorized to be ap-
21 propriated to carry out part B of title I \$3,028,000
22 for each of fiscal years 2014 through 2019.

23 “(b) TITLE II.—There are authorized to be appro-
24 priated to carry out title II \$2,441,549,000 for each of
25 fiscal years 2014 through 2019.

1 “(c) TITLE III.—

2 “(1) PART A.—

3 “(A) SUBPART 1.—There are authorized to
4 be appropriated to carry out subpart 1 of part
5 A of title III \$300,000,000 for each of fiscal
6 years 2014 through 2019.

7 “(B) SUBPART 2.—There are authorized to
8 be appropriated to carry out subpart 2 of part
9 A of title III \$91,647,000 for each of fiscal
10 years 2014 through 2019.

11 “(C) SUBPART 3.—There are authorized to
12 be appropriated to carry out subpart 3 of part
13 A of title III \$25,000,000 for each of fiscal
14 years 2014 through 2019.

15 “(2) PART B.—There are authorized to be ap-
16 propriated to carry out part B of title III
17 \$2,055,709,000 for each of fiscal years 2014
18 through 2019.

19 “(d) TITLE IV.—

20 “(1) PAYMENTS FOR FEDERAL ACQUISITION OF
21 REAL PROPERTY.—For the purpose of making pay-
22 ments under section 4002, there are authorized to
23 be appropriated \$63,445,000 for each of fiscal years
24 2014 through 2019.

1 “(2) BASIC PAYMENTS; PAYMENTS FOR HEAV-
2 ILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—
3 For the purpose of making payments under section
4 4003(b), there are authorized to be appropriated
5 \$1,093,203,000 for each of fiscal years 2014
6 through 2019.

7 “(3) PAYMENTS FOR CHILDREN WITH DISABIL-
8 ITIES.—For the purpose of making payments under
9 section 4003(d), there are authorized to be appro-
10 priated \$45,881,000 for each of fiscal years 2014
11 through 2019.

12 “(4) CONSTRUCTION.—For the purpose of car-
13 rying out section 4007, there are authorized to be
14 appropriated \$16,529,000 for each of fiscal years
15 2014 through 2019.

16 “(5) FACILITIES MAINTENANCE.—For the pur-
17 pose of carrying out section 4008, there are author-
18 ized to be appropriated \$4,591,000 for each of fiscal
19 years 2014 through 2019.”.

20 **SEC. 7. SENSE OF THE CONGRESS.**

21 (a) FINDINGS.—The Congress finds as follows:

22 (1) The Elementary and Secondary Education
23 Act prohibits the Federal Government from man-
24 dating, directing, or controlling a State, local edu-
25 cational agency, or school’s curriculum, program of

1 instruction, or allocation of State and local re-
2 sources, and from mandating a State or any subdivi-
3 sion thereof to spend any funds or incur any costs
4 not paid for under such Act.

5 (2) The Elementary and Secondary Education
6 Act prohibits the Federal Government from funding
7 the development, pilot testing, field testing, imple-
8 mentation, administration, or distribution of any
9 federally sponsored national test in reading, mathe-
10 matics, or any other subject, unless specifically and
11 explicitly authorized by law.

12 (3) The Secretary of Education, through 3 sep-
13 arate initiatives, has created a system of waivers and
14 grants that influence, incentivize, and coerce State
15 educational agencies into implementing common na-
16 tional elementary and secondary standards and as-
17 sessments endorsed by the Secretary.

18 (4) The Race to the Top Fund encouraged and
19 incentivized States to adopt Common Core State
20 Standards developed by the National Governor's As-
21 sociation Center for Best Practices and the Council
22 of Chief State School Officers.

23 (5) The Race to the Top Assessment grants
24 awarded to the Partnership for the Assessment of
25 Readiness for College and Careers (PARCC) and

1 SMARTER Balanced Assessment Consortium
2 (SMARTER Balance) initiated the development of
3 Common Core State Standards aligned assessments
4 that will, in turn, inform and ultimately influence
5 kindergarten through 12th-grade curriculum and in-
6 structional materials.

7 (6) The conditional Elementary and Secondary
8 Education Act flexibility waiver authority employed
9 by the Department of Education coerced States into
10 accepting Common Core State Standards and
11 aligned assessments.

12 (b) SENSE OF THE CONGRESS.—It is the sense of
13 the Congress that States and local educational agencies
14 should maintain the rights and responsibilities of deter-
15 mining educational curriculum, programs of instruction,
16 and assessments for elementary and secondary education.

17 **TITLE I—AID TO LOCAL**
18 **EDUCATIONAL AGENCIES**

19 **Subtitle A—In General**

20 **SEC. 101. TITLE HEADING.**

21 The title heading for title I (20 U.S.C. 6301 et seq.)
22 is amended to read as follows:

1 **“TITLE I—AID TO LOCAL**
2 **EDUCATIONAL AGENCIES”.**

3 **SEC. 102. STATEMENT OF PURPOSE.**

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

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

7 “The purpose of this title is to provide all children
8 the opportunity to graduate high school prepared for post-
9 secondary education or the workforce. This purpose can
10 be accomplished by—

11 “(1) meeting the educational needs of low-
12 achieving children in our Nation’s highest-poverty
13 schools, English learners, migratory children, chil-
14 dren with disabilities, Indian children, and neglected
15 or delinquent children;

16 “(2) closing the achievement gap between high-
17 and low-performing children, especially the achieve-
18 ment gaps between minority and nonminority stu-
19 dents, and between disadvantaged children and their
20 more advantaged peers;

21 “(3) affording parents substantial and mean-
22 ingful opportunities to participate in the education
23 of their children; and

24 “(4) challenging States and local educational
25 agencies to embrace meaningful, evidence-based edu-

1 cation reform, while encouraging state and local in-
2 novation.”.

3 **SEC. 103. FLEXIBILITY TO USE FEDERAL FUNDS.**

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

6 **“SEC. 1002. FLEXIBILITY TO USE FEDERAL FUNDS.**

7 “(a) ALTERNATIVE USES OF FEDERAL FUNDS FOR
8 STATE EDUCATIONAL AGENCIES.—

9 “(1) IN GENERAL.—Subject to subsections (c)
10 and (d) and notwithstanding any other provision of
11 law, a State educational agency may use the applica-
12 ble funding that the agency receives for a fiscal year
13 to carry out any State activity authorized or re-
14 quired under one or more of the following provisions:

15 “(A) Section 1003.

16 “(B) Section 1004.

17 “(C) Subpart 2 of part A of title I.

18 “(D) Subpart 3 of part A of title I.

19 “(E) Subpart 4 of part A of title I.

20 “(2) NOTIFICATION.—Not later than June 1 of
21 each year, a State educational agency shall notify
22 the Secretary of the State educational agency’s in-
23 tention to use the applicable funding for any of the
24 alternative uses under paragraph (1).

25 “(3) APPLICABLE FUNDING DEFINED.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), in this subsection, the term
3 ‘applicable funding’ means funds provided to
4 carry out State activities under one or more of
5 the following provisions.

6 “(i) Section 1003.

7 “(ii) Section 1004.

8 “(iii) Subpart 2 of part A of title I.

9 “(iv) Subpart 3 of part A of title I.

10 “(v) Subpart 4 of part A of title I.

11 “(B) LIMITATION.—In this subsection, the
12 term ‘applicable funding’ does not include funds
13 provided under any of the provisions listed in
14 subparagraph (A) that State educational agen-
15 cies are required by this Act—

16 “(i) to reserve, allocate, or spend for
17 required activities;

18 “(ii) to allocate, allot, or award to
19 local educational agencies or other entities
20 eligible to receive such funds; or

21 “(iii) to use for technical assistance or
22 monitoring.

23 “(4) DISBURSEMENT.—The Secretary shall dis-
24 burse the applicable funding to State educational
25 agencies for alternative uses under paragraph (1) for

1 a fiscal year at the same time as the Secretary dis-
2 burses the applicable funding to State educational
3 agencies that do not intend to use the applicable
4 funding for such alternative uses for the fiscal year.

5 “(b) ALTERNATIVE USES OF FEDERAL FUNDS FOR
6 LOCAL EDUCATIONAL AGENCIES.—

7 “(1) IN GENERAL.—Subject to subsections (c)
8 and (d) and notwithstanding any other provision of
9 law, a local educational agency may use the applica-
10 ble funding that the agency receives for a fiscal year
11 to carry out any local activity authorized or required
12 under one or more of the following provisions:

13 “(A) Section 1003.

14 “(B) Subpart 1 of part A of title I.

15 “(C) Subpart 2 of part A of title I.

16 “(D) Subpart 3 of part A of title I.

17 “(E) Subpart 4 of part A of title I.

18 “(2) NOTIFICATION.—A local educational agen-
19 cy shall notify the State educational agency of the
20 local educational agency’s intention to use the appli-
21 cable funding for any of the alternative uses under
22 paragraph (1) by a date that is established by the
23 State educational agency for the notification.

24 “(3) APPLICABLE FUNDING DEFINED.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), in this subsection, the term
3 ‘applicable funding’ means funds provided to
4 carry out local activities under one or more of
5 the following provisions:

6 “(i) Subpart 2 of part A of title I.

7 “(ii) Subpart 3 of part A of title I.

8 “(iii) Subpart 4 of part A of title I.

9 “(B) LIMITATION.—In this subsection, the
10 term ‘applicable funding’ does not include funds
11 provided under any of the provisions listed in
12 subparagraph (A) that local educational agen-
13 cies are required by this Act—

14 “(i) to reserve, allocate, or spend for
15 required activities;

16 “(ii) to allocate, allot, or award to en-
17 tities eligible to receive such funds; or

18 “(iii) to use for technical assistance or
19 monitoring.

20 “(4) DISBURSEMENT.—Each State educational
21 agency that receives applicable funding for a fiscal
22 year shall disburse the applicable funding to local
23 educational agencies for alternative uses under para-
24 graph (1) for the fiscal year at the same time as the
25 State educational agency disburses the applicable

1 funding to local educational agencies that do not in-
2 tend to use the applicable funding for such alter-
3 native uses for the fiscal year.

4 “(c) RULE FOR ADMINISTRATIVE COSTS.—A State
5 educational agency or a local educational agency shall only
6 use applicable funding (as defined in subsection (a)(3) or
7 (b)(3), respectively) for administrative costs incurred in
8 carrying out a provision listed in subsection (a)(1) or
9 (b)(1), respectively, to the extent that the agency, in the
10 absence of this section, could have used funds for adminis-
11 trative costs with respect to a program listed in subsection
12 (a)(3) or (b)(3), respectively.

13 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed to relieve a State educational agen-
15 cy or local educational agency of any requirements relating
16 to—

17 “(1) use of Federal funds to supplement, not
18 supplant, non-Federal funds;

19 “(2) comparability of services;

20 “(3) equitable participation of private school
21 students and teachers;

22 “(4) applicable civil rights requirements;

23 “(5) section 1113; or

24 “(6) section 1111.”.

1 **SEC. 104. SCHOOL IMPROVEMENT.**

2 Section 1003 (20 U.S.C. 6303) is amended—

3 (1) in subsection (a)—

4 (A) by striking “2 percent” and inserting
5 “7 percent”; and

6 (B) by striking “subpart 2 of part A” and
7 all that follows through “sections 1116 and
8 1117,” and inserting “chapter B of subpart 1
9 of part A for each fiscal year to carry out sub-
10 section (b),”;

11 (2) in subsection (b)—

12 (A) in paragraph (1), by striking “for
13 schools identified for school improvement, cor-
14 rective action, and restructuring, for activities
15 under section 1116(b)” and inserting “to carry
16 out the State’s system of school improvement
17 under section 1111(b)(3)(B)(iii)”;

18 (B) in paragraph (2), by striking “or edu-
19 cational service agencies” and inserting “, edu-
20 cational service agencies, or non-profit or for-
21 profit external providers with expertise in using
22 evidence-based or other effective strategies to
23 improve student achievement”;

24 (3) in subsection (c)—

25 (A) in paragraph (1), by inserting “and”
26 at the end;

1 (B) in paragraph (2), by striking “need for
2 such funds; and” and inserting “commitment to
3 using such funds to improve such schools.”; and

4 (C) by striking paragraph (3);

5 (4) in subsection (d)(1), by striking “subpart 2
6 of part A;” and inserting “chapter B of subpart 1
7 of part A;”;

8 (5) in subsection (e)—

9 (A) by striking “in any fiscal year” and in-
10 sserting “in fiscal year 2015 and each subse-
11 quent fiscal year”;

12 (B) by striking “subpart 2” and inserting
13 “chapter B of subpart 1 of part A”; and

14 (C) by striking “such subpart” and insert-
15 ing “such chapter”;

16 (6) in subsection (f), by striking “and the per-
17 centage of students from each school from families
18 with incomes below the poverty line”; and

19 (7) by striking subsection (g).

20 **SEC. 105. DIRECT STUDENT SERVICES.**

21 The Act (20 U.S.C. 6301 et seq.) is amended by in-
22 sserting after section 1003 the following:

23 **“SEC. 1003A. DIRECT STUDENT SERVICES.**

24 “(a) STATE RESERVATION.—Each State shall reserve
25 3 percent of the amount the State receives under chapter

1 B of subpart 1 of part A for each fiscal year to carry
2 out this section. Of such reserved funds, the State edu-
3 cational agency may use up to 1 percent to administer
4 direct student services.

5 “(b) DIRECT STUDENT SERVICES.—From the
6 amount available after the application of subsection (a),
7 each State shall award grants in accordance with this sec-
8 tion to local educational agencies to support direct student
9 services.

10 “(c) AWARDS.—The State educational agency shall
11 award grants to geographically diverse local educational
12 agencies including suburban, rural, and urban local edu-
13 cational agencies. If there are not enough funds to award
14 all applicants in a sufficient size and scope to run an effec-
15 tive direct student services program, the State shall
16 prioritize awards to local educational agencies with the
17 greatest number of neglected, delinquent, migrant stu-
18 dents, English learners, at-risk students, and Native
19 Americans, to increase academic achievement of such stu-
20 dents.

21 “(d) LOCAL USE OF FUNDS.—A local educational
22 agency receiving an award under this section—

23 “(1) shall use up to 1 percent of each award for
24 outreach and communication to parents about their

1 options and to register students for direct student
2 services;

3 “(2) may use not more than 2 percent of each
4 award for administrative costs related to direct stu-
5 dent services; and

6 “(3) shall use the remainder of the award to
7 pay the transportation required to provide public
8 school choice or the hourly rate for high-quality aca-
9 demic tutoring services, as determined by a provider
10 on the State-approved list required under subsection
11 (f)(2).

12 “(e) APPLICATION.—A local educational agency de-
13 siring to receive an award under subsection (b) shall sub-
14 mit an application describing how the local educational
15 agency will—

16 “(1) provide adequate outreach to ensure par-
17 ents can exercise a meaningful choice of direct stu-
18 dent services for their child’s education;

19 “(2) ensure parents have adequate time and in-
20 formation to make a meaningful choice prior to en-
21 rolling their child in a direct student service;

22 “(3) ensure sufficient availability of seats in the
23 public schools the local educational agency will make
24 available for public school choice options;

1 “(4) determine the requirements or criteria for
2 student eligibility for direct student services;

3 “(5) select a variety of providers of high-quality
4 academic tutoring from the State-approved list re-
5 quired under subsection (f)(2) and ensure fair nego-
6 tiations in selecting such providers of high-quality
7 academic tutoring, including online, on campus, and
8 other models of tutoring which provide meaningful
9 choices to parents to find the best service for their
10 child; and

11 “(6) develop an estimated per pupil expenditure
12 available for eligible students to use toward high-
13 quality academic tutoring which shall allow for an
14 adequate level of services to increase academic
15 achievement from a variety of high-quality academic
16 tutoring providers.

17 “(f) PROVIDERS AND SCHOOLS.—The State—

18 “(1) shall ensure that each local educational
19 agency receiving an award to provide public school
20 choice can provide a sufficient number of options to
21 provide a meaningful choice for parents;

22 “(2) shall compile a list of State-approved high-
23 quality academic tutoring providers that includes on-
24 line, on campus, and other models of tutoring; and

1 “(3) shall ensure that each local educational
2 agency receiving an award will provide an adequate
3 number of high-quality academic tutoring options to
4 ensure parents have a meaningful choice of serv-
5 ices.”.

6 **SEC. 106. STATE ADMINISTRATION.**

7 Section 1004 (20 U.S.C. 6304) is amended to read
8 as follows:

9 **“SEC. 1004. STATE ADMINISTRATION.**

10 “(a) **IN GENERAL.**—Except as provided in subsection
11 (b), to carry out administrative duties assigned under sub-
12 parts 1, 2, and 3 of part A of this title, each State may
13 reserve the greater of—

14 “(1) 1 percent of the amounts received under
15 such subparts; or

16 “(2) \$400,000 (\$50,000 in the case of each
17 outlying area).

18 “(b) **EXCEPTION.**—If the sum of the amounts re-
19 served under subparts 1, 2, and 3 of part A of this title
20 is equal to or greater than \$14,000,000,000, then the res-
21 ervation described in subsection (a)(1) shall not exceed 1
22 percent of the amount the State would receive if
23 \$14,000,000,000 were allocated among the States for sub-
24 parts 1, 2, and 3 of part A of this title.”.

1 **Subtitle B—Improving the Aca-**
2 **ademic Achievement of the Dis-**
3 **advantaged**

4 **SEC. 111. PART A HEADINGS.**

5 (a) PART HEADING.—The part heading for part A
6 of title I (20 U.S.C. 6311 et seq.) is amended to read
7 as follows:

8 **“PART A—IMPROVING THE ACADEMIC**
9 **ACHIEVEMENT OF THE DISADVANTAGED”.**

10 (b) SUBPART 1 HEADING.—The Act is amended by
11 striking the subpart heading for subpart 1 of part A of
12 title I (20 U.S.C. 6311 et seq.) and inserting the following:

13 **“Subpart 1—Improving Basic Programs Operated by**
14 **Local Educational Agencies**
15 **“CHAPTER A—BASIC PROGRAM**
16 **REQUIREMENTS”.**

17 (c) SUBPART 2 HEADING.—The Act is amended by
18 striking the subpart heading for subpart 2 of part A of
19 title I (20 U.S.C. 6331 et seq.) and inserting the following:

20 **“CHAPTER B—ALLOCATIONS”.**

21 **SEC. 112. STATE PLANS.**

22 Section 1111 (20 U.S.C. 6311) is amended to read
23 as follows:

24 **“SEC. 1111. STATE PLANS.**

25 **“(a) PLANS REQUIRED.—**

1 “(1) IN GENERAL.—For any State desiring to
2 receive a grant under this subpart, the State edu-
3 cational agency shall submit to the Secretary a plan,
4 developed by the State educational agency, in con-
5 sultation with local educational agencies, teachers,
6 school leaders, public charter school representatives,
7 specialized instructional support personnel, other ap-
8 propriate school personnel, parents, private sector
9 employers, and entrepreneurs, that satisfies the re-
10 quirements of this section and that is coordinated
11 with other programs under this Act, the Individuals
12 with Disabilities Education Act, the Carl D. Perkins
13 Career and Technical Education Act of 2006, the
14 Head Start Act, the Adult Education and Family
15 Literacy Act, and the McKinney-Vento Homeless
16 Assistance Act.

17 “(2) CONSOLIDATED PLAN.—A State plan sub-
18 mitted under paragraph (1) may be submitted as
19 part of a consolidated plan under section 5302.

20 “(b) ACADEMIC STANDARDS, ACADEMIC ASSESS-
21 MENTS, AND STATE ACCOUNTABILITY.—

22 “(1) ACADEMIC STANDARDS.—

23 “(A) IN GENERAL.—Each State plan shall
24 demonstrate that the State has adopted aca-
25 demic content standards and academic achieve-

1 ment standards aligned with such content
2 standards that comply with the requirements of
3 this paragraph.

4 “(B) SUBJECTS.—The State shall have
5 such academic standards for mathematics, read-
6 ing or language arts, and science, and may have
7 such standards for any other subject deter-
8 mined by the State.

9 “(C) REQUIREMENTS.—The standards de-
10 scribed in subparagraph (A) shall—

11 “(i) apply to all public schools and
12 public school students in the State; and

13 “(ii) with respect to academic achieve-
14 ment standards, include the same knowl-
15 edge, skills, and levels of achievement ex-
16 pected of all public school students in the
17 State.

18 “(D) ALTERNATE ACADEMIC ACHIEVE-
19 MENT STANDARDS.—Notwithstanding any other
20 provision of this paragraph, a State may,
21 through a documented and validated standards-
22 setting process, adopt alternate academic
23 achievement standards for students with the
24 most significant cognitive disabilities, if—

1 “(i) the determination about whether
2 the achievement of an individual student
3 should be measured against such standards
4 is made separately for each student; and

5 “(ii) such standards—

6 “(I) are aligned with the State
7 academic standards required under
8 subparagraph (A);

9 “(II) promote access to the gen-
10 eral curriculum; and

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

14 “(E) ENGLISH LANGUAGE PROFICIENCY
15 STANDARDS.—Each State plan shall describe
16 how the State educational agency will establish
17 English language proficiency standards that
18 are—

19 “(i) derived from the four recognized
20 domains of speaking, listening, reading,
21 and writing; and

22 “(ii) aligned with the State’s academic
23 content standards in reading or language
24 arts under subparagraph (A).

25 “(2) ACADEMIC ASSESSMENTS.—

1 “(A) IN GENERAL.—Each State plan shall
2 demonstrate that the State educational agency,
3 in consultation with local educational agencies,
4 has implemented a set of high-quality student
5 academic assessments in mathematics, reading
6 or language arts, and science. At the State’s
7 discretion, the State plan may also demonstrate
8 that the State has implemented such assess-
9 ments in any other subject chosen by the State.

10 “(B) REQUIREMENTS.—Such assessments
11 shall—

12 “(i) in the case of mathematics and
13 reading or language arts, be used in deter-
14 mining the performance of each local edu-
15 cational agency and public school in the
16 State in accordance with the State’s ac-
17 countability system under paragraph (3);

18 “(ii) be the same academic assess-
19 ments used to measure the academic
20 achievement of all public school students in
21 the State;

22 “(iii) be aligned with the State’s aca-
23 demic standards and provide coherent and
24 timely information about student attain-
25 ment of such standards;

1 “(iv) be used for purposes for which
2 such assessments are valid and reliable, be
3 of adequate technical quality for each pur-
4 pose required under this Act, and be con-
5 sistent with relevant, nationally recognized
6 professional and technical standards;

7 “(v)(I) in the case of mathematics
8 and reading or language arts, be adminis-
9 tered in each of grades 3 through 8 and at
10 least once in grades 9 through 12;

11 “(II) in the case of science, be admin-
12 istered not less than one time during—

13 “(aa) grades 3 through 5;

14 “(bb) grades 6 through 9; and

15 “(cc) grades 10 through 12; and

16 “(III) in the case of any other subject
17 chosen by the State, be administered at the
18 discretion of the State;

19 “(vi) measure individual student aca-
20 demic proficiency and, at the State’s dis-
21 cretion, growth;

22 “(vii) at the State’s discretion—

23 “(I) be administered through a
24 single annual summative assessment;

25 or

1 “(II) be administered through
2 multiple assessments during the
3 course of the academic year that re-
4 sult in a single summative score that
5 provides valid, reliable, and trans-
6 parent information on student
7 achievement;

8 “(viii) include measures that assess
9 higher-order thinking skills and under-
10 standing;

11 “(ix) provide for—

12 “(I) the participation in such as-
13 sessments of all students;

14 “(II) the reasonable adaptations
15 and accommodations for students with
16 disabilities necessary to measure the
17 academic achievement of such stu-
18 dents relative to the State’s academic
19 standards; and

20 “(III) the inclusion of English
21 learners, who shall be assessed in a
22 valid and reliable manner and pro-
23 vided reasonable accommodations, in-
24 cluding, to the extent practicable, as-
25 sessments in the language and form

1 most likely to yield accurate and reli-
2 able information on what such stu-
3 dents know and can do in academic
4 content areas, until such students
5 have achieved English language pro-
6 ficiency, as assessed by the State
7 under subparagraph (D);

8 “(x) notwithstanding clause (ix)(III),
9 provide for the assessment of reading or
10 language arts in English for English learn-
11 ers who have attended school in the United
12 States (not including Puerto Rico) for 3 or
13 more consecutive school years, except that
14 a local educational agency may, on a case-
15 by-case basis, provide for the assessment of
16 reading or language arts for each such stu-
17 dent in a language other than English for
18 a period not to exceed 2 additional con-
19 secutive years if the assessment would be
20 more likely to yield accurate and reliable
21 information on what such student knows
22 and can do, provided that such student has
23 not yet reached a level of English language
24 proficiency sufficient to yield valid and reli-
25 able information on what such student

1 knows and can do on reading or language
2 arts assessments written in English;

3 “(xi) produce individual student inter-
4 pretive, descriptive, and diagnostic reports
5 regarding achievement on such assess-
6 ments that allow parents, teachers, and
7 school leaders to understand and address
8 the specific academic needs of students,
9 and that are provided to parents, teachers,
10 and school leaders, as soon as is prac-
11 ticable after the assessment is given, in an
12 understandable and uniform format, and
13 to the extent practicable, in a language
14 that parents can understand;

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

1 category is insufficient to yield statistically
2 reliable information or the results would
3 reveal personally identifiable information
4 about an individual student;

5 “(xiii) be administered to not less
6 than 95 percent of all students, and not
7 less than 95 percent of each subgroup of
8 students described in paragraph
9 (3)(B)(ii)(II); and

10 “(xiv) where practicable, be developed
11 using the principles of universal design for
12 learning as defined in section 103(24) of
13 the Higher Education Act of 1965 (20
14 U.S.C. 1003(24)).

15 “(C) ALTERNATE ASSESSMENTS.—A State
16 may provide for alternate assessments aligned
17 with the alternate academic standards adopted
18 in accordance with paragraph (1)(D), for stu-
19 dents with the most significant cognitive dis-
20 abilities, if the State—

21 “(i) establishes and monitors imple-
22 mentation of clear and appropriate guide-
23 lines for individualized education program
24 teams (as defined in section 614(d)(1)(B)
25 of the Individuals with Disabilities Edu-

1 cation Act) to apply when determining
2 when a child’s significant cognitive dis-
3 ability justifies assessment based on alter-
4 nate achievement standards;

5 “(ii) ensures that the parents of such
6 students are informed that—

7 “(I) their child’s academic
8 achievement will be measured against
9 such alternate standards; and

10 “(II) whether participation in
11 such assessments precludes the stu-
12 dent from completing the require-
13 ments for a regular high school di-
14 ploma;

15 “(iii) demonstrates that such students
16 are, to the extent practicable, included in
17 the general curriculum and that such alter-
18 nate assessments are aligned with such
19 curriculum;

20 “(iv) develops, disseminates informa-
21 tion about, and promotes the use of appro-
22 priate accommodations to increase the
23 number of students with disabilities who
24 are tested against academic achievement

1 standards for the grade in which a student
2 is enrolled; and

3 “(v) ensures that regular and special
4 education teachers and other appropriate
5 staff know how to administer the alternate
6 assessments, including making appropriate
7 use of accommodations for students with
8 disabilities.

9 “(D) ASSESSMENTS OF ENGLISH LAN-
10 GUAGE PROFICIENCY.—

11 “(i) IN GENERAL.—Each State plan
12 shall demonstrate that local educational
13 agencies in the State will provide for an
14 annual assessment of English proficiency
15 of all English learners in the schools
16 served by the State educational agency.

17 “(ii) ALIGNMENT.—The assessments
18 described in clause (i) shall be aligned with
19 the State’s English language proficiency
20 standards described in paragraph (1)(E).

21 “(E) LANGUAGE ASSESSMENTS.—Each
22 State plan shall identify the languages other
23 than English that are present in the partici-
24 pating student population and indicate the lan-
25 guages for which yearly student academic as-

1 assessments are not available and are needed.
2 The State shall make every effort to develop
3 such assessments and may request assistance
4 from the Secretary if linguistically accessible
5 academic assessment measures are needed.
6 Upon request, the Secretary shall assist with
7 the identification of appropriate academic as-
8 sessment measures in the needed languages, but
9 shall not mandate a specific academic assess-
10 ment or mode of instruction.

11 “(F) ADAPTIVE ASSESSMENTS.—A State
12 may develop and administer computer adaptive
13 assessments as the assessments required under
14 subparagraph (A). If a State develops and ad-
15 ministers a computer adaptive assessment for
16 such purposes, the assessment shall meet the
17 requirements of this paragraph, except as fol-
18 lows:

19 “(i) Notwithstanding subparagraph
20 (B)(iii), the assessment—

21 “(I) shall measure, at a min-
22 imum, each student’s academic pro-
23 ficiency against the State’s academic
24 standards for the student’s grade level

1 and growth toward such standards;
2 and

3 “(II) if the State chooses, may be
4 used to measure the student’s level of
5 academic proficiency and growth
6 using assessment items above or below
7 the student’s grade level, including for
8 use as part of a State’s accountability
9 system under paragraph (3).

10 “(ii) Subparagraph (B)(ii) shall not
11 be interpreted to require that all students
12 taking the computer adaptive assessment
13 be administered the same assessment
14 items.

15 “(3) STATE ACCOUNTABILITY SYSTEMS.—

16 “(A) IN GENERAL.—Each State plan shall
17 demonstrate that the State has developed and is
18 implementing a single, statewide accountability
19 system to ensure that all public school students
20 graduate from high school prepared for postsec-
21 ondary education or the workforce without the
22 need for remediation.

23 “(B) ELEMENTS.—Each State account-
24 ability system described in subparagraph (A)
25 shall at a minimum—

1 “(i) annually measure the academic
2 achievement of all public school students in
3 the State against the State’s mathematics
4 and reading or language arts academic
5 standards adopted under paragraph (1),
6 which may include measures of student
7 growth toward such standards, using the
8 mathematics and reading or language arts
9 assessments described in paragraph (2)(B)
10 and other valid and reliable academic indi-
11 cators related to student achievement as
12 identified by the State;

13 “(ii) annually evaluate and identify
14 the academic performance of each public
15 school in the State based on—

16 “(I) student academic achieve-
17 ment as measured in accordance with
18 clause (i);

19 “(II) the overall performance,
20 and achievement gaps as compared to
21 all students in the school, for eco-
22 nomically disadvantaged students, stu-
23 dents from major racial and ethnic
24 groups, students with disabilities, and
25 English learners, except that

1 disaggregation of data under this sub-
2 clause shall not be required in a case
3 in which the number of students in a
4 category is insufficient to yield statis-
5 tically reliable information or the re-
6 sults would reveal personally identifi-
7 able information about an individual
8 student; and

9 “(III) other measures of school
10 success; and

11 “(iii) include a system for school im-
12 provement for low-performing public
13 schools receiving funds under this subpart
14 that—

15 “(I) implements interventions in
16 such schools that are designed to ad-
17 dress such schools’ weaknesses; and

18 “(II) is implemented by local
19 educational agencies serving such
20 schools.

21 “(C) PROHIBITION.—Nothing in this sec-
22 tion shall be construed to permit the Secretary
23 to establish any criteria that specifies, defines,
24 or prescribes any aspect of a State’s account-

1 ability system developed and implemented in ac-
2 cordance with this paragraph.

3 “(D) ACCOUNTABILITY FOR CHARTER
4 SCHOOLS.—The accountability provisions under
5 this Act shall be overseen for charter schools in
6 accordance with State charter school law.

7 “(4) REQUIREMENTS.—Each State plan shall
8 describe—

9 “(A) how the State educational agency will
10 assist each local educational agency and each
11 public school affected by the State plan to com-
12 ply with the requirements of this subpart, in-
13 cluding how the State educational agency will
14 work with local educational agencies to provide
15 technical assistance; and

16 “(B) how the State educational agency will
17 ensure that the results of the State assessments
18 described in paragraph (2), the other indicators
19 selected by the State under paragraph
20 (3)(B)(i), and the school evaluations described
21 in paragraph (3)(B)(ii), will be promptly pro-
22 vided to local educational agencies, schools,
23 teachers, and parents in a manner that is clear
24 and easy to understand, but not later than be-
25 fore the beginning of the school year following

1 the school year in which such assessments,
2 other indicators, or evaluations are taken or
3 completed.

4 “(5) TIMELINE FOR IMPLEMENTATION.—Each
5 State plan shall describe the process by which the
6 State will adopt and implement the State academic
7 standards, assessments, and accountability system
8 required under this section within 2 years of enact-
9 ment of the Student Success Act.

10 “(6) EXISTING STANDARDS.—Nothing in this
11 subpart shall prohibit a State from revising, con-
12 sistent with this section, any standard adopted
13 under this section before or after the date of enact-
14 ment of the Student Success Act.

15 “(7) EXISTING STATE LAW.—Nothing in this
16 section shall be construed to alter any State law or
17 regulation granting parents authority over schools
18 that repeatedly failed to make adequate yearly
19 progress under this section, as in effect on the day
20 before the date of the enactment of the Student Suc-
21 cess Act.

22 “(c) OTHER PROVISIONS TO SUPPORT TEACHING
23 AND LEARNING.—Each State plan shall contain assur-
24 ances that—

1 “(1) the State will notify local educational
2 agencies, schools, teachers, parents, and the public
3 of the academic standards, academic assessments,
4 and State accountability system developed and im-
5 plemented under this section;

6 “(2) the State will participate in biennial State
7 academic assessments of 4th and 8th grade reading
8 and mathematics under the National Assessment of
9 Educational Progress carried out under section
10 303(b)(2) of the National Assessment of Edu-
11 cational Progress Authorization Act if the Secretary
12 pays the costs of administering such assessments;

13 “(3) the State educational agency will notify
14 local educational agencies and the public of the au-
15 thority to operate schoolwide programs;

16 “(4) the State educational agency will provide
17 the least restrictive and burdensome regulations for
18 local educational agencies and individual schools par-
19 ticipating in a program assisted under this subpart;

20 “(5) the State educational agency will encour-
21 age schools to consolidate funds from other Federal,
22 State, and local sources for schoolwide reform in
23 schoolwide programs under section 1114;

24 “(6) the State educational agency will modify or
25 eliminate State fiscal and accounting barriers so

1 that schools can easily consolidate funds from other
2 Federal, State, and local sources for schoolwide pro-
3 grams under section 1114; and

4 “(7) the State educational agency will inform
5 local educational agencies in the State of the local
6 educational agency’s authority to transfer funds
7 under section 1002 and to obtain waivers under sec-
8 tion 5401.

9 “(d) PARENTAL INVOLVEMENT.—Each State plan
10 shall describe how the State educational agency will sup-
11 port the collection and dissemination to local educational
12 agencies and schools of effective parental involvement
13 practices. Such practices shall—

14 “(1) be based on the most current research that
15 meets the highest professional and technical stand-
16 ards on effective parental involvement that fosters
17 achievement to high standards for all children;

18 “(2) be geared toward lowering barriers to
19 greater participation by parents in school planning,
20 review, and improvement; and

21 “(3) be coordinated with programs funded
22 under subpart 3 of part A of title III.

23 “(e) PEER REVIEW AND SECRETARIAL APPROVAL.—

24 “(1) ESTABLISHMENT.—Notwithstanding sec-
25 tion 5543, the Secretary shall—

1 “(A) establish a peer-review process to as-
2 sist in the review of State plans; and

3 “(B) appoint individuals to the peer-review
4 process who are representative of parents,
5 teachers, State educational agencies, local edu-
6 cational agencies, and private sector employers
7 (including representatives of entrepreneurial
8 ventures), and who are familiar with edu-
9 cational standards, assessments, accountability,
10 the needs of low-performing schools, and other
11 educational needs of students, and ensure that
12 65 percent of such appointees are practitioners
13 and 10 percent are representatives of private
14 sector employers.

15 “(2) APPROVAL.—The Secretary shall—

16 “(A) approve a State plan within 120 days
17 of its submission;

18 “(B) disapprove of the State plan only if
19 the Secretary demonstrates how the State plan
20 fails to meet the requirements of this section
21 and immediately notifies the State of such de-
22 termination and the reasons for such deter-
23 mination;

24 “(C) not decline to approve a State’s plan
25 before—

1 “(i) offering the State an opportunity
2 to revise its plan;

3 “(ii) providing technical assistance in
4 order to assist the State to meet the re-
5 quirements of this section; and

6 “(iii) providing a hearing; and

7 “(D) have the authority to disapprove a
8 State plan for not meeting the requirements of
9 this subpart, but shall not have the authority to
10 require a State, as a condition of approval of
11 the State plan, to include in, or delete from,
12 such plan one or more specific elements of the
13 State’s academic standards or State account-
14 ability system, or to use specific academic as-
15 sessments or other indicators.

16 “(3) STATE REVISIONS.—A State plan shall be
17 revised by the State educational agency if it is nec-
18 essary to satisfy the requirements of this section.

19 “(4) PUBLIC REVIEW.—All communications,
20 feedback, and notifications under this subsection
21 shall be conducted in a manner that is immediately
22 made available to the public through the website of
23 the Department, including—

24 “(A) peer review guidance;

25 “(B) the names of the peer reviewers;

1 “(C) State plans submitted or resubmitted
2 by a State, including the current approved
3 plans;

4 “(D) peer review notes;

5 “(E) State plan determinations by the Sec-
6 retary, including approvals or disapprovals, and
7 any deviations from the peer reviewers’ rec-
8 ommendations with an explanation of the devi-
9 ation; and

10 “(F) hearings.

11 “(5) PROHIBITION.—The Secretary, and the
12 Secretary’s staff, may not attempt to participate in,
13 or influence, the peer review process. No Federal
14 employee may participate in, or attempt to influence
15 the peer review process, except to respond to ques-
16 tions of a technical nature, which shall be publicly
17 reported.

18 “(f) DURATION OF THE PLAN.—

19 “(1) IN GENERAL.—Each State plan shall—

20 “(A) remain in effect for the duration of
21 the State’s participation under this subpart;
22 and

23 “(B) be periodically reviewed and revised
24 as necessary by the State educational agency to

1 reflect changes in the State’s strategies and
2 programs under this subpart.

3 “(2) ADDITIONAL INFORMATION.—If a State
4 makes significant changes to its State plan, such as
5 the adoption of new State academic standards or
6 new academic assessments, or adopts a new State
7 accountability system, such information shall be sub-
8 mitted to the Secretary under subsection (e)(2) for
9 approval.

10 “(g) FAILURE TO MEET REQUIREMENTS.—If a
11 State fails to meet any of the requirements of this section
12 then the Secretary shall withhold funds for State adminis-
13 tration under this subpart until the Secretary determines
14 that the State has fulfilled those requirements.

15 “(h) REPORTS.—

16 “(1) ANNUAL STATE REPORT CARD.—

17 “(A) IN GENERAL.—A State that receives
18 assistance under this subpart shall prepare and
19 disseminate an annual State report card. Such
20 dissemination shall include, at a minimum, pub-
21 licly posting the report card on the home page
22 of the State educational agency’s website.

23 “(B) IMPLEMENTATION.—The State report
24 card shall be—

25 “(i) concise; and

1 “(ii) presented in an understandable
2 and uniform format that is developed in
3 consultation with parents and, to the ex-
4 tent practicable, provided in a language
5 that parents can understand.

6 “(C) REQUIRED INFORMATION.—The
7 State shall include in its annual State report
8 card information on—

9 “(i) the performance of students, in
10 the aggregate and disaggregated by the
11 categories of students described in sub-
12 section (b)(2)(B)(xii) (except that such
13 disaggregation shall not be required in a
14 case in which the number of students in a
15 category is insufficient to yield statistically
16 reliable information or the results would
17 reveal personally identifiable information
18 about an individual student), on the State
19 academic assessments described in sub-
20 section (b)(2);

21 “(ii) the participation rate on such as-
22 sessments, in the aggregate and
23 disaggregated in accordance with clause
24 (i);

1 “(iii) the performance of students, in
2 the aggregate and disaggregated in accord-
3 ance with clause (i), on other academic in-
4 dicators described in subsection
5 (b)(3)(B)(i);

6 “(iv) for each public high school in
7 the State, in the aggregate and
8 disaggregated in accordance with clause
9 (i)—

10 “(I) the four-year adjusted co-
11 hort graduation rate, and

12 “(II) if applicable, the extended-
13 year adjusted cohort graduation rate,
14 reported separately for students grad-
15 uating in 5 years or less, students
16 graduating in 6 years or less, and stu-
17 dents graduating in 7 or more years;

18 “(v) each public school’s evaluation
19 results as determined in accordance with
20 subsection (b)(3)(B)(ii);

21 “(vi) the acquisition of English pro-
22 ficiency by English learners;

23 “(vii) the number and percentage of
24 teachers in each category established under
25 clause (iii) of section 2123(1)(A), except

1 that such information shall not reveal per-
2 sonally identifiable information about an
3 individual teacher; and

4 “(viii) the results of the assessments
5 described in subsection (c)(2).

6 “(D) OPTIONAL INFORMATION.—The State
7 may include in its annual State report card
8 such other information as the State believes will
9 best provide parents, students, and other mem-
10 bers of the public with information regarding
11 the progress of each of the State’s public ele-
12 mentary schools and public secondary schools,
13 such as the number of students enrolled in each
14 public secondary school in the State attaining
15 career and technical proficiencies, as defined in
16 section 113(b)(2)(A) of the Carl D. Perkins Ca-
17 reer and Technical Education Act of 2006, and
18 reported by the State in a manner consistent
19 with section 113(c) of such Act.

20 “(2) ANNUAL LOCAL EDUCATIONAL AGENCY
21 REPORT CARDS.—

22 “(A) IN GENERAL.—A local educational
23 agency that receives assistance under this sub-
24 part shall prepare and disseminate an annual
25 local educational agency report card.

1 “(B) MINIMUM REQUIREMENTS.—The
2 State educational agency shall ensure that each
3 local educational agency collects appropriate
4 data and includes in the local educational agen-
5 cy’s annual report the information described in
6 paragraph (1)(C) as applied to the local edu-
7 cational agency and each school served by the
8 local educational agency, and—

9 “(i) in the case of a local educational
10 agency, information that shows how stu-
11 dents served by the local educational agen-
12 cy achieved on the statewide academic as-
13 sessment and other academic indicators
14 adopted in accordance with subsection
15 (b)(3)(B)(i) compared to students in the
16 State as a whole; and

17 “(ii) in the case of a school, the
18 school’s evaluation under subsection
19 (b)(3)(B)(ii).

20 “(C) OTHER INFORMATION.—A local edu-
21 cational agency may include in its annual local
22 educational agency report card any other appro-
23 priate information, whether or not such infor-
24 mation is included in the annual State report
25 card.

1 “(D) DATA.—A local educational agency
2 or school shall only include in its annual local
3 educational agency report card data that are
4 sufficient to yield statistically reliable informa-
5 tion, as determined by the State, and that do
6 not reveal personally identifiable information
7 about an individual student.

8 “(E) PUBLIC DISSEMINATION.—The local
9 educational agency shall publicly disseminate
10 the information described in this paragraph to
11 all schools served by the local educational agen-
12 cy and to all parents of students attending
13 those schools in an understandable and uniform
14 format, and, to the extent practicable, in a lan-
15 guage that parents can understand, and make
16 the information widely available through public
17 means, such as posting on the Internet, dis-
18 tribution to the media, and distribution through
19 public agencies, except that if a local edu-
20 cational agency issues a report card for all stu-
21 dents, the local educational agency may include
22 the information under this section as part of
23 such report.

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

1 use public report cards on the performance of stu-
2 dents, schools, local educational agencies, or the
3 State, that were in effect prior to the enactment of
4 the Student Success Act for the purpose of this sub-
5 section, so long as any such report card is modified,
6 as may be needed, to contain the information re-
7 quired by this subsection.

8 “(4) PARENTS RIGHT-TO-KNOW.—

9 “(A) ACHIEVEMENT INFORMATION.—At
10 the beginning of each school year, a school that
11 receives funds under this subpart shall provide
12 to each individual parent information on the
13 level of achievement of the parent’s child in
14 each of the State academic assessments and
15 other academic indicators adopted in accord-
16 ance with this subpart.

17 “(B) FORMAT.—The notice and informa-
18 tion provided to parents under this paragraph
19 shall be in an understandable and uniform for-
20 mat and, to the extent practicable, provided in
21 a language that the parents can understand.

22 “(i) PRIVACY.—Information collected under this sec-
23 tion shall be collected and disseminated in a manner that
24 protects the privacy of individuals consistent with section
25 444 of the General Education Provisions Act.

1 “(j) VOLUNTARY PARTNERSHIPS.—A State may
2 enter into a voluntary partnership with another State to
3 develop and implement the academic standards and as-
4 sessments required under this section, except that the Sec-
5 retary shall not, either directly or indirectly, attempt to
6 influence, incentivize, or coerce State—

7 “(1) adoption of the Common Core State
8 Standards developed under the Common Core State
9 Standards Initiative, any other academic standards
10 common to a significant number of States, or assess-
11 ments tied to such standards; or

12 “(2) participation in any such partnerships.

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

22 “(1) Each such school that is accredited by the
23 State in which it is operating shall use the assess-
24 ments and other academic indicators the State has
25 developed and implemented to meet the require-

1 ments of this section, or such other appropriate as-
2 sessment and academic indicators as approved by
3 the Secretary of the Interior.

4 “(2) Each such school that is accredited by a
5 regional accrediting organization shall adopt an ap-
6 propriate assessment and other academic indicators,
7 in consultation with and with the approval of, the
8 Secretary of the Interior and consistent with assess-
9 ments and academic indicators adopted by other
10 schools in the same State or region, that meet the
11 requirements of this section.

12 “(3) Each such school that is accredited by a
13 tribal accrediting agency or tribal division of edu-
14 cation shall use an assessment and other academic
15 indicators developed by such agency or division, ex-
16 cept that the Secretary of the Interior shall ensure
17 that such assessment and academic indicators meet
18 the requirements of this section.”.

19 **SEC. 113. 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 subpart for any

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

9 “(2) CONSOLIDATED APPLICATION.—The plan
10 may be submitted as part of a consolidated applica-
11 tion under section 5305.

12 “(b) PLAN PROVISIONS.—Each local educational
13 agency plan shall describe—

14 “(1) how the local educational agency will mon-
15 itor, in addition to the State assessments described
16 in section 1111(b)(2), students’ progress in meeting
17 the State’s academic standards;

18 “(2) how the local educational agency will iden-
19 tify quickly and effectively those students who may
20 be at risk of failing to meet the State’s academic
21 standards;

22 “(3) how the local educational agency will pro-
23 vide additional educational assistance to individual
24 students in need of additional help in meeting the
25 State’s academic standards;

1 “(4) how the local educational agency will im-
2 plement the school improvement system described in
3 section 1111(b)(3)(B)(iii) for any of the agency’s
4 schools identified under such section;

5 “(5) how the local educational agency will co-
6 ordinate programs under this subpart with other
7 programs under this Act and other Acts, as appro-
8 priate;

9 “(6) the poverty criteria that will be used to se-
10 lect school attendance areas under section 1113;

11 “(7) how teachers, in consultation with parents,
12 administrators, and specialized instructional support
13 personnel, in targeted assistance schools under sec-
14 tion 1115, will identify the eligible children most in
15 need of services under this subpart;

16 “(8) in general, the nature of the programs to
17 be conducted by the local educational agency’s
18 schools under sections 1114 and 1115, and, where
19 appropriate, educational services outside such
20 schools for children living in local institutions for ne-
21 glected and delinquent children, and for neglected
22 and delinquent children in community day school
23 programs;

24 “(9) how the local educational agency will en-
25 sure that migratory children who are eligible to re-

1 ceive services under this subpart are selected to re-
2 ceive such services on the same basis as other chil-
3 dren who are selected to receive services under this
4 subpart;

5 “(10) the services the local educational agency
6 will provide homeless children, including services
7 provided with funds reserved under section
8 1113(e)(3)(A);

9 “(11) the strategy the local educational agency
10 will use to implement effective parental involvement
11 under section 1118;

12 “(12) if appropriate, how the local educational
13 agency will use funds under this subpart to support
14 preschool programs for children, particularly chil-
15 dren participating in a Head Start program, which
16 services may be provided directly by the local edu-
17 cational agency or through a subcontract with the
18 local Head Start agency designated by the Secretary
19 of Health and Human Services under section 641 of
20 the Head Start Act, or another comparable early
21 childhood development program;

22 “(13) how the local educational agency, through
23 incentives for voluntary transfers, the provision of
24 professional development, recruitment programs, in-
25 centive pay, performance pay, or other effective

1 strategies, will address disparities in the rates of
2 low-income and minority students and other stu-
3 dents being taught by ineffective teachers;

4 “(14) if appropriate, how the local educational
5 agency will use funds under this subpart to support
6 programs that coordinate and integrate—

7 “(A) career and technical education
8 aligned with State technical standards that pro-
9 mote skills attainment important to in-demand
10 occupations or industries in the State and the
11 State’s academic standards under section
12 1111(b)(1); and

13 “(B) work-based learning opportunities
14 that provide students in-depth interaction with
15 industry professionals; and

16 “(15) if appropriate, how the local educational
17 agency will use funds under this subpart to support
18 dual enrollment programs, early college high schools,
19 and Advanced Placement or International Bacca-
20 laurate programs.

21 “(c) ASSURANCES.—Each local educational agency
22 plan shall provide assurances that the local educational
23 agency will—

24 “(1) participate, if selected, in biennial State
25 academic assessments of 4th and 8th grade reading

1 and mathematics under the National Assessment of
2 Educational Progress carried out under section
3 303(b)(2) of the National Assessment of Edu-
4 cational Progress Authorization Act;

5 “(2) inform schools of schoolwide program au-
6 thority and the ability to consolidate funds from
7 Federal, State, and local sources;

8 “(3) provide technical assistance to schoolwide
9 programs;

10 “(4) provide services to eligible children attend-
11 ing private elementary and secondary schools in ac-
12 cordance with section 1120, and timely and mean-
13 ingful consultation with private school officials or
14 representatives regarding such services;

15 “(5) in the case of a local educational agency
16 that chooses to use funds under this subpart to pro-
17 vide early childhood development services to low-in-
18 come children below the age of compulsory school at-
19 tendance, ensure that such services comply with the
20 performance standards established under section
21 641A(a) of the Head Start Act;

22 “(6) inform eligible schools of the local edu-
23 cational agency’s authority to request waivers on the
24 school’s behalf under Title V; and

1 “(7) ensure that the results of the academic as-
2 sessments required under section 1111(b)(2) will be
3 provided to parents and teachers as soon as is prac-
4 ticably possible after the test is taken, in an under-
5 standable and uniform format and, to the extent
6 practicable, provided in a language that the parents
7 can understand.

8 “(d) SPECIAL RULE.—In carrying out subsection
9 (c)(5), the Secretary shall—

10 “(1) consult with the Secretary of Health and
11 Human Services and shall establish procedures (tak-
12 ing into consideration existing State and local laws,
13 and local teacher contracts) to assist local edu-
14 cational agencies to comply with such subparagraph;
15 and

16 “(2) disseminate to local educational agencies
17 the education performance standards in effect under
18 section 641A(a)(1)(B) of the Head Start Act, and
19 such agencies affected by such subsection shall plan
20 for the implementation of such subsection (taking
21 into consideration existing State and local laws, and
22 local teacher contracts).

23 “(e) PLAN DEVELOPMENT AND DURATION.—

24 “(1) CONSULTATION.—Each local educational
25 agency plan shall be developed in consultation with

1 teachers, school leaders, public charter school rep-
2 resentatives, administrators, and other appropriate
3 school personnel, and with parents of children in
4 schools served under this subpart.

5 “(2) DURATION.—Each such plan shall be sub-
6 mitted for the first year for which this part is in ef-
7 fect following the date of enactment of this Act and
8 shall remain in effect for the duration of the agen-
9 cy’s participation under this subpart.

10 “(3) REVIEW.—Each local educational agency
11 shall periodically review and, as necessary, revise its
12 plan.

13 “(f) STATE APPROVAL.—

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

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

21 “(A) enables schools served under this sub-
22 part to substantially help children served under
23 this subpart to meet the State’s academic
24 standards described in section 1111(b)(1); and

1 “(B) meets the requirements of this sec-
2 tion.

3 “(3) REVIEW.—The State educational agency
4 shall review the local educational agency’s plan to
5 determine if such agency’s activities are in accord-
6 ance with section 1118.

7 “(g) PARENTAL NOTIFICATION.—

8 “(1) IN GENERAL.—Each local educational
9 agency using funds under this subpart and subpart
10 4 to provide a language instruction educational pro-
11 gram shall, not later than 30 days after the begin-
12 ning of the school year, inform parents of an
13 English learner identified for participation, or par-
14 ticipating in, such a program of—

15 “(A) the reasons for the identification of
16 their child as an English learner and in need of
17 placement in a language instruction educational
18 program;

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

22 “(C) the methods of instruction used in
23 the program in which their child is, or will be
24 participating, and the methods of instruction
25 used in other available programs, including how

1 such programs differ in content, instructional
2 goals, and the use of English and a native lan-
3 guage in instruction;

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

7 “(E) how such program will specifically
8 help their child learn English, and meet age-ap-
9 propriate academic achievement standards for
10 grade promotion and graduation;

11 “(F) the specific exit requirements for the
12 program, including the expected rate of transi-
13 tion from such program into classrooms that
14 are not tailored for English learners, and the
15 expected rate of graduation from high school
16 for such program if funds under this subpart
17 are used for children in secondary schools;

18 “(G) in the case of a child with a dis-
19 ability, how such program meets the objectives
20 of the individualized education program of the
21 child; and

22 “(H) information pertaining to parental
23 rights that includes written guidance—

24 “(i) detailing—

1 “(I) the right that parents have
2 to have their child immediately re-
3 moved from such program upon their
4 request; and

5 “(II) the options that parents
6 have to decline to enroll their child in
7 such program or to choose another
8 program or method of instruction, if
9 available; and

10 “(ii) assisting parents in selecting
11 among various programs and methods of
12 instruction, if more than one program or
13 method is offered by the eligible entity.

14 “(2) NOTICE.—The notice and information pro-
15 vided in paragraph (1) to parents of a child identi-
16 fied for participation in a language instruction edu-
17 cational program for English learners shall be in an
18 understandable and uniform format and, to the ex-
19 tent practicable, provided in a language that the
20 parents can understand.

21 “(3) SPECIAL RULE APPLICABLE DURING THE
22 SCHOOL YEAR.—For those children who have not
23 been identified as English learners prior to the be-
24 ginning of the school year the local educational
25 agency shall notify parents within the first 2 weeks

1 of the child being placed in a language instruction
2 educational program consistent with paragraphs (1)
3 and (2).

4 “(4) PARENTAL PARTICIPATION.—Each local
5 educational agency receiving funds under this sub-
6 part shall implement an effective means of outreach
7 to parents of English learners to inform the parents
8 regarding how the parents can be involved in the
9 education of their children, and be active partici-
10 pants in assisting their children to attain English
11 proficiency, achieve at high levels in core academic
12 subjects, and meet the State’s academic standards
13 expected of all students, including holding, and send-
14 ing notice of opportunities for, regular meetings for
15 the purpose of formulating and responding to rec-
16 ommendations from parents of students assisted
17 under this subpart.

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

22 **SEC. 114. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

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

24 (1) by striking “part” each place it appears and
25 inserting “subpart”; and

1 (2) in subsection (c)(4)—

2 (A) by striking “subpart 2” and inserting
3 “chapter B”; and

4 (B) by striking “school improvement, cor-
5 rective action, and restructuring under section
6 1116(b)” and inserting “school improvement
7 under section 1111(b)(3)(B)(iii)”.

8 **SEC. 115. SCHOOLWIDE PROGRAMS.**

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

10 (1) in subsection (a)—

11 (A) in paragraph (1)—

12 (i) by striking “part” and inserting
13 “subpart”; and

14 (ii) by striking “in which” through
15 “such families”;

16 (B) in paragraph (2)—

17 (i) in subparagraph (A)(i), by striking
18 “part” and inserting “subpart”; and

19 (ii) in subparagraph (B)—

20 (I) by striking “children with
21 limited English proficiency” and in-
22 serting “English learners”; and

23 (II) by striking “part” and in-
24 serting “subpart”;

1 (C) in paragraph (3)(B), by striking
2 “maintenance of effort,” after “private school
3 children,”; and

4 (D) by striking paragraph (4); and
5 (2) in subsection (b)—

6 (A) in paragraph (1)—

7 (i) in subparagraph (A)—

8 (I) by striking “(including” and
9 all that follows through “1309(2))”;
10 and

11 (II) by striking “content stand-
12 ards and the State student academic
13 achievement standards” and inserting
14 “standards”;

15 (ii) in subparagraph (B)—

16 (I) in clause (i), by striking “pro-
17 ficient” and all that follows through
18 “section 1111(b)(1)(D)” and inserting
19 “academic standards described in sec-
20 tion 1111(b)(1)”;

21 (II) in clause (ii), in the matter
22 preceding subclause (I), by striking
23 “based on scientifically based re-
24 search” and inserting “evidence-
25 based”;

- 1 (III) in clause (iii)—
2 (aa) in subclause (I)—
3 (AA) by striking “stu-
4 dent academic achievement
5 standards” and inserting
6 “academic standards”; and
7 (BB) by striking
8 “schoolwide program,” and
9 all that follows through
10 “technical education pro-
11 grams; and” and inserting
12 “schoolwide programs; and”;
13 and
14 (bb) in subclause (II), by
15 striking “and”;
16 (IV) in clause (iv)—
17 (aa) by striking “the State
18 and local improvement plans”
19 and inserting “school improve-
20 ment strategies”; and
21 (bb) by striking the period
22 and inserting “; and”; and
23 (V) by adding at the end the fol-
24 lowing new clause:

1 “(v) may be delivered by nonprofit or
2 for-profit external providers with expertise
3 in using evidence-based or other effective
4 strategies to improve student achieve-
5 ment.”;

6 (iii) in subparagraph (C), by striking
7 “highly qualified” and inserting “effec-
8 tive”;

9 (iv) in subparagraph (D)—

10 (I) by striking “In accordance
11 with section 1119 and subsection
12 (a)(4), high-quality” and inserting
13 “High-quality”;

14 (II) by striking “pupil services”
15 and inserting “specialized instruc-
16 tional support services”; and

17 (III) by striking “student aca-
18 demic achievement” and inserting
19 “academic”;

20 (v) in subparagraph (E), by striking
21 “high-quality highly qualified” and insert-
22 ing “effective”;

23 (vi) in subparagraph (G), by striking
24 “, such as Head Start, Even Start, Early

1 Reading First, or a State-run preschool
2 program,”;

3 (vii) in subparagraph (H), by striking
4 “section 1111(b)(3)” and inserting “sec-
5 tion 1111(b)(2)”;

6 (viii) in subparagraph (I), by striking
7 “proficient or advanced levels of academic
8 achievement standards” and inserting
9 “State academic standards”; and

10 (ix) in subparagraph (J), by striking
11 “vocational” and inserting “career”; and
12 (B) in paragraph (2)—

13 (i) in subparagraph (A)—

14 (I) in the matter preceding clause

15 (i)—

16 (aa) by striking “first de-
17 velop” and all that follows
18 through “2001)” and inserting
19 “have in place”; and

20 (bb) by striking “and its
21 school support team or other
22 technical assistance provider
23 under section 1117”;

24 (II) in clause (ii), by striking
25 “part” and inserting “subpart”; and

1 (III) in clause (iv), by striking
2 “section 1111(b)(3)” and inserting
3 “section 1111(b)(2)”; and
4 (ii) in subparagraph (B)—
5 (I) in clause (i)—
6 (aa) in subclause (I), by
7 striking “, after considering the
8 recommendation of the technical
9 assistance providers under sec-
10 tion 1117,”; and
11 (bb) in subclause (II), by
12 striking “No Child Left Behind
13 Act of 2001” and inserting “Stu-
14 dent Success Act”;
15 (II) in clause (ii)—
16 (aa) by striking “(including
17 administrators of programs de-
18 scribed in other parts of this
19 title)”; and
20 (bb) by striking “pupil serv-
21 ices” and inserting “specialized
22 instructional support services”;
23 (III) in clause (iii), by striking
24 “part” and inserting “subpart”; and

1 (IV) in clause (v), by striking
2 “Reading First, Early Reading First,
3 Even Start,”; and
4 (3) in subsection (c)—
5 (A) by striking “part” and inserting “sub-
6 part”; and
7 (B) by striking “6,” and all that follows
8 through the period at the end and inserting
9 “6.”.

10 **SEC. 116. TARGETED ASSISTANCE SCHOOLS.**

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

12 (1) in subsection (a)—

13 (A) by striking “are ineligible for a
14 schoolwide program under section 1114, or
15 that”;

16 (B) by striking “operate such” and insert-
17 ing “operate”; and

18 (C) by striking “part” and inserting “sub-
19 part”;

20 (2) in subsection (b)—

21 (A) in paragraph (1)(B), by striking “chal-
22 lenging student academic achievement” and in-
23 serting “academic”;

24 (B) in paragraph (2)—

25 (i) in subparagraph (A)—

1 (I) by striking “limited English
2 proficient children” and inserting
3 “English learners”; and

4 (II) by striking “part” each place
5 it appears and inserting “subpart”;

6 (ii) in subparagraph (B)—

7 (I) in the heading, by striking “,
8 EVEN START, OR EARLY READING
9 FIRST”;

10 (II) by striking “, Even Start, or
11 Early Reading First”; and

12 (III) by striking “part” and in-
13 serting “subpart”;

14 (iii) in subparagraph (C)—

15 (I) by amending the heading to
16 read as follows: “SUBPART 3 CHIL-
17 DREN.—”;

18 (II) by striking “part C” and in-
19 serting “subpart 3”; and

20 (III) by striking “part” and in-
21 serting “subpart”;

22 (iv) in subparagraphs (D) and (E), by
23 striking “part” each place it appears and
24 inserting “subpart”;

- 1 (C) in paragraph (3), by striking “part”
2 and inserting “subpart”;
3 (3) in subsection (c)—
4 (A) in paragraph (1)—
5 (i) in the matter preceding subpara-
6 graph (A)—
7 (I) by striking “part” and insert-
8 ing “subpart”; and
9 (II) by striking “challenging stu-
10 dent academic achievement” and in-
11 sserting “academic”;
12 (ii) in subparagraph (A)—
13 (I) by striking “part” and insert-
14 ing “subpart”; and
15 (II) by striking “challenging stu-
16 dent academic achievement” and in-
17 sserting “academic”;
18 (iii) in subparagraph (B), by striking
19 “part” and inserting “subpart”;
20 (iv) in subparagraph (C)—
21 (I) in the matter preceding clause
22 (i), by striking “based on scientifically
23 based research” and inserting “evi-
24 dence-based”; and

1 (II) in clause (iii), by striking
2 “part” and inserting “subpart”;

3 (v) in subparagraph (D), by striking
4 “such as Head Start, Even Start, Early
5 Reading First or State-run preschool pro-
6 grams”;

7 (vi) in subparagraph (E), by striking
8 “highly qualified” and inserting “effec-
9 tive”;

10 (vii) in subparagraph (F)—

11 (I) by striking “in accordance
12 with subsection (e)(3) and section
13 1119,”;

14 (II) by striking “part” and in-
15 serting “subpart”; and

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

19 (viii) in subparagraph (H), by striking
20 “vocational” and inserting “career”; and

21 (B) in paragraph (2)—

22 (i) in the matter preceding subpara-
23 graph (A), by striking “proficient and ad-
24 vanced levels of achievement” and insert-
25 ing “academic standards”;

1 (ii) in subparagraph (A), by striking
2 “part” and inserting “subpart”; and

3 (iii) in subparagraph (B), by striking
4 “challenging student academic achieve-
5 ment” and inserting “academic”;

6 (4) in subsection (d), in the matter preceding
7 paragraph (1), by striking “part” each place it ap-
8 pears and inserting “subpart”;

9 (5) in subsection (e)—

10 (A) in paragraph (2)(B)—

11 (i) in the matter preceding clause (i),
12 by striking “part” and inserting “sub-
13 part”; and

14 (ii) in clause (iii), by striking “pupil
15 services” and inserting “specialized in-
16 structional support services”; and

17 (B) by striking paragraph (3); and

18 (6) by adding at the end the following new sub-
19 section:

20 “(f) DELIVERY OF SERVICES.—The elements of a
21 targeted assistance program under this section may be de-
22 livered by nonprofit or for-profit external providers with
23 expertise in using evidence-based or other effective strate-
24 gies to improve student achievement.”.

1 **SEC. 117. ACADEMIC ASSESSMENT AND LOCAL EDU-**
2 **CATIONAL AGENCY AND SCHOOL IMPROVE-**
3 **MENT; SCHOOL SUPPORT AND RECOGNITION.**

4 The Act is amended by repealing sections 1116 and
5 1117 (20 U.S.C. 6316; 6317).

6 **SEC. 118. PARENTAL INVOLVEMENT.**

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

8 (1) by striking “part” each place such term ap-
9 pears and inserting “subpart”;

10 (2) in subsection (a)—

11 (A) in paragraph (2)—

12 (i) in subparagraph (A), by striking “,
13 and” and all that follows through “1116”;
14 and

15 (ii) in subparagraph (D), by striking
16 “, such as” and all that follows through
17 “preschool programs”; and

18 (B) in paragraph (3)(A), by striking “sub-
19 part 2 of this part” each place it appears and
20 inserting “chapter B of this subpart”;

21 (3) by amending subsection (c)(4)(B) to read as
22 follows:

23 “(B) a description and explanation of the
24 curriculum in use at the school and the forms
25 of academic assessment used to measure stu-
26 dent progress; and”;

1 (4) in subsection (d)(1), by striking “student
2 academic achievement” and inserting “academic”;

3 (5) in subsection (e)—

4 (A) in paragraph (1), by striking “State’s
5 academic content standards and State student
6 academic achievement standards” and inserting
7 “State’s academic standards”;

8 (B) in paragraph (3)—

9 (i) by striking “pupil services per-
10 sonnel,” and inserting “specialized instruc-
11 tional support personnel,”; and

12 (ii) by striking “principals,” and in-
13 serting “school leaders,”; and

14 (C) in paragraph (4), by striking “Head
15 Start, Reading First, Early Reading First,
16 Even Start, the Home Instruction Programs for
17 Preschool Youngsters, the Parents as Teachers
18 Program, and public preschool and other” and
19 inserting “other Federal, State, and local”; and

20 (6) by amending subsection (g) to read as fol-
21 lows:

22 “(g) FAMILY ENGAGEMENT IN EDUCATION PRO-
23 GRAMS.—In a State operating a program under subpart
24 3 of part A of title III, each local educational agency or
25 school that receives assistance under this subpart shall in-

1 form such parents and organizations of the existence of
2 such programs.”.

3 **SEC. 119. QUALIFICATIONS FOR TEACHERS AND PARA-**
4 **PROFESSIONALS.**

5 The Act is amended by repealing section 1119 (20
6 U.S.C. 6319).

7 **SEC. 120. PARTICIPATION OF CHILDREN ENROLLED IN PRI-**
8 **VATE SCHOOLS.**

9 Section 1120 (20 U.S.C. 6320) is amended to read
10 as follows:

11 **“SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN**
12 **PRIVATE SCHOOLS.**

13 “(a) GENERAL REQUIREMENT.—

14 “(1) IN GENERAL.—To the extent consistent
15 with the number of eligible children identified under
16 section 1115(b) in the school district served by a
17 local educational agency who are enrolled in private
18 elementary schools and secondary schools, a local
19 educational agency shall—

20 “(A) after timely and meaningful consulta-
21 tion with appropriate private school officials or
22 representatives, provide such service, on an eq-
23 uitable basis and individually or in combination,
24 as requested by the officials or representatives
25 to best meet the needs of such children, special

1 educational services, instructional services,
2 counseling, mentoring, one-on-one tutoring, or
3 other benefits under this subpart (such as dual
4 enrollment, educational radio and television,
5 computer equipment and materials, other tech-
6 nology, and mobile educational services and
7 equipment) that address their needs; and

8 “(B) ensure that teachers and families of
9 the children participate, on an equitable basis,
10 in services and activities developed pursuant to
11 this subpart.

12 “(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—
13 Such educational services or other benefits, including
14 materials and equipment, shall be secular, neutral,
15 and nonideological.

16 “(3) EQUITY.—

17 “(A) IN GENERAL.—Educational services
18 and other benefits for such private school chil-
19 dren shall be equitable in comparison to serv-
20 ices and other benefits for public school chil-
21 dren participating under this subpart, and shall
22 be provided in a timely manner.

23 “(B) OMBUDSMAN.—To help ensure such
24 equity for such private school children, teach-
25 ers, and other educational personnel, the State

1 educational agency involved shall designate an
2 ombudsman to monitor and enforce the require-
3 ments of this subpart.

4 “(4) EXPENDITURES.—

5 “(A) IN GENERAL.—Expenditures for edu-
6 cational services and other benefits to eligible
7 private school children shall be equal to the ex-
8 penditures for participating public school chil-
9 dren, taking into account the number, and edu-
10 cational needs, of the children to be served. The
11 share of funds shall be determined based on the
12 total allocation received by the local educational
13 agency prior to any allowable expenditures au-
14 thorized under this title.

15 “(B) OBLIGATION OF FUNDS.—Funds allo-
16 cated to a local educational agency for edu-
17 cational services and other benefits to eligible
18 private school children shall—

19 “(i) be obligated in the fiscal year for
20 which the funds are received by the agen-
21 cy; and

22 “(ii) with respect to any such funds
23 that cannot be so obligated, be used to
24 serve such children in the following fiscal
25 year.

1 “(C) NOTICE OF ALLOCATION.—Each
2 State educational agency shall—

3 “(i) determine, in a timely manner,
4 the proportion of funds to be allocated to
5 each local educational agency in the State
6 for educational services and other benefits
7 under this subpart to eligible private school
8 children; and

9 “(ii) provide notice, simultaneously, to
10 each such local educational agency and the
11 appropriate private school officials or their
12 representatives in the State of such alloca-
13 tion of funds.

14 “(5) PROVISION OF SERVICES.—The local edu-
15 cational agency or, in a case described in subsection
16 (b)(6)(C), the State educational agency involved,
17 may provide services under this section directly or
18 through contracts with public or private agencies,
19 organizations, and institutions.

20 “(b) CONSULTATION.—

21 “(1) IN GENERAL.—To ensure timely and
22 meaningful consultation, a local educational agency
23 shall consult with appropriate private school officials
24 or representatives during the design and develop-
25 ment of such agency’s programs under this subpart

1 in order to reach an agreement between the agency
2 and the officials or representatives about equitable
3 and effective programs for eligible private school
4 children, the results of which shall be transmitted to
5 the designated ombudsmen under section
6 1120(a)(3)(B). Such process shall include consulta-
7 tion on issues such as—

8 “(A) how the children’s needs will be iden-
9 tified;

10 “(B) what services will be offered;

11 “(C) how, where, and by whom the services
12 will be provided;

13 “(D) how the services will be academically
14 assessed and how the results of that assessment
15 will be used to improve those services;

16 “(E) the size and scope of the equitable
17 services to be provided to the eligible private
18 school children, and the proportion of funds
19 that is allocated under subsection (a)(4)(A) for
20 such services, how that proportion of funds is
21 determined under such subsection, and an
22 itemization of the costs of the services to be
23 provided;

24 “(F) the method or sources of data that
25 are used under subsection (e) and section

1 1113(c)(1) to determine the number of children
2 from low-income families in participating school
3 attendance areas who attend private schools;

4 “(G) how and when the agency will make
5 decisions about the delivery of services to such
6 children, including a thorough consideration
7 and analysis of the views of the private school
8 officials or representatives on the provision of
9 services through a contract with potential third-
10 party providers;

11 “(H) how, if the agency disagrees with the
12 views of the private school officials or represent-
13 atives on the provision of services through a
14 contract, the local educational agency will pro-
15 vide in writing to such private school officials
16 an analysis of the reasons why the local edu-
17 cational agency has chosen not to use a con-
18 tractor;

19 “(I) whether the agency will provide serv-
20 ices under this section directly or through con-
21 tracts with public and private agencies, organi-
22 zations, and institutions;

23 “(J) whether to provide equitable services
24 to eligible private school children—

1 “(i) by creating a pool or pools of
2 funds with all of the funds allocated under
3 paragraph (4) based on all the children
4 from low-income families who attend pri-
5 vate schools in a participating school at-
6 tendance area of the agency from which
7 the local educational agency will provide
8 such services to all such children; or

9 “(ii) by providing such services to eli-
10 gible children in each private school in the
11 agency’s participating school attendance
12 area with the proportion of funds allocated
13 under paragraph (4) based on the number
14 of children from low-income families who
15 attend such school; and

16 “(K) whether to consolidate and use funds
17 under this subpart to provide schoolwide pro-
18 grams for a private school.

19 “(2) DISAGREEMENT.—If a local educational
20 agency disagrees with the views of private school of-
21 ficials or representatives with respect to an issue de-
22 scribed in paragraph (1), the local educational agen-
23 cy shall provide in writing to such private school of-
24 ficials an analysis of the reasons why the local edu-

1 cational agency has chosen not to adopt the course
2 of action requested by such officials.

3 “(3) TIMING.—Such consultation shall include
4 meetings of agency and private school officials or
5 representatives and shall occur before the local edu-
6 cational agency makes any decision that affects the
7 opportunities of eligible private school children to
8 participate in programs under this subpart. Such
9 meetings shall continue throughout implementation
10 and assessment of services provided under this sec-
11 tion.

12 “(4) DISCUSSION.—Such consultation shall in-
13 clude a discussion of service delivery mechanisms a
14 local educational agency can use to provide equitable
15 services to eligible private school children.

16 “(5) DOCUMENTATION.—Each local educational
17 agency shall maintain in the agency’s records and
18 provide to the State educational agency involved a
19 written affirmation signed by officials or representa-
20 tives of each participating private school that the
21 meaningful consultation required by this section has
22 occurred. The written affirmation shall provide the
23 option for private school officials or representatives
24 to indicate that timely and meaningful consultation
25 has not occurred or that the program design is not

1 equitable with respect to eligible private school chil-
2 dren. If such officials or representatives do not pro-
3 vide such affirmation within a reasonable period of
4 time, the local educational agency shall forward the
5 documentation that such consultation has, or at-
6 tempts at such consultation have, taken place to the
7 State educational agency.

8 “(6) COMPLIANCE.—

9 “(A) IN GENERAL.—A private school offi-
10 cial shall have the right to file a complaint with
11 the State educational agency that the local edu-
12 cational agency did not engage in consultation
13 that was meaningful and timely, did not give
14 due consideration to the views of the private
15 school official, or did not treat the private
16 school or its students equitably as required by
17 this section.

18 “(B) PROCEDURE.—If the private school
19 official wishes to file a complaint, the official
20 shall provide the basis of the noncompliance
21 with this section by the local educational agency
22 to the State educational agency, and the local
23 educational agency shall forward the appro-
24 priate documentation to the State educational
25 agency.

1 “(C) STATE EDUCATIONAL AGENCIES.—A
2 State educational agency shall provide services
3 under this section directly or through contracts
4 with public or private agencies, organizations,
5 and institutions, if—

6 “(i) the appropriate private school of-
7 ficials or their representatives have—

8 “(I) requested that the State
9 educational agency provide such serv-
10 ices directly; and

11 “(II) demonstrated that the local
12 educational agency involved has not
13 met the requirements of this section;
14 or

15 “(ii) in a case in which—

16 “(I) a local educational agency
17 has more than 10,000 children from
18 low-income families who attend pri-
19 vate elementary schools or secondary
20 schools in a participating school at-
21 tendance area of the agency that are
22 not being served by the agency’s pro-
23 gram under this section; or

24 “(II) 90 percent of the eligible
25 private school students in a partici-

1 pating school attendance area of the
2 agency are not being served by the
3 agency’s program under this section.

4 “(c) ALLOCATION FOR EQUITABLE SERVICE TO PRI-
5 VATE SCHOOL STUDENTS.—

6 “(1) CALCULATION.—A local educational agen-
7 cy shall have the final authority, consistent with this
8 section, to calculate the number of children, ages 5
9 through 17, who are from low-income families and
10 attend private schools by—

11 “(A) using the same measure of low in-
12 come used to count public school children;

13 “(B) using the results of a survey that, to
14 the extent possible, protects the identity of fam-
15 ilies of private school students, and allowing
16 such survey results to be extrapolated if com-
17 plete actual data are unavailable;

18 “(C) applying the low-income percentage of
19 each participating public school attendance
20 area, determined pursuant to this section, to
21 the number of private school children who re-
22 side in that school attendance area; or

23 “(D) using an equated measure of low in-
24 come correlated with the measure of low income
25 used to count public school children.

1 “(2) COMPLAINT PROCESS.—Any dispute re-
2 garding low-income data for private school students
3 shall be subject to the complaint process authorized
4 in section 5503.

5 “(d) PUBLIC CONTROL OF FUNDS.—

6 “(1) IN GENERAL.—The control of funds pro-
7 vided under this subpart, and title to materials,
8 equipment, and property purchased with such funds,
9 shall be in a public agency, and a public agency shall
10 administer such funds, materials, equipment, and
11 property.

12 “(2) PROVISION OF SERVICES.—

13 “(A) PROVIDER.—The provision of services
14 under this section shall be provided—

15 “(i) by employees of a public agency;

16 or

17 “(ii) through a contract by such pub-
18 lic agency with an individual, association,
19 agency, or organization.

20 “(B) REQUIREMENT.—In the provision of
21 such services, such employee, individual, asso-
22 ciation, agency, or organization shall be inde-
23 pendent of such private school and of any reli-
24 gious organization, and such employment or

1 contract shall be under the control and super-
2 vision of such public agency.

3 “(e) STANDARDS FOR A BYPASS.—If a local edu-
4 cational agency is prohibited by law from providing for
5 the participation in programs on an equitable basis of eli-
6 gible children enrolled in private elementary schools and
7 secondary schools, or if the Secretary determines that a
8 local educational agency has substantially failed or is un-
9 willing to provide for such participation, as required by
10 this section, the Secretary shall—

11 “(1) waive the requirements of this section for
12 such local educational agency;

13 “(2) arrange for the provision of services to
14 such children through arrangements that shall be
15 subject to the requirements of this section and sec-
16 tions 5503 and 5504; and

17 “(3) in making the determination under this
18 subsection, consider one or more factors, including
19 the quality, size, scope, and location of the program
20 and the opportunity of eligible children to partici-
21 pate.”.

22 **SEC. 121. FISCAL REQUIREMENTS.**

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

24 (1) by striking “part” each place it appears and
25 inserting “subpart”; and

1 (2) by striking subsection (a) and redesignating
2 subsections (b), (c), and (d) as subsections (a), (b),
3 and (c), respectively.

4 **SEC. 122. COORDINATION REQUIREMENTS.**

5 Section 1120B (20 U.S.C. 6322) is amended—

6 (1) by striking “part” each place it appears and
7 inserting “subpart”;

8 (2) in subsection (a), by striking “such as the
9 Early Reading First program”; and

10 (3) in subsection (b)—

11 (A) in the matter preceding paragraph (1),
12 by striking “, such as the Early Reading First
13 program,”;

14 (B) in paragraphs (1) through (3), by
15 striking “such as the Early Reading First pro-
16 gram” each place it appears;

17 (C) in paragraph (4), by striking “Early
18 Reading First program staff,”; and

19 (D) in paragraph (5), by striking “and en-
20 tities carrying out Early Reading First pro-
21 grams”.

22 **SEC. 123. GRANTS FOR THE OUTLYING AREAS AND THE**
23 **SECRETARY OF THE INTERIOR.**

24 Section 1121 (20 U.S.C. 6331) is amended—

1 (1) in subsection (a), by striking “appropriated
2 for payments to States for any fiscal year under sec-
3 tion 1002(a) and 1125A(f)” and inserting “reserved
4 for this chapter under section 1122(a)”;

5 (2) in subsection (b)—

6 (A) in paragraph (2), by striking “the No
7 Child Left Behind Act of 2001” and inserting
8 “the Student Success Act”;

9 (B) in paragraph (3)—

10 (i) in subparagraph (B), by striking
11 “basis,” and all that follows through the
12 period at the end and inserting “basis.”;

13 (ii) in subparagraph (C)(ii), by strik-
14 ing “challenging State academic content
15 standards” and inserting “State academic
16 standards”; and

17 (iii) by striking subparagraph (D);

18 and

19 (3) in subsection (d)(2), by striking “part” and
20 inserting “subpart”.

21 **SEC. 124. ALLOCATIONS TO STATES.**

22 Section 1122 (20 U.S.C. 6332) is amended—

23 (1) by amending subsection (a) to read as fol-
24 lows:

25 “(a) RESERVATION.—

1 “(1) IN GENERAL.—From the amounts appro-
2 priated under section 3(a)(1), the Secretary shall re-
3 serve 91.055 percent of such amounts to carry out
4 this chapter.

5 “(2) ALLOCATION FORMULA.—Of the amount
6 reserved under paragraph (1) for each of fiscal years
7 2014 to 2019 (referred to in this subsection as the
8 current fiscal year)—

9 “(A) an amount equal to the amount made
10 available to carry out section 1124 for fiscal
11 year 2001 shall be used to carry out section
12 1124;

13 “(B) an amount equal to the amount made
14 available to carry out section 1124A for fiscal
15 year 2001 shall be used to carry out section
16 1124A; and

17 “(C) an amount equal to 100 percent of
18 the amount, if any, by which the total amount
19 made available to carry out this chapter for the
20 fiscal year for which the determination is made
21 exceeds the total amount available to carry out
22 sections 1124 and 1124A for fiscal year 2001
23 shall be used to carry out sections 1125 and
24 1125A and such amount shall be divided equal-
25 ly between sections 1125 and 1125A.”;

1 (2) in subsection (b)(1), by striking “subpart”
2 and inserting “chapter”;

3 (3) in subsection (c)(3), by striking “part” and
4 inserting “subpart”; and

5 (4) in subsection (d)(1), by striking “subpart”
6 and inserting “chapter”.

7 **SEC. 125. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**
8 **CIES.**

9 Section 1124 (20 U.S.C. 6333) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (3)—

12 (i) in subparagraph (B), by striking
13 “subpart” and inserting “chapter”; and

14 (ii) in subparagraph (C)(i), by strik-
15 ing “subpart” and inserting “chapter”;

16 and

17 (B) in paragraph (4)(C), by striking “sub-
18 part” each place it appears and inserting
19 “chapter”; and

20 (2) in subsection (c)—

21 (A) in paragraph (1)(B), by striking “sub-
22 part 1 of part D” and inserting “chapter A of
23 subpart 3”; and

24 (B) in paragraph (2), by striking “part”
25 and inserting “subpart”.

1 **SEC. 126. ADEQUACY OF FUNDING OF TARGETED GRANTS**
2 **TO LOCAL EDUCATIONAL AGENCIES IN FIS-**
3 **CAL YEARS AFTER FISCAL YEAR 2001.**

4 Section 1125AA (20 U.S.C. 6336) is amended to
5 read as follows:

6 **“SEC. 1125AA. ADEQUACY OF FUNDING OF TARGETED**
7 **GRANTS TO LOCAL EDUCATIONAL AGENCIES**
8 **IN FISCAL YEARS AFTER FISCAL YEAR 2001.**

9 “Pursuant to section 1122, the total amount allo-
10 cated in any fiscal year after fiscal year 2001 for programs
11 and activities under this subpart shall not exceed the
12 amount allocated in fiscal year 2001 for such programs
13 and activities unless the amount available for targeted
14 grants to local educational agencies under section 1125
15 in the applicable fiscal year meets the requirements of sec-
16 tion 1122(a).”.

17 **SEC. 127. EDUCATION FINANCE INCENTIVE GRANT PRO-**
18 **GRAM.**

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

20 (1) by striking “part” each place it appears and
21 inserting “subpart”;

22 (2) in subsection (b)(1)—

23 (A) in subparagraph (A), by striking “ap-
24 propriated pursuant to subsection (f)” and in-
25 serting “made available for any fiscal year to
26 carry out this section”; and

1 (B) in subparagraph (B)(i), by striking
2 “total appropriations” and inserting “the total
3 amount reserved under section 1122(a) to carry
4 out this section”;

5 (3) by striking subsections (a), (e), and (f) and
6 redesignating subsections (b), (c), (d), and (g) as
7 subsections (a), (b), (c), and (d), respectively; and

8 (4) in subsection (b), as redesignated, by redesi-
9 gnating subparagraphs (A) and (B) as paragraphs
10 (1) and (2), respectively.

11 **SEC. 128. CARRYOVER AND WAIVER.**

12 Section 1127 (20 U.S.C. 6339) is amended by strik-
13 ing “subpart” each place it appears and inserting “chap-
14 ter”.

15 **SEC. 129. TITLE I PORTABILITY.**

16 Chapter B of subpart 1 of part A of title I (20 U.S.C.
17 6331 et seq.) is amended by adding at the end the fol-
18 lowing new section:

19 **“SEC. 1128. TITLE I FUNDS FOLLOW THE LOW-INCOME**
20 **CHILD STATE OPTION.**

21 “(a) IN GENERAL.—Notwithstanding any other pro-
22 vision of law and to the extent permitted under State law,
23 a State educational agency may allocate grant funds under
24 this chapter among the local educational agencies in the

1 State based on the number of eligible children enrolled in
2 the public schools served by each local educational agency.

3 “(b) ELIGIBLE CHILD.—

4 “(1) DEFINITION.—In this section, the term
5 ‘eligible child’ means a child aged 5 to 17, inclusive,
6 from a family with an income below the poverty level
7 on the basis of the most recent satisfactory data
8 published by the Department of Commerce.

9 “(2) CRITERIA OF POVERTY.—In determining
10 the families with incomes below the poverty level for
11 the purposes of this section, a State educational
12 agency shall use the criteria of poverty used by the
13 Census Bureau in compiling the most recent decen-
14 nial census, as the criteria have been updated by in-
15 creases in the Consumer Price Index for All Urban
16 Consumers, published by the Bureau of Labor Sta-
17 tistics.

18 “(c) STUDENT ENROLLMENT IN PUBLIC SCHOOLS.—

19 “(1) IDENTIFICATION OF ELIGIBLE CHIL-
20 DREN.—On an annual basis, on a date to be deter-
21 mined by the State educational agency, each local
22 educational agency that receives grant funding in ac-
23 cordance with subsection (a) shall inform the State
24 educational agency of the number of eligible children

1 enrolled in public schools served by the local edu-
2 cational agency.

3 “(2) ALLOCATION TO LOCAL EDUCATIONAL
4 AGENCIES.—Based on the identification of eligible
5 children in paragraph (1), the State educational
6 agency shall provide to a local educational agency an
7 amount equal to the sum of the amount available for
8 each eligible child in the State multiplied by the
9 number of eligible children identified by the local
10 educational agency under paragraph (1).

11 “(3) DISTRIBUTION TO SCHOOLS.—Each local
12 educational agency that receives funds under para-
13 graph (2) shall distribute such funds to the public
14 schools served by the local educational agency—

15 “(A) based on the number of eligible chil-
16 dren enrolled in such schools; and

17 “(B) in a manner that would, in the ab-
18 sence of such Federal funds, supplement the
19 funds made available from non-Federal re-
20 sources for the education of pupils participating
21 in programs under this subpart, and not to sup-
22 plant such funds.”.

1 **Subtitle C—Additional Aid to**
2 **States and School Districts**

3 **SEC. 131. ADDITIONAL AID.**

4 (a) IN GENERAL.—Title I (20 U.S.C. 6301 et seq.),
5 as amended by the preceding provisions of this Act, is fur-
6 ther amended—

7 (1) by striking parts B through D and F
8 through H; and

9 (2) by inserting after subpart 1 of part A the
10 following:

11 **“Subpart 2—Education of Migratory Children**

12 **“SEC. 1131. PROGRAM PURPOSES.**

13 “The purposes of this subpart are as follows:

14 “(1) To assist States in supporting high-quality
15 and comprehensive educational programs and serv-
16 ices during the school year, and as applicable, during
17 summer or intercession periods, that address the
18 unique educational needs of migratory children.

19 “(2) To ensure that migratory children who
20 move among the States, not be penalized in any
21 manner by disparities among the States in cur-
22 riculum, graduation requirements, and State aca-
23 demic standards.

24 “(3) To help such children succeed in school,
25 meet the State academic standards that all children

1 are expected to meet, and graduate from high school
2 prepared for postsecondary education and the work-
3 force without the need for remediation.

4 “(4) To help such children overcome edu-
5 cational disruption, cultural and language barriers,
6 social isolation, various health-related problems, and
7 other factors that inhibit the ability of such children
8 to succeed in school.

9 “(5) To help such children benefit from State
10 and local systemic reforms.

11 **“SEC. 1132. PROGRAM AUTHORIZED.**

12 “(a) IN GENERAL.—From the amounts appropriated
13 under section 3(a)(1), the Secretary shall reserve 2.37 per-
14 cent to carry out this subpart.

15 “(b) GRANTS AWARDED.—From the amounts re-
16 served under subsection (a) and not reserved under section
17 1138(c), the Secretary shall make allotments for the fiscal
18 year to State educational agencies, or consortia of such
19 agencies, to establish or improve, directly or through local
20 operating agencies, programs of education for migratory
21 children in accordance with this subpart.

22 **“SEC. 1133. STATE ALLOCATIONS.**

23 “(a) STATE ALLOCATIONS.—Except as provided in
24 subsection (c), each State (other than the Commonwealth

1 of Puerto Rico) is entitled to receive under this subpart
2 an amount equal to the product of—

3 “(1) the sum of—

4 “(A) the average number of identified eligi-
5 ble full-time equivalent migratory children aged
6 3 through 21 residing in the State, based on
7 data for the preceding 3 years; and

8 “(B) the number of identified eligible mi-
9 gratory children, aged 3 through 21, who re-
10 ceived services under this subpart in summer or
11 intersession programs provided by the State
12 during the previous year; multiplied by

13 “(2) 40 percent of the average per-pupil ex-
14 penditure in the State, except that the amount de-
15 termined under this paragraph shall not be less than
16 32 percent, nor more than 48 percent, of the aver-
17 age per-pupil expenditure in the United States.

18 “(b) HOLD HARMLESS.—Notwithstanding subsection
19 (a), for each of fiscal years 2014 through 2016, no State
20 shall receive less than 90 percent of the State’s allocation
21 under this section for the previous year.

22 “(c) ALLOCATION TO PUERTO RICO.—For each fiscal
23 year, the grant which the Commonwealth of Puerto Rico
24 shall be eligible to receive under this subpart shall be the
25 amount determined by multiplying the number of children

1 who would be counted under subsection (a)(1) if such sub-
2 section applied to the Commonwealth of Puerto Rico by
3 the product of—

4 “(1) the percentage that the average per-pupil
5 expenditure in the Commonwealth of Puerto Rico is
6 of the lowest average per-pupil expenditure of any of
7 the 50 States, except that the percentage calculated
8 under this subparagraph shall not be less than 85
9 percent; and

10 “(2) 32 percent of the average per-pupil ex-
11 penditure in the United States.

12 “(d) RATABLE REDUCTIONS; REALLOCATIONS.—

13 “(1) IN GENERAL.—

14 “(A) RATABLE REDUCTIONS.—If, after the
15 Secretary reserves funds under section 1138(e),
16 the amount appropriated to carry out this sub-
17 part for any fiscal year is insufficient to pay in
18 full the amounts for which all States are eligi-
19 ble, the Secretary shall ratably reduce each
20 such amount.

21 “(B) REALLOCATION.—If additional funds
22 become available for making such payments for
23 any fiscal year, the Secretary shall allocate such
24 funds to States in amounts that the Secretary

1 determines will best carry out the purpose of
2 this subpart.

3 “(2) SPECIAL RULE.—

4 “(A) FURTHER REDUCTIONS.—The Sec-
5 retary shall further reduce the amount of any
6 grant to a State under this subpart for any fis-
7 cal year if the Secretary determines, based on
8 available information on the numbers and needs
9 of migratory children in the State and the pro-
10 gram proposed by the State to address such
11 needs, that such amount exceeds the amount
12 required under section 1134.

13 “(B) REALLOCATION.—The Secretary shall
14 reallocate such excess funds to other States
15 whose grants under this subpart would other-
16 wise be insufficient to provide an appropriate
17 level of services to migratory children, in such
18 amounts as the Secretary determines are appro-
19 priate.

20 “(e) CONSORTIUM ARRANGEMENTS.—

21 “(1) IN GENERAL.—In the case of a State that
22 receives a grant of \$1,000,000 or less under this
23 section, the Secretary shall consult with the State
24 educational agency to determine whether consortium
25 arrangements with another State or other appro-

1 appropriate entity would result in delivery of services in
2 a more effective and efficient manner.

3 “(2) PROPOSALS.—Any State, regardless of the
4 amount of such State’s allocation, may submit a
5 consortium arrangement to the Secretary for ap-
6 proval.

7 “(3) APPROVAL.—The Secretary shall approve
8 a consortium arrangement under paragraph (1) or
9 (2) if the proposal demonstrates that the arrange-
10 ment will—

11 “(A) reduce administrative costs or pro-
12 gram function costs for State programs; and

13 “(B) make more funds available for direct
14 services to add substantially to the educational
15 achievement of children to be served under this
16 subpart.

17 “(f) DETERMINING NUMBERS OF ELIGIBLE CHIL-
18 DREN.—In order to determine the identified number of
19 migratory children residing in each State for purposes of
20 this section, the Secretary shall—

21 “(1) use the most recent information that most
22 accurately reflects the actual number of migratory
23 children;

24 “(2) develop and implement a procedure for
25 monitoring the accuracy of such information;

1 “(3) develop and implement a procedure for
2 more accurately reflecting cost factors for different
3 types of summer and intersession program designs;

4 “(4) adjust the full-time equivalent number of
5 migratory children who reside in each State to take
6 into account—

7 “(A) the unique needs of those children
8 participating in evidence-based or other effective
9 special programs provided under this sub-
10 part that operate during the summer and inter-
11 session periods; and

12 “(B) the additional costs of operating such
13 programs; and

14 “(5) conduct an analysis of the options for ad-
15 justing the formula so as to better direct services to
16 migratory children, including the most at-risk migra-
17 tory children.

18 “(g) NONPARTICIPATING STATES.—In the case of a
19 State desiring to receive an allocation under this subpart
20 for a fiscal year that did not receive an allocation for the
21 previous fiscal year or that has been participating for less
22 than 3 consecutive years, the Secretary shall calculate the
23 State’s number of identified migratory children aged 3
24 through 21 for purposes of subsection (a)(1)(A) by using
25 the most recent data available that identifies the migra-

1 tory children residing in the State until data is available
2 to calculate the 3-year average number of such children
3 in accordance with such subsection.

4 **“SEC. 1134. STATE APPLICATIONS; SERVICES.**

5 “(a) APPLICATION REQUIRED.—Any State desiring
6 to receive a grant under this subpart for any fiscal year
7 shall submit an application to the Secretary at such time
8 and in such manner as the Secretary may require.

9 “(b) PROGRAM INFORMATION.—Each such applica-
10 tion shall include—

11 “(1) a description of how, in planning, imple-
12 menting, and evaluating programs and projects as-
13 sisted under this subpart, the State and its local op-
14 erating agencies will ensure that the unique edu-
15 cational needs of migratory children, including pre-
16 school migratory children, are identified and ad-
17 dressed through—

18 “(A) the full range of services that are
19 available for migratory children from appro-
20 priate local, State, and Federal educational pro-
21 grams;

22 “(B) joint planning among local, State,
23 and Federal educational programs serving mi-
24 gratory children, including language instruction

1 educational programs under chapter A of sub-
2 part 4; and

3 “(C) the integration of services available
4 under this subpart with services provided by
5 those other programs;

6 “(2) a description of the steps the State is tak-
7 ing to provide all migratory students with the oppor-
8 tunity to meet the same State academic standards
9 that all children are expected to meet;

10 “(3) a description of how the State will use
11 funds received under this subpart to promote inter-
12 state and intrastate coordination of services for mi-
13 gratory children, including how the State will pro-
14 vide for educational continuity through the timely
15 transfer of pertinent school records, including infor-
16 mation on health, when children move from one
17 school to another, whether or not such a move oc-
18 curs during the regular school year;

19 “(4) a description of the State’s priorities for
20 the use of funds received under this subpart, and
21 how such priorities relate to the State’s assessment
22 of needs for services in the State;

23 “(5) a description of how the State will deter-
24 mine the amount of any subgrants the State will
25 award to local operating agencies, taking into ac-

1 count the numbers and needs of migratory children,
2 the requirements of subsection (d), and the avail-
3 ability of funds from other Federal, State, and local
4 programs; and

5 “(6) a description of how the State will encour-
6 age programs and projects assisted under this sub-
7 part to offer family literacy services if the programs
8 and projects serve a substantial number of migra-
9 tory children whose parents do not have a regular
10 high school diploma or its recognized equivalent or
11 who have low levels of literacy.

12 “(c) ASSURANCES.—Each such application shall also
13 include assurances that—

14 “(1) funds received under this subpart will be
15 used only—

16 “(A) for programs and projects, including
17 the acquisition of equipment, in accordance
18 with section 1136; and

19 “(B) to coordinate such programs and
20 projects with similar programs and projects
21 within the State and in other States, as well as
22 with other Federal programs that can benefit
23 migratory children and their families;

24 “(2) such programs and projects will be carried
25 out in a manner consistent with the objectives of

1 section 1114, subsections (b) and (d) of section
2 1115, subsections (b) and (c) of section 1120A, and
3 part C;

4 “(3) in the planning and operation of programs
5 and projects at both the State and local agency op-
6 erating level, there is consultation with parents of
7 migratory children for programs of not less than one
8 school year in duration, and that all such programs
9 and projects are carried out—

10 “(A) in a manner that provides for the
11 same parental involvement as is required for
12 programs and projects under section 1118, un-
13 less extraordinary circumstances make such
14 provision impractical; and

15 “(B) in a format and language under-
16 standable to the parents;

17 “(4) in planning and carrying out such pro-
18 grams and projects, there has been, and will be, ade-
19 quate provision for addressing the unmet education
20 needs of preschool migratory children;

21 “(5) the effectiveness of such programs and
22 projects will be determined, where feasible, using the
23 same approaches and standards that will be used to
24 assess the performance of students, schools, and
25 local educational agencies under subpart 1;

1 “(6) to the extent feasible, such programs and
2 projects will provide for—

3 “(A) advocacy and outreach activities for
4 migratory children and their families, including
5 informing such children and families of, or
6 helping such children and families gain access
7 to, other education, health, nutrition, and social
8 services;

9 “(B) professional development programs,
10 including mentoring, for teachers and other
11 program personnel;

12 “(C) high-quality, evidence-based family
13 literacy programs;

14 “(D) the integration of information tech-
15 nology into educational and related programs;
16 and

17 “(E) programs to facilitate the transition
18 of secondary school students to postsecondary
19 education or employment without the need for
20 remediation; and

21 “(7) the State will assist the Secretary in deter-
22 mining the number of migratory children under
23 paragraph (1) of section 1133(a).

24 “(d) PRIORITY FOR SERVICES.—In providing services
25 with funds received under this subpart, each recipient of

1 such funds shall give priority to migratory children who
2 are failing, or most at risk of failing, to meet the State’s
3 academic standards under section 1111(b)(1).

4 “(e) CONTINUATION OF SERVICES.—Notwith-
5 standing any other provision of this subpart—

6 “(1) a child who ceases to be a migratory child
7 during a school term shall be eligible for services
8 until the end of such term;

9 “(2) a child who is no longer a migratory child
10 may continue to receive services for one additional
11 school year, but only if comparable services are not
12 available through other programs; and

13 “(3) secondary school students who were eligi-
14 ble for services in secondary school may continue to
15 be served through credit accrual programs until
16 graduation.

17 **“SEC. 1135. SECRETARIAL APPROVAL; PEER REVIEW.**

18 “The Secretary shall approve each State application
19 that meets the requirements of this subpart, and may re-
20 view any such application using a peer review process.

21 **“SEC. 1136. COMPREHENSIVE NEEDS ASSESSMENT AND**
22 **SERVICE-DELIVERY PLAN; AUTHORIZED AC-**
23 **TIVITIES.**

24 “(a) COMPREHENSIVE PLAN.—

1 “(1) IN GENERAL.—Each State that receives
2 assistance under this subpart shall ensure that the
3 State and its local operating agencies identify and
4 address the unique educational needs of migratory
5 children in accordance with a comprehensive State
6 plan that—

7 “(A) is integrated with other programs
8 under this Act or other Acts, as appropriate;

9 “(B) may be submitted as a part of a con-
10 solidated application under section 5302, if—

11 “(i) the unique needs of migratory
12 children are specifically addressed in the
13 comprehensive State plan;

14 “(ii) the comprehensive State plan is
15 developed in collaboration with parents of
16 migratory children; and

17 “(iii) the comprehensive State plan is
18 not used to supplant State efforts regard-
19 ing, or administrative funding for, this
20 subpart;

21 “(C) provides that migratory children will
22 have an opportunity to meet the same State
23 academic standards under section 1111(b)(1)
24 that all children are expected to meet;

1 “(D) specifies measurable program goals
2 and outcomes;

3 “(E) encompasses the full range of services
4 that are available for migratory children from
5 appropriate local, State, and Federal edu-
6 cational programs;

7 “(F) is the product of joint planning
8 among such local, State, and Federal programs,
9 including programs under subpart 1, early
10 childhood programs, and language instruction
11 educational programs under chapter A of sub-
12 part 4; and

13 “(G) provides for the integration of serv-
14 ices available under this subpart with services
15 provided by such other programs.

16 “(2) DURATION OF THE PLAN.—Each such
17 comprehensive State plan shall—

18 “(A) remain in effect for the duration of
19 the State’s participation under this subpart;
20 and

21 “(B) be periodically reviewed and revised
22 by the State, as necessary, to reflect changes in
23 the State’s strategies and programs under this
24 subpart.

25 “(b) AUTHORIZED ACTIVITIES.—

1 “(1) FLEXIBILITY.—In implementing the com-
2 prehensive plan described in subsection (a), each
3 State educational agency, where applicable through
4 its local educational agencies, shall have the flexi-
5 bility to determine the activities to be provided with
6 funds made available under this subpart, except that
7 such funds first shall be used to meet the identified
8 needs of migratory children that result from their
9 migratory lifestyle, and to permit these children to
10 participate effectively in school.

11 “(2) UNADDRESSED NEEDS.—Funds provided
12 under this subpart shall be used to address the
13 needs of migratory children that are not addressed
14 by services available from other Federal or non-Fed-
15 eral programs, except that migratory children who
16 are eligible to receive services under subpart 1 may
17 receive those services through funds provided under
18 that subpart, or through funds under this subpart
19 that remain after the agency addresses the needs de-
20 scribed in paragraph (1).

21 “(3) CONSTRUCTION.—Nothing in this subpart
22 shall be construed to prohibit a local educational
23 agency from serving migratory children simulta-
24 neously with students with similar educational needs
25 in the same educational settings, where appropriate.

1 **“SEC. 1137. BYPASS.**

2 “The Secretary may use all or part of any State’s
3 allocation under this subpart to make arrangements with
4 any public or private agency to carry out the purpose of
5 this subpart in such State if the Secretary determines
6 that—

7 “(1) the State is unable or unwilling to conduct
8 educational programs for migratory children;

9 “(2) such arrangements would result in more
10 efficient and economic administration of such pro-
11 grams; or

12 “(3) such arrangements would add substantially
13 to the educational achievement of such children.

14 **“SEC. 1138. COORDINATION OF MIGRATORY EDUCATION**
15 **ACTIVITIES.**

16 “(a) IMPROVEMENT OF COORDINATION.—

17 “(1) IN GENERAL.—The Secretary, in consulta-
18 tion with the States, may make grants to, or enter
19 into contracts with, State educational agencies, local
20 educational agencies, institutions of higher edu-
21 cation, and other public and private entities to im-
22 prove the interstate and intrastate coordination
23 among such agencies’ educational programs, includ-
24 ing through the establishment or improvement of
25 programs for credit accrual and exchange, available
26 to migratory students.

1 “(2) DURATION.—Grants or contracts under
2 this subsection may be awarded for not more than
3 5 years.

4 “(b) STUDENT RECORDS.—

5 “(1) ASSISTANCE.—The Secretary shall assist
6 States in developing and maintaining an effective
7 system for the electronic transfer of student records
8 and in determining the number of migratory chil-
9 dren in each State.

10 “(2) INFORMATION SYSTEM.—

11 “(A) IN GENERAL.—The Secretary, in con-
12 sultation with the States, shall ensure the link-
13 age of migratory student record systems for the
14 purpose of electronically exchanging, among the
15 States, health and educational information re-
16 garding all migratory students. The Secretary
17 shall ensure such linkage occurs in a cost-effec-
18 tive manner, utilizing systems used by the
19 States prior to, or developed after, the date of
20 enactment of this Act. The Secretary shall de-
21 termine the minimum data elements that each
22 State receiving funds under this subpart shall
23 collect and maintain. Such minimum data ele-
24 ments may include—

1 “(i) immunization records and other
2 health information;

3 “(ii) elementary and secondary aca-
4 demic history (including partial credit),
5 credit accrual, and results from State as-
6 sessments required under section
7 1111(b)(2);

8 “(iii) other academic information es-
9 sential to ensuring that migratory children
10 achieve to the States’s academic standards;
11 and

12 “(iv) eligibility for services under the
13 Individuals with Disabilities Education
14 Act.

15 “(B) The Secretary shall consult with
16 States before updating the data elements that
17 each State receiving funds under this subpart
18 shall be required to collect for purposes of elec-
19 tronic transfer of migratory student information
20 and the requirements that States shall meet for
21 immediate electronic access to such information.

22 “(3) NO COST FOR CERTAIN TRANSFERS.—A
23 State educational agency or local educational agency
24 receiving assistance under this subpart shall make
25 student records available to another State edu-

1 cational agency or local educational agency that re-
2 quests the records at no cost to the requesting agen-
3 cy, if the request is made in order to meet the needs
4 of a migratory child.

5 “(4) REPORT TO CONGRESS.—

6 “(A) IN GENERAL.—Not later than April
7 30, 2014, the Secretary shall report to the
8 Committee on Health, Education, Labor, and
9 Pensions of the Senate and the Committee on
10 Education and the Workforce of the House of
11 Representatives the Secretary’s findings and
12 recommendations regarding the maintenance
13 and transfer of health and educational informa-
14 tion for migratory students by the States.

15 “(B) REQUIRED CONTENTS.—The Sec-
16 retary shall include in such report—

17 “(i) a review of the progress of States
18 in developing and linking electronic records
19 transfer systems;

20 “(ii) recommendations for maintaining
21 such systems; and

22 “(iii) recommendations for improving
23 the continuity of services provided for mi-
24 gratory students.

1 “(c) AVAILABILITY OF FUNDS.—The Secretary shall
2 reserve not more than \$10,000,000 of the amount re-
3 served under section 1132 to carry out this section for
4 each fiscal year.

5 “(d) DATA COLLECTION.—The Secretary shall direct
6 the National Center for Education Statistics to collect
7 data on migratory children.

8 **“SEC. 1139. DEFINITIONS.**

9 “As used in this subpart:

10 “(1) LOCAL OPERATING AGENCY.—The term
11 ‘local operating agency’ means—

12 “(A) a local educational agency to which a
13 State educational agency makes a subgrant
14 under this subpart;

15 “(B) a public or private agency with which
16 a State educational agency or the Secretary
17 makes an arrangement to carry out a project
18 under this subpart; or

19 “(C) a State educational agency, if the
20 State educational agency operates the State’s
21 migratory education program or projects di-
22 rectly.

23 “(2) MIGRATORY CHILD.—The term ‘migratory
24 child’ means a child who is, or whose parent or
25 spouse is, a migratory agricultural worker, including

1 a migratory dairy worker, or a migratory fisher, and
2 who, in the preceding 36 months, in order to obtain,
3 or accompany such parent or spouse, in order to ob-
4 tain, temporary or seasonal employment in agricul-
5 tural or fishing work—

6 “(A) has moved from one school district to
7 another;

8 “(B) in a State that is comprised of a sin-
9 gle school district, has moved from one adminis-
10 trative area to another within such district; or

11 “(C) resides in a school district of more
12 than 15,000 square miles, and migrates a dis-
13 tance of 20 miles or more to a temporary resi-
14 dence to engage in a fishing activity.

15 **“Subpart 3—Prevention and Intervention Programs**
16 **for Children and Youth Who Are Neglected, De-**
17 **linquent, or At-Risk**

18 **“SEC. 1141. PURPOSE AND PROGRAM AUTHORIZATION.**

19 “(a) PURPOSE.—It is the purpose of this subpart—

20 “(1) to improve educational services for chil-
21 dren and youth in local and State institutions for
22 neglected or delinquent children and youth so that
23 such children and youth have the opportunity to
24 meet the same State academic standards that all
25 children in the State are expected to meet;

1 allocate to each State educational agency an amount nec-
2 essary to make subgrants to State agencies under chapter
3 A.

4 “(b) LOCAL SUBGRANTS.—Each State shall retain,
5 for the purpose of carrying out chapter B, funds generated
6 throughout the State under subpart 1 of this part based
7 on children and youth residing in local correctional facili-
8 ties, or attending community day programs for delinquent
9 children and youth.

10 **“CHAPTER A—STATE AGENCY PROGRAMS**

11 **“SEC. 1151. ELIGIBILITY.**

12 “A State agency is eligible for assistance under this
13 chapter if such State agency is responsible for providing
14 free public education for children and youth—

15 “(1) in institutions for neglected or delinquent
16 children and youth;

17 “(2) attending community day programs for ne-
18 glected or delinquent children and youth; or

19 “(3) in adult correctional institutions.

20 **“SEC. 1152. ALLOCATION OF FUNDS.**

21 “(a) SUBGRANTS TO STATE AGENCIES.—

22 “(1) IN GENERAL.—Each State agency de-
23 scribed in section 1151 (other than an agency in the
24 Commonwealth of Puerto Rico) is eligible to receive

1 a subgrant under this chapter, for each fiscal year,
2 in an amount equal to the product of—

3 “(A) the number of neglected or delinquent
4 children and youth described in section 1151
5 who—

6 “(i) are enrolled for at least 15 hours
7 per week in education programs in adult
8 correctional institutions; and

9 “(ii) are enrolled for at least 20 hours
10 per week—

11 “(I) in education programs in in-
12 stitutions for neglected or delinquent
13 children and youth; or

14 “(II) in community day programs
15 for neglected or delinquent children
16 and youth; and

17 “(B) 40 percent of the average per-pupil
18 expenditure in the State, except that the
19 amount determined under this subparagraph
20 shall not be less than 32 percent, nor more
21 than 48 percent, of the average per-pupil ex-
22 penditure in the United States.

23 “(2) SPECIAL RULE.—The number of neglected
24 or delinquent children and youth determined under
25 paragraph (1) shall—

1 “(A) be determined by the State agency by
2 a deadline set by the Secretary, except that no
3 State agency shall be required to determine the
4 number of such children and youth on a specific
5 date set by the Secretary; and

6 “(B) be adjusted, as the Secretary deter-
7 mines is appropriate, to reflect the relative
8 length of such agency’s annual programs.

9 “(b) SUBGRANTS TO STATE AGENCIES IN PUERTO
10 RICO.—

11 “(1) IN GENERAL.—For each fiscal year, the
12 amount of the subgrant which a State agency in the
13 Commonwealth of Puerto Rico shall be eligible to re-
14 ceive under this chapter shall be the amount deter-
15 mined by multiplying the number of children count-
16 ed under subsection (a)(1)(A) for the Common-
17 wealth of Puerto Rico by the product of—

18 “(A) the percentage which the average per-
19 pupil expenditure in the Commonwealth of
20 Puerto Rico is of the lowest average per-pupil
21 expenditure of any of the 50 States; and

22 “(B) 32 percent of the average per-pupil
23 expenditure in the United States.

1 “(2) MINIMUM PERCENTAGE.—The percentage
2 in paragraph (1)(A) shall not be less than 85 per-
3 cent.

4 “(c) RATABLE REDUCTIONS IN CASE OF INSUFFI-
5 CIENT APPROPRIATIONS.—If the amount reserved for any
6 fiscal year for subgrants under subsections (a) and (b) is
7 insufficient to pay the full amount for which all State
8 agencies are eligible under such subsections, the Secretary
9 shall ratably reduce each such amount.

10 **“SEC. 1153. STATE REALLOCATION OF FUNDS.**

11 “If a State educational agency determines that a
12 State agency does not need the full amount of the
13 subgrant for which such State agency is eligible under this
14 chapter for any fiscal year, the State educational agency
15 may reallocate the amount that will not be needed to other
16 eligible State agencies that need additional funds to carry
17 out the purpose of this chapter, in such amounts as the
18 State educational agency shall determine.

19 **“SEC. 1154. STATE PLAN AND STATE AGENCY APPLICA-**
20 **TIONS.**

21 “(a) STATE PLAN.—

22 “(1) IN GENERAL.—Each State educational
23 agency that desires to receive a grant under this
24 chapter shall submit, for approval by the Secretary,
25 a plan—

1 “(A) for meeting the educational needs of
2 neglected, delinquent, and at-risk children and
3 youth;

4 “(B) for assisting in the transition of chil-
5 dren and youth from correctional facilities to lo-
6 cally operated programs; and

7 “(C) that is integrated with other pro-
8 grams under this Act or other Acts, as appro-
9 priate.

10 “(2) CONTENTS.—Each such State plan shall—

11 “(A) describe how the State will assess the
12 effectiveness of the program in improving the
13 academic, career, and technical skills of chil-
14 dren in the program;

15 “(B) provide that, to the extent feasible,
16 such children will have the same opportunities
17 to achieve as such children would have if such
18 children were in the schools of local educational
19 agencies in the State;

20 “(C) describe how the State will place a
21 priority for such children to obtain a regular
22 high school diploma, to the extent feasible; and

23 “(D) contain an assurance that the State
24 educational agency will—

1 “(i) ensure that programs assisted
2 under this chapter will be carried out in
3 accordance with the State plan described
4 in this subsection;

5 “(ii) carry out the evaluation require-
6 ments of section 1171; and

7 “(iii) ensure that the State agencies
8 receiving subgrants under this chapter
9 comply with all applicable statutory and
10 regulatory requirements.

11 “(3) DURATION OF THE PLAN.—Each such
12 State plan shall—

13 “(A) remain in effect for the duration of
14 the State’s participation under this chapter;
15 and

16 “(B) be periodically reviewed and revised
17 by the State, as necessary, to reflect changes in
18 the State’s strategies and programs under this
19 chapter.

20 “(b) SECRETARIAL APPROVAL AND PEER REVIEW.—

21 “(1) SECRETARIAL APPROVAL.—The Secretary
22 shall approve each State plan that meets the re-
23 quirements of this chapter.

1 “(2) PEER REVIEW.—The Secretary may review
2 any State plan with the assistance and advice of in-
3 dividuals with relevant expertise.

4 “(c) STATE AGENCY APPLICATIONS.—Any State
5 agency that desires to receive funds to carry out a pro-
6 gram under this chapter shall submit an application to
7 the State educational agency that—

8 “(1) describes the procedures to be used, con-
9 sistent with the State plan under section 1111, to
10 assess the educational needs of the children to be
11 served under this chapter;

12 “(2) provide an assurance that in making serv-
13 ices available to children and youth in adult correc-
14 tional institutions, priority will be given to such chil-
15 dren and youth who are likely to complete incarceration
16 within a 2-year period;

17 “(3) describes the program, including a budget
18 for the first year of the program, with annual up-
19 dates to be provided to the State educational agency;

20 “(4) describes how the program will meet the
21 goals and objectives of the State plan;

22 “(5) describes how the State agency will consult
23 with experts and provide the necessary training for
24 appropriate staff, to ensure that the planning and

1 operation of institution-wide projects under section
2 1156 are of high quality;

3 “(6) describes how the programs will be coordi-
4 nated with other appropriate State and Federal pro-
5 grams, such as programs under title I of Public Law
6 105–220, career and technical education programs,
7 State and local dropout prevention programs, and
8 special education programs;

9 “(7) describes how the State agency will en-
10 courage correctional facilities receiving funds under
11 this chapter to coordinate with local educational
12 agencies or alternative education programs attended
13 by incarcerated children and youth prior to and after
14 their incarceration to ensure that student assess-
15 ments and appropriate academic records are shared
16 jointly between the correctional facility and the local
17 educational agency or alternative education program;

18 “(8) describes how appropriate professional de-
19 velopment will be provided to teachers and other
20 staff;

21 “(9) designates an individual in each affected
22 correctional facility or institution for neglected or
23 delinquent children and youth to be responsible for
24 issues relating to the transition of such children and

1 youth from such facility or institution to locally op-
2 erated programs;

3 “(10) describes how the State agency will en-
4 deavor to coordinate with businesses for training and
5 mentoring for participating children and youth;

6 “(11) provides an assurance that the State
7 agency will assist in locating alternative programs
8 through which students can continue their education
9 if the students are not returning to school after leav-
10 ing the correctional facility or institution for ne-
11 glected or delinquent children and youth;

12 “(12) provides assurances that the State agency
13 will work with parents to secure parents’ assistance
14 in improving the educational achievement of their
15 children and youth, and preventing their children’s
16 and youth’s further involvement in delinquent activi-
17 ties;

18 “(13) provides an assurance that the State
19 agency will work with children and youth with dis-
20 abilities in order to meet an existing individualized
21 education program and an assurance that the agen-
22 cy will notify the child’s or youth’s local school if the
23 child or youth—

24 “(A) is identified as in need of special edu-
25 cation services while the child or youth is in the

1 correctional facility or institution for neglected
2 or delinquent children and youth; and

3 “(B) intends to return to the local school;

4 “(14) provides an assurance that the State
5 agency will work with children and youth who
6 dropped out of school before entering the correc-
7 tional facility or institution for neglected or delin-
8 quent children and youth to encourage the children
9 and youth to reenter school and obtain a regular
10 high school diploma once the term of the incarcer-
11 ation is completed, or provide the child or youth with
12 the skills necessary to gain employment, continue
13 the education of the child or youth, or obtain a reg-
14 ular high school diploma or its recognized equivalent
15 if the child or youth does not intend to return to
16 school;

17 “(15) provides an assurance that effective
18 teachers and other qualified staff are trained to
19 work with children and youth with disabilities and
20 other students with special needs taking into consid-
21 eration the unique needs of such students;

22 “(16) describes any additional services to be
23 provided to children and youth, such as career coun-
24 seling, distance education, and assistance in securing
25 student loans and grants; and

1 “(17) provides an assurance that the program
2 under this chapter will be coordinated with any pro-
3 grams operated under the Juvenile Justice and De-
4 linquency Prevention Act of 1974 (42 U.S.C. 5601
5 et seq.) or other comparable programs, if applicable.

6 **“SEC. 1155. USE OF FUNDS.**

7 “(a) USES.—

8 “(1) IN GENERAL.—A State agency shall use
9 funds received under this chapter only for programs
10 and projects that—

11 “(A) are consistent with the State plan
12 under section 1154(a); and

13 “(B) concentrate on providing participants
14 with the knowledge and skills needed to make
15 a successful transition to secondary school com-
16 pletion, career and technical education, further
17 education, or employment without the need for
18 remediation.

19 “(2) PROGRAMS AND PROJECTS.—Such pro-
20 grams and projects—

21 “(A) may include the acquisition of equip-
22 ment;

23 “(B) shall be designed to support edu-
24 cational services that—

1 “(i) except for institution-wide
2 projects under section 1156, are provided
3 to children and youth identified by the
4 State agency as failing, or most at-risk of
5 failing, to meet the State’s academic stand-
6 ards;

7 “(ii) supplement and improve the
8 quality of the educational services provided
9 to such children and youth by the State
10 agency; and

11 “(iii) afford such children and youth
12 an opportunity to meet State academic
13 standards; and

14 “(C) shall be carried out in a manner con-
15 sistent with section 1120A and part C (as ap-
16 plied to programs and projects under this chap-
17 ter).

18 “(b) SUPPLEMENT, NOT SUPPLANT.—A program
19 under this chapter that supplements the number of hours
20 of instruction students receive from State and local
21 sources shall be considered to comply with the supplement,
22 not supplant requirement of section 1120A (as applied to
23 this chapter) without regard to the subject areas in which
24 instruction is given during those hours.

1 **“SEC. 1156. INSTITUTION-WIDE PROJECTS.**

2 “A State agency that provides free public education
3 for children and youth in an institution for neglected or
4 delinquent children and youth (other than an adult correc-
5 tional institution) or attending a community day program
6 for such children and youth may use funds received under
7 this chapter to serve all children in, and upgrade the entire
8 educational effort of, that institution or program if the
9 State agency has developed, and the State educational
10 agency has approved, a comprehensive plan for that insti-
11 tution or program that—

12 “(1) provides for a comprehensive assessment
13 of the educational needs of all children and youth in
14 the institution or program serving juveniles;

15 “(2) provides for a comprehensive assessment
16 of the educational needs of youth aged 20 and
17 younger in adult facilities who are expected to com-
18 plete incarceration within a 2-year period;

19 “(3) describes the steps the State agency has
20 taken, or will take, to provide all children and youth
21 under age 21 with the opportunity to meet State
22 academic standards in order to improve the likeli-
23 hood that the children and youth will complete sec-
24 ondary school, obtain a regular high school diploma
25 or its recognized equivalent, or find employment
26 after leaving the institution;

1 “(4) describes the instructional program, spe-
2 cialized instructional support services, and proce-
3 dures that will be used to meet the needs described
4 in paragraph (1), including, to the extent feasible,
5 the provision of mentors for the children and youth
6 described in paragraph (1);

7 “(5) specifically describes how such funds will
8 be used;

9 “(6) describes the measures and procedures
10 that will be used to assess and improve student
11 achievement;

12 “(7) describes how the agency has planned, and
13 will implement and evaluate, the institution-wide or
14 program-wide project in consultation with personnel
15 providing direct instructional services and support
16 services in institutions or community day programs
17 for neglected or delinquent children and youth, and
18 with personnel from the State educational agency;
19 and

20 “(8) includes an assurance that the State agen-
21 cy has provided for appropriate training for teachers
22 and other instructional and administrative personnel
23 to enable such teachers and personnel to carry out
24 the project effectively.

1 **“SEC. 1157. THREE-YEAR PROGRAMS OR PROJECTS.**

2 “If a State agency operates a program or project
3 under this chapter in which individual children or youth
4 are likely to participate for more than one year, the State
5 educational agency may approve the State agency’s appli-
6 cation for a subgrant under this chapter for a period of
7 not more than 3 years.

8 **“SEC. 1158. TRANSITION SERVICES.**

9 “(a) **TRANSITION SERVICES.**—Each State agency
10 shall reserve not less than 15 percent and not more than
11 30 percent of the amount such agency receives under this
12 chapter for any fiscal year to support—

13 “(1) projects that facilitate the transition of
14 children and youth from State-operated institutions
15 to schools served by local educational agencies; or

16 “(2) the successful re-entry of youth offenders,
17 who are age 20 or younger and have received a reg-
18 ular high school diploma or its recognized equiva-
19 lent, into postsecondary education, or career and
20 technical training programs, through strategies de-
21 signed to expose the youth to, and prepare the youth
22 for, postsecondary education, or career and technical
23 training programs, such as—

24 “(A) preplacement programs that allow ad-
25 judicated or incarcerated youth to audit or at-
26 tend courses on college, university, or commu-

1 nity college campuses, or through programs
2 provided in institutional settings;

3 “(B) worksite schools, in which institutions
4 of higher education and private or public em-
5 ployers partner to create programs to help stu-
6 dents make a successful transition to postsec-
7 ondary education and employment; and

8 “(C) essential support services to ensure
9 the success of the youth, such as—

10 “(i) personal, career and technical,
11 and academic counseling;

12 “(ii) placement services designed to
13 place the youth in a university, college, or
14 junior college program;

15 “(iii) information concerning, and as-
16 sistance in obtaining, available student fi-
17 nancial aid;

18 “(iv) counseling services; and

19 “(v) job placement services.

20 “(b) CONDUCT OF PROJECTS.—A project supported
21 under this section may be conducted directly by the State
22 agency, or through a contract or other arrangement with
23 one or more local educational agencies, other public agen-
24 cies, or private organizations.

1 “(c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
2 tion shall be construed to prohibit a school that receives
3 funds under subsection (a) from serving neglected and de-
4 linquent children and youth simultaneously with students
5 with similar educational needs, in the same educational
6 settings where appropriate.

7 **“SEC. 1159. TECHNICAL ASSISTANCE.**

8 “The Secretary shall reserve not more than 1 percent
9 of the amount reserved under section 1141 to provide
10 technical assistance to and support State agency programs
11 assisted under this chapter.

12 **“CHAPTER B—LOCAL AGENCY PROGRAMS**

13 **“SEC. 1161. PURPOSE.**

14 “The purpose of this chapter is to support the oper-
15 ation of local educational agency programs that involve
16 collaboration with locally operated correctional facilities—

17 “(1) to carry out high quality education pro-
18 grams to prepare children and youth for secondary
19 school completion, training, employment, or further
20 education;

21 “(2) to provide activities to facilitate the transi-
22 tion of such children and youth from the correctional
23 program to further education or employment; and

24 “(3) to operate programs in local schools for
25 children and youth returning from correctional facili-

1 ties, and programs which may serve at-risk children
2 and youth.

3 **“SEC. 1162. PROGRAMS OPERATED BY LOCAL EDU-**
4 **CATIONAL AGENCIES.**

5 “(a) LOCAL SUBGRANTS.—With funds made avail-
6 able under section 1142(b), the State educational agency
7 shall award subgrants to local educational agencies with
8 high numbers or percentages of children and youth resid-
9 ing in locally operated (including county operated) correc-
10 tional facilities for children and youth (including facilities
11 involved in community day programs).

12 “(b) SPECIAL RULE.—A local educational agency
13 that serves a school operated by a correctional facility is
14 not required to operate a program of support for children
15 and youth returning from such school to a school that is
16 not operated by a correctional agency but served by such
17 local educational agency, if more than 30 percent of the
18 children and youth attending the school operated by the
19 correctional facility will reside outside the boundaries
20 served by the local educational agency after leaving such
21 facility.

22 “(c) NOTIFICATION.—A State educational agency
23 shall notify local educational agencies within the State of
24 the eligibility of such agencies to receive a subgrant under
25 this chapter.

1 “(d) TRANSITIONAL AND ACADEMIC SERVICES.—
2 Transitional and supportive programs operated in local
3 educational agencies under this chapter shall be designed
4 primarily to meet the transitional and academic needs of
5 students returning to local educational agencies or alter-
6 native education programs from correctional facilities.
7 Services to students at-risk of dropping out of school shall
8 not have a negative impact on meeting the transitional and
9 academic needs of the students returning from correc-
10 tional facilities.

11 **“SEC. 1163. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

12 “Each local educational agency desiring assistance
13 under this chapter shall submit an application to the State
14 educational agency that contains such information as the
15 State educational agency may require. Each such applica-
16 tion shall include—

17 “(1) a description of the program to be as-
18 sisted;

19 “(2) a description of formal agreements, re-
20 garding the program to be assisted, between—

21 “(A) the local educational agency; and

22 “(B) correctional facilities and alternative
23 school programs serving children and youth in-
24 volved with the juvenile justice system;

1 “(3) as appropriate, a description of how par-
2 ticipating schools will coordinate with facilities work-
3 ing with delinquent children and youth to ensure
4 that such children and youth are participating in an
5 education program comparable to one operating in
6 the local school such youth would attend;

7 “(4) a description of the program operated by
8 participating schools for children and youth return-
9 ing from correctional facilities and, as appropriate,
10 the types of services that such schools will provide
11 such children and youth and other at-risk children
12 and youth;

13 “(5) a description of the characteristics (includ-
14 ing learning difficulties, substance abuse problems,
15 and other needs) of the children and youth who will
16 be returning from correctional facilities and, as ap-
17 propriate, other at-risk children and youth expected
18 to be served by the program, and a description of
19 how the school will coordinate existing educational
20 programs to meet the unique educational needs of
21 such children and youth;

22 “(6) as appropriate, a description of how
23 schools will coordinate with existing social, health,
24 and other services to meet the needs of students re-
25 turning from correctional facilities and at-risk chil-

1 dren or youth, including prenatal health care and
2 nutrition services related to the health of the parent
3 and the child or youth, parenting and child develop-
4 ment classes, child care, targeted reentry and out-
5 reach programs, referrals to community resources,
6 and scheduling flexibility;

7 “(7) as appropriate, a description of any part-
8 nerships with local businesses to develop training,
9 curriculum-based youth entrepreneurship education,
10 and mentoring services for participating students;

11 “(8) as appropriate, a description of how the
12 program will involve parents in efforts to improve
13 the educational achievement of their children, assist
14 in dropout prevention activities, and prevent the in-
15 volvement of their children in delinquent activities;

16 “(9) a description of how the program under
17 this chapter will be coordinated with other Federal,
18 State, and local programs, such as programs under
19 title I of Public Law 105–220 and career and tech-
20 nical education programs serving at-risk children
21 and youth;

22 “(10) a description of how the program will be
23 coordinated with programs operated under the Juve-
24 nile Justice and Delinquency Prevention Act of 1974
25 and other comparable programs, if applicable;

1 “(11) as appropriate, a description of how
2 schools will work with probation officers to assist in
3 meeting the needs of children and youth returning
4 from correctional facilities;

5 “(12) a description of the efforts participating
6 schools will make to ensure correctional facilities
7 working with children and youth are aware of a
8 child’s or youth’s existing individualized education
9 program; and

10 “(13) as appropriate, a description of the steps
11 participating schools will take to find alternative
12 placements for children and youth interested in con-
13 tinuing their education but unable to participate in
14 a traditional public school program.

15 **“SEC. 1164. USES OF FUNDS.**

16 “(a) IN GENERAL.—Funds provided to local edu-
17 cational agencies under this chapter may be used, as ap-
18 propriate, for—

19 “(1) programs that serve children and youth re-
20 turning to local schools from correctional facilities,
21 to assist in the transition of such children and youth
22 to the school environment and help them remain in
23 school in order to complete their education;

24 “(2) dropout prevention programs which serve
25 at-risk children and youth;

1 1163(2) to provide services to children and youth under
2 this chapter shall—

3 “(1) where feasible, ensure that educational
4 programs in the correctional facility are coordinated
5 with the student’s home school, particularly with re-
6 spect to a student with an individualized education
7 program under part B of the Individuals with Dis-
8 abilities Education Act;

9 “(2) if the child or youth is identified as in
10 need of special education services while in the cor-
11 rectional facility, notify the local school of the child
12 or youth of such need;

13 “(3) where feasible, provide transition assist-
14 ance to help the child or youth stay in school, in-
15 cluding coordination of services for the family, coun-
16 seling, assistance in accessing drug and alcohol
17 abuse prevention programs, tutoring, and family
18 counseling;

19 “(4) provide support programs that encourage
20 children and youth who have dropped out of school
21 to re-enter school and obtain a regular high school
22 diploma once their term at the correctional facility
23 has been completed, or provide such children and
24 youth with the skills necessary to gain employment

1 or seek a regular high school diploma or its recog-
2 nized equivalent;

3 “(5) work to ensure that the correctional facil-
4 ity is staffed with effective teachers and other quali-
5 fied staff who are trained to work with children and
6 youth with disabilities taking into consideration the
7 unique needs of such children and youth;

8 “(6) ensure that educational programs in the
9 correctional facility are related to assisting students
10 to meet the States’s academic standards;

11 “(7) to the extent possible, use technology to
12 assist in coordinating educational programs between
13 the correctional facility and the community school;

14 “(8) where feasible, involve parents in efforts to
15 improve the educational achievement of their chil-
16 dren and prevent the further involvement of such
17 children in delinquent activities;

18 “(9) coordinate funds received under this chap-
19 ter with other local, State, and Federal funds avail-
20 able to provide services to participating children and
21 youth, such as funds made available under title I of
22 Public Law 105–220, and career and technical edu-
23 cation funds;

24 “(10) coordinate programs operated under this
25 chapter with activities funded under the Juvenile

1 Justice and Delinquency Prevention Act of 1974 and
2 other comparable programs, if applicable;

3 “(11) if appropriate, work with local businesses
4 to develop training, curriculum-based youth entre-
5 preneurship education, and mentoring programs for
6 children and youth; and

7 “(12) consult with the local educational agency
8 for a period jointly determined necessary by the cor-
9 rectional facility and local educational agency upon
10 discharge from that facility to coordinate educational
11 services so as to minimize disruption to the child’s
12 or youth’s achievement.

13 **“SEC. 1166. ACCOUNTABILITY.**

14 “The State educational agency—

15 “(1) may require correctional facilities or insti-
16 tutions for neglected or delinquent children and
17 youth to demonstrate, after receiving assistance
18 under this chapter for 3 years, that there has been
19 an increase in the number of children and youth re-
20 turning to school, obtaining a regular high school di-
21 ploma or its recognized equivalent, or obtaining em-
22 ployment after such children and youth are released;
23 and

24 “(2) may reduce or terminate funding for
25 projects under this chapter if a local educational

1 agency does not show progress in the number of
2 children and youth obtaining a regular high school
3 diploma or its recognized equivalent.

4 **“CHAPTER C—GENERAL PROVISIONS**

5 **“SEC. 1171. PROGRAM EVALUATIONS.**

6 “(a) SCOPE OF EVALUATION.—Each State agency or
7 local educational agency that conducts a program under
8 chapters A or B shall evaluate the program,
9 disaggregating data on participation by gender, race, eth-
10 nicity, and age, not less than once every 3 years, to deter-
11 mine the program’s impact on the ability of participants—

12 “(1) to maintain and improve educational
13 achievement;

14 “(2) to accrue school credits that meet State re-
15 quirements for grade promotion and high school
16 graduation;

17 “(3) to make the transition to a regular pro-
18 gram or other education program operated by a local
19 educational agency;

20 “(4) to complete high school (or high school
21 equivalency requirements) and obtain employment
22 after leaving the correctional facility or institution
23 for neglected or delinquent children and youth; and

24 “(5) as appropriate, to participate in postsec-
25 ondary education and job training programs.

1 “(b) EXCEPTION.—The disaggregation required
2 under subsection (a) shall not be required in a case in
3 which the number of students in a category is insufficient
4 to yield statistically reliable information or the results
5 would reveal personally identifiable information about an
6 individual student.

7 “(c) EVALUATION MEASURES.—In conducting each
8 evaluation under subsection (a), a State agency or local
9 educational agency shall use multiple and appropriate
10 measures of student progress.

11 “(d) EVALUATION RESULTS.—Each State agency
12 and local educational agency shall—

13 “(1) submit evaluation results to the State edu-
14 cational agency and the Secretary; and

15 “(2) use the results of evaluations under this
16 section to plan and improve subsequent programs
17 for participating children and youth.

18 **“SEC. 1172. DEFINITIONS.**

19 “In this subpart:

20 “(1) ADULT CORRECTIONAL INSTITUTION.—

21 The term ‘adult correctional institution’ means a fa-
22 cility in which persons (including persons under 21
23 years of age) are confined as a result of a conviction
24 for a criminal offense.

1 “(2) AT-RISK.—The term ‘at-risk’, when used
2 with respect to a child, youth, or student, means a
3 school-aged individual who—

4 “(A) is at-risk of academic failure; and

5 “(B) has a drug or alcohol problem, is
6 pregnant or is a parent, has come into contact
7 with the juvenile justice system in the past, is
8 at least 1 year behind the expected grade level
9 for the age of the individual, is an English
10 learner, is a gang member, has dropped out of
11 school in the past, or has a high absenteeism
12 rate at school.

13 “(3) COMMUNITY DAY PROGRAM.—The term
14 ‘community day program’ means a regular program
15 of instruction provided by a State agency at a com-
16 munity day school operated specifically for neglected
17 or delinquent children and youth.

18 “(4) INSTITUTION FOR NEGLECTED OR DELIN-
19 QUENT CHILDREN AND YOUTH.—The term ‘institu-
20 tion for neglected or delinquent children and youth’
21 means—

22 “(A) a public or private residential facility,
23 other than a foster home, that is operated for
24 the care of children who have been committed
25 to the institution or voluntarily placed in the in-

1 stitution under applicable State law, due to
2 abandonment, neglect, or death of their parents
3 or guardians; or

4 “(B) a public or private residential facility
5 for the care of children who have been adju-
6 dicated to be delinquent or in need of super-
7 vision.

8 **“Subpart 4—English Language Acquisition,**
9 **Language Enhancement, and Academic Achievement**

10 **“SEC. 1181. PURPOSES.**

11 “The purposes of this subpart are—

12 “(1) to help ensure that English learners, in-
13 cluding immigrant children and youth, attain
14 English proficiency and develop high levels of aca-
15 demic achievement in English;

16 “(2) to assist all English learners, including im-
17 migrant children and youth, to achieve at high levels
18 in the core academic subjects so that those children
19 can meet the same State academic standards that all
20 children are expected to meet, consistent with sec-
21 tion 1111(b)(1);

22 “(3) to assist State educational agencies, local
23 educational agencies, and schools in establishing, im-
24 plementing, and sustaining high-quality, flexible, evi-
25 dence-based language instruction educational pro-

1 grams designed to assist in teaching English learn-
2 ers, including immigrant children and youth;

3 “(4) to assist State educational agencies and
4 local educational agencies to develop and enhance
5 their capacity to provide high-quality, evidence-based
6 instructional programs designed to prepare English
7 learners, including immigrant children and youth, to
8 enter all-English instruction settings; and

9 “(5) to promote parental and community par-
10 ticipation in language instruction educational pro-
11 grams for the parents and communities of English
12 learners.

13 **“CHAPTER A—GRANTS AND SUBGRANTS**
14 **FOR ENGLISH LANGUAGE ACQUI-**
15 **TION AND LANGUAGE ENHANCEMENT**

16 **“SEC. 1191. FORMULA GRANTS TO STATES.**

17 “(a) IN GENERAL.—In the case of each State edu-
18 cational agency having a plan approved by the Secretary
19 for a fiscal year under section 1192, the Secretary shall
20 reserve 4.4 percent of funds appropriated under section
21 3(a)(1) to make a grant for the year to the agency for
22 the purposes specified in subsection (b). The grant shall
23 consist of the allotment determined for the State edu-
24 cational agency under subsection (c).

25 “(b) USE OF FUNDS.—

1 “(1) SUBGRANTS TO ELIGIBLE ENTITIES.—The
2 Secretary may make a grant under subsection (a)
3 only if the State educational agency involved agrees
4 to expend at least 95 percent of the State edu-
5 cational agency’s allotment under subsection (c) for
6 a fiscal year—

7 “(A) to award subgrants, from allocations
8 under section 1193, to eligible entities to carry
9 out the activities described in section 1194
10 (other than subsection (e)); and

11 “(B) to award subgrants under section
12 1193(d)(1) to eligible entities that are described
13 in that section to carry out the activities de-
14 scribed in section 1194(e).

15 “(2) STATE ACTIVITIES.—Subject to paragraph
16 (3), each State educational agency receiving a grant
17 under subsection (a) may reserve not more than 5
18 percent of the agency’s allotment under subsection
19 (c) to carry out the following activities:

20 “(A) Professional development activities,
21 and other activities, which may include assisting
22 personnel in—

23 “(i) meeting State and local certifi-
24 cation and licensing requirements for
25 teaching English learners; and

1 “(ii) improving teacher skills in meet-
2 ing the diverse needs of English learners,
3 including in how to implement evidence-
4 based programs and curricula on teaching
5 English learners.

6 “(B) Planning, evaluation, administration,
7 and interagency coordination related to the sub-
8 grants referred to in paragraph (1).

9 “(C) Providing technical assistance and
10 other forms of assistance to eligible entities that
11 are receiving subgrants from a State edu-
12 cational agency under this chapter, including
13 assistance in—

14 “(i) identifying and implementing evi-
15 dence-based language instruction edu-
16 cational programs and curricula for teach-
17 ing English learners;

18 “(ii) helping English learners meet
19 the same State academic standards that all
20 children are expected to meet;

21 “(iii) identifying or developing, and
22 implementing, measures of English pro-
23 ficiency; and

1 “(iv) strengthening and increasing
2 parent, family, and community engage-
3 ment.

4 “(D) Providing recognition, which may in-
5 clude providing financial awards, to subgrantees
6 that have significantly improved the achieve-
7 ment and progress of English learners in—

8 “(i) reaching English language pro-
9 ficiency, based on the State’s English lan-
10 guage proficiency assessment under section
11 1111(b)(2)(D); and

12 “(ii) meeting the State academic
13 standards under section 1111(b)(1).

14 “(3) ADMINISTRATIVE EXPENSES.—From the
15 amount reserved under paragraph (2), a State edu-
16 cational agency may use not more than 40 percent
17 of such amount or \$175,000, whichever is greater,
18 for the planning and administrative costs of carrying
19 out paragraphs (1) and (2).

20 “(c) RESERVATIONS AND ALLOTMENTS.—

21 “(1) RESERVATIONS.—From the amount re-
22 served under section 1191(a) for each fiscal year,
23 the Secretary shall reserve—

24 “(A) 0.5 percent of such amount for pay-
25 ments to outlying areas, to be allotted in ac-

1 cordance with their respective needs for assist-
2 ance under this chapter, as determined by the
3 Secretary, for activities, approved by the Sec-
4 retary, consistent with this chapter; and

5 “(B) 6.5 percent of such amount for na-
6 tional activities under sections 1211 and 1222,
7 except that not more than \$2,000,000 of such
8 amount may be reserved for the National Clear-
9 ouse for English Language Acquisition and
10 Language Instruction Educational Programs
11 described in section 1222.

12 “(2) STATE ALLOTMENTS.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), from the amount reserved
15 under section 1191(a) for each fiscal year that
16 remains after making the reservations under
17 paragraph (1), the Secretary shall allot to each
18 State educational agency having a plan ap-
19 proved under section 1192(c)—

20 “(i) an amount that bears the same
21 relationship to 80 percent of the remainder
22 as the number of English learners in the
23 State bears to the number of such children
24 in all States, as determined by data avail-
25 able from the American Community Survey

1 conducted by the Department of Commerce
2 or State-reported data; and

3 “(ii) an amount that bears the same
4 relationship to 20 percent of the remainder
5 as the number of immigrant children and
6 youth in the State bears to the number of
7 such children and youth in all States, as
8 determined based only on data available
9 from the American Community Survey
10 conducted by the Department of Com-
11 merce.

12 “(B) MINIMUM ALLOTMENTS.—No State
13 educational agency shall receive an allotment
14 under this paragraph that is less than
15 \$500,000.

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 chapter, the Secretary shall reallocate any por-
24 tion of such allotment to the remaining State

1 educational agencies in accordance with sub-
2 paragraph (A).

3 “(D) SPECIAL RULE FOR PUERTO RICO.—
4 The total amount allotted to Puerto Rico for
5 any fiscal year under subparagraph (A) shall
6 not exceed 0.5 percent of the total amount al-
7 lotted to all States for that fiscal year.

8 “(3) USE OF DATA FOR DETERMINATIONS.—In
9 making State allotments under paragraph (2) for
10 each fiscal year, the Secretary shall determine the
11 number of English learners in a State and in all
12 States, using the most accurate, up-to-date data,
13 which shall be—

14 “(A) data from the American Community
15 Survey conducted by the Department of Com-
16 merce, which may be multiyear estimates;

17 “(B) the number of students being as-
18 sessed for English language proficiency, based
19 on the State’s English language proficiency as-
20 sessment under section 1111(b)(2)(D), which
21 may be multiyear estimates; or

22 “(C) a combination of data available under
23 subparagraphs (A) and (B).

1 **“SEC. 1192. STATE EDUCATIONAL AGENCY PLANS.**

2 “(a) PLAN REQUIRED.—Each State educational
3 agency desiring a grant under this chapter shall submit
4 a plan to the Secretary at such time and in such manner
5 as the Secretary may require.

6 “(b) CONTENTS.—Each plan submitted under sub-
7 section (a) shall—

8 “(1) describe the process that the agency will
9 use in awarding subgrants to eligible entities under
10 section 1193(d)(1);

11 “(2) provide an assurance that—

12 “(A) the agency will ensure that eligible
13 entities receiving a subgrant under this chapter
14 comply with the requirement in section
15 1111(b)(2)(B)(x) to annually assess in English
16 learners who have been in the United States for
17 3 or more consecutive years;

18 “(B) the agency will ensure that eligible
19 entities receiving a subgrant under this chapter
20 annually assess the English proficiency of all
21 English learners participating in a program
22 funded under this chapter, consistent with sec-
23 tion 1111(b)(2)(D);

24 “(C) in awarding subgrants under section
25 1193, the agency will address the needs of
26 school systems of all sizes and in all geographic

1 areas, including school systems with rural and
2 urban schools;

3 “(D) subgrants to eligible entities under
4 section 1193(d)(1) will be of sufficient size and
5 scope to allow such entities to carry out high-
6 quality, evidence-based language instruction
7 educational programs for English learners;

8 “(E) the agency will require an eligible en-
9 tity receiving a subgrant under this chapter to
10 use the subgrant in ways that will build such
11 recipient’s capacity to continue to offer high-
12 quality evidence-based language instruction edu-
13 cational programs that assist English learners
14 in meeting State academic standards;

15 “(F) the agency will monitor the eligible
16 entity receiving a subgrant under this chapter
17 for compliance with applicable Federal fiscal re-
18 quirements; and

19 “(G) the plan has been developed in con-
20 sultation with local educational agencies, teach-
21 ers, administrators of programs implemented
22 under this chapter, parents, and other relevant
23 stakeholders;

24 “(3) describe how the agency will coordinate its
25 programs and activities under this chapter with

1 other programs and activities under this Act and
2 other Acts, as appropriate;

3 “(4) describe how eligible entities in the State
4 will be given the flexibility to teach English learn-
5 ers—

6 “(A) using a high-quality, evidence-based
7 language instruction curriculum for teaching
8 English learners; and

9 “(B) in the manner the eligible entities de-
10 termine to be the most effective; and

11 “(5) describe how the agency will assist eligible
12 entities in increasing the number of English learners
13 who acquire English proficiency.

14 “(c) APPROVAL.—The Secretary, after using a peer
15 review process, shall approve a plan submitted under sub-
16 section (a) if the plan meets the requirements of this sec-
17 tion.

18 “(d) DURATION OF PLAN.—

19 “(1) IN GENERAL.—Each plan submitted by a
20 State educational agency and approved under sub-
21 section (c) shall—

22 “(A) remain in effect for the duration of
23 the agency’s participation under this chapter;
24 and

1 “(B) be periodically reviewed and revised
2 by the agency, as necessary, to reflect changes
3 to the agency’s strategies and programs carried
4 out under this subpart.

5 “(2) ADDITIONAL INFORMATION.—

6 “(A) AMENDMENTS.—If the State edu-
7 cational agency amends the plan, the agency
8 shall submit such amendment to the Secretary.

9 “(B) APPROVAL.—The Secretary shall ap-
10 prove such amendment to an approved plan,
11 unless the Secretary determines that the
12 amendment will result in the agency not meet-
13 ing the requirements, or fulfilling the purposes,
14 of this subpart.

15 “(e) CONSOLIDATED PLAN.—A plan submitted under
16 subsection (a) may be submitted as part of a consolidated
17 plan under section 5302.

18 “(f) SECRETARY ASSISTANCE.—The Secretary shall
19 provide technical assistance, if requested, in the develop-
20 ment of English proficiency standards and assessments.

21 **“SEC. 1193. WITHIN-STATE ALLOCATIONS.**

22 “(a) IN GENERAL.—After making the reservation re-
23 quired under subsection (d)(1), each State educational
24 agency receiving a grant under section 1191(c)(2) shall
25 award subgrants for a fiscal year by allocating in a timely

1 manner to each eligible entity in the State having a plan
2 approved under section 1195 an amount that bears the
3 same relationship to the amount received under the grant
4 and remaining after making such reservation as the popu-
5 lation of English learners in schools served by the eligible
6 entity bears to the population of English learners in
7 schools served by all eligible entities in the State.

8 “(b) LIMITATION.—A State educational agency shall
9 not award a subgrant from an allocation made under sub-
10 section (a) if the amount of such subgrant would be less
11 than \$10,000.

12 “(c) REALLOCATION.—Whenever a State educational
13 agency determines that an amount from an allocation
14 made to an eligible entity under subsection (a) for a fiscal
15 year will not be used by the entity for the purpose for
16 which the allocation was made, the agency shall, in accord-
17 ance with such rules as it determines to be appropriate,
18 reallocate such amount, consistent with such subsection,
19 to other eligible entities in the State that the agency deter-
20 mines will use the amount to carry out that purpose.

21 “(d) REQUIRED RESERVATION.—A State educational
22 agency receiving a grant under this chapter for a fiscal
23 year—

24 “(1) shall reserve not more than 15 percent of
25 the agency’s allotment under section 1191(c)(2) to

1 award subgrants to eligible entities in the State that
2 have experienced a significant increase, as compared
3 to the average of the 2 preceding fiscal years, in the
4 percentage or number of immigrant children and
5 youth, who have enrolled, during the fiscal year pre-
6 ceding the fiscal year for which the subgrant is
7 made, in public and nonpublic elementary schools
8 and secondary schools in the geographic areas under
9 the jurisdiction of, or served by, such entities; and

10 “(2) in awarding subgrants under paragraph
11 (1)—

12 “(A) shall equally consider eligible entities
13 that satisfy the requirement of such paragraph
14 but have limited or no experience in serving im-
15 migrant children and youth; and

16 “(B) shall consider the quality of each
17 local plan under section 1195 and ensure that
18 each subgrant is of sufficient size and scope to
19 meet the purposes of this subpart.

20 **“SEC. 1194. SUBGRANTS TO ELIGIBLE ENTITIES.**

21 “(a) PURPOSES OF SUBGRANTS.—A State edu-
22 cational agency may make a subgrant to an eligible entity
23 from funds received by the agency under this chapter only
24 if the entity agrees to expend the funds to improve the
25 education of English learners, by assisting the children to

1 learn English and meet State academic standards. In car-
2 rying out activities with such funds, the eligible entity
3 shall use evidence-based approaches and methodologies for
4 teaching English learners and immigrant children and
5 youth for the following purposes:

6 “(1) Developing and implementing new lan-
7 guage instruction educational programs and aca-
8 demic content instruction programs for English
9 learners and immigrant children and youth, includ-
10 ing programs of early childhood education, elemen-
11 tary school programs, and secondary school pro-
12 grams.

13 “(2) Carrying out highly focused, innovative, lo-
14 cally designed, evidence-based activities to expand or
15 enhance existing language instruction educational
16 programs and academic content instruction pro-
17 grams for English learners and immigrant children
18 and youth.

19 “(3) Implementing, within an individual school,
20 schoolwide programs for restructuring, reforming,
21 and upgrading all relevant programs, activities, and
22 operations relating to language instruction edu-
23 cational programs and academic content instruction
24 for English learners and immigrant children and
25 youth.

1 “(4) Implementing, within the entire jurisdic-
2 tion of a local educational agency, agencywide pro-
3 grams for restructuring, reforming, and upgrading
4 all relevant programs, activities, and operations re-
5 lating to language instruction educational programs
6 and academic content instruction for English learn-
7 ers and immigrant children and youth.

8 “(b) ADMINISTRATIVE EXPENSES.—Each eligible en-
9 tity receiving funds under section 1193(a) for a fiscal year
10 shall use not more than 2 percent of such funds for the
11 cost of administering this chapter.

12 “(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligi-
13 ble entity receiving funds under section 1193(a) shall use
14 the funds—

15 “(1) to increase the English language pro-
16 ficiency of English learners by providing high-qual-
17 ity, evidence-based language instruction educational
18 programs that meet the needs of English learners
19 and have demonstrated success in increasing—

20 “(A) English language proficiency; and

21 “(B) student academic achievement in the
22 core academic subjects;

23 “(2) to provide high-quality, evidence-based
24 professional development to classroom teachers (in-
25 cluding teachers in classroom settings that are not

1 the settings of language instruction educational pro-
2 grams), school leaders, administrators, and other
3 school or community-based organization personnel,
4 that is—

5 “(A) designed to improve the instruction
6 and assessment of English learners;

7 “(B) designed to enhance the ability of
8 teachers and school leaders to understand and
9 implement curricula, assessment practices and
10 measures, and instruction strategies for English
11 learners;

12 “(C) evidence-based in increasing chil-
13 dren’s English language proficiency or substan-
14 tially increasing the subject matter knowledge,
15 teaching knowledge, and teaching skills of
16 teachers; and

17 “(D) of sufficient intensity and duration
18 (which shall not include activities such as one-
19 day or short-term workshops and conferences)
20 to have a positive and lasting impact on the
21 teachers’ performance in the classroom, except
22 that this subparagraph shall not apply to an ac-
23 tivity that is one component of a long-term,
24 comprehensive professional development plan
25 established by a teacher and the teacher’s su-

1 pervisor based on an assessment of the needs of
2 the teacher, the supervisor, the students of the
3 teacher, and any local educational agency em-
4 ploying the teacher, as appropriate; and

5 “(3) to provide and implement other evidence-
6 based activities and strategies that enhance or sup-
7 plement language instruction educational programs
8 for English learners, including parental and commu-
9 nity engagement activities and strategies that serve
10 to coordinate and align related programs.

11 “(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Sub-
12 ject to subsection (c), an eligible entity receiving funds
13 under section 1193(a) may use the funds to achieve one
14 of the purposes described in subsection (a) by undertaking
15 one or more of the following activities:

16 “(1) Upgrading program objectives and effec-
17 tive instruction strategies.

18 “(2) Improving the instruction program for
19 English learners by identifying, acquiring, and up-
20 grading curricula, instruction materials, educational
21 software, and assessment procedures.

22 “(3) Providing to English learners—

23 “(A) tutorials and academic or career edu-
24 cation for English learners; and

25 “(B) intensified instruction.

1 “(4) Developing and implementing elementary
2 school or secondary school language instruction edu-
3 cational programs that are coordinated with other
4 relevant programs and services.

5 “(5) Improving the English language pro-
6 ficiency and academic achievement of English learn-
7 ers.

8 “(6) Providing community participation pro-
9 grams, family literacy services, and parent outreach
10 and training activities to English learners and their
11 families—

12 “(A) to improve the English language
13 skills of English learners; and

14 “(B) to assist parents in helping their chil-
15 dren to improve their academic achievement
16 and becoming active participants in the edu-
17 cation of their children.

18 “(7) Improving the instruction of English learn-
19 ers by providing for—

20 “(A) the acquisition or development of
21 educational technology or instructional mate-
22 rials;

23 “(B) access to, and participation in, elec-
24 tronic networks for materials, training, and
25 communication; and

1 “(C) incorporation of the resources de-
2 scribed in subparagraphs (A) and (B) into cur-
3 ricula and programs, such as those funded
4 under this chapter.

5 “(8) Carrying out other activities that are con-
6 sistent with the purposes of this section.

7 “(e) ACTIVITIES BY AGENCIES EXPERIENCING SUB-
8 STANTIAL INCREASES IN IMMIGRANT CHILDREN AND
9 YOUTH.—

10 “(1) IN GENERAL.—An eligible entity receiving
11 funds under section 1193(d)(1) shall use the funds
12 to pay for activities that provide enhanced instruc-
13 tional opportunities for immigrant children and
14 youth, which may include—

15 “(A) family literacy, parent outreach, and
16 training activities designed to assist parents to
17 become active participants in the education of
18 their children;

19 “(B) support for personnel, including para-
20 professionals who have been specifically trained,
21 or are being trained, to provide services to im-
22 migrant children and youth;

23 “(C) provision of tutorials, mentoring, and
24 academic or career counseling for immigrant
25 children and youth;

1 “(D) identification, development, and ac-
2 quisition of curricular materials, educational
3 software, and technologies to be used in the
4 program carried out with awarded funds;

5 “(E) basic instruction services that are di-
6 rectly attributable to the presence in the local
7 educational agency involved of immigrant chil-
8 dren and youth, including the payment of costs
9 of providing additional classroom supplies, costs
10 of transportation, or such other costs as are di-
11 rectly attributable to such additional basic in-
12 struction services;

13 “(F) other instruction services that are de-
14 signed to assist immigrant children and youth
15 to achieve in elementary schools and secondary
16 schools in the United States, such as programs
17 of introduction to the educational system and
18 civics education; and

19 “(G) activities, coordinated with commu-
20 nity-based organizations, institutions of higher
21 education, private sector entities, or other enti-
22 ties with expertise in working with immigrants,
23 to assist parents of immigrant children and
24 youth by offering comprehensive community
25 services.

1 “(2) DURATION OF SUBGRANTS.—The duration
2 of a subgrant made by a State educational agency
3 under section 1193(d)(1) shall be determined by the
4 agency in its discretion.

5 “(f) SELECTION OF METHOD OF INSTRUCTION.—

6 “(1) IN GENERAL.—To receive a subgrant from
7 a State educational agency under this chapter, an el-
8 igible entity shall select one or more methods or
9 forms of instruction to be used in the programs and
10 activities undertaken by the entity to assist English
11 learners to attain English language proficiency and
12 meet State academic standards.

13 “(2) CONSISTENCY.—Such selection shall be
14 consistent with sections 1204 through 1206.

15 “(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds
16 made available under this chapter shall be used so as to
17 supplement the level of Federal, State, and local public
18 funds that, in the absence of such availability, would have
19 been expended for programs for English learners and im-
20 migrant children and youth and in no case to supplant
21 such Federal, State, and local public funds.

22 **“SEC. 1195. LOCAL PLANS.**

23 “(a) PLAN REQUIRED.—Each eligible entity desiring
24 a subgrant from the State educational agency under sec-
25 tion 1193 shall submit a plan to the State educational

1 agency at such time, in such manner, and containing such
2 information as the State educational agency may require.

3 “(b) CONTENTS.—Each plan submitted under sub-
4 section (a) shall—

5 “(1) describe the evidence-based programs and
6 activities proposed to be developed, implemented,
7 and administered under the subgrant that will help
8 English learners increase their English language
9 proficiency and meet the State academic standards;

10 “(2) describe how the eligible entity will hold el-
11 ementary schools and secondary schools receiving
12 funds under this chapter accountable for annually
13 assessing the English language proficiency of all
14 children participating under this subpart, consistent
15 with section 1111(b);

16 “(3) describe how the eligible entity will pro-
17 mote parent and community engagement in the edu-
18 cation of English learners;

19 “(4) contain an assurance that the eligible enti-
20 ty consulted with teachers, researchers, school ad-
21 ministrators, parents and community members, pub-
22 lic or private organizations, and institutions of high-
23 er education, in developing and implementing such
24 plan;

1 “(5) describe how language instruction edu-
2 cational programs carried out under the subgrant
3 will ensure that English learners being served by the
4 programs develop English language proficiency; and

5 “(6) contain assurances that—

6 “(A) each local educational agency that is
7 included in the eligible entity is complying with
8 section 1112(g) prior to, and throughout, each
9 school year; and

10 “(B) the eligible entity is not in violation
11 of any State law, including State constitutional
12 law, regarding the education of English learn-
13 ers, consistent with sections 1205 and 1206.

14 “(c) **TEACHER ENGLISH FLUENCY.**—Each eligible
15 entity receiving a subgrant under section 1193 shall in-
16 clude in its plan a certification that all teachers in any
17 language instruction educational program for English
18 learners that is, or will be, funded under this subpart are
19 fluent in English and any other language used for instruc-
20 tion, including having written and oral communications
21 skills.

22 **“CHAPTER B—ADMINISTRATION**

23 **“SEC. 1201. REPORTING.**

24 “(a) **IN GENERAL.**—Each eligible entity that receives
25 a subgrant from a State educational agency under chapter

1 A shall provide such agency, at the conclusion of every
2 second fiscal year during which the subgrant is received,
3 with a report, in a form prescribed by the agency, on the
4 activities conducted and students served under this sub-
5 part that includes—

6 “(1) a description of the programs and activi-
7 ties conducted by the entity with funds received
8 under chapter A during the two immediately pre-
9 ceding fiscal years, including how such programs
10 and activities supplemented programs funded pri-
11 marily with State or local funds;

12 “(2) a description of the progress made by
13 English learners in learning the English language
14 and in meeting State academic standards;

15 “(3) the number and percentage of English
16 learners in the programs and activities attaining
17 English language proficiency based on the State
18 English language proficiency standards established
19 under section 1111(b)(1)(E) by the end of each
20 school year, as determined by the State’s English
21 language proficiency assessment under section
22 1111(b)(2)(D);

23 “(4) the number of English learners who exit
24 the language instruction educational programs based
25 on their attainment of English language proficiency

1 and transitioned to classrooms not tailored for
2 English learners;

3 “(5) a description of the progress made by
4 English learners in meeting the State academic
5 standards for each of the 2 years after such children
6 are no longer receiving services under this subpart;

7 “(6) the number and percentage of English
8 learners who have not attained English language
9 proficiency within five years of initial classification
10 as an English learner and first enrollment in the
11 local educational agency; and

12 “(7) any such other information as the State
13 educational agency may require.

14 “(b) USE OF REPORT.—A report provided by an eli-
15 gible entity under subsection (a) shall be used by the enti-
16 ty and the State educational agency—

17 “(1) to determine the effectiveness of programs
18 and activities in assisting children who are English
19 learners—

20 “(A) to attain English language pro-
21 ficiency; and

22 “(B) to make progress in meeting State
23 academic standards under section 1111(b)(1);
24 and

1 “(2) upon determining the effectiveness of pro-
2 grams and activities based on the criteria in para-
3 graph (1), to decide how to improve programs.

4 **“SEC. 1202. ANNUAL REPORT.**

5 “(a) STATES.—Based upon the reports provided to
6 a State educational agency under section 1201, each such
7 agency that receives a grant under this subpart shall pre-
8 pare and submit annually to the Secretary a report on pro-
9 grams and activities carried out by the State educational
10 agency under this subpart and the effectiveness of such
11 programs and activities in improving the education pro-
12 vided to English learners.

13 “(b) SECRETARY.—Annually, the Secretary shall pre-
14 pare and submit to the Committee on Education and the
15 Workforce of the House of Representatives and the Com-
16 mittee on Health, Education, Labor, and Pensions of the
17 Senate a report—

18 “(1) on programs and activities carried out to
19 serve English learners under this subpart, and the
20 effectiveness of such programs and activities in im-
21 proving the academic achievement and English lan-
22 guage proficiency of English learners;

23 “(2) on the types of language instruction edu-
24 cational programs used by local educational agencies

1 or eligible entities receiving funding under this sub-
2 part to teach English learners;

3 “(3) containing a critical synthesis of data re-
4 ported by eligible entities to States under section
5 1201(a);

6 “(4) containing a description of technical assist-
7 ance and other assistance provided by State edu-
8 cational agencies under section 1191(b)(2)(C);

9 “(5) containing an estimate of the number of
10 effective teachers working in language instruction
11 educational programs and educating English learn-
12 ers, and an estimate of the number of such teachers
13 that will be needed for the succeeding 5 fiscal years;

14 “(6) containing the number of programs or ac-
15 tivities, if any, that were terminated because the en-
16 tities carrying out the programs or activities were
17 not able to reach program goals;

18 “(7) containing the number of English learners
19 served by eligible entities receiving funding under
20 this subpart who were transitioned out of language
21 instruction educational programs funded under this
22 subpart into classrooms where instruction is not tai-
23 lored for English learners; and

1 “(8) containing other information gathered
2 from other reports submitted to the Secretary under
3 this subpart when applicable.

4 **“SEC. 1203. COORDINATION WITH RELATED PROGRAMS.**

5 “‘In order to maximize Federal efforts aimed at serv-
6 ing the educational needs of English learners, the Sec-
7 retary shall coordinate and ensure close cooperation with
8 other entities carrying out programs serving language-mi-
9 nority and English learners that are administered by the
10 Department and other agencies.

11 **“SEC. 1204. RULES OF CONSTRUCTION.**

12 “Nothing in this subpart shall be construed—

13 “(1) to prohibit a local educational agency from
14 serving English learners simultaneously with chil-
15 dren with similar educational needs, in the same
16 educational settings where appropriate;

17 “(2) to require a State or a local educational
18 agency to establish, continue, or eliminate any par-
19 ticular type of instructional program for English
20 learners; or

21 “(3) to limit the preservation or use of Native
22 American languages.

23 **“SEC. 1205. LEGAL AUTHORITY UNDER STATE LAW.**

24 “Nothing in this subpart shall be construed to negate
25 or supersede State law, or the legal authority under State

1 law of any State agency, State entity, or State public offi-
2 cial, over programs that are under the jurisdiction of the
3 State agency, entity, or official.

4 **“SEC. 1206. CIVIL RIGHTS.**

5 “Nothing in this subpart shall be construed in a man-
6 ner inconsistent with any Federal law guaranteeing a civil
7 right.

8 **“SEC. 1207. PROHIBITION.**

9 “In carrying out this subpart, the Secretary shall nei-
10 ther mandate nor preclude the use of a particular cur-
11 ricular or pedagogical approach to educating English
12 learners.

13 **“SEC. 1208. PROGRAMS FOR NATIVE AMERICANS AND**
14 **PUERTO RICO.**

15 “Notwithstanding any other provision of this subpart,
16 programs authorized under this subpart that serve Native
17 American (including Native American Pacific Islander)
18 children and children in the Commonwealth of Puerto Rico
19 may include programs of instruction, teacher training,
20 curriculum development, evaluation, and assessment de-
21 signed for Native American children learning and studying
22 Native American languages and children of limited Span-
23 ish proficiency, except that an outcome of programs serv-
24 ing such children shall be increased English proficiency
25 among such children.

1 **“CHAPTER C—NATIONAL ACTIVITIES**

2 **“SEC. 1211. NATIONAL PROFESSIONAL DEVELOPMENT**
3 **PROJECT.**

4 “The Secretary shall use funds made available under
5 section 1191(e)(1)(B) to award grants on a competitive
6 basis, for a period of not more than 5 years, to institutions
7 of higher education or public or private organizations with
8 relevant experience and capacity (in consortia with State
9 educational agencies or local educational agencies) to pro-
10 vide for professional development activities that will im-
11 prove classroom instruction for English learners and assist
12 educational personnel working with such children to meet
13 high professional standards, including standards for cer-
14 tification and licensure as teachers who work in language
15 instruction educational programs or serve English learn-
16 ers. Grants awarded under this subsection may be used—

17 “(1) for preservice, evidence-based professional
18 development programs that will assist local schools
19 and institutions of higher education to upgrade the
20 qualifications and skills of educational personnel who
21 are not certified or licensed, especially educational
22 paraprofessionals;

23 “(2) for the development of curricula or other
24 instructional strategies appropriate to the needs of
25 the consortia participants involved;

1 “(3) to support strategies that strengthen and
2 increase parent and community member engagement
3 in the education of English learners; and

4 “(4) to share and disseminate evidence-based
5 practices in the instruction of English learners and
6 in increasing their student achievement.

7 **“CHAPTER D—GENERAL PROVISIONS**

8 **“SEC. 1221. DEFINITIONS.**

9 “Except as otherwise provided, in this subpart:

10 “(1) CHILD.—The term ‘child’ means any indi-
11 vidual aged 3 through 21.

12 “(2) COMMUNITY-BASED ORGANIZATION.—The
13 term ‘community-based organization’ means a pri-
14 vate nonprofit organization of demonstrated effec-
15 tiveness, Indian tribe, or tribally sanctioned edu-
16 cational authority, that is representative of a com-
17 munity or significant segments of a community and
18 that provides educational or related services to indi-
19 viduals in the community. Such term includes a Na-
20 tive Hawaiian or Native American Pacific Islander
21 native language educational organization.

22 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
23 tity’ means—

24 “(A) one or more local educational agen-
25 cies; or

1 “(B) one or more local educational agen-
2 cies, in consortia (or collaboration) with an in-
3 stitution of higher education, community-based
4 organization, or State educational agency.

5 “(4) IMMIGRANT CHILDREN AND YOUTH.—The
6 term ‘immigrant children and youth’ means individ-
7 uals who—

8 “(A) are age 3 through 21;

9 “(B) were not born in any State; and

10 “(C) have not been attending one or more
11 schools in any one or more States for more
12 than 3 full academic years.

13 “(5) INDIAN TRIBE.—The term ‘Indian tribe’
14 means any Indian tribe, band, nation, or other orga-
15 nized group or community, including any Native vil-
16 lage or Regional Corporation or Village Corporation
17 as defined in or established pursuant to the Alaska
18 Native Claims Settlement Act, that is recognized as
19 eligible for the special programs and services pro-
20 vided by the United States to Indians because of
21 their status as Indians.

22 “(6) LANGUAGE INSTRUCTION EDUCATIONAL
23 PROGRAM.—The term ‘language instruction edu-
24 cational program’ means an instruction course—

1 “(A) in which an English learner is placed
2 for the purpose of developing and attaining
3 English language proficiency, while meeting
4 State academic standards, as required by sec-
5 tion 1111(b)(1); and

6 “(B) that may make instructional use of
7 both English and a child’s native language to
8 enable the child to develop and attain English
9 language proficiency, and may include the par-
10 ticipation of English language proficient chil-
11 dren if such course is designed to enable all
12 participating children to become proficient in
13 English and a second language.

14 “(7) NATIVE LANGUAGE.—The term ‘native
15 language’, when used with reference to English
16 learner, means—

17 “(A) the language normally used by such
18 individual; or

19 “(B) in the case of a child or youth, the
20 language normally used by the parents of the
21 child or youth.

22 “(8) PARAPROFESSIONAL.—The term ‘para-
23 professional’ means an individual who is employed in
24 a preschool, elementary school, or secondary school
25 under the supervision of a certified or licensed teach-

1 er, including individuals employed in language in-
2 struction educational programs, special education,
3 and migratory education.

4 “(9) STATE.—The term ‘State’ means each of
5 the 50 States, the District of Columbia, and the
6 Commonwealth of Puerto Rico.

7 **“SEC. 1222. NATIONAL CLEARINGHOUSE.**

8 “The Secretary shall establish and support the oper-
9 ation of a National Clearinghouse for English Language
10 Acquisition and Language Instruction Educational Pro-
11 grams, which shall collect, analyze, synthesize, and dis-
12 seminate information about language instruction edu-
13 cational programs for English learners, and related pro-
14 grams. The National Clearinghouse shall—

15 “(1) be administered as an adjunct clearing-
16 house of the Educational Resources Information
17 Center Clearinghouses system supported by the In-
18 stitute of Education Sciences;

19 “(2) coordinate activities with Federal data and
20 information clearinghouses and entities operating
21 Federal dissemination networks and systems;

22 “(3) develop a system for improving the oper-
23 ation and effectiveness of federally funded language
24 instruction educational programs; and

25 “(4) collect and disseminate information on—

1 “(A) educational research and processes
2 related to the education of English learners;
3 and

4 “(B) accountability systems that monitor
5 the academic progress of English learners in
6 language instruction educational programs, in-
7 cluding information on academic content and
8 English language proficiency assessments for
9 language instruction educational programs; and

10 “(5) publish, on an annual basis, a list of grant
11 recipients under this subpart.

12 **“SEC. 1223. REGULATIONS.**

13 “In developing regulations under this subpart, the
14 Secretary shall consult with State educational agencies
15 and local educational agencies, organizations representing
16 English learners, and organizations representing teachers
17 and other personnel involved in the education of English
18 learners.

19 **“Subpart 5—Rural Education Achievement Program**

20 **“SEC. 1230. PURPOSE.**

21 “It is the purpose of this subpart to address the
22 unique needs of rural school districts that frequently—

23 “(1) lack the personnel and resources needed to
24 compete effectively for Federal competitive grants;
25 and

1 “(2) receive formula grant allocations in
2 amounts too small to be effective in meeting their in-
3 tended purposes.

4 **“CHAPTER A—SMALL, RURAL SCHOOL**
5 **ACHIEVEMENT PROGRAM**

6 **“SEC. 1231. GRANT PROGRAM AUTHORIZED.**

7 “(a) IN GENERAL.—From amounts appropriated
8 under section 3(a)(1) for a fiscal year, the Secretary shall
9 reserve 0.54 of one percent to award grants to eligible
10 local educational agencies to enable the local educational
11 agencies to carry out activities authorized under any of
12 the following provisions:

13 “(1) Part A of title I.

14 “(2) Title II.

15 “(3) Title III.

16 “(b) ALLOCATION.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (3), the Secretary shall award a grant under
19 subsection (a) to a local educational agency eligible
20 under subsection (d) for a fiscal year in an amount
21 equal to the initial amount determined under para-
22 graph (2) for the fiscal year minus the total amount
23 received by the agency in subpart 2 of part A of title
24 II for the preceding fiscal year.

1 “(2) DETERMINATION OF INITIAL AMOUNT.—

2 The initial amount referred to in paragraph (1) is
3 equal to \$100 multiplied by the total number of stu-
4 dents in excess of 50 students, in average daily at-
5 tendance at the schools served by the local edu-
6 cational agency, plus \$20,000, except that the initial
7 amount may not exceed \$60,000.

8 “(3) RATABLE ADJUSTMENT.—

9 “(A) IN GENERAL.—If the amount made
10 available to carry out this section for any fiscal
11 year is not sufficient to pay in full the amounts
12 that local educational agencies are eligible to re-
13 ceive under paragraph (1) for such year, the
14 Secretary shall ratably reduce such amounts for
15 such year.

16 “(B) ADDITIONAL AMOUNTS.—If addi-
17 tional funds become available for making pay-
18 ments under paragraph (1) for such fiscal year,
19 payments that were reduced under subpara-
20 graph (A) shall be increased on the same basis
21 as such payments were reduced.

22 “(c) DISBURSEMENT.—The Secretary shall disburse
23 the funds awarded to a local educational agency under this
24 section for a fiscal year not later than July 1 of that fiscal
25 year.

1 “(d) ELIGIBILITY.—

2 “(1) IN GENERAL.—A local educational agency
3 shall be eligible to use the applicable funding in ac-
4 cordance with subsection (a) if—

5 “(A)(i)(I) the total number of students in
6 average daily attendance at all of the schools
7 served by the local educational agency is fewer
8 than 600; or

9 “(II) each county in which a school served
10 by the local educational agency is located has a
11 total population density of fewer than 10 per-
12 sons per square mile; and

13 “(ii) all of the schools served by the local
14 educational agency are designated with a school
15 locale code of 41, 42, or 43, as determined by
16 the Secretary; or

17 “(B) the agency meets the criteria estab-
18 lished in subparagraph (A)(i) and the Sec-
19 retary, in accordance with paragraph (2),
20 grants the local educational agency’s request to
21 waive the criteria described in subparagraph
22 (A)(ii).

23 “(2) CERTIFICATION.—The Secretary shall de-
24 termine whether to waive the criteria described in
25 paragraph (1)(A)(ii) based on a demonstration by

1 the local educational agency, and concurrence by the
2 State educational agency, that the local educational
3 agency is located in an area defined as rural by a
4 governmental agency of the State.

5 “(3) HOLD HARMLESS.—For a local edu-
6 cational agency that is not eligible under this chap-
7 ter but met the eligibility requirements under this
8 subsection as it was in effect prior to the date of the
9 enactment of the Student Success Act, the agency
10 shall receive—

11 “(A) for fiscal year 2014, 75 percent of
12 the amount such agency received for fiscal year
13 2013;

14 “(B) for fiscal year 2015, 50 percent of
15 the amount such agency received for fiscal year
16 2013; and

17 “(C) for fiscal year 2016, 25 percent of
18 the amount such agency received for fiscal year
19 2013.

20 “(e) SPECIAL ELIGIBILITY RULE.—A local edu-
21 cational agency that receives a grant under this chapter
22 for a fiscal year is not eligible to receive funds for such
23 fiscal year under chapter B.

1 **“CHAPTER B—RURAL AND LOW-INCOME**
2 **SCHOOL PROGRAM**

3 **“SEC. 1235. PROGRAM AUTHORIZED.**

4 “(a) GRANTS TO STATES.—

5 “(1) IN GENERAL.—From amounts appro-
6 priated under section 3(a)(1) for a fiscal year, the
7 Secretary shall reserve 0.54 of one percent for this
8 chapter for a fiscal year that are not reserved under
9 subsection (c) to award grants (from allotments
10 made under paragraph (2)) for the fiscal year to
11 State educational agencies that have applications
12 submitted under section 1237 approved to enable the
13 State educational agencies to award grants to eligi-
14 ble local educational agencies for local authorized ac-
15 tivities described in section 1236(a).

16 “(2) ALLOTMENT.—From amounts described in
17 paragraph (1) for a fiscal year, the Secretary shall
18 allot to each State educational agency for that fiscal
19 year an amount that bears the same ratio to those
20 amounts as the number of students in average daily
21 attendance served by eligible local educational agen-
22 cies in the State for that fiscal year bears to the
23 number of all such students served by eligible local
24 educational agencies in all States for that fiscal
25 year.

1 “(3) SPECIALLY QUALIFIED AGENCIES.—

2 “(A) ELIGIBILITY AND APPLICATION.—If a
3 State educational agency elects not to partici-
4 pate in the program under this subpart or does
5 not have an application submitted under section
6 1237 approved, a specially qualified agency in
7 such State desiring a grant under this subpart
8 may submit an application under such section
9 directly to the Secretary to receive an award
10 under this subpart.

11 “(B) DIRECT AWARDS.—The Secretary
12 may award, on a competitive basis or by for-
13 mula, the amount the State educational agency
14 is eligible to receive under paragraph (2) di-
15 rectly to a specially qualified agency in the
16 State that has submitted an application in ac-
17 cordance with subparagraph (A) and obtained
18 approval of the application.

19 “(C) SPECIALLY QUALIFIED AGENCY DE-
20 FINED.—In this subpart, the term ‘specially
21 qualified agency’ means an eligible local edu-
22 cational agency served by a State educational
23 agency that does not participate in a program
24 under this subpart in a fiscal year, that may

1 apply directly to the Secretary for a grant in
2 such year under this subsection.

3 “(b) LOCAL AWARDS.—

4 “(1) ELIGIBILITY.—A local educational agency
5 shall be eligible to receive a grant under this subpart
6 if—

7 “(A) 20 percent or more of the children
8 ages 5 through 17 years served by the local
9 educational agency are from families with in-
10 comes below the poverty line; and

11 “(B) all of the schools served by the agen-
12 cy are designated with a school locale code of
13 32, 33, 41, 42, 43, as determined by the Sec-
14 retary.

15 “(2) AWARD BASIS.—A State educational agen-
16 cy shall award grants to eligible local educational
17 agencies—

18 “(A) on a competitive basis;

19 “(B) according to a formula based on the
20 number of students in average daily attendance
21 served by the eligible local educational agencies
22 or schools in the State; or

23 “(C) according to an alternative formula,
24 if, prior to awarding the grants, the State edu-
25 cational agency demonstrates, to the satisfac-

1 tion of the Secretary, that the alternative for-
2 mula enables the State educational agency to
3 allot the grant funds in a manner that serves
4 equal or greater concentrations of children from
5 families with incomes below the poverty line,
6 relative to the concentrations that would be
7 served if the State educational agency used the
8 formula described in subparagraph (B).

9 “(c) RESERVATIONS.—From amounts reserved under
10 section 1235(a)(1) for this chapter for a fiscal year, the
11 Secretary shall reserve—

12 “(1) one-half of 1 percent to make awards to el-
13 ementary schools or secondary schools operated or
14 supported by the Bureau of Indian Education, to
15 carry out the activities authorized under this chap-
16 ter; and

17 “(2) one-half of 1 percent to make awards to
18 the outlying areas in accordance with their respec-
19 tive needs, to carry out the activities authorized
20 under this chapter.

21 **“SEC. 1236. USES OF FUNDS.**

22 “(a) LOCAL AWARDS.—Grant funds awarded to local
23 educational agencies under this chapter shall be used for
24 activities authorized under any of the following:

25 “(1) Part A of title I.

1 “(2) Title II.

2 “(3) Title III.

3 “(b) ADMINISTRATIVE COSTS.—A State educational
4 agency receiving a grant under this chapter may not use
5 more than 5 percent of the amount of the grant for State
6 administrative costs and to provide technical assistance to
7 eligible local educational agencies.

8 **“SEC. 1237. APPLICATIONS.**

9 “(a) IN GENERAL.—Each State educational agency
10 or specially qualified agency desiring to receive a grant
11 under this chapter shall submit an application to the Sec-
12 retary at such time and in such manner as the Secretary
13 may require.

14 “(b) CONTENTS.—Each application submitted under
15 subsection (a) shall include—

16 “(1) a description of how the State educational
17 agency or specially qualified agency will ensure eligi-
18 ble local educational agencies receiving a grant
19 under this chapter will use such funds to help stu-
20 dents meet the State academic standards under sec-
21 tion 1111(b)(1);

22 “(2) if the State educational agency or specially
23 qualified agency will competitively award grants to
24 eligible local educational agencies, as described in

1 section 1235(b)(2)(A), the application under the sec-
2 tion shall include—

3 “(A) the methods and criteria the State
4 educational agency or specially qualified agency
5 will use for reviewing applications and awarding
6 funds to local educational agencies on a com-
7 petitive basis; and

8 “(B) how the State educational agency or
9 specially qualified agency will notify eligible
10 local educational agencies of the grant competi-
11 tion; and

12 “(3) a description of how the State educational
13 agency or specially qualified agency will provide
14 technical assistance to eligible local educational
15 agencies to help such agencies implement the activi-
16 ties described in section 1236(a).

17 **“SEC. 1238. ACCOUNTABILITY.**

18 “Each State educational agency or specially qualified
19 agency that receives a grant under this chapter shall pre-
20 pare and submit an annual report to the Secretary. The
21 report shall describe—

22 “(1) the methods and criteria the State edu-
23 cational agency or specially qualified agency used to
24 award grants to eligible local educational agencies,

1 and to provide assistance to schools, under this
2 chapter;

3 “(2) how local educational agencies and schools
4 used funds provided under this chapter; and

5 “(3) the degree to which progress has been
6 made toward having all students meet the State aca-
7 demic standards under section 1111(b)(1).

8 **“SEC. 1239. CHOICE OF PARTICIPATION.**

9 “(a) IN GENERAL.—If a local educational agency is
10 eligible for funding under chapters A and B of this sub-
11 part, such local educational agency may receive funds
12 under either chapter A or chapter B for a fiscal year, but
13 may not receive funds under both chapters.

14 “(b) NOTIFICATION.—A local educational agency eli-
15 gible for both chapters A and B of this subpart shall notify
16 the Secretary and the State educational agency under
17 which of such chapters such local educational agency in-
18 tends to receive funds for a fiscal year by a date that is
19 established by the Secretary for the notification.

20 **“CHAPTER C—GENERAL PROVISIONS**

21 **“SEC. 1241. ANNUAL AVERAGE DAILY ATTENDANCE DETER-**
22 **MINATION.**

23 “(a) CENSUS DETERMINATION.—Each local edu-
24 cational agency desiring a grant under section 1231 and

1 each local educational agency or specially qualified agency
2 desiring a grant under chapter B shall—

3 “(1) not later than December 1 of each year,
4 conduct a census to determine the number of stu-
5 dents in average daily attendance in kindergarten
6 through grade 12 at the schools served by the agen-
7 cy; and

8 “(2) not later than March 1 of each year, sub-
9 mit the number described in paragraph (1) to the
10 Secretary (and to the State educational agency, in
11 the case of a local educational agency seeking a
12 grant under subpart 2).

13 “(b) PENALTY.—If the Secretary determines that a
14 local educational agency or specially qualified agency has
15 knowingly submitted false information under subsection
16 (a) for the purpose of gaining additional funds under sec-
17 tion 1231 or chapter B, then the agency shall be fined
18 an amount equal to twice the difference between the
19 amount the agency received under this section and the cor-
20 rect amount the agency would have received under section
21 1231 or chapter B if the agency had submitted accurate
22 information under subsection (a).

1 **“SEC. 1242. SUPPLEMENT, NOT SUPPLANT.**

2 “Funds made available under chapter A or chapter
3 B shall be used to supplement, and not supplant, any
4 other Federal, State, or local education funds.

5 **“SEC. 1243. RULE OF CONSTRUCTION.**

6 “Nothing in this subpart shall be construed to pro-
7 hibit a local educational agency that enters into coopera-
8 tive arrangements with other local educational agencies for
9 the provision of special, compensatory, or other education
10 services, pursuant to State law or a written agreement,
11 from entering into similar arrangements for the use, or
12 the coordination of the use, of the funds made available
13 under this subpart.”.

14 (b) STRIKE.—The Act is amended by striking title
15 VII (20 U.S.C. 7401 et seq.).

16 **Subtitle D—National Assessment**

17 **SEC. 141. NATIONAL ASSESSMENT OF TITLE I.**

18 (a) IN GENERAL.—Part E of title I (20 U.S.C. 6491
19 et seq.) is redesignated as part B of title I.

20 (b) REPEALS.—Sections 1502 and 1504 (20 U.S.C.
21 6492; 6494) are repealed.

22 (c) REDESIGNATIONS.—Sections 1501 and 1503 (20
23 U.S.C. 6491; 6493) are redesignated as sections 1301 and
24 1302, respectively.

25 (d) AMENDMENTS TO SECTION 1301.—Section 1301
26 (20 U.S.C. 6491), as so redesignated, is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1), by inserting “, act-
3 ing through the Director of the Institute of
4 Education Sciences (in this section and section
5 1302 referred to as the ‘Director’),” after “The
6 Secretary”;

7 (B) in paragraph (2)—

8 (i) by striking “Secretary” and insert-
9 ing “Director”;

10 (ii) in subparagraph (A), by striking
11 “reaching the proficient level” and all that
12 follows and inserting “graduating high
13 school prepared for postsecondary edu-
14 cation or the workforce.”;

15 (iii) in subparagraph (B), by striking
16 “reach the proficient” and all that follows
17 and inserting “meet State academic stand-
18 ards.”;

19 (iv) by striking subparagraphs (D)
20 and (G) and redesignating subparagraphs
21 (E), (F), and (H) through (O) as subpara-
22 graphs (D) through (M), respectively;

23 (v) in subparagraph (D)(v) (as so re-
24 designated), by striking “help schools in
25 which” and all that follows and inserting

1 “address disparities in the percentages of
2 effective teachers teaching in low-income
3 schools.”;

4 (vi) in subparagraph (G) (as so reded-
5 igned)—

6 (I) by striking “section 1116”
7 and inserting “section
8 1111(b)(3)(B)(iii)”;

9 (II) by striking “, including the
10 following” and all that follows and in-
11 serting a period;

12 (vii) in subparagraph (I) (as so reded-
13 igned), by striking “qualifications” and
14 inserting “effectiveness”;

15 (viii) in subparagraph (J) (as so re-
16 designating), by striking “, including funds
17 under section 1002,”;

18 (ix) in subparagraph (L) (as so reded-
19 igned), by striking “section
20 1111(b)(2)(C)(v)(II)” and inserting “sec-
21 tion 1111(b)(3)(B)(ii)(II)”;

22 (x) in subparagraph (M) (as so reded-
23 igned), by striking “Secretary” and in-
24 serting “Director”;

1 (C) in paragraph (3), by striking “Sec-
2 retary” and inserting “Director”;

3 (D) in paragraph (4), by striking “Sec-
4 retary” and inserting “Director”;

5 (E) in paragraph (5), by striking “Sec-
6 retary” and inserting “Director”; and

7 (F) in paragraph (6)—

8 (i) by striking “No Child Left Behind
9 Act of 2001” each place it appears and in-
10 sserting “Student Success Act”; and

11 (ii) by striking “Secretary” each place
12 it appears and inserting “Director”;

13 (2) in subsection (b), by striking “Secretary”
14 each place it appears and inserting “Director”;

15 (3) in subsection (c)—

16 (A) in paragraph (1)—

17 (i) by striking “Secretary” and insert-
18 ing “Director”; and

19 (ii) by striking “part A” and inserting
20 “subpart 1 of part A”;

21 (B) in paragraph (2)—

22 (i) by striking “Secretary” and insert-
23 ing “Director”;

24 (ii) in subparagraph (B), by striking
25 “challenging academic achievement stand-

1 ards” and inserting “State academic
2 standards”;

3 (iii) in subparagraph (E), by striking
4 “effects of the availability” and all that
5 follows and inserting “extent to which ac-
6 tions authorized under section
7 1111(b)(3)(B)(iii) improve the academic
8 achievement of disadvantaged students and
9 low-performing schools.”; and

10 (iv) in subparagraph (F), by striking
11 “Secretary” and inserting “Director”; and
12 (C) in paragraph (3)—

13 (i) by striking “Secretary” and insert-
14 ing “Director”; and

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

17 “(C) analyzes varying models or strategies
18 for delivering school services, including
19 schoolwide and targeted services.”; and

20 (4) in subsection (d), by striking “Secretary”
21 each place it appears and inserting “Director”.

22 (e) AMENDMENTS TO SECTION 1302.—Section 1302
23 (20 U.S.C. 6493), as so redesignated, is amended—

24 (1) in subsection (a)—

1 (A) by striking “Secretary” and inserting
2 “Director”; and

3 (B) by striking “and for making decisions
4 about the promotion and graduation of stu-
5 dents”;

6 (2) in subsection (b)—

7 (A) by striking “Secretary” the first place
8 it appears and inserting “Director”;

9 (B) by striking “process,” and inserting
10 “process consistent with section 1206,”; and

11 (C) by striking “Assistant Secretary of
12 Educational Research and Improvement” and
13 inserting “Director”;

14 (3) in subsection (d)—

15 (A) in paragraph (1)—

16 (i) in subparagraph (A), by striking
17 “to the State-defined level of proficiency”
18 and inserting “toward meeting the State
19 academic standards”; and

20 (ii) in subparagraph (C), by striking
21 “pupil-services” and inserting “specialized
22 instructional support services”;

23 (B) in paragraph (3), by striking “limited
24 and nonlimited English proficient students”
25 and inserting “English learners”; and

1 (C) in paragraph (6), by striking “Sec-
2 retary” and inserting “Director”; and

3 (4) in subsection (f)—

4 (A) by striking “Secretary” and inserting
5 “Director”; and

6 (B) by striking “authorized to be appro-
7 priated for this part” and inserting “appro-
8 priated under section 3(a)(2)”.

9 **Subtitle E—Title I General**
10 **Provisions**

11 **SEC. 151. GENERAL PROVISIONS FOR TITLE I.**

12 Part I of title I (20 U.S.C. 6571 et seq.)—

13 (1) is transferred to appear after part B (as re-
14 designated); and

15 (2) is amended to read as follows:

16 **“PART C—GENERAL PROVISIONS**

17 **“SEC. 1401. FEDERAL REGULATIONS.**

18 “(a) IN GENERAL.—The Secretary may, in accord-
19 ance with subsections (b) through (d), issue such regula-
20 tions as are necessary to reasonably ensure there is com-
21 pliance with this title.

22 “(b) NEGOTIATED RULEMAKING PROCESS.—

23 “(1) IN GENERAL.—Before publishing in the
24 Federal Register proposed regulations to carry out
25 this title, the Secretary shall obtain the advice and

1 recommendations of representatives of Federal,
2 State, and local administrators, parents, teachers,
3 and members of local school boards and other orga-
4 nizations involved with the implementation and oper-
5 ation of programs under this title, including those
6 representatives and members nominated by local and
7 national stakeholder representatives.

8 “(2) MEETINGS AND ELECTRONIC EX-
9 CHANGE.—Such advice and recommendations may
10 be obtained through such mechanisms as regional
11 meetings and electronic exchanges of information.
12 Such regional meetings and electronic exchanges of
13 information shall be public and notice of such meet-
14 ings and exchanges shall be provided to interested
15 stakeholders.

16 “(3) PROPOSED REGULATIONS.—After obtain-
17 ing such advice and recommendations, and before
18 publishing proposed regulations, the Secretary
19 shall—

20 “(A) establish a negotiated rulemaking
21 process;

22 “(B) select individuals to participate in
23 such process from among individuals or groups
24 that provided advice and recommendations, in-
25 cluding representation from all geographic re-

1 gions of the United States, in such numbers as
2 will provide an equitable balance between rep-
3 resentatives of parents and students and rep-
4 resentatives of educators and education offi-
5 cials; and

6 “(C) prepare a draft of proposed policy op-
7 tions that shall be provided to the individuals
8 selected by the Secretary under subparagraph
9 (B) not less than 15 days before the first meet-
10 ing under such process.

11 “(c) PROPOSED RULEMAKING.—If the Secretary de-
12 termines that a negotiated rulemaking process is unneces-
13 sary or the individuals selected to participate in the proc-
14 ess under paragraph (3)(B) fail to reach unanimous agree-
15 ment, the Secretary may propose regulations under the
16 following procedure:

17 “(1) Not less than 30 days prior to beginning
18 a rulemaking process, the Secretary shall provide to
19 Congress, including the Committee on Education
20 and the Workforce of the House of Representatives
21 and the Committee on Health, Education, Labor,
22 and Pensions of the Senate, notice that shall in-
23 clude—

24 “(A) a copy of the proposed regulations;

25 “(B) the need to issue regulations;

1 “(C) the anticipated burden, including the
2 time, cost, and paperwork burden, the regula-
3 tions will have on State educational agencies,
4 local educational agencies, schools, and other
5 entities that may be impacted by the regula-
6 tions; and

7 “(D) any regulations that will be repealed
8 when the new regulations are issued.

9 “(2) 30 days after giving notice of the proposed
10 rule to Congress, the Secretary may proceed with
11 the rulemaking process after all comments received
12 from the Congress have been addressed and pub-
13 lishing how such comments are addressed with the
14 proposed rule.

15 “(3) The comment and review period for any
16 proposed regulation shall be 90 days unless an emer-
17 gency requires a shorter period, in which case such
18 period shall be not less than 45 days and the Sec-
19 retary shall—

20 “(A) designate the proposed regulation as
21 an emergency with an explanation of the emer-
22 gency in the notice and report to Congress
23 under paragraph (1); and

1 “(B) publish the length of the comment
2 and review period in such notice and in the
3 Federal Register.

4 “(4) No regulation shall be made final after the
5 comment and review period until the Secretary has
6 published in the Federal Register an independent as-
7 sessment (which shall include a representative sam-
8 pling of local educational agencies based on local
9 educational agency enrollment, urban, suburban, or
10 rural character, and other factors impacted by the
11 proposed regulation) of—

12 “(A) the burden, including the time, cost,
13 and paperwork burden, the regulation will im-
14 pose on State educational agencies, local edu-
15 cational agencies, schools and other entities
16 that may be impacted by the regulation;

17 “(B) an explanation of how the entities de-
18 scribed in subparagraph (A) may cover the cost
19 of the burden assessed under subparagraph (A);
20 and

21 “(C) the proposed regulation, which thor-
22 oughly addresses, based on the comments re-
23 ceived during the comment and review period
24 under paragraph (3), whether the rule is finan-

1 cially, operationally, and educationally viable at
2 the local level.

3 “(d) **LIMITATION.**—Regulations to carry out this title
4 may not require local programs to follow a particular in-
5 structional model, such as the provision of services outside
6 the regular classroom or school program.

7 **“SEC. 1402. AGREEMENTS AND RECORDS.**

8 “(a) **AGREEMENTS.**—In the case in which a nego-
9 tiated rule making process is established under subsection
10 (b) of section 1401, all published proposed regulations
11 shall conform to agreements that result from the rule-
12 making described in section 1401 unless the Secretary re-
13 opens the negotiated rulemaking process.

14 “(b) **RECORDS.**—The Secretary shall ensure that an
15 accurate and reliable record of agreements reached during
16 the negotiations process is maintained.

17 **“SEC. 1403. STATE ADMINISTRATION.**

18 “(a) **RULEMAKING.**—

19 “(1) **IN GENERAL.**—Each State that receives
20 funds under this title shall—

21 “(A) ensure that any State rules, regula-
22 tions, and policies relating to this title conform
23 to the purposes of this title and provide any
24 such proposed rules, regulations, and policies to

1 the committee of practitioners created under
2 subsection (b) for review and comment;

3 “(B) minimize such rules, regulations, and
4 policies to which the State’s local educational
5 agencies and schools are subject;

6 “(C) eliminate or modify State and local
7 fiscal accounting requirements in order to facili-
8 tate the ability of schools to consolidate funds
9 under schoolwide programs;

10 “(D) identify any such rule, regulation, or
11 policy as a State-imposed requirement; and

12 “(E)(i) identify any duplicative or con-
13 trasting requirements between the State and
14 Federal rules or regulations;

15 “(ii) eliminate the rules and regulations
16 that are duplicative of Federal requirements;
17 and

18 “(iii) report any conflicting requirements
19 to the Secretary and determine which Federal
20 or State rule or regulation shall be followed.

21 “(2) SUPPORT AND FACILITATION.—State
22 rules, regulations, and policies under this title shall
23 support and facilitate local educational agency and
24 school-level systemic reform designed to enable all
25 children to meet the State academic standards.

1 “(b) COMMITTEE OF PRACTITIONERS.—

2 “(1) IN GENERAL.—Each State educational
3 agency that receives funds under this title shall cre-
4 ate a State committee of practitioners to advise the
5 State in carrying out its responsibilities under this
6 title.

7 “(2) MEMBERSHIP.—Each such committee
8 shall include—

9 “(A) as a majority of its members, rep-
10 resentatives from local educational agencies;

11 “(B) administrators, including the admin-
12 istrators of programs described in other parts
13 of this title;

14 “(C) teachers from public charter schools,
15 traditional public schools, and career and tech-
16 nical educators;

17 “(D) parents;

18 “(E) members of local school boards;

19 “(F) representatives of public charter
20 school authorizers;

21 “(G) public charter school leaders;

22 “(H) representatives of private school chil-
23 dren; and

24 “(I) specialized instructional support per-
25 sonnel.

1 **“TITLE II—TEACHER PREPARA-**
2 **TION AND EFFECTIVENESS”.**

3 (b) PART A.—Part A of title II (20 U.S.C. 6601 et
4 seq.) is amended to read as follows:

5 **“PART A—SUPPORTING EFFECTIVE**
6 **INSTRUCTION**

7 **“SEC. 2101. PURPOSE.**

8 “The purpose of this part is to provide grants to
9 State educational agencies and subgrants to local edu-
10 cational agencies to—

11 “(1) increase student achievement consistent
12 with State academic standards under section
13 1111(b)(1);

14 “(2) improve teacher and school leader effec-
15 tiveness in classrooms and schools, respectively;

16 “(3) provide evidence-based, job-embedded, con-
17 tinuous professional development; and

18 “(4) if a State educational agency or local edu-
19 cational agency so chooses, develop and implement
20 teacher evaluation systems that use, in part, student
21 achievement data to determine teacher effectiveness.

22 **“Subpart 1—Grants to States**

23 **“SEC. 2111. ALLOTMENTS TO STATES.**

24 “(a) IN GENERAL.—Of the amounts appropriated
25 under section 3(b), the Secretary shall reserve 75 percent

1 to make grants to States with applications approved under
2 section 2112 to pay for the Federal share of the cost of
3 carrying out the activities specified in section 2113. Each
4 grant shall consist of the allotment determined for a State
5 under subsection (b).

6 “(b) DETERMINATION OF ALLOTMENTS.—

7 “(1) RESERVATION OF FUNDS.—Of the amount
8 reserved under subsection (a) for a fiscal year, the
9 Secretary shall reserve—

10 “(A) not more than 1 percent to carry out
11 national activities under section 2132;

12 “(B) one-half of 1 percent for allotments
13 to outlying areas on the basis of their relative
14 need, as determined by the Secretary, in ac-
15 cordance with the purpose of this part; and

16 “(C) one-half of 1 percent for the Sec-
17 retary of the Interior for programs under this
18 part in schools operated or funded by the Bu-
19 reau of Indian Education.

20 “(2) STATE ALLOTMENTS.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graph (B), from the funds reserved under sub-
23 section (a) for any fiscal year and not reserved
24 under paragraph (1), the Secretary shall allot
25 to each State the sum of—

1 “(i) an amount that bears the same
2 relationship to 50 percent of the funds as
3 the number of individuals age 5 through
4 17 in the State, as determined by the Sec-
5 retary on the basis of the most recent sat-
6 isfactory data, bears to the number of
7 those individuals in all such States, as so
8 determined; and

9 “(ii) an amount that bears the same
10 relationship to 50 percent of the funds as
11 the number of individuals age 5 through
12 17 from families with incomes below the
13 poverty line in the State, as determined by
14 the Secretary on the basis of the most re-
15 cent satisfactory data, bears to the number
16 of those individuals in all such States, as
17 so determined.

18 “(B) SMALL STATE MINIMUM.—No State
19 receiving an allotment under subparagraph (A)
20 may receive less than one-half of 1 percent of
21 the total amount of funds allotted under such
22 subparagraph for a fiscal year.

23 “(C) APPLICABILITY.—

24 “(i) IN GENERAL.—Subparagraph (A)
25 shall not apply with respect to a fiscal year

1 unless the Secretary certifies in writing to
2 Congress for that fiscal year that the
3 amount of funds allotted under subpara-
4 graph (A) to local educational agencies
5 that serve a high percentage of students
6 from families with incomes below the pov-
7 erty line is not less than the amount allot-
8 ted to such local educational agencies for
9 fiscal year 2013.

10 “(ii) SPECIAL RULE.—For a fiscal
11 year for which subparagraph (A) does not
12 apply, the Secretary shall allocate to each
13 State the funds described in subparagraph
14 (A) according to the formula set forth in
15 subsection (b)(2)(B)(i) of this section as in
16 effect on the day before the date of enact-
17 ment of the Student Success Act.

18 “(c) REALLOTMENT.—If a State does not apply for
19 an allotment under this section for any fiscal year or only
20 a portion of the State’s allotment is allotted under sub-
21 section (c), the Secretary shall reallocate the State’s entire
22 allotment or the remaining portion of its allotment, as the
23 case may be, to the remaining States in accordance with
24 subsection (b).

1 **“SEC. 2112. STATE APPLICATION.**

2 “(a) IN GENERAL.—For a State to be eligible to re-
3 ceive a grant under this subpart, the State educational
4 agency shall submit an application to the Secretary at
5 such time and in such a manner as the Secretary may
6 reasonably require, which shall include the following:

7 “(1) A description of how the State educational
8 agency will meet the requirements of this subpart.

9 “(2) A description of how the State educational
10 agency will use a grant received under section 2111,
11 including the grant funds the State will reserve for
12 State-level activities under section 2113(a)(2).

13 “(3) A description of how the State educational
14 agency will facilitate the sharing of evidence-based
15 and other effective strategies among local edu-
16 cational agencies.

17 “(4) A description of how, and under what
18 timeline, the State educational agency will allocate
19 subgrants under subpart 2 to local educational agen-
20 cies.

21 “(5) If applicable, a description of how the
22 State educational agency will work with local edu-
23 cational agencies in the State to develop or imple-
24 ment a teacher or school leader evaluation system.

1 “(6) An assurance that the State educational
2 agency will comply with section 5501 (regarding par-
3 ticipation by private school children and teachers).

4 “(b) DEEMED APPROVAL.—An application submitted
5 by a State educational agency under subsection (a) shall
6 be deemed to be approved by the Secretary unless the Sec-
7 retary makes a written determination, prior to the expira-
8 tion of the 120-day period beginning on the date on which
9 the Secretary received the application, that the application
10 is not in compliance with this subpart.

11 “(c) DISAPPROVAL.—The Secretary shall not finally
12 disapprove an application, except after giving the State
13 educational agency notice and an opportunity for a hear-
14 ing.

15 “(d) NOTIFICATION.—If the Secretary finds that an
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 “(e) RESPONSE.—If a State educational agency re-
5 sponds to a notification from the Secretary under sub-
6 section (d)(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 (d)(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 (b).

16 “(f) FAILURE TO RESPOND.—If a State educational
17 agency does not respond to a notification from the Sec-
18 retary under subsection (d)(2) during the 45-day period
19 beginning on the date on which the agency received the
20 notification, such application shall be deemed to be dis-
21 approved.

22 **“SEC. 2113. STATE USE OF FUNDS.**

23 “(a) IN GENERAL.—A State educational agency that
24 receives a grant under section 2111 shall—

1 “(1) reserve 95 percent of the grant funds to
2 make subgrants to local educational agencies under
3 subpart 2; and

4 “(2) use the remainder of the funds, after re-
5 serving funds under paragraph (1), for the State ac-
6 tivities described in subsection (b), except that the
7 State may reserve not more than 1 percent of the
8 grant funds for planning and administration related
9 to carrying out activities described in subsection (b).

10 “(b) STATE-LEVEL ACTIVITIES.—A State edu-
11 cational agency that receives a grant under section 2111—

12 “(1) shall use the amount described in sub-
13 section (a)(2) to fulfill the State educational agen-
14 cy’s responsibilities with respect to the proper and
15 efficient administration of the subgrant program
16 carried out under this part; and

17 “(2) may use the amount described in sub-
18 section (a)(2) to—

19 “(A) provide training and technical assist-
20 ance to local educational agencies on—

21 “(i) in the case of a State educational
22 agency not implementing a statewide
23 teacher evaluation system—

1 “(I) the development and imple-
2 mentation of a teacher evaluation sys-
3 tem; and

4 “(II) training school leaders in
5 using such evaluation system; or

6 “(ii) in the case of a State educational
7 agency implementing a statewide teacher
8 evaluation system, implementing such eval-
9 uation system;

10 “(B) disseminate and share evidence-based
11 and other effective practices, including practices
12 consistent with the principles of effectiveness
13 described in section 2222(b), related to teacher
14 and school leader effectiveness and professional
15 development;

16 “(C) provide professional development for
17 teachers and school leaders in the State con-
18 sistent with section 2123(6); and

19 “(D) provide training and technical assist-
20 ance to local educational agencies on—

21 “(i) in the case of a State educational
22 agency not implementing a statewide
23 school leader evaluation system, the devel-
24 opment and implementation of a school
25 leader evaluation system; and

1 “(ii) in the case of a State educational
2 agency implementing a statewide school
3 leader evaluation system, implementing
4 such evaluation system.

5 **“Subpart 2—Subgrants to Local Educational**
6 **Agencies**

7 **“SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGEN-**
8 **CIES.**

9 “(a) IN GENERAL.—Each State receiving a grant
10 under section 2111 shall use the funds reserved under sec-
11 tion 2113(a)(1) to award subgrants to local educational
12 agencies under this section.

13 “(b) ALLOCATION OF FUNDS.—From the funds re-
14 served by a State under section 2113(a)(1), the State edu-
15 cational agency shall allocate to each local educational
16 agency in the State the sum of—

17 “(1) an amount that bears the same relation-
18 ship to 50 percent of the funds as the number of in-
19 dividuals age 5 through 17 in the geographic area
20 served by the local educational agency, as deter-
21 mined by the State on the basis of the most recent
22 satisfactory data, bears to the number of those indi-
23 viduals in the geographic areas served by all the
24 local educational agencies in the State, as so deter-
25 mined; and

1 “(2) an amount that bears the same relation-
2 ship to 50 percent of the funds as the number of in-
3 dividuals age 5 through 17 from families with in-
4 comes below the poverty line in the geographic area
5 served by the local educational agency, as deter-
6 mined by the State on the basis of the most recent
7 satisfactory data, bears to the number of those indi-
8 viduals in the geographic areas served by all the
9 local educational agencies in the State, as so deter-
10 mined.

11 **“SEC. 2122. LOCAL APPLICATIONS.**

12 “To be eligible to receive a subgrant under this sub-
13 part, a local educational agency shall submit an applica-
14 tion to the State educational agency involved at such time,
15 in such a manner, and containing such information as the
16 State educational agency may reasonably require that, at
17 a minimum, shall include the following:

18 “(1) A description of—

19 “(A) how the local educational agency will
20 meet the requirements of this subpart;

21 “(B) how the activities to be carried out by
22 the local educational agency under this subpart
23 will be evidence-based, improve student aca-
24 demic achievement, and improve teacher and
25 school leader effectiveness;

1 “(C) if applicable, how, the local edu-
2 cational agency will work with parents, teach-
3 ers, school leaders, and other staff of the
4 schools served by the local educational agency
5 in developing and implementing a teacher eval-
6 uation system; and

7 “(2) If applicable, a description of how the local
8 educational agency will develop and implement a
9 teacher or school leader evaluation system.

10 “(3) An assurance that the local educational
11 agency will comply with section 5501 (regarding par-
12 ticipation by private school children and teachers).

13 **“SEC. 2123. LOCAL USE OF FUNDS.**

14 “A local educational agency receiving a subgrant
15 under this subpart may use such funds for—

16 “(1) the development and implementation of a
17 teacher evaluation system that may—

18 “(A) use student achievement data derived
19 from a variety of sources as a significant factor
20 in determining a teacher’s evaluation, with the
21 weight given to such data defined by the local
22 educational agency;

23 “(B) use multiple measures of evaluation
24 for evaluating teachers;

1 “(C) have more than 2 categories for rat-
2 ing the performance of teachers;

3 “(D) be used to make personnel decisions,
4 as determined by the local educational agency;
5 and

6 “(E) be based on input from parents,
7 school leaders, teachers, and other staff of
8 schools served by the local educational agency.

9 “(2) in the case of a local educational agency
10 located in a State implementing a statewide teacher
11 evaluation system, implementing such evaluation
12 system;

13 “(3) the training of school leaders or other indi-
14 viduals for the purpose of evaluating teachers or
15 school leaders under a teacher or school leader eval-
16 uation system, as appropriate;

17 “(4) in the case of a local educational agency
18 located in a State implementing a statewide school
19 leader evaluation system, to implement such evalua-
20 tion system;

21 “(5) in the case of a local educational agency
22 located in a State not implementing a statewide
23 school leader evaluation system, the development
24 and implementation of a school leader evaluation
25 system;

1 “(6) professional development for teachers and
2 school leaders that is evidence-based, job-embedded,
3 and continuous, such as—

4 “(A) subject-based professional develop-
5 ment for teachers, including for teachers of
6 civic education, including for teachers of com-
7 puter science and other science, technology, en-
8 gineering, and mathematics subjects;

9 “(B) professional development aligned with
10 the State’s academic standards;

11 “(C) professional development to assist
12 teachers in meeting the needs of students with
13 different learning styles, particularly students
14 with disabilities, English learners, and gifted
15 and talented students;

16 “(D) professional development for teachers
17 or school leaders identified as in need of addi-
18 tional support through data provided by a
19 teacher or school leader evaluation system, as
20 appropriate;

21 “(E) professional development based on
22 the current science of learning, which includes
23 research on positive brain change and cognitive
24 skill development;

1 “(F) professional development for school
2 leaders, including evidence-based mentorship
3 programs for such leaders;

4 “(G) professional development on inte-
5 grated, interdisciplinary, and project-based
6 teaching strategies, including for career and
7 technical education teachers and teachers of
8 computer science and other science, technology,
9 engineering, and mathematics subjects; or

10 “(H) professional development on teaching
11 dual credit, dual enrollment, Advanced Place-
12 ment, or International Baccalaureate postsec-
13 ondary-level courses to secondary school stu-
14 dents;

15 “(7) partnering with a public or private organi-
16 zation or a consortium of such organizations to de-
17 velop and implement a teacher evaluation system de-
18 scribed in subparagraph (A) or (B) of paragraph
19 (1), or to administer professional development, as
20 appropriate;

21 “(8) any activities authorized under section
22 2222(a); or

23 “(9) class size reduction, except that the local
24 educational agency may use not more than 10 per-
25 cent of such funds for this purpose.

1 **“Subpart 3—General Provisions**

2 **“SEC. 2131. REPORTING REQUIREMENTS.**

3 “(a) LOCAL EDUCATIONAL AGENCIES.—Each local
4 educational agency receiving a subgrant under subpart 2
5 shall submit to the State educational agency involved, on
6 an annual basis until the last year in which the local edu-
7 cational agency receives such subgrant funds, a report
8 on—

9 “(1) how the local educational agency is meet-
10 ing the purposes of this part described in section
11 2101;

12 “(2) how the local educational agency is using
13 such subgrant funds;

14 “(3) in the case of a local educational agency
15 implementing a teacher or school leader evaluation
16 system, the results of such evaluation system, except
17 that such report shall not reveal personally identifi-
18 able information about an individual teacher or
19 school leader; and

20 “(4) any such other information as the State
21 educational agency may require.

22 “(b) STATE EDUCATIONAL AGENCIES.—Each State
23 educational agency receiving a grant under subpart 1 shall
24 submit to the Secretary a report, on an annual basis until
25 the last year in which the State educational agency re-
26 ceives such grant funds, on—

1 “(1) how the State educational agency is meet-
2 ing the purposes of this part described in section
3 2101; and

4 “(2) how the State educational agency is using
5 such grant funds.

6 **“SEC. 2132. NATIONAL ACTIVITIES.**

7 “From the funds reserved by the Secretary under sec-
8 tion 2111(b)(1)(A), the Secretary shall, directly or
9 through grants and contracts—

10 “(1) provide technical assistance to States and
11 local educational agencies in carrying out activities
12 under this part; and

13 “(2) acting through the Institute of Education
14 Sciences, conduct national evaluations of activities
15 carried out by State educational agencies and local
16 educational agencies under this part.

17 **“SEC. 2133. STATE DEFINED.**

18 “‘In this part, the term ‘State’ means each of the 50
19 States, the District of Columbia, and the Commonwealth
20 of Puerto Rico.’”.

21 (c) PART B.—Part B of title II (20 U.S.C. 6661 et
22 seq.) is amended to read as follows:

1 **“PART B—TEACHER AND SCHOOL LEADER**

2 **FLEXIBLE GRANT**

3 **“SEC. 2201. PURPOSE.**

4 “The purpose of this part is to improve student aca-
5 demic achievement by—

6 “(1) supporting all State educational agencies,
7 local educational agencies, schools, teachers, and
8 school leaders to pursue innovative and evidence-
9 based practices to help all students meet the State’s
10 academic standards; and

11 “(2) increasing the number of teachers and
12 school leaders who are effective in increasing student
13 academic achievement.

14 **“Subpart 1—Formula Grants to States**

15 **“SEC. 2211. STATE ALLOTMENTS.**

16 “(a) RESERVATIONS.—From the amount appro-
17 priated under section 3(b) for any fiscal year, the Sec-
18 retary—

19 “(1) shall reserve 25 percent to award grants to
20 States under this subpart; and

21 “(2) of the amount reserved under paragraph
22 (1), shall reserve—

23 “(A) not more than 1 percent for national
24 activities described in section 2233;

25 “(B) one-half of 1 percent for allotments
26 to outlying areas on the basis of their relative

1 need, as determined by the Secretary, in ac-
2 cordance with the purpose of this part; and

3 “(C) one-half of 1 percent for the Sec-
4 retary of the Interior for programs under this
5 part in schools operated or funded by the Bu-
6 reau of Indian Education.

7 “(b) STATE ALLOTMENTS.—

8 “(1) IN GENERAL.—From the total amount re-
9 served under subsection (a)(1) for each fiscal year
10 and not reserved under subparagraphs (A) through
11 (C) of subsection (a)(2), the Secretary shall allot,
12 and make available in accordance with this section,
13 to each State an amount that bears the same ratio
14 to such sums as the school-age population of the
15 State bears to the school-age population of all
16 States.

17 “(2) SMALL STATE MINIMUM.—No State receiv-
18 ing an allotment under paragraph (1) may receive
19 less than one-half of 1 percent of the total amount
20 allotted under such paragraph.

21 “(3) REALLOTMENT.—If a State does not re-
22 ceive an allotment under this subpart for a fiscal
23 year, the Secretary shall reallocate the amount of the
24 State’s allotment to the remaining States in accord-
25 ance with this section.

1 “(c) STATE APPLICATION.—In order to receive an al-
2 lotment under this section for any fiscal year, a State shall
3 submit an application to the Secretary, at such time and
4 in such manner as the Secretary may reasonably require.
5 Such application shall—

6 “(1) designate the State educational agency as
7 the agency responsible for the administration and
8 supervision of programs assisted under this part;

9 “(2) describe how the State educational agency
10 will use funds received under this section for State
11 level activities described in subsection (d)(3);

12 “(3) describe the procedures and criteria the
13 State educational agency will use for reviewing appli-
14 cations and awarding subgrants in a timely manner
15 to eligible entities under section 2221 on a competi-
16 tive basis;

17 “(4) describe how the State educational agency
18 will ensure that subgrants made under section 2221
19 are of sufficient size and scope to support effective
20 programs that will help increase academic achieve-
21 ment in the classroom and are consistent with the
22 purposes of this part;

23 “(5) describe the steps the State educational
24 agency will take to ensure that eligible entities use
25 subgrants received under section 2221 to carry out

1 programs that implement effective strategies, includ-
2 ing by providing ongoing technical assistance and
3 training, and disseminating evidence-based and other
4 effective strategies to such eligible entities;

5 “(6) describe how programs under this part will
6 be coordinated with other programs under this Act;
7 and

8 “(7) include an assurance that, other than pro-
9 viding technical and advisory assistance and moni-
10 toring compliance with this part, the State edu-
11 cational agency has not exercised, and will not exer-
12 cise, any influence in the decision-making processes
13 of eligible entities as to the expenditure of funds
14 made pursuant to an application submitted under
15 section 2221(b).

16 “(d) STATE USE OF FUNDS.—

17 “(1) IN GENERAL.—Each State that receives an
18 allotment under this section shall reserve not less
19 than 92 percent of the amount allotted to such State
20 under subsection (b), for each fiscal year, for sub-
21 grants to eligible entities under subpart 2.

22 “(2) STATE ADMINISTRATION.—A State edu-
23 cational agency may reserve not more than 1 percent
24 of the amount made available to the State under
25 subsection (b) for the administrative costs of car-

1 rying out such State educational agency’s respon-
2 sibilities under this subpart.

3 “(3) STATE-LEVEL ACTIVITIES.—

4 “(A) INNOVATIVE TEACHER AND SCHOOL
5 LEADER ACTIVITIES.—A State educational
6 agency shall reserve not more than 4 percent of
7 the amount made available to the State under
8 subsection (b) to carry out, solely, or in part-
9 nership with State agencies of higher education,
10 1 or more of the following activities:

11 “(i) Reforming teacher and school
12 leader certification, recertification, licens-
13 ing, and tenure systems to ensure that
14 such systems are rigorous and that—

15 “(I) each teacher has the subject
16 matter knowledge and teaching skills
17 necessary to help students meet the
18 State’s academic standards; and

19 “(II) school leaders have the in-
20 structional leadership skills to help
21 teachers instruct and students learn.

22 “(ii) Improving the quality of teacher
23 preparation programs within the State, in-
24 cluding through the use of appropriate stu-
25 dent achievement data and other factors to

1 evaluate the quality of teacher preparation
2 programs within the State.

3 “(iii) Carrying out programs that es-
4 tablish, expand, or improve alternative
5 routes for State certification or licensure of
6 teachers and school leaders, including such
7 programs for—

8 “(I) mid-career professionals
9 from other occupations, including
10 computer science and other science,
11 technology, engineering, and math
12 fields;

13 “(II) former military personnel;
14 and

15 “(III) recent graduates of an in-
16 stitution of higher education, with a
17 record of academic distinction, who
18 demonstrate the potential to become
19 effective teachers or school leaders.

20 “(iv) Developing, or assisting eligible
21 entities in developing—

22 “(I) performance-based pay sys-
23 tems for teachers and school leaders;

1 “(II) strategies that provide dif-
2 ferential, incentive, or bonus pay for
3 teachers and school leaders; or

4 “(III) teacher and school leader
5 advancement initiatives that promote
6 professional growth and emphasize
7 multiple career paths and pay dif-
8 ferentiation.

9 “(v) Developing, or assisting eligible
10 entities in developing, new, evidence-based
11 teacher and school leader induction and
12 mentoring programs that are designed
13 to—

14 “(I) improve instruction and stu-
15 dent academic achievement; and

16 “(II) increase the retention of ef-
17 fective teachers and school leaders.

18 “(vi) Providing professional develop-
19 ment for teachers and school leaders that
20 is focused on improving teaching and stu-
21 dent academic achievement, including for
22 students with different learning styles, par-
23 ticularly students with disabilities, English
24 learners, gifted and talented students, and
25 other special populations.

1 “(vii) Providing training and technical
2 assistance to eligible entities that receive a
3 subgrant under section 2221.

4 “(viii) Other activities identified by
5 the State educational agency that meet the
6 purposes of this part, including those ac-
7 tivities authorized under subparagraph
8 (B).

9 “(B) TEACHER OR SCHOOL LEADER PREP-
10 ARATION ACADEMIES.—

11 “(i) IN GENERAL.—In the case of a
12 State in which teacher or school leader
13 preparation academies are allowable under
14 State law, a State educational agency may
15 reserve not more than 3 percent of the
16 amount made available to the State under
17 subsection (b) to support the establishment
18 or expansion of one or more teacher or
19 school leader preparation academies and,
20 subject to the limitation under clause (iii),
21 to support State authorizers for such acad-
22 emies.

23 “(ii) MATCHING REQUIREMENT.—A
24 State educational agency shall not provide
25 funds under this subparagraph to support

1 the establishment or expansion of a teach-
2 er or school leader preparation academy
3 unless the academy agrees to provide, ei-
4 ther directly or through private contribu-
5 tions, non-Federal matching funds equal to
6 not less than 10 percent of the amount of
7 the funds the academy will receive under
8 this subparagraph.

9 “(iii) FUNDING FOR STATE AUTHOR-
10 IZERS.—Not more than 5 percent of funds
11 provided to a teacher or school leader prep-
12 aration academy under this subparagraph
13 may be used to support activities of State
14 authorizers for such academy.

15 **“SEC. 2212. APPROVAL AND DISAPPROVAL OF STATE APPLI-**
16 **CATIONS.**

17 “(a) DEEMED APPROVAL.—An application submitted
18 by a State pursuant to section 2211(c) shall be deemed
19 to be approved by the Secretary unless the Secretary
20 makes a written determination, prior to the expiration of
21 the 120-day period beginning on the date on which the
22 Secretary received the application, that the application is
23 not in compliance with section 2211(c).

24 “(b) DISAPPROVAL PROCESS.—

1 “(1) IN GENERAL.—The Secretary shall not fi-
2 nally disapprove an application submitted under sec-
3 tion 2211(c), except after giving the State edu-
4 cational agency notice and an opportunity for a
5 hearing.

6 “(2) NOTIFICATION.—If the Secretary finds
7 that an application is not in compliance, in whole or
8 in part, with section 2211(c) the Secretary shall—

9 “(A) give the State educational agency no-
10 tice and an opportunity for a hearing; and

11 “(B) notify the State educational agency of
12 the finding of noncompliance and, in such noti-
13 fication, shall—

14 “(i) cite the specific provisions in the
15 application that are not in compliance; and

16 “(ii) request additional information,
17 only as to the noncompliant provisions,
18 needed to make the application compliant.

19 “(3) RESPONSE.—If a State educational agency
20 responds to a notification from the Secretary under
21 paragraph (2)(B) during the 45-day period begin-
22 ning on the date on which the State educational
23 agency received the notification, and resubmits the
24 application with the requested information described

1 in paragraph (2)(B)(ii), the Secretary shall approve
2 or disapprove such application prior to the later of—

3 “(A) the expiration of the 45-day period
4 beginning on the date on which the application
5 is resubmitted; or

6 “(B) the expiration of the 120-day period
7 described in subsection (a).

8 “(4) FAILURE TO RESPOND.—If the State edu-
9 cational agency does not respond to a notification
10 from the Secretary under paragraph (2)(B) during
11 the 45-day period beginning on the date on which
12 the State educational agency received the notifica-
13 tion, such application shall be deemed to be dis-
14 approved.

15 **“Subpart 2—Local Competitive Grant Program**

16 **“SEC. 2221. LOCAL COMPETITIVE GRANT PROGRAM.**

17 “(a) IN GENERAL.—A State that receives an allot-
18 ment under section 2211(b) for a fiscal year shall use the
19 amount reserved under section 2211(d)(1) to award sub-
20 grants, on a competitive basis, to eligible entities in ac-
21 cordance with this section to enable such entities to carry
22 out the programs and activities described in section 2222.

23 “(b) APPLICATION.—

24 “(1) IN GENERAL.—To be eligible to receive a
25 subgrant under this section, an eligible entity shall

1 submit an application to the State educational agen-
2 cy at such time, in such manner, and including such
3 information as the State educational agency may
4 reasonably require.

5 “(2) CONTENTS.—Each application submitted
6 under paragraph (1) shall include—

7 “(A) a description of the programs and ac-
8 tivities to be funded and how they are con-
9 sistent with the purposes of this part; and

10 “(B) an assurance that the eligible entity
11 will comply with section 5501 (regarding par-
12 ticipation by private school children and teach-
13 ers).

14 “(c) PEER REVIEW.—In reviewing applications under
15 this section, a State educational agency shall use a peer
16 review process or other methods of assuring the quality
17 of such applications but the review shall only judge the
18 likelihood of the activity to increase student academic
19 achievement. The reviewers shall not make a determina-
20 tion based on the policy of the proposed activity.

21 “(d) GEOGRAPHIC DIVERSITY.—A State educational
22 agency shall distribute funds under this section equitably
23 among geographic areas within the State, including rural,
24 suburban, and urban communities.

1 “(e) DURATION OF AWARDS.—A State educational
2 agency may award subgrants under this section for a pe-
3 riod of not more than 5 years.

4 “(f) MATCHING.—An eligible entity receiving a
5 subgrant under this section shall provide, either directly
6 or through private contributions, non-Federal matching
7 funds equal to not less than 10 percent of the amount
8 of the subgrant.

9 **“SEC. 2222. LOCAL AUTHORIZED ACTIVITIES.**

10 “(a) IN GENERAL.—Each eligible entity receiving a
11 subgrant under section 2221 shall use such subgrant
12 funds to develop, implement, and evaluate comprehensive
13 programs and activities, that are in accordance with the
14 purpose of this part and—

15 “(1) are consistent with the principles of effec-
16 tiveness described in subsection (b); and

17 “(2) may include, among other programs and
18 activities—

19 “(A) developing and implementing initia-
20 tives to assist in recruiting, hiring, and retain-
21 ing highly effective teachers and school leaders,
22 including initiatives that provide—

23 “(i) differential, incentive, or bonus
24 pay for teachers and school leaders;

1 “(ii) performance-based pay systems
2 for teachers and school leaders;

3 “(iii) teacher and school leader ad-
4 vancement initiatives that promote profes-
5 sional growth and emphasize multiple ca-
6 reer paths and pay differentiation;

7 “(iv) new teacher and school leader
8 induction and mentoring programs that
9 are designed to improve instruction, stu-
10 dent academic achievement, and to in-
11 crease teacher and school leader retention;
12 and

13 “(v) teacher residency programs, and
14 school leader residency programs, designed
15 to develop and support new teachers or
16 new school leaders, respectively;

17 “(B) supporting the establishment or ex-
18 pansion of teacher or school leader preparation
19 academies under section 2211(d)(3)(B);

20 “(C) recruiting qualified individuals from
21 other fields, including individuals from com-
22 puter science and other science, technology, en-
23 gineering, and math fields, mid-career profes-
24 sionals from other occupations, and former mili-
25 tary personnel;

1 “(D) establishing, improving, or expanding
2 model instructional programs to ensure that all
3 children meet the State’s academic standards;

4 “(E) providing evidence-based, job embed-
5 ded, continuous professional development for
6 teachers and school leaders focused on improv-
7 ing teaching and student academic achievement;

8 “(F) implementing programs based on the
9 current science of learning, which includes re-
10 search on positive brain change and cognitive
11 skill development;

12 “(G) recruiting and training teachers to
13 teach dual credit, dual enrollment, Advanced
14 Placement, or International Baccalaureate post-
15 secondary-level courses to secondary school stu-
16 dents; and

17 “(H) other activities and programs identi-
18 fied as necessary by the local educational agen-
19 cy that meet the purpose of this part.

20 “(b) PRINCIPLES OF EFFECTIVENESS.—For a pro-
21 gram or activity developed pursuant to this section to meet
22 the principles of effectiveness, such program or activity
23 shall—

24 “(1) be based upon an assessment of objective
25 data regarding the need for programs and activities

1 in the elementary schools and secondary schools
2 served to increase the number of teachers and school
3 leaders who are effective in improving student aca-
4 demic achievement;

5 “(2) reflect evidence-based research, or in the
6 absence of a strong research base, reflect effective
7 strategies in the field, that provide evidence that the
8 program or activity will improve student academic
9 achievement; and

10 “(3) include meaningful and ongoing consulta-
11 tion with, and input from, teachers, school leaders,
12 and parents, in the development of the application
13 and administration of the program or activity.

14 **“Subpart 3—General Provisions**

15 **“SEC. 2231. PERIODIC EVALUATION.**

16 “(a) IN GENERAL.—Each eligible entity and each
17 teacher or school leader preparation academy that receives
18 funds under this part shall undergo a periodic evaluation
19 by the State educational agency involved to assess such
20 entity’s or such academy’s progress toward achieving the
21 purposes of this part.

22 “(b) USE OF RESULTS.—The results of an evaluation
23 described in subsection (a) of an eligible entity or academy
24 shall be—

1 “(1) used to refine, improve, and strengthen
2 such eligible entity or such academy, respectively;
3 and

4 “(2) made available to the public upon request,
5 with public notice of such availability provided.

6 **“SEC. 2232. REPORTING REQUIREMENTS.**

7 “(a) ELIGIBLE ENTITIES AND ACADEMIES.—Each
8 eligible entity and each teacher or school leader prepara-
9 tion academy that receives funds from a State educational
10 agency under this part shall prepare and submit annually
11 to such State educational agency a report that includes—

12 “(1) a description of the progress of the eligible
13 entity or teacher or school leader preparation acad-
14 emy, respectively, in meeting the purposes of this
15 part;

16 “(2) a description of the programs and activi-
17 ties conducted by the eligible entity or teacher or
18 school leader preparation academy, respectively, with
19 funds received under this part;

20 “(3) how the eligible entity or teacher or school
21 leader preparation academy, respectively, is using
22 such funds; and

23 “(4) any such other information as the State
24 educational agency may require.

1 “(b) STATE EDUCATIONAL AGENCIES.—Each State
2 educational agency that receives a grant under this part
3 shall prepare and submit, annually, to the Secretary a re-
4 port that includes—

5 “(1) a description of the programs and activi-
6 ties conducted by the State educational agency with
7 grant funds received under this part;

8 “(2) a description of the progress of the State
9 educational agency in meeting the purposes of this
10 part described in section 2201;

11 “(3) how the State educational agency is using
12 grant funds received under this part;

13 “(4) the methods and criteria the State edu-
14 cational agency used to award subgrants in a timely
15 manner to eligible entities under section 2221 and,
16 if applicable, funds in a timely manner to teacher or
17 school leader academies under section
18 2211(d)(3)(B); and

19 “(5) the results of the periodic evaluations con-
20 ducted under section 2231.

21 **“SEC. 2233. NATIONAL ACTIVITIES.**

22 “From the funds reserved by the Secretary under sec-
23 tion 2211(a)(2)(A), the Secretary shall, directly or
24 through grants and contracts—

1 “(1) provide technical assistance to States and
2 eligible entities in carrying out activities under this
3 part; and

4 “(2) acting through the Institute of Education
5 Sciences, conduct national evaluations of activities
6 carried out by States and eligible entities under this
7 part.

8 **“SEC. 2234. DEFINITIONS.**

9 “In this part:

10 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
11 tity’ means—

12 “(A) a local educational agency or consor-
13 tium of local educational agencies;

14 “(B) an institution of higher education or
15 consortium of such institutions in partnership
16 with a local educational agency or consortium
17 of local educational agencies;

18 “(C) a for-profit organization, a nonprofit
19 organization, or a consortium of for-profit or
20 nonprofit organizations in partnership with a
21 local educational agency or consortium of local
22 educational agencies; or

23 “(D) a consortium of the entities described
24 in subparagraphs (B) and (C).

1 “(2) STATE.—The term ‘State’ means each of
2 the 50 States, the District of Columbia, and the
3 Commonwealth of Puerto Rico.

4 “(3) STATE AUTHORIZER.—The term ‘State au-
5 thorizer’ means an entity designated by the Gov-
6 ernor of a State to authorize teacher or school leader
7 preparation academies within the State that—

8 “(A) enters into an agreement with a
9 teacher or school leader preparation academy
10 that—

11 “(i) specifies the goals expected of the
12 academy, which, at a minimum, include the
13 goals described in paragraph (4); and

14 “(ii) does not reauthorize the academy
15 if such goals are not met; and

16 “(B) may be a nonprofit organization, a
17 State educational agency, or other public entity,
18 or consortium of such entities (including a con-
19 sortium of State educational agencies).

20 “(4) TEACHER OR SCHOOL LEADER PREPARA-
21 TION ACADEMY.—The term ‘teacher or school leader
22 preparation academy’ means a public or private enti-
23 ty, or a nonprofit or for-profit organization, which
24 may be an institution of higher education or an or-
25 ganization affiliated with an institution of higher

1 education, that will prepare teachers or school lead-
2 ers to serve in schools, and that—

3 “(A) enters into an agreement with a State
4 authorizer that specifies the goals expected of
5 the academy, including—

6 “(i) a requirement that prospective
7 teachers or school leaders who are enrolled
8 in a teacher or school leader preparation
9 academy receive a significant part of their
10 training through clinical preparation that
11 partners the prospective candidate with an
12 effective teacher or school leader, respec-
13 tively, with a demonstrated record of in-
14 creasing student achievement, while also
15 receiving concurrent instruction from the
16 academy in the content area (or areas) in
17 which the prospective teacher or school
18 leader will become certified or licensed;

19 “(ii) the number of effective teachers
20 or school leaders, respectively, who will
21 demonstrate success in increasing student
22 achievement that the academy will
23 produce; and

24 “(iii) a requirement that a teacher or
25 school leader preparation academy will only

1 award a certificate of completion after the
2 graduate demonstrates that the graduate is
3 an effective teacher or school leader, re-
4 spectively, with a demonstrated record of
5 increasing student achievement, except
6 that an academy may award a provisional
7 certificate for the period necessary to allow
8 the graduate to demonstrate such effective-
9 ness;

10 “(B) does not have restrictions on the
11 methods the academy will use to train prospec-
12 tive teacher or school leader candidates, includ-
13 ing—

14 “(i) obligating (or prohibiting) the
15 academy’s faculty to hold advanced degrees
16 or conduct academic research;

17 “(ii) restrictions related to the acad-
18 emy’s physical infrastructure;

19 “(iii) restrictions related to the num-
20 ber of course credits required as part of
21 the program of study;

22 “(iv) restrictions related to the under-
23 graduate coursework completed by teachers
24 teaching or working on alternative certifi-
25 cates, licenses, or credentials, as long as

1 such teachers have successfully passed all
2 relevant State-approved content area ex-
3 aminations; or

4 “(v) restrictions related to obtaining
5 accreditation from an accrediting body for
6 purposes of becoming an academy;

7 “(C) limits admission to its program to
8 prospective teacher or school leader candidates
9 who demonstrate strong potential to improve
10 student achievement, based on a rigorous selec-
11 tion process that reviews a candidate’s prior
12 academic achievement or record of professional
13 accomplishment; and

14 “(D) results in a certificate of completion
15 that the State may recognize as at least the
16 equivalent of a master’s degree in education for
17 the purposes of hiring, retention, compensation,
18 and promotion in the State.

19 “(5) **TEACHER RESIDENCY PROGRAM.**—The
20 term ‘teacher residency program’ means a school-
21 based teacher preparation program in which a pro-
22 spective teacher—

23 “(A) for one academic year, teaches along-
24 side an effective teacher, as determined by a

1 teacher evaluation system implemented under
2 part A, who is the teacher of record;

3 “(B) receives concurrent instruction during
4 the year described in subparagraph (A) from
5 the partner institution (as defined in section
6 200 of the Higher Education Act of 1965 (20
7 U.S.C. 1021)), which courses may be taught by
8 local educational agency personnel or residency
9 program faculty, in the teaching of the content
10 area in which the teacher will become certified
11 or licensed; and

12 “(C) acquires effective teaching skills.”.

13 (d) PART C.—Part C of title II (20 U.S.C. 6671 et
14 seq.) is amended—

15 (1) by striking subparts 1 through 4;

16 (2) by striking the heading relating to subpart
17 5;

18 (3) by striking sections 2361 and 2368;

19 (4) in section 2362, by striking “principals”
20 and inserting “school leaders”;

21 (5) in section 2363(6)(A), by striking “prin-
22 cipal” and inserting “school leader”;

23 (6) in section 2366(b), by striking “ate law”
24 and inserting “(3) A State law”;

1 (7) by redesignating section 2362 as section
2 2361;

3 (8) by redesignating sections 2364 through
4 2367 as sections 2362 through 2365, respectively;
5 and

6 (9) by redesignating section 2363 as section
7 2366 and transferring such section to appear after
8 section 2365 (as so redesignated).

9 (e) PART D.—Part D of title II (20 U.S.C. 6751 et
10 seq.) is amended to read as follows:

11 **“PART D—GENERAL PROVISIONS**

12 **“SEC. 2401. INCLUSION OF CHARTER SCHOOLS.**

13 “In this title, the term ‘local educational agency’ in-
14 cludes a charter school (as defined in section 5101) that,
15 in the absence of this section, would not have received
16 funds under this title.

17 **“SEC. 2402. PARENTS’ RIGHT TO KNOW.**

18 “At the beginning of each school year, a local edu-
19 cational agency that receives funds under this title shall
20 notify the parents of each student attending any school
21 receiving funds under this title that the parents may re-
22 quest, and the agency will provide the parents on request
23 (and in a timely manner), information regarding the pro-
24 fessional qualifications of the student’s classroom teach-
25 ers.

1 **“SEC. 2403. SUPPLEMENT, NOT SUPPLANT.**

2 “Funds received under this title shall be used to sup-
3 plement, and not supplant, non-Federal funds that would
4 otherwise be used for activities authorized under this
5 title.”.

6 **SEC. 202. CONFORMING REPEALS.**

7 (a) CONFORMING REPEALS.—Title II of the Higher
8 Education Act of 1965 (20 U.S.C. 1021 et seq.) is amend-
9 ed by repealing sections 201 through 204.

10 (b) EFFECTIVE DATE.—The repeals made by sub-
11 section (a) shall take effect October 1, 2013.

12 **TITLE III—PARENTAL ENGAGE-**
13 **MENT AND LOCAL FLEXI-**
14 **BILITY**

15 **SEC. 301. PARENTAL ENGAGEMENT AND LOCAL FLEXI-**
16 **BILITY.**

17 Title III (20 U.S.C. 6801 et seq.) is amended to read
18 as follows:

19 **“TITLE III—PARENTAL ENGAGE-**
20 **MENT AND LOCAL FLEXI-**
21 **BILITY**

22 **“PART A—PARENTAL ENGAGEMENT**

23 **“Subpart 1—Charter School Program**

24 **“SEC. 3101. PURPOSE.**

25 “It is the purpose of this subpart to—

1 “(1) improve the United States education sys-
2 tem and educational opportunities for all Americans
3 by supporting innovation in public education in pub-
4 lic school settings that prepare students to compete
5 and contribute to the global economy;

6 “(2) provide financial assistance for the plan-
7 ning, program design, and initial implementation of
8 charter schools;

9 “(3) expand the number of high-quality charter
10 schools available to students across the Nation;

11 “(4) evaluate the impact of such schools on stu-
12 dent achievement, families, and communities, and
13 share best practices between charter schools and
14 other public schools;

15 “(5) encourage States to provide support to
16 charter schools for facilities financing in an amount
17 more nearly commensurate to the amount the States
18 have typically provided for traditional public schools;

19 “(6) improve student services to increase oppor-
20 tunities for students with disabilities, English learn-
21 ers, and other traditionally underserved students to
22 attend charter schools and meet challenging State
23 academic achievement standards; and

24 “(7) support efforts to strengthen the charter
25 school authorizing process to improve performance

1 management, including transparency, monitoring,
2 and evaluation of such schools.

3 **“SEC. 3102. PROGRAM AUTHORIZED.**

4 “(a) IN GENERAL.—From the amounts appropriated
5 under section 3(c)(1)(A), the Secretary shall carry out a
6 charter school program under this subpart that supports
7 charter schools that serve elementary school and sec-
8 ondary school students by—

9 “(1) supporting the startup, replication, and ex-
10 pansion of charter schools;

11 “(2) assisting charter schools in accessing cred-
12 it to acquire and renovate facilities for school use;
13 and

14 “(3) carrying out national activities to sup-
15 port—

16 “(A) charter school development;

17 “(B) the dissemination of best practices of
18 charter schools for all schools; and

19 “(C) the evaluation of the impact of the
20 program on schools participating in the pro-
21 gram.

22 “(b) FUNDING ALLOTMENT.—From the amount
23 made available under section 3(c)(1)(A) for a fiscal year,
24 the Secretary shall—

1 “(1) reserve 15 percent to support charter
2 school facilities assistance under section 3104;

3 “(2) reserve not more than 5 percent to carry
4 out national activities under section 3105; and

5 “(3) use the remaining amount after the Sec-
6 retary reserves funds under paragraphs (1) and (2)
7 to carry out section 3103.

8 “(c) PRIOR GRANTS AND SUBGRANTS.—The recipi-
9 ent of a grant or subgrant under this subpart or subpart
10 2, as such subpart was in effect on the day before the
11 date of enactment of the Student Success Act, shall con-
12 tinue to receive funds in accordance with the terms and
13 conditions of such grant or subgrant.

14 **“SEC. 3103. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**
15 **SCHOOLS.**

16 “(a) IN GENERAL.—From the amount reserved
17 under section 3102(b)(3), the Secretary shall award
18 grants to State entities having applications approved pur-
19 suant to subsection (f) to enable such entities to—

20 “(1) award subgrants to eligible applicants
21 for—

22 “(A) opening new charter schools;

23 “(B) opening replicable, high-quality char-
24 ter school models; or

1 “(C) expanding high-quality charter
2 schools; and

3 “(2) provide technical assistance to eligible ap-
4 plicants and authorized public chartering agencies in
5 carrying out the activities described in paragraph (1)
6 and work with authorized public chartering agencies
7 in the State to improve authorizing quality.

8 “(b) STATE USES OF FUNDS.—

9 “(1) IN GENERAL.—A State entity receiving a
10 grant under this section shall—

11 “(A) use 90 percent of the grant funds to
12 award subgrants to eligible applicants, in ac-
13 cordance with the quality charter school pro-
14 gram described in the entity’s application ap-
15 proved pursuant to subsection (f), for the pur-
16 poses described in subparagraphs (A) through
17 (C) of subsection (a)(1); and

18 “(B) reserve 10 percent of such funds to
19 carry out the activities described in subsection
20 (a)(2), of which not more than 30 percent may
21 be used for administrative costs which may in-
22 clude technical assistance.

23 “(2) CONTRACTS AND GRANTS.—A State entity
24 may use a grant received under this section to carry
25 out the activities described in subparagraphs (A)

1 and (B) of paragraph (1) directly or through grants,
2 contracts, or cooperative agreements.

3 “(c) PROGRAM PERIODS; PEER REVIEW; GRANT
4 NUMBER AND AMOUNT; DIVERSITY OF PROJECTS; WAIV-
5 ERS.—

6 “(1) PROGRAM PERIODS.—

7 “(A) GRANTS.—A grant awarded by the
8 Secretary to a State entity under this section
9 shall be for a period of not more than 5 years.

10 “(B) SUBGRANTS.—A subgrant awarded
11 by a State entity under this section shall be for
12 a period of not more than 3 years, of which an
13 eligible applicant may use not more than 18
14 months for planning and program design.

15 “(2) PEER REVIEW.—The Secretary, and each
16 State entity receiving a grant under this section,
17 shall use a peer review process to review applications
18 for assistance under this section.

19 “(3) GRANT NUMBER AND AMOUNT.—The Sec-
20 retary shall ensure that the number of grants award-
21 ed under this section and the award amounts will
22 allow for a sufficient number of new grants to be
23 awarded under this section for each succeeding fiscal
24 year.

1 “(4) DIVERSITY OF PROJECTS.—Each State en-
2 tity receiving a grant under this section shall award
3 subgrants under this section in a manner that, to
4 the extent possible, ensures that such subgrants—

5 “(A) are distributed throughout different
6 areas, including urban, suburban, and rural
7 areas; and

8 “(B) will assist charter schools rep-
9 resenting a variety of educational approaches.

10 “(5) WAIVERS.—The Secretary may waive any
11 statutory or regulatory requirement without requir-
12 ing the adoption of any unrelated requirements over
13 which the Secretary exercises administrative author-
14 ity except any such requirement relating to the ele-
15 ments of a charter school described in section
16 5101(3), if—

17 “(A) the waiver is requested in an ap-
18 proved application under this section; and

19 “(B) the Secretary determines that grant-
20 ing such a waiver will promote the purpose of
21 this subpart.

22 “(d) LIMITATIONS.—

23 “(1) GRANTS.—A State entity may not receive
24 more than 1 grant under this section for a 5-year
25 period.

1 “(2) SUBGRANTS.—An eligible applicant may
2 not receive more than 1 subgrant under this section
3 for an individual charter school for a 3-year period.

4 “(e) APPLICATIONS.—A State entity desiring to re-
5 ceive a grant under this section shall submit an application
6 to the Secretary at such time and in such manner as the
7 Secretary may require. The application shall include the
8 following:

9 “(1) DESCRIPTION OF PROGRAM.—A descrip-
10 tion of the State entity’s objectives in running a
11 quality charter school program under this section
12 and how the objectives of the program will be car-
13 ried out, including a description—

14 “(A) of how the entity—

15 “(i) will support both new charter
16 school startup and the expansion and rep-
17 lication of high-quality charter school mod-
18 els;

19 “(ii) will inform eligible charter
20 schools, developers, and authorized public
21 chartering agencies of the availability of
22 funds under the program;

23 “(iii) will work with eligible applicants
24 to ensure that the applicants access all
25 Federal funds that they are eligible to re-

1 ceive, and help the charter schools sup-
2 ported by the applicants and the students
3 attending the charter schools—

4 “(I) participate in the Federal
5 programs in which the schools and
6 students are eligible to participate;
7 and

8 “(II) receive the commensurate
9 share of Federal funds the schools
10 and students are eligible to receive
11 under such programs;

12 “(iv) in the case in which the entity is
13 not a State educational agency—

14 “(I) will work with the State edu-
15 cational agency and the charter
16 schools in the State to maximize char-
17 ter school participation in Federal and
18 State programs for charter schools;
19 and

20 “(II) will work with the State
21 educational agency to adequately op-
22 erate the entity’s program under this
23 section, where applicable;

24 “(v) will ensure eligible applicants
25 that receive a subgrant under the entity’s

1 program are prepared to continue to oper-
2 ate the charter schools receiving the
3 subgrant funds once the funds have ex-
4 pired;

5 “(vi) will support charter schools in
6 local educational agencies with large num-
7 bers of schools implementing requirements
8 under the State’s school improvement sys-
9 tem under section 1111(b)(3)(B)(iii);

10 “(vii) will work with charter schools to
11 promote inclusion of all students and sup-
12 port all students once they are enrolled to
13 promote retention;

14 “(viii) will work with charter schools
15 on recruitment practices, including efforts
16 to engage groups that may otherwise have
17 limited opportunities to participate in char-
18 ter schools;

19 “(ix) will share best and promising
20 practices between charter schools and
21 other public schools, including, where ap-
22 propriate, instruction and professional de-
23 velopment in science, math, technology,
24 and engineering education;

1 “(x) will ensure the charter schools
2 receiving funds under the entity’s program
3 can meet the educational needs of their
4 students, including students with disabili-
5 ties and English learners; and

6 “(xi) will support efforts to increase
7 quality initiatives, including meeting the
8 quality authorizing elements described in
9 paragraph (2)(E);

10 “(B) of the extent to which the entity—

11 “(i) is able to meet and carry out the
12 priorities listed in subsection (f)(2); and

13 “(ii) is working to develop or
14 strengthen a cohesive statewide system to
15 support the opening of new charter schools
16 and replicable, high-quality charter school
17 models, and the expansion of high-quality
18 charter schools;

19 “(C) of how the entity will carry out the
20 subgrant competition, including—

21 “(i) a description of the application
22 each eligible applicant desiring to receive a
23 subgrant will submit, including—

24 “(I) a description of the roles
25 and responsibilities of eligible appli-

1 cants, partner organizations, and
2 management organizations, including
3 the administrative and contractual
4 roles and responsibilities;

5 “(II) a description of the quality
6 controls agreed to between the eligible
7 applicant and the authorized public
8 chartering agency involved, such as a
9 contract or performance agreement,
10 and how a school’s performance in the
11 State’s academic accountability sys-
12 tem will be a primary factor for re-
13 newal or revocation of the school’s
14 charter; and

15 “(III) a description of how the el-
16 igible applicant will solicit and con-
17 sider input from parents and other
18 members of the community on the im-
19 plementation and operation of each
20 charter school receiving funds under
21 the entity’s program; and

22 “(ii) a description of how the entity
23 will review applications;

24 “(D) in the case of an entity that partners
25 with an outside organization to carry out the

1 entity’s quality charter school program, in
2 whole or in part, of the roles and responsibil-
3 ities of this partner;

4 “(E) of how the entity will help the charter
5 schools receiving funds under the entity’s pro-
6 gram consider the transportation needs of the
7 schools’ students; and

8 “(F) of how the entity will support diverse
9 charter school models, including models that
10 serve rural communities.

11 “(2) ASSURANCES.—Assurances, including a
12 description of how the assurances will be met,
13 that—

14 “(A) each charter school receiving funds
15 under the entity’s program will have a high de-
16 gree of autonomy over budget and operations,
17 including personnel;

18 “(B) the entity will support charter schools
19 in meeting the educational needs of their stu-
20 dents as described in paragraph (1)(A)(x);

21 “(C) the entity will ensure that the author-
22 ized public chartering agency of any charter
23 school that receives funds under the entity’s
24 program—

1 “(i) ensures that each charter school
2 is meeting the obligations under this Act,
3 part B of the Individuals with Disabilities
4 Education Act, title VI of the Civil Rights
5 Act of 1964, section 504 of the Rehabilita-
6 tion Act of 1973, the Age Discrimination
7 Act of 1975, and title IX of the Education
8 Amendments of 1972;

9 “(ii) adequately monitors and helps
10 each charter school in recruiting, enrolling,
11 and meeting the needs of all students, in-
12 cluding students with disabilities and
13 English learners; and

14 “(iii) ensures that each charter school
15 solicits and considers input from parents
16 and other members of the community on
17 the implementation and operation of the
18 school;

19 “(D) the entity will provide adequate tech-
20 nical assistance to eligible applicants to—

21 “(i) meet the objectives described in
22 clauses (vii), (viii), and (x) of paragraph
23 (1)(A); and

24 “(ii) enroll traditionally underserved
25 students, including students with disabil-

1 ities and English learners, to promote an
2 inclusive education environment;

3 “(E) the entity will promote quality au-
4 thorizing, such as through providing technical
5 assistance, to support all authorized public
6 chartering agencies in the State to improve the
7 monitoring of their charter schools, including
8 by—

9 “(i) assessing annual performance
10 data of the schools, including, as appro-
11 priate, graduation rates and student
12 growth; and

13 “(ii) reviewing the schools’ inde-
14 pendent, annual audits of financial state-
15 ments conducted in accordance with gen-
16 erally accepted accounting principles, and
17 ensuring any such audits are publically re-
18 ported;

19 “(F) the entity will work to ensure that
20 charter schools are included with the traditional
21 public schools in decision-making about the
22 public school system in the State;

23 “(G) the entity will ensure that each char-
24 ter school in the State make publicly available,
25 consistent with the dissemination requirements

1 of the annual State report card, the information
2 parents need to make informed decisions about
3 the education options available to their children,
4 including information on the educational pro-
5 gram, student support services, and annual per-
6 formance and enrollment data for the groups of
7 students described in section
8 1111(b)(3)(B)(ii)(II);

9 “(H) the entity will ensure that each char-
10 ter school provides substantive outreach to stu-
11 dents from low-income families and other un-
12 derserved populations in its plans to open new
13 charter schools, replicate high-quality charter
14 school models, or expand existing high-quality
15 charter schools; and

16 “(I) the entity will allow per pupil revenues
17 to shared between local educational agencies to
18 reflect split student enrollment in 2 or more
19 part-time educational programs operated or au-
20 thorized by different local educational agencies.

21 “(3) REQUESTS FOR WAIVERS.—A request and
22 justification for waivers of any Federal statutory or
23 regulatory provisions that the entity believes are nec-
24 essary for the successful operation of the charter
25 schools that will receive funds under the entity’s pro-

1 gram under this section, and a description of any
2 State or local rules, generally applicable to public
3 schools, that will be waived, or otherwise not apply
4 to such schools.

5 “(f) SELECTION CRITERIA; PRIORITY.—

6 “(1) SELECTION CRITERIA.—The Secretary
7 shall award grants to State entities under this sec-
8 tion on the basis of the quality of the applications
9 submitted under subsection (e), after taking into
10 consideration—

11 “(A) the degree of flexibility afforded by
12 the State’s public charter school law and how
13 the entity will work to maximize the flexibility
14 provided to charter schools under the law;

15 “(B) the ambitiousness of the entity’s ob-
16 jectives for the quality charter school program
17 carried out under this section;

18 “(C) the quality of the strategy for assess-
19 ing achievement of those objectives;

20 “(D) the likelihood that the eligible appli-
21 cants receiving subgrants under the program
22 will meet those objectives and improve edu-
23 cational results for students;

24 “(E) the proposed number of new charter
25 schools to be opened, and the proposed number

1 of high-quality charter schools to be replicated
2 or expanded under the program;

3 “(F) the entity’s plan to—

4 “(i) adequately monitor the eligible
5 applicants receiving subgrants under the
6 entity’s program; and

7 “(ii) work with the authorized public
8 chartering agencies involved to avoid dupli-
9 cation of work for the charter schools and
10 authorized public chartering agencies;

11 “(G) the entity’s plan to provide adequate
12 technical assistance, as described in the entity’s
13 application under subsection (e), for the eligible
14 applicants receiving subgrants under the enti-
15 ty’s program under this section;

16 “(H) the entity’s plan to support quality
17 authorizing efforts in the State, consistent with
18 the objectives described in subparagraph (B);
19 and

20 “(I) the entity’s plan to solicit and con-
21 sider input from parents and other members of
22 the community on the implementation and oper-
23 ation of the charter schools in the State.

24 “(2) PRIORITY.—In awarding grants under this
25 section, the Secretary shall give priority to State en-

1 tities to the extent that they meet the following cri-
2 teria:

3 “(A) In the case of a State entity located
4 in a State that allows an entity other than a
5 local educational agency to be an authorized
6 public chartering agency, the State has a qual-
7 ity authorized public chartering agency that is
8 an entity other than a local educational agency.

9 “(B) The State entity is located in a State
10 that does not impose any limitation on the
11 number or percentage of charter schools that
12 may exist or the number or percentage of stu-
13 dents that may attend charter schools in the
14 State.

15 “(C) The State entity is located in a State
16 that ensures equitable financing, as compared
17 to traditional public schools, for charter schools
18 and students in a prompt manner.

19 “(D) The State entity is located in a State
20 that uses best practices from charter schools to
21 help improve struggling schools and local edu-
22 cational agencies.

23 “(E) The State entity partners with an or-
24 ganization that has a demonstrated record of
25 success in developing management organiza-

1 tions to support the development of charter
2 schools in the State.

3 “(F) The State entity demonstrates quality
4 policies and practices to support and monitor
5 charter schools through factors including—

6 “(i) the proportion of high-quality
7 charter schools in the State; and

8 “(ii) the proportion of charter schools
9 enrolling, at a rate similar to traditional
10 public schools, traditionally underserved
11 students, including students with disabili-
12 ties and English learners.

13 “(G) The State entity supports charter
14 schools that support at-risk students through
15 activities such as dropout prevention or dropout
16 recovery.

17 “(H) The State entity authorizes all char-
18 ter schools in the State to serve as school food
19 authorities.

20 “(g) LOCAL USES OF FUNDS.—An eligible applicant
21 receiving a subgrant under this section shall use such
22 funds to open new charter schools, open replicable, high-
23 quality charter school models, or expand existing high-
24 quality charter schools, which may include: (1) paying
25 costs associated with preparing teachers to ensure strong

1 school starts; (2) purchasing instructional materials and
2 implementing teacher and principal professional develop-
3 ment programs; and (3) providing the necessary renova-
4 tions and minor facilities repairs, excluding construction,
5 to ensure a strong school opening or to meet the needs
6 of increased student enrollment.

7 “(h) REPORTING REQUIREMENTS.—Each State enti-
8 ty receiving a grant under this section shall submit to the
9 Secretary, at the end of the third year of the 5-year grant
10 period and at the end of such grant period, a report on—

11 “(1) the number of students served under each
12 subgrant awarded under this section and, if applica-
13 ble, how many new students were served during each
14 year of the subgrant period;

15 “(2) the number of subgrants awarded under
16 this section to carry out each of the following—

17 “(A) the opening of new charter schools;

18 “(B) the opening of replicable, high-quality
19 charter school models; and

20 “(C) the expansion of high-quality charter
21 schools;

22 “(3) the progress the entity made toward meet-
23 ing the priorities described in subsection (f)(2), as
24 applicable;

1 “(4) how the entity met the objectives of the
2 quality charter school program described in the enti-
3 ty’s application under subsection (e);

4 “(5) how the entity complied with, and ensured
5 that eligible applicants complied with, the assurances
6 described in the entity’s application; and

7 “(6) how the entity worked with authorized
8 public chartering agencies and how such agencies
9 worked with the management company or leadership
10 of the schools that received subgrants under this
11 section.

12 “(i) STATE ENTITY DEFINED.—For purposes of this
13 section, the term ‘State entity’ means—

14 “(1) a State educational agency;

15 “(2) a State charter school board;

16 “(3) a Governor of a State; or

17 “(4) a charter support organization.

18 **“SEC. 3104. FACILITIES FINANCING ASSISTANCE.**

19 “(a) GRANTS TO ELIGIBLE ENTITIES.—

20 “(1) IN GENERAL.—The Secretary shall not use
21 less than 50 percent of the amount reserved under
22 section 3102(b)(1) to award grants to eligible enti-
23 ties that have the highest-quality applications ap-
24 proved under subsection (d), after considering the
25 diversity of such applications, to demonstrate inno-

1 vative methods of assisting charter schools to ad-
2 dress the cost of acquiring, constructing, and ren-
3 ovating facilities by enhancing the availability of
4 loans or bond financing.

5 “(2) ELIGIBLE ENTITY DEFINED.—For pur-
6 poses of this section, the term ‘eligible entity’
7 means—

8 “(A) a public entity, such as a State or
9 local governmental entity;

10 “(B) a private nonprofit entity; or

11 “(C) a consortium of entities described in
12 subparagraphs (A) and (B).

13 “(b) GRANTEE SELECTION.—The Secretary shall
14 evaluate each application submitted under subsection (d),
15 and shall determine whether the application is sufficient
16 to merit approval.

17 “(c) GRANT CHARACTERISTICS.—Grants under sub-
18 section (a) shall be of a sufficient size, scope, and quality
19 so as to ensure an effective demonstration of an innovative
20 means of enhancing credit for the financing of charter
21 school acquisition, construction, or renovation.

22 “(d) APPLICATIONS.—

23 “(1) IN GENERAL.—To receive a grant under
24 subsection (a), an eligible entity shall submit to the

1 Secretary an application in such form as the Sec-
2 retary may reasonably require.

3 “(2) CONTENTS.—An application submitted
4 under paragraph (1) shall contain—

5 “(A) a statement identifying the activities
6 proposed to be undertaken with funds received
7 under subsection (a), including how the eligible
8 entity will determine which charter schools will
9 receive assistance, and how much and what
10 types of assistance charter schools will receive;

11 “(B) a description of the involvement of
12 charter schools in the application’s development
13 and the design of the proposed activities;

14 “(C) a description of the eligible entity’s
15 expertise in capital market financing;

16 “(D) a description of how the proposed ac-
17 tivities will leverage the maximum amount of
18 private-sector financing capital relative to the
19 amount of Federal, State, or local government
20 funding used and otherwise enhance credit
21 available to charter schools, including how the
22 entity will offer a combination of rates and
23 terms more favorable than the rates and terms
24 that a charter school could receive without as-
25 sistance from the entity under this section;

1 “(E) a description of how the eligible enti-
2 ty possesses sufficient expertise in education to
3 evaluate the likelihood of success of a charter
4 school program for which facilities financing is
5 sought; and

6 “(F) in the case of an application sub-
7 mitted by a State governmental entity, a de-
8 scription of the actions that the entity has
9 taken, or will take, to ensure that charter
10 schools within the State receive the funding the
11 charter schools need to have adequate facilities.

12 “(e) CHARTER SCHOOL OBJECTIVES.—An eligible
13 entity receiving a grant under this section shall use the
14 funds deposited in the reserve account established under
15 subsection (f) to assist one or more charter schools to ac-
16 cess private sector capital to accomplish one or more of
17 the following objectives:

18 “(1) The acquisition (by purchase, lease, dona-
19 tion, or otherwise) of an interest (including an inter-
20 est held by a third party for the benefit of a charter
21 school) in improved or unimproved real property
22 that is necessary to commence or continue the oper-
23 ation of a charter school.

24 “(2) The construction of new facilities, includ-
25 ing predevelopment costs, or the renovation, repair,

1 or alteration of existing facilities, necessary to com-
2 mence or continue the operation of a charter school.

3 “(3) The predevelopment costs required to as-
4 sess sites for purposes of paragraph (1) or (2) and
5 which are necessary to commence or continue the
6 operation of a charter school.

7 “(f) RESERVE ACCOUNT.—

8 “(1) USE OF FUNDS.—To assist charter schools
9 to accomplish the objectives described in subsection
10 (e), an eligible entity receiving a grant under sub-
11 section (a) shall, in accordance with State and local
12 law, directly or indirectly, alone or in collaboration
13 with others, deposit the funds received under sub-
14 section (a) (other than funds used for administrative
15 costs in accordance with subsection (g)) in a reserve
16 account established and maintained by the eligible
17 entity for this purpose. Amounts deposited in such
18 account shall be used by the eligible entity for one
19 or more of the following purposes:

20 “(A) Guaranteeing, insuring, and rein-
21 suring bonds, notes, evidences of debt, loans,
22 and interests therein, the proceeds of which are
23 used for an objective described in subsection
24 (e).

1 “(B) Guaranteeing and insuring leases of
2 personal and real property for an objective de-
3 scribed in subsection (e).

4 “(C) Facilitating financing by identifying
5 potential lending sources, encouraging private
6 lending, and other similar activities that di-
7 rectly promote lending to, or for the benefit of,
8 charter schools.

9 “(D) Facilitating the issuance of bonds by
10 charter schools, or by other public entities for
11 the benefit of charter schools, by providing
12 technical, administrative, and other appropriate
13 assistance (including the recruitment of bond
14 counsel, underwriters, and potential investors
15 and the consolidation of multiple charter school
16 projects within a single bond issue).

17 “(2) INVESTMENT.—Funds received under this
18 section and deposited in the reserve account estab-
19 lished under paragraph (1) shall be invested in obli-
20 gations issued or guaranteed by the United States or
21 a State, or in other similarly low-risk securities.

22 “(3) REINVESTMENT OF EARNINGS.—Any earn-
23 ings on funds received under subsection (a) shall be
24 deposited in the reserve account established under

1 paragraph (1) and used in accordance with such
2 paragraph.

3 “(g) LIMITATION ON ADMINISTRATIVE COSTS.—An
4 eligible entity may use not more than 2.5 percent of the
5 funds received under subsection (a) for the administrative
6 costs of carrying out its responsibilities under this section
7 (excluding subsection (k)).

8 “(h) AUDITS AND REPORTS.—

9 “(1) FINANCIAL RECORD MAINTENANCE AND
10 AUDIT.—The financial records of each eligible entity
11 receiving a grant under subsection (a) shall be main-
12 tained in accordance with generally accepted ac-
13 counting principles and shall be subject to an annual
14 audit by an independent public accountant.

15 “(2) REPORTS.—

16 “(A) GRANTEE ANNUAL REPORTS.—Each
17 eligible entity receiving a grant under sub-
18 section (a) annually shall submit to the Sec-
19 retary a report of its operations and activities
20 under this section.

21 “(B) CONTENTS.—Each annual report
22 submitted under subparagraph (A) shall in-
23 clude—

24 “(i) a copy of the most recent finan-
25 cial statements, and any accompanying

1 opinion on such statements, prepared by
2 the independent public accountant review-
3 ing the financial records of the eligible en-
4 tity;

5 “(ii) a copy of any report made on an
6 audit of the financial records of the eligible
7 entity that was conducted under paragraph
8 (1) during the reporting period;

9 “(iii) an evaluation by the eligible en-
10 tity of the effectiveness of its use of the
11 Federal funds provided under subsection
12 (a) in leveraging private funds;

13 “(iv) a listing and description of the
14 charter schools served during the reporting
15 period, including the amount of funds used
16 by each school, the type of project facili-
17 tated by the grant, and the type of assist-
18 ance provided to the charter schools;

19 “(v) a description of the activities car-
20 ried out by the eligible entity to assist
21 charter schools in meeting the objectives
22 set forth in subsection (e); and

23 “(vi) a description of the characteris-
24 tics of lenders and other financial institu-
25 tions participating in the activities under-

1 taken by the eligible entity under this sec-
2 tion (excluding subsection (k)) during the
3 reporting period.

4 “(C) SECRETARIAL REPORT.—The Sec-
5 retary shall review the reports submitted under
6 subparagraph (A) and shall provide a com-
7 prehensive annual report to Congress on the ac-
8 tivities conducted under this section (excluding
9 subsection (k)).

10 “(i) NO FULL FAITH AND CREDIT FOR GRANTEE
11 OBLIGATION.—No financial obligation of an eligible entity
12 entered into pursuant to this section (such as an obliga-
13 tion under a guarantee, bond, note, evidence of debt, or
14 loan) shall be an obligation of, or guaranteed in any re-
15 spect by, the United States. The full faith and credit of
16 the United States is not pledged to the payment of funds
17 which may be required to be paid under any obligation
18 made by an eligible entity pursuant to any provision of
19 this section.

20 “(j) RECOVERY OF FUNDS.—

21 “(1) IN GENERAL.—The Secretary, in accord-
22 ance with chapter 37 of title 31, United States
23 Code, shall collect—

24 “(A) all of the funds in a reserve account
25 established by an eligible entity under sub-

1 section (f)(1) if the Secretary determines, not
2 earlier than 2 years after the date on which the
3 eligible entity first received funds under this
4 section (excluding subsection (k)), that the eli-
5 gible entity has failed to make substantial
6 progress in carrying out the purposes described
7 in subsection (f)(1); or

8 “(B) all or a portion of the funds in a re-
9 serve account established by an eligible entity
10 under subsection (f)(1) if the Secretary deter-
11 mines that the eligible entity has permanently
12 ceased to use all or a portion of the funds in
13 such account to accomplish any purpose de-
14 scribed in subsection (f)(1).

15 “(2) EXERCISE OF AUTHORITY.—The Secretary
16 shall not exercise the authority provided in para-
17 graph (1) to collect from any eligible entity any
18 funds that are being properly used to achieve one or
19 more of the purposes described in subsection (f)(1).

20 “(3) PROCEDURES.—The provisions of sections
21 451, 452, and 458 of the General Education Provi-
22 sions Act (20 U.S.C. 1234, 1234a, and 1234g) shall
23 apply to the recovery of funds under paragraph (1).

24 “(4) CONSTRUCTION.—This subsection shall
25 not be construed to impair or affect the authority of

1 the Secretary to recover funds under part D of the
2 General Education Provisions Act (20 U.S.C. 1234
3 et seq.).

4 “(k) PER-PUPIL FACILITIES AID PROGRAM.—

5 “(1) DEFINITION OF PER-PUPIL FACILITIES AID
6 PROGRAM.—In this subsection, the term ‘per-pupil
7 facilities aid program’ means a program in which a
8 State makes payments, on a per-pupil basis, to char-
9 ter schools to provide the schools with financing—

10 “(A) that is dedicated solely for funding
11 charter school facilities; or

12 “(B) a portion of which is dedicated for
13 funding charter school facilities.

14 “(2) GRANTS.—

15 “(A) IN GENERAL.—From the amount re-
16 served under section 3102(b)(1) and remaining
17 after the Secretary makes grants under sub-
18 section (a), the Secretary shall make grants, on
19 a competitive basis, to States to pay for the
20 Federal share of the cost of establishing or en-
21 hancing, and administering per-pupil facilities
22 aid programs.

23 “(B) PERIOD.—The Secretary shall award
24 grants under this subsection for periods of not
25 more than 5 years.

1 “(C) FEDERAL SHARE.—The Federal
2 share of the cost described in subparagraph (A)
3 for a per-pupil facilities aid program shall be
4 not more than—

5 “(i) 90 percent of the cost, for the
6 first fiscal year for which the program re-
7 ceives assistance under this subsection;

8 “(ii) 80 percent in the second such
9 year;

10 “(iii) 60 percent in the third such
11 year;

12 “(iv) 40 percent in the fourth such
13 year; and

14 “(v) 20 percent in the fifth such year.

15 “(D) STATE SHARE.—A State receiving a
16 grant under this subsection may partner with 1
17 or more organizations to provide up to 50 per-
18 cent of the State share of the cost of estab-
19 lishing or enhancing, and administering the per-
20 pupil facilities aid program.

21 “(E) MULTIPLE GRANTS.—A State may
22 receive more than 1 grant under this sub-
23 section, so long as the amount of such funds
24 provided to charter schools increases with each
25 successive grant.

1 “(3) USE OF FUNDS.—

2 “(A) IN GENERAL.—A State that receives
3 a grant under this subsection shall use the
4 funds made available through the grant to es-
5 tablish or enhance, and administer, a per-pupil
6 facilities aid program for charter schools in the
7 State of the applicant.

8 “(B) EVALUATIONS; TECHNICAL ASSIST-
9 ANCE; DISSEMINATION.—From the amount
10 made available to a State through a grant
11 under this subsection for a fiscal year, the State
12 may reserve not more than 5 percent to carry
13 out evaluations, to provide technical assistance,
14 and to disseminate information.

15 “(C) SUPPLEMENT, NOT SUPPLANT.—
16 Funds made available under this subsection
17 shall be used to supplement, and not supplant,
18 State, and local public funds expended to pro-
19 vide per pupil facilities aid programs, oper-
20 ations financing programs, or other programs,
21 for charter schools.

22 “(4) REQUIREMENTS.—

23 “(A) VOLUNTARY PARTICIPATION.—No
24 State may be required to participate in a pro-
25 gram carried out under this subsection.

1 “(B) STATE LAW.—

2 “(i) IN GENERAL.—Except as pro-
3 vided in clause (ii), to be eligible to receive
4 a grant under this subsection, a State shall
5 establish or enhance, and administer, a
6 per-pupil facilities aid program for charter
7 schools in the State, that—

8 “(I) is specified in State law; and

9 “(II) provides annual financing,
10 on a per-pupil basis, for charter
11 school facilities.

12 “(ii) SPECIAL RULE.—Notwith-
13 standing clause (i), a State that is required
14 under State law to provide its charter
15 schools with access to adequate facility
16 space, but which does not have a per-pupil
17 facilities aid program for charter schools
18 specified in State law, may be eligible to
19 receive a grant under this subsection if the
20 State agrees to use the funds to develop a
21 per-pupil facilities aid program consistent
22 with the requirements of this subsection.

23 “(5) APPLICATIONS.—To be eligible to receive a
24 grant under this subsection, a State shall submit an
25 application to the Secretary at such time, in such

1 manner, and containing such information as the Sec-
2 retary may require.

3 **“SEC. 3105. NATIONAL ACTIVITIES.**

4 “(a) IN GENERAL.—From the amount reserved
5 under section 3102(b)(2), the Secretary shall—

6 “(1) use not less than 50 percent of such funds
7 to award grants in accordance with subsection (b);
8 and

9 “(2) use the remainder of such funds to—

10 “(A) disseminate technical assistance to
11 State entities in awarding subgrants under sec-
12 tion 3103, and eligible entities and States re-
13 ceiving grants under section 3104;

14 “(B) disseminate best practices; and

15 “(C) evaluate the impact of the charter
16 school program, including the impact on stu-
17 dent achievement, carried out under this sub-
18 part.

19 “(b) GRANTS.—

20 “(1) IN GENERAL.—The Secretary shall make
21 grants, on a competitive basis, to eligible applicants
22 for the purpose of carrying out the activities de-
23 scribed in section 3102(a)(1), subparagraphs (A)
24 through (C) of section 3103(a)(1), and section
25 3103(g).

1 “(2) TERMS AND CONDITIONS.—Except as oth-
2 erwise provided in this subsection, grants awarded
3 under this subsection shall have the same terms and
4 conditions as grants awarded to State entities under
5 section 3103.

6 “(3) ELIGIBLE APPLICANT DEFINED.—For pur-
7 poses of this subsection, the term ‘eligible applicant’
8 means an eligible applicant that desires to open a
9 charter school in—

10 “(A) a State that did not apply for a grant
11 under section 3103;

12 “(B) a State that did not receive a grant
13 under section 3103; or

14 “(C) a State that received a grant under
15 section 3103 and is in the 4th or 5th year of
16 the grant period for such grant.

17 “(c) CONTRACTS AND GRANTS.—The Secretary may
18 carry out any of the activities described in this section di-
19 rectly or through grants, contracts, or cooperative agree-
20 ments.

21 **“SEC. 3106. FEDERAL FORMULA ALLOCATION DURING**
22 **FIRST YEAR AND FOR SUCCESSIVE ENROLL-**
23 **MENT EXPANSIONS.**

24 “(a) IN GENERAL.—For purposes of the allocation
25 to schools by the States or their agencies of funds under

1 part A of title I, and any other Federal funds which the
2 Secretary allocates to States on a formula basis, the Sec-
3 retary and each State educational agency shall take such
4 measures as are necessary to ensure that every charter
5 school receives the Federal funding for which the charter
6 school is eligible not later than 5 months after the charter
7 school first opens, notwithstanding the fact that the iden-
8 tity and characteristics of the students enrolling in that
9 charter school are not fully and completely determined
10 until that charter school actually opens. The measures
11 similarly shall ensure that every charter school expanding
12 its enrollment in any subsequent year of operation receives
13 the Federal funding for which the charter school is eligible
14 not later than 5 months after such expansion.

15 “(b) ADJUSTMENT AND LATE OPENINGS.—

16 “(1) IN GENERAL.—The measures described in
17 subsection (a) shall include provision for appropriate
18 adjustments, through recovery of funds or reduction
19 of payments for the succeeding year, in cases where
20 payments made to a charter school on the basis of
21 estimated or projected enrollment data exceed the
22 amounts that the school is eligible to receive on the
23 basis of actual or final enrollment data.

24 “(2) RULE.—For charter schools that first
25 open after November 1 of any academic year, the

1 State, in accordance with guidance provided by the
2 Secretary and applicable Federal statutes and regu-
3 lations, shall ensure that such charter schools that
4 are eligible for the funds described in subsection (a)
5 for such academic year have a full and fair oppor-
6 tunity to receive those funds during the charter
7 schools' first year of operation.

8 **“SEC. 3107. SOLICITATION OF INPUT FROM CHARTER**
9 **SCHOOL OPERATORS.**

10 “To the extent practicable, the Secretary shall ensure
11 that administrators, teachers, and other individuals di-
12 rectly involved in the operation of charter schools are con-
13 sulted in the development of any rules, regulations, or non-
14 regulatory guidance required to implement this subpart,
15 as well as in the development of any rules, regulations,
16 or nonregulatory guidance relevant to charter schools that
17 are required to implement part A of title I, the Individuals
18 with Disabilities Education Act, or any other program ad-
19 ministered by the Secretary that provides education funds
20 to charter schools or regulates the activities of charter
21 schools.

22 **“SEC. 3108. RECORDS TRANSFER.**

23 “State educational agencies and local educational
24 agencies, as quickly as possible and to the extent prac-
25 ticable, shall ensure that a student's records and, if appli-

1 cable, a student’s individualized education program as de-
2 fined in section 602(14) of the Individuals with Disabil-
3 ities Education Act, are transferred to a charter school
4 upon the transfer of the student to the charter school, and
5 to another public school upon the transfer of the student
6 from a charter school to another public school, in accord-
7 ance with applicable State law.

8 **“SEC. 3109. PAPERWORK REDUCTION.**

9 “To the extent practicable, the Secretary and each
10 authorized public chartering agency shall ensure that im-
11 plementation of this subpart results in a minimum of pa-
12 perwork for any eligible applicant or charter school.

13 **“SEC. 3110. DEFINITIONS.**

14 “In this subpart:

15 “(1) **AUTHORIZED PUBLIC CHARTERING AGEN-**
16 **CY.**—The term ‘authorized public chartering agency’
17 means a State educational agency, local educational
18 agency, or other public entity that has the authority
19 pursuant to State law and approved by the Sec-
20 retary to authorize or approve a charter school.

21 “(2) **CHARTER SUPPORT ORGANIZATION.**—The
22 term ‘charter support organization’ means a non-
23 profit, nongovernmental entity that provides, on a
24 statewide or regional basis—

1 “(A) assistance to developers during the
2 planning, program design, and initial implemen-
3 tation of a charter school; and

4 “(B) technical assistance to operate char-
5 ter schools.

6 “(3) DEVELOPER.—The term ‘developer’ means
7 an individual or group of individuals (including a
8 public or private nonprofit organization), which may
9 include teachers, administrators and other school
10 staff, parents, or other members of the local commu-
11 nity in which a charter school project will be carried
12 out.

13 “(4) ELIGIBLE APPLICANT.—The term ‘eligible
14 applicant’ means a developer that has—

15 “(A) applied to an authorized public char-
16 tering authority to operate a charter school;
17 and

18 “(B) provided adequate and timely notice
19 to that authority.

20 “(5) EXPANSION OF A HIGH-QUALITY CHARTER
21 SCHOOL.—The term ‘expansion of a high-quality
22 charter school’ means to significantly increase the
23 enrollment of, or add one or more grades to, a high-
24 quality charter school.

1 “(6) HIGH-QUALITY CHARTER SCHOOL.—The
2 term ‘high-quality charter school’ means a charter
3 school that—

4 “(A) shows evidence of strong academic re-
5 sults, which may include strong academic
6 growth as determined by a State;

7 “(B) has no significant issues in the areas
8 of student safety, financial management, or
9 statutory or regulatory compliance;

10 “(C) has demonstrated success in signifi-
11 cantly increasing student academic achievement
12 and attainment for all students served by the
13 charter school; and

14 “(D) has demonstrated success in increas-
15 ing student academic achievement for the
16 groups of students described in section
17 1111(b)(3)(B)(ii)(II), except that such dem-
18 onstration is not required in a case in which the
19 number of students in a group is insufficient to
20 yield statistically reliable information or the re-
21 sults would reveal personally identifiable infor-
22 mation about an individual student.

23 “(7) REPLICABLE, HIGH-QUALITY CHARTER
24 SCHOOL MODEL.—The term ‘replicable, high-quality
25 charter school model’ means a high-quality charter

1 school that has the capability of opening another
2 such charter school under an existing charter.

3 **“Subpart 2—Magnet School Assistance**

4 **“SEC. 3121. PURPOSE.**

5 “The purpose of this subpart is to assist in the deseg-
6regation of schools served by local educational agencies by
7 providing financial assistance to eligible local educational
8 agencies for—

9 “(1) the elimination, reduction, or prevention of
10 minority group isolation in elementary schools and
11 secondary schools with substantial proportions of mi-
12 nority students, which shall include assisting in the
13 efforts of the United States to achieve voluntary de-
14 segregation in public schools;

15 “(2) the development and implementation of
16 magnet school programs that will assist local edu-
17 cational agencies in achieving systemic reforms and
18 providing all students the opportunity to meet State
19 academic standards;

20 “(3) the development and design of innovative
21 educational methods and practices that promote di-
22 versity and increase choices in public elementary
23 schools and public secondary schools and public edu-
24 cational programs;

1 “(4) courses of instruction within magnet
2 schools that will substantially strengthen the knowl-
3 edge of academic subjects and the attainment of tan-
4 gible and marketable career, technical, and profes-
5 sional skills of students attending such schools;

6 “(5) improving the ability of local educational
7 agencies, including through professional develop-
8 ment, to continue operating magnet schools at a
9 high performance level after Federal funding for the
10 magnet schools is terminated; and

11 “(6) ensuring that students enrolled in the
12 magnet school programs have equitable access to a
13 quality education that will enable the students to
14 succeed academically and continue with postsec-
15 ondary education or employment.

16 **“SEC. 3122. DEFINITION.**

17 “For the purpose of this subpart, the term ‘magnet
18 school’ means a public elementary school, public secondary
19 school, public elementary education center, or public sec-
20 ondary education center that offers a special curriculum
21 capable of attracting substantial numbers of students of
22 different racial backgrounds.

23 **“SEC. 3123. PROGRAM AUTHORIZED.**

24 “From the amount appropriated under section
25 3(c)(1)(B), the Secretary, in accordance with this subpart,

1 is authorized to award grants to eligible local educational
2 agencies, and consortia of such agencies where appro-
3 priate, to carry out the purpose of this subpart for magnet
4 schools that are—

5 “(1) part of an approved desegregation plan;
6 and

7 “(2) designed to bring students from different
8 social, economic, ethnic, and racial backgrounds to-
9 gether.

10 **“SEC. 3124. ELIGIBILITY.**

11 “A local educational agency, or consortium of such
12 agencies where appropriate, is eligible to receive a grant
13 under this subpart to carry out the purpose of this subpart
14 if such agency or consortium—

15 “(1) is implementing a plan undertaken pursu-
16 ant to a final order issued by a court of the United
17 States, or a court of any State, or any other State
18 agency or official of competent jurisdiction, that re-
19 quires the desegregation of minority-group-seg-
20 regated children or faculty in the elementary schools
21 and secondary schools of such agency; or

22 “(2) without having been required to do so, has
23 adopted and is implementing, or will, if a grant is
24 awarded to such local educational agency, or consor-
25 tium of such agencies, under this subpart, adopt and

1 implement a plan that has been approved by the
2 Secretary as adequate under title VI of the Civil
3 Rights Act of 1964 for the desegregation of minor-
4 ity-group-segregated children or faculty in such
5 schools.

6 **“SEC. 3125. APPLICATIONS AND REQUIREMENTS.**

7 “(a) APPLICATIONS.—An eligible local educational
8 agency, or consortium of such agencies, desiring to receive
9 a grant under this subpart shall submit an application to
10 the Secretary at such time and in such manner as the
11 Secretary may reasonably require.

12 “(b) INFORMATION AND ASSURANCES.—Each appli-
13 cation submitted under subsection (a) shall include—

14 “(1) a description of—

15 “(A) how a grant awarded under this sub-
16 part will be used to promote desegregation, in-
17 cluding how the proposed magnet school pro-
18 grams will increase interaction among students
19 of different social, economic, ethnic, and racial
20 backgrounds;

21 “(B) the manner and extent to which the
22 magnet school program will increase student
23 academic achievement in the instructional area
24 or areas offered by the school;

1 “(C) how the applicant will continue the
2 magnet school program after assistance under
3 this subpart is no longer available, and, if appli-
4 cable, an explanation of why magnet schools es-
5 tablished or supported by the applicant with
6 grant funds under this subpart cannot be con-
7 tinued without the use of grant funds under
8 this subpart;

9 “(D) how grant funds under this subpart
10 will be used—

11 “(i) to improve student academic
12 achievement for all students attending the
13 magnet school programs; and

14 “(ii) to implement services and activi-
15 ties that are consistent with other pro-
16 grams under this Act, and other Acts, as
17 appropriate; and

18 “(E) the criteria to be used in selecting
19 students to attend the proposed magnet school
20 program; and

21 “(2) assurances that the applicant will—

22 “(A) use grant funds under this subpart
23 for the purposes specified in section 3121;

1 “(B) employ effective teachers in the
2 courses of instruction assisted under this sub-
3 part;

4 “(C) not engage in discrimination based on
5 race, religion, color, national origin, sex, or dis-
6 ability in—

7 “(i) the hiring, promotion, or assign-
8 ment of employees of the applicant or
9 other personnel for whom the applicant has
10 any administrative responsibility;

11 “(ii) the assignment of students to
12 schools, or to courses of instruction within
13 the schools, of such applicant, except to
14 carry out the approved plan; and

15 “(iii) designing or operating extra-
16 curricular activities for students;

17 “(D) carry out a quality education pro-
18 gram that will encourage greater parental deci-
19 sionmaking and involvement; and

20 “(E) give students residing in the local at-
21 tendance area of the proposed magnet school
22 program equitable consideration for placement
23 in the program, consistent with desegregation
24 guidelines and the capacity of the applicant to
25 accommodate the students.

1 “(c) SPECIAL RULE.—No grant shall be awarded
2 under this subpart unless the Assistant Secretary of Edu-
3 cation for Civil Rights determines that the assurances de-
4 scribed in subsection (b)(2)(C) will be met.

5 **“SEC. 3126. PRIORITY.**

6 “In awarding grants under this subpart, the Sec-
7 retary shall give priority to applicants that—

8 “(1) demonstrate the greatest need for assist-
9 ance, based on the expense or difficulty of effectively
10 carrying out approved desegregation plans and the
11 magnet school program for which the grant is
12 sought;

13 “(2) propose to carry out new magnet school
14 programs, or significantly revise existing magnet
15 school programs;

16 “(3) propose to select students to attend mag-
17 net school programs by methods such as lottery,
18 rather than through academic examination; and

19 “(4) propose to serve the entire student popu-
20 lation of a school.

21 **“SEC. 3127. USE OF FUNDS.**

22 “(a) IN GENERAL.—Grant funds made available
23 under this subpart may be used by an eligible local edu-
24 cational agency, or consortium of such agencies—

1 “(1) for planning and promotional activities di-
2 rectly related to the development, expansion, con-
3 tinuation, or enhancement of academic programs
4 and services offered at magnet schools;

5 “(2) for the acquisition of books, materials, and
6 equipment, including computers and the mainte-
7 nance and operation of materials, equipment, and
8 computers, necessary to conduct programs in mag-
9 net schools;

10 “(3) for the compensation, or subsidization of
11 the compensation, of elementary school and sec-
12 ondary school teachers, and instructional staff where
13 applicable, who are necessary to conduct programs
14 in magnet schools;

15 “(4) with respect to a magnet school program
16 offered to less than the entire student population of
17 a school, for instructional activities that—

18 “(A) are designed to make available the
19 special curriculum that is offered by the magnet
20 school program to students who are enrolled in
21 the school but who are not enrolled in the mag-
22 net school program; and

23 “(B) further the purpose of this subpart;

24 “(5) for activities, which may include profes-
25 sional development, that will build the recipient’s ca-

1 pacity to operate magnet school programs once the
2 grant period has ended;

3 “(6) to enable the local educational agency, or
4 consortium of such agencies, to have more flexibility
5 in the administration of a magnet school program in
6 order to serve students attending a school who are
7 not enrolled in a magnet school program; and

8 “(7) to enable the local educational agency, or
9 consortium of such agencies, to have flexibility in de-
10 signing magnet schools for students in all grades.

11 “(b) SPECIAL RULE.—Grant funds under this sub-
12 part may be used for activities described in paragraphs
13 (2) and (3) of subsection (a) only if the activities are di-
14 rectly related to improving student academic achievement
15 based on the State’s academic standards or directly re-
16 lated to improving student reading skills or knowledge of
17 mathematics, science, history, geography, English, foreign
18 languages, art, or music, or to improving career, technical,
19 and professional skills.

20 **“SEC. 3128. LIMITATIONS.**

21 “(a) DURATION OF AWARDS.—A grant under this
22 subpart shall be awarded for a period that shall not exceed
23 3 fiscal years.

24 “(b) LIMITATION ON PLANNING FUNDS.—A local
25 educational agency, or consortium of such agencies, may

1 expend for planning (professional development shall not
2 be considered to be planning for purposes of this sub-
3 section) not more than 50 percent of the grant funds re-
4 ceived under this subpart for the first year of the program
5 and not more than 15 percent of such funds for each of
6 the second and third such years.

7 “(c) AMOUNT.—No local educational agency, or con-
8 sortium of such agencies, awarded a grant under this sub-
9 part shall receive more than \$4,000,000 under this sub-
10 part for any 1 fiscal year.

11 “(d) TIMING.—To the extent practicable, the Sec-
12 retary shall award grants for any fiscal year under this
13 subpart not later than July 1 of the applicable fiscal year.

14 **“SEC. 3129. EVALUATIONS.**

15 “(a) RESERVATION.—The Secretary may reserve not
16 more than 2 percent of the funds appropriated under sec-
17 tion 3(e)(1)(B) for any fiscal year to carry out evaluations,
18 provide technical assistance, and carry out dissemination
19 projects with respect to magnet school programs assisted
20 under this subpart.

21 “(b) CONTENTS.—Each evaluation described in sub-
22 section (a), at a minimum, shall address—

23 “(1) how and the extent to which magnet school
24 programs lead to educational quality and academic
25 improvement;

1 “(2) the extent to which magnet school pro-
2 grams enhance student access to a quality education;

3 “(3) the extent to which magnet school pro-
4 grams lead to the elimination, reduction, or preven-
5 tion of minority group isolation in elementary
6 schools and secondary schools with substantial pro-
7 portions of minority students; and

8 “(4) the extent to which magnet school pro-
9 grams differ from other school programs in terms of
10 the organizational characteristics and resource allo-
11 cations of such magnet school programs.

12 “(c) DISSEMINATION.—The Secretary shall collect
13 and disseminate to the general public information on suc-
14 cessful magnet school programs.

15 **“SEC. 3130. RESERVATION.**

16 “‘In any fiscal year for which the amount appro-
17 priated under section 3(c)(1)(B) exceeds \$75,000,000, the
18 Secretary shall give priority in using such amounts in ex-
19 cess of \$75,000,000 to awarding grants to local edu-
20 cational agencies or consortia of such agencies that did
21 not receive a grant under this subpart in the preceding
22 fiscal year.

1 “(4) To coordinate activities funded under this
2 subpart with parent involvement initiatives funded
3 under section 1118 and other provisions of this Act.

4 “(5) To assist the Secretary, State educational
5 agencies, and local educational agencies in the co-
6 ordination and integration of Federal, State, and
7 local services and programs to engage families in
8 education.

9 **“SEC. 3142. GRANTS AUTHORIZED.**

10 “(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—
11 From the amount appropriated under section 3(c)(1)(C),
12 the Secretary is authorized to award grants for each fiscal
13 year to statewide organizations (or consortia of such orga-
14 nizations), to establish Statewide Family Engagement
15 Centers that provide comprehensive training and technical
16 assistance to State educational agencies, local educational
17 agencies, schools identified by State educational agencies
18 and local educational agencies, organizations that support
19 family-school partnerships, and other organizations that
20 carry out, or carry out directly, parent education and fam-
21 ily engagement in education programs.

22 “(b) MINIMUM AWARD.—In awarding grants under
23 this section, the Secretary shall, to the extent practicable,
24 ensure that a grant is awarded for a Statewide Family
25 Engagement Center in an amount not less than \$500,000.

1 **“SEC. 3143. APPLICATIONS.**

2 “(a) SUBMISSIONS.—Each statewide organization, or
3 a consortium of such organizations, that desires a grant
4 under this subpart shall submit an application to the Sec-
5 retary at such time, in such manner, and including the
6 information described in subsection (b).

7 “(b) CONTENTS.—Each application submitted under
8 subsection (a) shall include, at a minimum, the following:

9 “(1) A description of the applicant’s approach
10 to family engagement in education.

11 “(2) A description of the support that the
12 Statewide Family Engagement Center that will be
13 operated by the applicant will have from the State
14 educational agency and any partner organization
15 outlining the commitment to work with the center.

16 “(3) A description of the applicant’s plan for
17 building a statewide infrastructure for family en-
18 gagement in education, that includes—

19 “(A) management and governance;

20 “(B) statewide leadership; or

21 “(C) systemic services for family engage-
22 ment in education.

23 “(4) A description of the applicant’s dem-
24 onstrated experience in providing training, informa-
25 tion, and support to State educational agencies, local
26 educational agencies, schools, educators, parents,

1 and organizations on family engagement in edu-
2 cation policies and practices that are effective for
3 parents (including low-income parents) and families,
4 English learners, minorities, parents of students
5 with disabilities, parents of homeless students, foster
6 parents and students, and parents of migratory stu-
7 dents, including evaluation results, reporting, or
8 other data exhibiting such demonstrated experience.

9 “(5) A description of the steps the applicant
10 will take to target services to low-income students
11 and parents.

12 “(6) An assurance that the applicant will—

13 “(A) establish a special advisory com-
14 mittee, the membership of which includes—

15 “(i) parents, who shall constitute a
16 majority of the members of the special ad-
17 visory committee;

18 “(ii) representatives of education pro-
19 fessionals with expertise in improving serv-
20 ices for disadvantaged children;

21 “(iii) representatives of local elemen-
22 tary schools and secondary schools, includ-
23 ing students;

24 “(iv) representatives of the business
25 community; and

1 “(v) representatives of State edu-
2 cational agencies and local educational
3 agencies;

4 “(B) use not less than 65 percent of the
5 funds received under this subpart in each fiscal
6 year to serve local educational agencies, schools,
7 and community-based organizations that serve
8 high concentrations of disadvantaged students,
9 including English learners, minorities, parents
10 of students with disabilities, parents of home-
11 less students, foster parents and students, and
12 parents of migratory students;

13 “(C) operate a Statewide Family Engage-
14 ment Center of sufficient size, scope, and qual-
15 ity to ensure that the Center is adequate to
16 serve the State educational agency, local edu-
17 cational agencies, and community-based organi-
18 zations;

19 “(D) ensure that the Center will retain
20 staff with the requisite training and experience
21 to serve parents in the State;

22 “(E) serve urban, suburban, and rural
23 local educational agencies and schools;

24 “(F) work with—

1 “(i) other Statewide Family Engage-
2 ment Centers assisted under this subpart;
3 and

4 “(ii) parent training and information
5 centers and community parent resource
6 centers assisted under sections 671 and
7 672 of the Individuals with Disabilities
8 Education Act;

9 “(G) use not less than 30 percent of the
10 funds received under this subpart for each fiscal
11 year to establish or expand technical assistance
12 for evidence-based parent education programs;

13 “(H) provide assistance to State edu-
14 cational agencies and local educational agencies
15 and community-based organizations that sup-
16 port family members in supporting student aca-
17 demic achievement;

18 “(I) work with State educational agencies,
19 local educational agencies, schools, educators,
20 and parents to determine parental needs and
21 the best means for delivery of services to ad-
22 dress such needs;

23 “(J) conduct sufficient outreach to assist
24 parents, including parents who the applicant

1 may have a difficult time engaging with a
2 school or local educational agency; and

3 “(K) conduct outreach to low-income stu-
4 dents and parents, including low-income stu-
5 dents and parents who are not proficient in
6 English.

7 **“SEC. 3144. USES OF FUNDS.**

8 “(a) IN GENERAL.—Grantees shall use grant funds
9 received under this subpart, based on the needs deter-
10 mined under section 3143(b)(5)(I), to provide training
11 and technical assistance to State educational agencies,
12 local educational agencies, and organizations that support
13 family-school partnerships, and activities, services, and
14 training for local educational agencies, school leaders, edu-
15 cators, and parents—

16 “(1) to assist parents in participating effectively
17 in their children’s education and to help their chil-
18 dren meet State standards, such as assisting par-
19 ents—

20 “(A) to engage in activities that will im-
21 prove student academic achievement, including
22 understanding how they can support learning in
23 the classroom with activities at home and in
24 afterschool and extracurricular programs;

1 “(B) to communicate effectively with their
2 children, teachers, school leaders, counselors,
3 administrators, and other school personnel;

4 “(C) to become active participants in the
5 development, implementation, and review of
6 school-parent compacts, family engagement in
7 education policies, and school planning and im-
8 provement;

9 “(D) to participate in the design and pro-
10 vision of assistance to students who are not
11 making academic progress;

12 “(E) to participate in State and local deci-
13 sionmaking;

14 “(F) to train other parents; and

15 “(G) to help the parents learn and use
16 technology applied in their children’s education;

17 “(2) to develop and implement, in partnership
18 with the State educational agency, statewide family
19 engagement in education policy and systemic initia-
20 tives that will provide for a continuum of services to
21 remove barriers for family engagement in education
22 and support school reform efforts; and

23 “(3) to develop and implement parental involve-
24 ment policies under this Act.

1 “(b) MATCHING FUNDS FOR GRANT RENEWAL.—
2 For each fiscal year after the first fiscal year for which
3 an organization or consortium receives assistance under
4 this section, the organization or consortium shall dem-
5 onstrate in the application that a portion of the services
6 provided by the organization or consortium is supported
7 through non-Federal contributions, which may be in cash
8 or in-kind.

9 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
10 reserve not more than 2 percent of the funds appropriated
11 under section 3(c)(1)(C) to carry out this subpart to pro-
12 vide technical assistance, by competitive grant or contract,
13 for the establishment, development, and coordination of
14 Statewide Family Engagement Centers.

15 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion shall be construed to prohibit a Statewide Family En-
17 gagement Center from—

18 “(1) having its employees or agents meet with
19 a parent at a site that is not on school grounds; or

20 “(2) working with another agency that serves
21 children.

22 “(e) PARENTAL RIGHTS.—Notwithstanding any
23 other provision of this section—

24 “(1) no person (including a parent who edu-
25 cates a child at home, a public school parent, or a

1 private school parent) shall be required to partici-
2 pate in any program of parent education or develop-
3 mental screening under this section; and

4 “(2) no program or center assisted under this
5 section shall take any action that infringes in any
6 manner on the right of a parent to direct the edu-
7 cation of their children.

8 **“SEC. 3145. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.**

9 “The Secretary of the Interior, in consultation with
10 the Secretary of Education, shall establish, or enter into
11 contracts and cooperative agreements with local Indian
12 nonprofit parent organizations to establish and operate
13 Family Engagement Centers.

14 **“PART B—LOCAL ACADEMIC FLEXIBLE GRANT**

15 **“SEC. 3201. PURPOSE.**

16 “The purpose of this part is to—

17 “(1) provide local educational agencies with the
18 opportunity to access funds to support the initiatives
19 important to their schools and students to improve
20 academic achievement, including protecting student
21 safety; and

22 “(2) provide nonprofit and for-profit entities
23 the opportunity to work with students to improve
24 academic achievement, including student safety.

1 **“SEC. 3202. ALLOTMENTS TO STATES.**

2 “(a) RESERVATIONS.—From the funds appropriated
3 under section 3(c)(2) for any fiscal year, the Secretary
4 shall reserve—

5 “(1) not more than one-half of 1 percent for
6 national activities to provide technical assistance to
7 eligible entities in carrying out programs under this
8 part; and

9 “(2) not more than one-half of 1 percent for
10 payments to the outlying areas and the Bureau of
11 Indian Education, to be allotted in accordance with
12 their respective needs for assistance under this part,
13 as determined by the Secretary, to enable the out-
14 lying areas and the Bureau to carry out the purpose
15 of this part.

16 “(b) STATE ALLOTMENTS.—

17 “(1) DETERMINATION.—From the funds appro-
18 priated under section 3(c)(2) for any fiscal year and
19 remaining after the Secretary makes reservations
20 under subsection (a), the Secretary shall allot to
21 each State for the fiscal year an amount that bears
22 the same relationship to the remainder as the
23 amount the State received under chapter B of sub-
24 part 1 of part A of title I for the preceding fiscal
25 year bears to the amount all States received under
26 that chapter for the preceding fiscal year, except

1 that no State shall receive less than an amount
2 equal to one-half of 1 percent of the total amount
3 made available to all States under this subsection.

4 “(2) REALLOTMENT OF UNUSED FUNDS.—If a
5 State does not receive an allotment under this part
6 for a fiscal year, the Secretary shall reallocate the
7 amount of the State’s allotment to the remaining
8 States in accordance with this section.

9 “(c) STATE USE OF FUNDS.—

10 “(1) IN GENERAL.—Each State that receives an
11 allotment under this part shall reserve not less than
12 75 percent of the amount allotted to the State under
13 subsection (b) for each fiscal year for awards to eli-
14 gible entities under section 3204.

15 “(2) AWARDS TO NONGOVERNMENTAL ENTI-
16 TIES TO IMPROVE STUDENT ACADEMIC ACHIEVE-
17 MENT.—Each State that receives an allotment under
18 subsection (b) for each fiscal year shall reserve not
19 less than 10 percent of the amount allotted to the
20 State for awards to nongovernmental entities under
21 section 3205.

22 “(3) STATE ACTIVITIES AND STATE ADMINIS-
23 TRATION.—A State educational agency may reserve
24 not more than 15 percent of the amount allotted to

1 the State under subsection (b) for each fiscal year
2 for the following:

3 “(A) Enabling the State educational agen-
4 cy—

5 “(i) to pay the costs of developing the
6 State assessments and standards required
7 under section 1111(b), which may include
8 the costs of working, at the sole discretion
9 of the State, in voluntary partnerships
10 with other States to develop such assess-
11 ments and standards; or

12 “(ii) if the State has developed the as-
13 sessments and standards required under
14 section 1111(b), to administer those as-
15 sessments or carry out other activities re-
16 lated to ensuring that the State’s schools
17 and local educational agencies are helping
18 students meet the State’s academic stand-
19 ards under such section.

20 “(B) The administrative costs of carrying
21 out its responsibilities under this part, except
22 that not more than 5 percent of the reserved
23 amount may be used for this purpose.

24 “(C) Monitoring and evaluation of pro-
25 grams and activities assisted under this part.

1 “(D) Providing training and technical as-
2 sistance under this part.

3 “(E) Statewide academic focused pro-
4 grams.

5 “(F) Sharing evidence-based and other ef-
6 fective strategies with eligible entities.

7 **“SEC. 3203. STATE APPLICATION.**

8 “(a) IN GENERAL.—In order to receive an allotment
9 under section 3202 for any fiscal year, a State shall sub-
10 mit to the Secretary, at such time as the Secretary may
11 require, an application that—

12 “(1) designates the State educational agency as
13 the agency responsible for the administration and
14 supervision of programs assisted under this part;

15 “(2) describes how the State educational agency
16 will use funds reserved for State-level activities, in-
17 cluding how, if any, of the funds will be used to sup-
18 port student safety;

19 “(3) describes the procedures and criteria the
20 State educational agency will use for reviewing appli-
21 cations and awarding funds to eligible entities on a
22 competitive basis, which shall include reviewing how
23 the proposed project will help increase student aca-
24 demic achievement;

1 “(4) describes how the State educational agency
2 will ensure that awards made under this part are—

3 “(A) of sufficient size and scope to support
4 high-quality, effective programs that are con-
5 sistent with the purpose of this part; and

6 “(B) in amounts that are consistent with
7 section 3204(f);

8 “(5) describes the steps the State educational
9 agency will take to ensure that programs implement
10 effective strategies, including providing ongoing
11 technical assistance and training, and dissemination
12 of evidence-based and other effective strategies;

13 “(6) describes how the State educational agency
14 will consider students across all grades when making
15 these awards;

16 “(7) an assurance that, other than providing
17 technical and advisory assistance and monitoring
18 compliance with this part, the State educational
19 agency has not exercised and will not exercise any
20 influence in the decision-making process of eligible
21 entities as to the expenditure of funds received by
22 the eligible entities under this part;

23 “(8) describes how programs under this part
24 will be coordinated with programs under this Act,
25 and other programs as appropriate;

1 “(9) contains an assurance that the State edu-
2 cational agency—

3 “(A) will make awards for programs for a
4 period of not more than 5 years; and

5 “(B) will require each eligible entity seek-
6 ing such an award to submit a plan describing
7 how the project to be funded through the award
8 will continue after funding under this part
9 ends, if applicable;

10 “(10) contains an assurance that funds appro-
11 priated to carry out this part will be used to supple-
12 ment, and not supplant, State and local public funds
13 expended to provide programs and activities author-
14 ized under this part and other similar programs; and

15 “(11) an assurance that the State will support
16 projects from each of the categories listed in section
17 3204(b)(1)(D) in awarding subgrants to local edu-
18 cational agencies.

19 “(b) DEEMED APPROVAL.—An application submitted
20 by a State educational agency pursuant to subsection (a)
21 shall be deemed to be approved by the Secretary unless
22 the Secretary makes a written determination, prior to the
23 expiration of the 120-day period beginning on the date on
24 which the Secretary received the application, that the ap-
25 plication is not in compliance with this part.

1 “(c) DISAPPROVAL.—The Secretary shall not finally
2 disapprove the application, except after giving the State
3 educational agency notice and an opportunity for a hear-
4 ing.

5 “(d) NOTIFICATION.—If the Secretary finds that the
6 application is not in compliance, in whole or in part, with
7 this part, the Secretary shall—

8 “(1) give the State educational agency notice
9 and an opportunity for a hearing; and

10 “(2) notify the State educational agency of the
11 finding of noncompliance, and, in such notification,
12 shall—

13 “(A) cite the specific provisions in the ap-
14 plication that are not in compliance; and

15 “(B) request additional information, only
16 as to the noncompliant provisions, needed to
17 make the application compliant.

18 “(e) RESPONSE.—If the State educational agency re-
19 sponds to the Secretary’s notification described in sub-
20 section (d)(2) during the 45-day period beginning on the
21 date on which the agency received the notification, and
22 resubmits the application with the requested information
23 described in subsection (d)(2)(B), the Secretary shall ap-
24 prove or disapprove such application prior to the later of—

1 “(1) the expiration of the 45-day period begin-
2 ning on the date on which the application is resub-
3 mitted; or

4 “(2) the expiration of the 120-day period de-
5 scribed in subsection (b).

6 “(f) FAILURE TO RESPOND.—If the State edu-
7 cational agency does not respond to the Secretary’s notifi-
8 cation described in subsection (d)(2) during the 45-day pe-
9 riod beginning on the date on which the agency received
10 the notification, such application shall be deemed to be
11 disapproved.

12 “(g) RULE OF CONSTRUCTION.—An application sub-
13 mitted by a State educational agency pursuant to sub-
14 section (a) shall not be approved or disapproved based
15 upon the activities for which the agency may make funds
16 available to eligible entities under section 3204 if the agen-
17 cy’s use of funds is consistent with section 3204(b).

18 **“SEC. 3204. LOCAL COMPETITIVE GRANT PROGRAM.**

19 “(a) IN GENERAL.—A State that receives funds
20 under this part for a fiscal year shall provide the amount
21 made available under section 3202(c)(1) to eligible entities
22 in accordance with this section.

23 “(b) USE OF FUNDS.—

1 “(1) IN GENERAL.—An eligible entity that re-
2 ceives an award under this part shall use the funds
3 for activities that—

4 “(A) are evidence-based;

5 “(B) will improve student academic
6 achievement;

7 “(C) are allowable under State law; and

8 “(D) focus on one or more projects from
9 the following two categories:

10 “(i) Supplemental student support ac-
11 tivities such as before, after, or summer
12 school activities, tutoring, and expanded
13 learning time, but not including athletics
14 or in-school learning activities.

15 “(ii) Activities designed to support
16 students, such as academic subject specific
17 programs (including computer science and
18 other science, technology, engineering, and
19 mathematics programs), including civic
20 education, adjunct teacher programs, ex-
21 tended learning time programs, dual en-
22 rollment programs, and parent engage-
23 ment, but not including activities to—

24 “(I) support smaller class sizes
25 or construction; or

1 “(II) provide compensation or
2 benefits to teachers, school leaders,
3 other school officials, or local edu-
4 cational agency staff.

5 “(2) PARTICIPATION OF CHILDREN ENROLLED
6 IN PRIVATE SCHOOLS.—An eligible entity that re-
7 ceives an award under this part shall ensure compli-
8 ance with section 5501 (relating to participation of
9 children enrolled in private schools).

10 “(c) APPLICATION.—

11 “(1) IN GENERAL.—To be eligible to receive an
12 award under this part, an eligible entity shall submit
13 an application to the State educational agency at
14 such time, in such manner, and including such infor-
15 mation as the State educational agency may reason-
16 ably require, including the contents required by
17 paragraph (2).

18 “(2) CONTENTS.—Each application submitted
19 under paragraph (1) shall include—

20 “(A) a description of the activities to be
21 funded and how they are consistent with sub-
22 section (b), including any activities that will in-
23 crease student safety;

24 “(B) an assurance that funds under this
25 part will be used to increase the level of State,

1 local, and other non-Federal funds that would,
2 in the absence of funds under this part, be
3 made available for programs and activities au-
4 thorized under this part, and in no case sup-
5 plant State, local, or non-Federal funds;

6 “(C) an assurance that the community will
7 be given notice of an intent to submit an appli-
8 cation with an opportunity for comment, and
9 that the application will be available for public
10 review after submission of the application; and

11 “(D) an assurance that students who ben-
12 efit from any activity funded under this part
13 shall continue to maintain enrollment in a pub-
14 lic elementary or secondary school.

15 “(d) REVIEW.—In reviewing local applications under
16 this section, a State educational agency shall use a peer
17 review process or other methods of assuring the quality
18 of such applications but the review shall be limited to the
19 likelihood that the project will increase student academic
20 achievement.

21 “(e) GEOGRAPHIC DIVERSITY.—A State educational
22 agency shall distribute funds under this part equitably
23 among geographic areas within the State, including rural,
24 suburban, and urban communities.

1 “(f) AWARD.—A grant shall be awarded to all eligible
2 entities that submit an application that meets the require-
3 ments of this section in an amount that is not less than
4 \$10,000, but there shall be only one award granted to any
5 one local educational agency, but such award may be for
6 multiple projects or programs with the local educational
7 agency.

8 “(g) DURATION OF AWARDS.—Grants under this
9 part may be awarded for a period of not more than 5
10 years.

11 “(h) ELIGIBLE ENTITY DEFINED.—In this section,
12 the term ‘eligible entity’ means—

13 “(1) a local educational agency in partnership
14 with a community-based organization, business enti-
15 ty, or nongovernmental entity;

16 “(2) a consortium of local educational agencies
17 working in partnership with a community-based or-
18 ganization, business entity, or nongovernmental enti-
19 ty;

20 “(3) a community-based organization in part-
21 nership with a local educational agency and, if appli-
22 cable, a business entity or nongovernmental entity;
23 or

1 “(4) a business entity in partnership with a
2 local educational agency and, if applicable, a commu-
3 nity-based organization or nongovernmental entity.

4 **“SEC. 3205. AWARDS TO NONGOVERNMENTAL ENTITIES TO**
5 **IMPROVE ACADEMIC ACHIEVEMENT.**

6 “(a) IN GENERAL.—From the amount reserved
7 under section 3202(c)(2), a State educational agency shall
8 award grants to nongovernmental entities, including pub-
9 lic or private organizations, community-based or faith-
10 based organizations, and business entities for a program
11 or project to increase the academic achievement of public
12 school students attending public elementary or secondary
13 schools (or both) in compliance with the requirements in
14 this section. Subject to the availability of funds, the State
15 educational agency shall award a grant to each eligible ap-
16 plicant that meets the requirements in a sufficient size and
17 scope to support the program.

18 “(b) APPLICATION.—The State educational agency
19 shall require an application that includes the following in-
20 formation:

21 “(1) A description of the program or project
22 the applicant will use the funds to support.

23 “(2) A description of how the applicant is using
24 or will use other State, local, or private funding to
25 support the program or project.

1 “(3) A description of how the program or
2 project will help increase student academic achieve-
3 ment, including the evidence to support this claim.

4 “(4) A description of the student population the
5 program or project is targeting to impact, and if the
6 program will prioritize students in high-need local
7 educational agencies.

8 “(5) A description of how the applicant will
9 conduct sufficient outreach to ensure students can
10 participate in the program or project.

11 “(6) A description of any partnerships the ap-
12 plicant has entered into with local educational agen-
13 cies or other entities the applicant will work with, if
14 applicable.

15 “(7) A description of how the applicant will
16 work to share evidence-based and other effective
17 strategies from the program or project with local
18 educational agencies and other entities working with
19 students to increase academic achievement.

20 “(8) An assurance that students who benefit
21 from any program or project funded under this sec-
22 tion shall continue to maintain enrollment in a pub-
23 lic elementary or secondary school.

24 “(c) MATCHING CONTRIBUTION.—An eligible appli-
25 cant receiving a grant under this section shall provide, ei-

1 ther directly or through private contributions, non-Federal
2 matching funds equal to not less than 50 percent of the
3 amount of the grant.

4 “(d) REVIEW.—The State educational agency shall
5 review the application to ensure that—

6 “(1) the applicant is an eligible applicant;

7 “(2) the application clearly describes the re-
8 quired elements in subsection (b);

9 “(3) the entity meets the matching requirement
10 described in subsection (c); and

11 “(4) the program is allowable and complies with
12 Federal, State, and local laws.

13 “(e) DISTRIBUTION OF FUNDS.—If the application
14 requests exceed the funds available, the State educational
15 agency shall prioritize projects that support students in
16 high-need local educational agencies and ensure geo-
17 graphic diversity, including serving rural, suburban, and
18 urban areas.

19 “(f) ADMINISTRATIVE COSTS.—Not more than 1 per-
20 cent of a grant awarded under this section may be used
21 for administrative costs.

22 **“SEC. 3206. REPORT.**

23 “Each recipient of a grant under section 3204 or
24 3205 shall report to the State educational agency on—

1 “(1) the success of the program in reaching the
2 goals of the program;

3 “(2) a description of the students served by the
4 program and how the students’ academic achieve-
5 ment improved; and

6 “(3) the results of any evaluation conducted on
7 the success of the program.”.

8 **TITLE IV—IMPACT AID**

9 **SEC. 401. PURPOSE.**

10 Section 8001 (20 U.S.C. 7701) is amended by strik-
11 ing “challenging State standards” and inserting “State
12 academic standards”.

13 **SEC. 402. PAYMENTS RELATING TO FEDERAL ACQUISITION** 14 **OF REAL PROPERTY.**

15 Section 8002 (20 U.S.C. 7702) is amended—

16 (1) in subsection (a)(1)(C), by amending the
17 matter preceding clause (i) to read as follows:

18 “(C) had an assessed value according to
19 original records (including facsimiles or other
20 reproductions of those records) documenting
21 the assessed value of such property (determined
22 as of the time or times when so acquired) pre-
23 pared by the local officials referred to in sub-
24 section (b)(3) or, when such original records
25 are not available due to unintentional destruc-

1 tion (such as natural disaster, fire, flooding,
2 pest infestation, or deterioration due to age),
3 other records, including Federal agency records,
4 local historical records, or other records that
5 the Secretary determines to be appropriate and
6 reliable, aggregating 10 percent or more of the
7 assessed value of—”.

8 (2) in subsection (b)(1)(B), by striking “section
9 8014(a)” and inserting “section 3(d)(1)”; and

10 (3) by amending subsection (f) to read as fol-
11 lows:

12 “(f) SPECIAL RULE.—Beginning with fiscal year
13 2014, a local educational agency shall be deemed to meet
14 the requirements of subsection (a)(1)(C) if records to de-
15 termine eligibility under such subsection were destroyed
16 prior to fiscal year 2000 and the agency received funds
17 under subsection (b) in the previous year.”;

18 (4) by amending subsection (g) to read as fol-
19 lows:

20 “(g) FORMER DISTRICTS.—

21 “(1) CONSOLIDATIONS.—For fiscal year 2006
22 and each succeeding fiscal year, if a local edu-
23 cational agency described in paragraph (2) is formed
24 at any time after 1938 by the consolidation of two
25 or more former school districts, the local educational

1 agency may elect to have the Secretary determine its
2 eligibility and any amount for which the local edu-
3 cational agency is eligible under this section for such
4 fiscal year on the basis of one or more of those
5 former districts, as designated by the local edu-
6 cational agency.

7 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
8 CIES.—A local educational agency described in this
9 paragraph is—

10 “(A) any local educational agency that, for
11 fiscal year 1994 or any preceding fiscal year,
12 applied for, and was determined to be eligible
13 under section 2(e) of the Act of September 30,
14 1950 (Public Law 874, 81st Congress) as that
15 section was in effect for that fiscal year; or

16 “(B) a local educational agency formed by
17 the consolidation of 2 or more school districts,
18 at least one of which was eligible for assistance
19 under this section for the fiscal year preceding
20 the year of the consolidation, if—

21 “(i) for fiscal years 2006 through
22 2013, the local educational agency notifies
23 the Secretary not later than 30 days after
24 the date of enactment of the Student Suc-

1 cess Act of the designation described in
2 paragraph (1); and

3 “(ii) for fiscal year 2014, and each
4 subsequent fiscal year, the local edu-
5 cational agency includes the designation in
6 its application under section 8005 or any
7 timely amendment to such application.

8 “(3) AVAILABILITY OF FUNDS.—Notwith-
9 standing any other provision of law limiting the pe-
10 riod during which the Secretary may obligate funds
11 appropriated for any fiscal year after fiscal year
12 2005, the Secretary may obligate funds remaining
13 after final payments have been made for any of such
14 fiscal years to carry out this subsection.”;

15 (5) in subsection (h)—

16 (A) in paragraph (2)—

17 (i) in subparagraph (C)(ii), by strik-
18 ing “section 8014(a)” and inserting “sec-
19 tion 3(d)(1)”;

20 (ii) in subparagraph (D), by striking
21 “section 8014(a)” and inserting “section
22 3(d)(1)”;

23 (B) in paragraph (4), by striking “Impact
24 Aid Improvement Act of 2012” and inserting
25 “Student Success Act”;

1 (6) by repealing subsections (k) and (m);

2 (7) by redesignating subsection (l) as subsection
3 (j);

4 (8) by amending subsection (j) (as so redesign-
5 nated) by striking “(h)(4)(B)” and inserting
6 “(h)(2)”; and

7 (9) by redesignating subsection (n) as sub-
8 section (k).

9 **SEC. 403. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
10 **NECTED CHILDREN.**

11 (a) COMPUTATION OF PAYMENT.—Section 8003(a)
12 (20 U.S.C. 7703(a)) is amended—

13 (1) in the matter preceding subparagraph (A)
14 of paragraph (1), by inserting after “schools of such
15 agency” the following: “(including those children en-
16 rolled in such agency as a result of the open enroll-
17 ment policy of the State in which the agency is lo-
18 cated, but not including children who are enrolled in
19 a distance education program at such agency and
20 who are not residing within the geographic bound-
21 aries of such agency)”; and

22 (2) in paragraph (5)(A), by striking “1984”
23 and all that follows through “situated” and inserting
24 “1984, or under lease of off-base property under
25 subchapter IV of chapter 169 of title 10, United

1 States Code, to be children described under para-
2 graph (1)(B) if the property described is within the
3 fenced security perimeter of the military facility or
4 attached to and under any type of force protection
5 agreement with the military installation upon which
6 such housing is situated”.

7 (b) BASIC SUPPORT PAYMENTS FOR HEAVILY IM-
8 PACTED LOCAL EDUCATIONAL AGENCIES.—Section
9 8003(b) (20 U.S.C. 7703(b)) is amended—

10 (1) by striking “section 8014(b)” each place it
11 appears and inserting “section 3(d)(2)”;

12 (2) in paragraph (1), by repealing subpara-
13 graph (E);

14 (3) in paragraph (2)—

15 (A) in subparagraph (A), by inserting at
16 the end the following:

17 “(iii) The Secretary shall—

18 “(I) deem each local educational agen-
19 cy that received a basic support payment
20 under this paragraph for fiscal year 2009
21 as eligible to receive a basic support pay-
22 ment under this paragraph for fiscal years
23 2012 and 2013; and

24 “(II) make a payment to each such
25 local educational agency under this para-

1 graph for fiscal years 2012 and 2013.”;

2 and

3 (B) in subparagraph (B)—

4 (i) by striking “CONTINUING” in the
5 heading;

6 (ii) by amending clause (i) to read as
7 follows:

8 “(i) IN GENERAL.—A heavily im-
9 pacted local educational agency is eligible
10 to receive a basic support payment under
11 subparagraph (A) with respect to a num-
12 ber of children determined under sub-
13 section (a)(1) if the agency—

14 “(I) is a local educational agen-
15 cy—

16 “(aa) whose boundaries are
17 the same as a Federal military
18 installation or an island property
19 designated by the Secretary of
20 the Interior to be property that is
21 held in trust by the Federal Gov-
22 ernment; and

23 “(bb) that has no taxing au-
24 thority;

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 any agency
19 that has a total student en-
20 rollment less than 500, 150
21 percent of the average per-
22 pupil expenditure of the
23 State in which the agency is
24 located or the average per-
25 pupil expenditure of 3 or

1 more comparable local edu-
2 cational agencies in the
3 State in which the agency is
4 located; and

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 2013 and is located in a
17 State that by State law has
18 eliminated ad valorem tax as
19 a revenue for local edu-
20 cational agencies;

21 “(III) is a local educational agen-
22 cy that—

23 “(aa) has an enrollment of
24 children described in subsection
25 (a)(1) that constitutes a percent-

1 age of the total student enroll-
2 ment of the agency that is not
3 less than 20 percent;

4 “(bb) for the 3 fiscal years
5 preceding the fiscal year for
6 which the determination is made,
7 the average enrollment of chil-
8 dren who are not described in
9 subsection (a)(1) and who are eli-
10 gible for a free or reduced price
11 lunch under the Richard B. Rus-
12 sell National School Lunch Act
13 constitutes a percentage of the
14 total student enrollment of the
15 agency that is not less than 65
16 percent; and

17 “(cc) has a tax rate for gen-
18 eral fund purposes which is not
19 less than 125 percent of the aver-
20 age tax rate for general fund
21 purposes for comparable local
22 educational agencies in the State;

23 “(IV) is a local educational agen-
24 cy that has a total student enrollment

1 of not less than 25,000 students, of
2 which—

3 “(aa) not less than 50 per-
4 cent are children described in
5 subsection (a)(1); and

6 “(bb) not less than 5,500 of
7 such children are children de-
8 scribed in subparagraphs (A) and
9 (B) of subsection (a)(1); or

10 “(V) is a local educational agency
11 that—

12 “(aa) has an enrollment of
13 children described in subsection
14 (a)(1) including, for purposes of
15 determining eligibility, those chil-
16 dren described in subparagraphs
17 (F) and (G) of such subsection,
18 that is not less than 35 percent
19 of the total student enrollment of
20 the agency; and

21 “(bb) was eligible to receive
22 assistance under subparagraph
23 (A) for fiscal year 2001.”; and

24 (iii) in clause (ii)—

1 (I) by striking “A heavily” and
2 inserting the following:

3 “(I) IN GENERAL.—Subject to
4 subclause (II), a heavily”; and

5 (II) by adding at the end the fol-
6 lowing:

7 “(II) LOSS OF ELIGIBILITY DUE
8 TO FALLING BELOW 95 PERCENT OF
9 THE AVERAGE TAX RATE FOR GEN-
10 ERAL FUND PURPOSES.—In a case of
11 a heavily impacted local educational
12 agency that is eligible to receive a
13 basic support payment under subpara-
14 graph (A), but that has had, for 2
15 consecutive fiscal years, a tax rate for
16 general fund purposes that falls below
17 95 percent of the average tax rate for
18 general fund purposes of comparable
19 local educational agencies in the
20 State, such agency shall be deter-
21 mined to be ineligible under clause (i)
22 and ineligible to receive a basic sup-
23 port payment under subparagraph (A)
24 for each fiscal year succeeding such 2
25 consecutive fiscal years for which the

1 agency has such a tax rate for general
2 fund purposes, and until the fiscal
3 year for which the agency resumes
4 such eligibility in accordance with
5 clause (iii).”;

6 (C) by striking subparagraph (C);

7 (D) by redesignating subparagraphs (D)
8 through (H) as subparagraphs (C) through (G),
9 respectively;

10 (E) in subparagraph (C) (as so redesign-
11 ated)—

12 (i) in the heading, by striking “REG-
13 ULAR”;

14 (ii) by striking “Except as provided in
15 subparagraph (E)” and inserting “Except
16 as provided in subparagraph (D)”;

17 (iii) by amending subclause (I) of
18 clause (ii) to read as follows: “ (I)(aa) For
19 a local educational agency with respect to
20 which 35 percent or more of the total stu-
21 dent enrollment of the schools of the agen-
22 cy are children described in subparagraph
23 (D) or (E) (or a combination thereof) of
24 subsection (a)(1), and that has an enroll-
25 ment of children described in subpara-

1 graph (A), (B), or (C) of such subsection
2 equal to at least 10 percent of the agency’s
3 total enrollment, the Secretary shall cal-
4 culate the weighted student units of those
5 children described in subparagraph (D) or
6 (E) of such subsection by multiplying the
7 number of such children by a factor of
8 0.55.

9 “(bb) Notwithstanding subitem (aa), a
10 local educational agency that received a
11 payment under this paragraph for fiscal
12 year 2013 shall not be required to have an
13 enrollment of children described in sub-
14 paragraph (A), (B), or (C) of subsection
15 (a)(1) equal to at least 10 percent of the
16 agency’s total enrollment.”; and

17 (iv) by amending subclause (III) of
18 clause (ii) by striking “(B)(i)(II)(aa)” and
19 inserting “subparagraph (B)(i)(I)”;

20 (F) in subparagraph (D)(i)(II) (as so re-
21 designated), by striking “6,000” and inserting
22 “5,500”;

23 (G) in subparagraph (E) (as so redesign-
24 nated)—

- 1 (i) by striking “Secretary” and all
2 that follows through “shall use” and in-
3 serting “Secretary shall use”;
- 4 (ii) by striking “; and” and inserting
5 a period; and
- 6 (iii) by striking clause (ii);
- 7 (H) in subparagraphs (F) (as so redesign-
8 nated), by striking “subparagraph
9 (C)(i)(II)(bb)” and inserting “subparagraph
10 (B)(i)(II)(bb)(BB)”;
- 11 (I) in subparagraph (G) (as so redesign-
12 nated)—
- 13 (i) in clause (i)—
- 14 (I) by striking “subparagraph
15 (B), (C), (D), or (E)” and inserting
16 “subparagraph (B), (C), or (D)”;
- 17 (II) by striking “by reason of”
18 and inserting “due to”;
- 19 (III) by inserting after “clause
20 (iii)” the following “, or as the direct
21 result of base realignment and closure
22 or modularization as determined by
23 the Secretary of Defense and force
24 structure change or force relocation”;
- 25 and

1 (IV) by inserting before the pe-
2 riod, the following: “or during such
3 time as activities associated with base
4 closure and realignment,
5 modularization, force structure
6 change, or force relocation are ongo-
7 ing”; and

8 (ii) in clause (ii), by striking “(D) or
9 (E)” each place it appears and inserting
10 “(C) or (D)”;

11 (4) in paragraph (3)—

12 (A) in subparagraph (B)—

13 (i) by amending clause (iii) to read as
14 follows:

15 “(iii) In the case of a local educational
16 agency providing a free public education to stu-
17 dents enrolled in kindergarten through grade
18 12, but which enrolls students described in sub-
19 paragraphs (A), (B), and (D) of subsection
20 (a)(1) only in grades 9 through 12, and which
21 received a final payment in fiscal year 2009 cal-
22 culated under this paragraph (as this para-
23 graph was in effect on the day before the date
24 of enactment of the Student Success Act) for
25 students in grades 9 through 12, the Secretary

1 shall, in calculating the agency’s payment, con-
2 sider only that portion of such agency’s total
3 enrollment of students in grades 9 through 12
4 when calculating the percentage under clause
5 (i)(I) and only that portion of the total current
6 expenditures attributed to the operation of
7 grades 9 through 12 in such agency when cal-
8 culating the percentage under clause (i)(II).”;
9 and

10 (ii) by adding at the end the fol-
11 lowing:

12 “(v) In the case of a local educational
13 agency that is providing a program of distance
14 education to children not residing within the ge-
15 ographic boundaries of the agency, the Sec-
16 retary shall—

17 “(I) for purposes of the calculation
18 under clause (i)(I), disregard such children
19 from the total number of children in aver-
20 age daily attendance at the schools served
21 by such agency; and

22 “(II) for purposes of the calculation
23 under clause (i)(II), disregard any funds
24 received for such children from the total
25 current expenditures for such agency.”;

1 (B) in subparagraph (C), by striking “sub-
2 paragraph (D) or (E) of paragraph (2), as the
3 case may be” and inserting “paragraph
4 (2)(D)”; and

5 (C) by amending subparagraph (D) to read
6 as follows:

7 “(D) RATABLE DISTRIBUTION.—For any
8 fiscal year described in subparagraph (A) for
9 which the sums available exceed the amount re-
10 quired to pay each local educational agency 100
11 percent of its threshold payment, the Secretary
12 shall distribute the excess sums to each eligible
13 local educational agency that has not received
14 its full amount computed under paragraph (1)
15 or (2) (as the case may be) by multiplying—

16 “(i) a percentage, the denominator of
17 which is the difference between the full
18 amount computed under paragraph (1) or
19 (2) (as the case may be) for all local edu-
20 cational agencies and the amount of the
21 threshold payment (as calculated under
22 subparagraphs (B) and (C)) of all local
23 educational agencies, and the numerator of
24 which is the aggregate of the excess sums,
25 by

1 “(ii) the difference between the full
2 amount computed under paragraph (1) or
3 (2) (as the case may be) for the agency
4 and the amount of the threshold payment
5 as calculated under subparagraphs (B) and
6 (C) of the agency.”; and

7 (D) by inserting at the end the following
8 new subparagraphs:

9 “(E) INSUFFICIENT PAYMENTS.—For each
10 fiscal year described in subparagraph (A) for
11 which the sums appropriated under section
12 3(d)(2) are insufficient to pay each local edu-
13 cational agency all of the local educational
14 agency’s threshold payment described in sub-
15 paragraph (D), the Secretary shall ratably re-
16 duce the payment to each local educational
17 agency under this paragraph.

18 “(F) INCREASES.—If the sums appro-
19 priated under section 3(d)(2) are sufficient to
20 increase the threshold payment above the 100
21 percent threshold payment described in sub-
22 paragraph (D), then the Secretary shall in-
23 crease payments on the same basis as such pay-
24 ments were reduced, except no local educational
25 agency may receive a payment amount greater

1 than 100 percent of the maximum payment cal-
2 culated under this subsection.”; and

3 (5) in paragraph (4)—

4 (A) in subparagraph (A), by striking
5 “through (D)” and inserting “and (C)”; and

6 (B) in subparagraph (B), by striking “sub-
7 paragraph (D) or (E)” and inserting “subpara-
8 graph (C) or (D)”.

9 (c) PRIOR YEAR DATA.—Paragraph (2) of section
10 8003(c) (20 U.S.C. 7703(c)) is amended to read as fol-
11 lows:

12 “(2) EXCEPTION.—Calculation of payments for
13 a local educational agency shall be based on data
14 from the fiscal year for which the agency is making
15 an application for payment if such agency—

16 “(A) is newly established by a State, for
17 the first year of operation of such agency only;

18 “(B) was eligible to receive a payment
19 under this section for the previous fiscal year
20 and has had an overall increase in enrollment
21 (as determined by the Secretary in consultation
22 with the Secretary of Defense, the Secretary of
23 Interior, or the heads of other Federal agen-
24 cies)—

1 “(i) of not less than 10 percent, or
2 100 students, of children described in—
3 “(I) subparagraph (A), (B), (C),
4 or (D) of subsection (a)(1); or
5 “(II) subparagraphs (F) and (G)
6 of subsection (a)(1), but only to the
7 extent such children are civilian de-
8 pendents of employees of the Depart-
9 ment of Defense or the Department of
10 Interior; and
11 “(ii) that is the direct result of closure
12 or realignment of military installations
13 under the base closure process or the relo-
14 cation of members of the Armed Forces
15 and civilian employees of the Department
16 of Defense as part of the force structure
17 changes or movements of units or per-
18 sonnel between military installations or be-
19 cause of actions initiated by the Secretary
20 of the Interior or the head of another Fed-
21 eral agency; or
22 “(C) was eligible to receive a payment
23 under this section for the previous fiscal year
24 and has had an increase in enrollment (as de-
25 termined by the Secretary)—

1 “(i) of not less than 10 percent of
2 children described in subsection (a)(1) or
3 not less than 100 of such children; and

4 “(ii) that is the direct result of the
5 closure of a local educational agency that
6 received a payment under subsection (b)(1)
7 or (b)(2) in the previous fiscal year.”.

8 (d) CHILDREN WITH DISABILITIES.—Section
9 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking
10 “section 8014(c)” and inserting “section 3(d)(3)”.

11 (e) HOLD-HARMLESS.—Section 8003(e) (20 U.S.C.
12 7703(e)) is amended—

13 (1) by amending paragraph (1) to read as fol-
14 lows:

15 “(1) IN GENERAL.—Subject to paragraph (2),
16 the total amount the Secretary shall pay a local edu-
17 cational agency under subsection (b)—

18 “(A) for fiscal year 2014, shall not be less
19 than 90 percent of the total amount that the
20 local educational agency received under sub-
21 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
22 year 2013;

23 “(B) for fiscal year 2015, shall not be less
24 than 85 percent of the total amount that the
25 local educational agency received under sub-

1 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
2 year 2013; and

3 “(C) for fiscal year 2016, shall not be less
4 than 80 percent of the total amount that the
5 local educational agency received under sub-
6 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
7 year 2013.”; and

8 (2) by amending paragraph (2) to read as fol-
9 lows:

10 “(2) MAXIMUM AMOUNT.—The total amount
11 provided to a local educational agency under sub-
12 paragraph (A), (B), or (C) of paragraph (1) for a
13 fiscal year shall not exceed the maximum basic sup-
14 port payment amount for such agency determined
15 under paragraph (1) or (2) of subsection (b), as the
16 case may be, for such fiscal year.”.

17 (f) MAINTENANCE OF EFFORT.—Section 8003 (20
18 U.S.C. 7703) is amended by striking subsection (g).

19 **SEC. 404. POLICIES AND PROCEDURES RELATING TO CHIL-**
20 **DREN RESIDING ON INDIAN LANDS.**

21 Section 8004(e)(9) is amended by striking “Bureau
22 of Indian Affairs” and inserting “Bureau of Indian Edu-
23 cation”.

1 **SEC. 405. APPLICATION FOR PAYMENTS UNDER SECTIONS**
2 **8002 AND 8003.**

3 Section 8005(b) (20 U.S.C. 7705(b)) is amended in
4 the matter preceding paragraph (1) by striking “and shall
5 contain such information,”.

6 **SEC. 406. CONSTRUCTION.**

7 Section 8007 (20 U.S.C. 7707) is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1), by striking “section
10 8014(e)” and inserting “section 3(d)(4)”;

11 (B) in paragraph (2), by adding at the end
12 the following:

13 “(C) The agency is eligible under section
14 4003(b)(2) or is receiving basic support pay-
15 ments under circumstances described in section
16 4003(b)(2)(B)(ii).”; and

17 (C) in paragraph (3), by striking “section
18 8014(e)” each place it appears and inserting
19 “section 3(d)(4)”;

20 (2) in subsection (b)—

21 (A) in paragraph (1), by striking “section
22 8014(e)” and inserting “section 3(d)(4)”;

23 (B) in paragraph (3)—

24 (i) in subparagraph (C)(i)(I), by add-
25 ing at the end the following:

1 “(cc) At least 10 percent of the
2 property in the agency is exempt from
3 State and local taxation under Fed-
4 eral law.”; and

5 (ii) by adding at the end the fol-
6 lowing:

7 “(F) LIMITATIONS ON ELIGIBILITY RE-
8 QUIREMENTS.—The Secretary shall not limit
9 eligibility—

10 “(i) under subparagraph (C)(i)(I)(aa),
11 to those local educational agencies in which
12 the number of children determined under
13 section 8003(a)(1)(C) for each such agency
14 for the preceding school year constituted
15 more than 40 percent of the total student
16 enrollment in the schools of each such
17 agency during the preceding school year;
18 and

19 “(ii) under subparagraph (C)(i)(I)(cc),
20 to those local educational agencies in which
21 more than 10 percent of the property in
22 each such agency is exempt from State and
23 local taxation under Federal law.”;

24 (C) in paragraph (6)—

1 (i) in the matter preceding subpara-
2 graph (A), by striking “in such manner,
3 and accompanied by such information”
4 and inserting “and in such manner”; and
5 (ii) by striking subparagraph (F); and
6 (D) by striking paragraph (7).

7 **SEC. 407. FACILITIES.**

8 Section 8008 (20 U.S.C. 7708) is amended in sub-
9 section (a), by striking “section 8014(f)” and inserting
10 “section 3(d)(5)”.

11 **SEC. 408. STATE CONSIDERATION OF PAYMENTS PRO-**
12 **VIDING STATE AID.**

13 Section 8009(c)(1)(B) (20 U.S.C. 7709(c)(1)(B)) is
14 amended by striking “and contain the information”.

15 **SEC. 409. FEDERAL ADMINISTRATION.**

16 Section 8010(d)(2) (20 U.S.C. 7710(d)(2)) is amend-
17 ed, by striking “section 8014” and inserting “section
18 3(d)”.

19 **SEC. 410. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**
20 **VIEW.**

21 Section 8011(a) (20 U.S.C. 7711(a)) is amended by
22 striking “or under the Act” and all the follows through
23 “1994”.

24 **SEC. 411. DEFINITIONS.**

25 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”;

4 (2) in paragraph (4), by striking “and title VI”;

5 (3) in paragraph (5)(A)(iii)—

6 (A) in subclause (II), by striking “Stewart
7 B. McKinney Homeless Assistance Act” and in-
8 serting “McKinney-Vento Homeless Assistance
9 Act (42 U.S.C. 11411)”;

10 (B) in subclause (III), by inserting before
11 the semicolon, “(25 U.S.C. 4101 et seq.)”;

12 (4) in paragraph (8)(A), by striking “and
13 verified by” and inserting “, and verified by,”; and

14 (5) in paragraph (9)(B), by inserting a comma
15 before “on a case-by-case basis”.

16 **SEC. 412. AUTHORIZATION OF APPROPRIATIONS.**

17 Section 8014 (20 U.S.C. 7801) is repealed.

18 **SEC. 413. CONFORMING AMENDMENTS.**

19 (a) **IMPACT AID IMPROVEMENT ACT OF 2012.**—Sub-
20 section (c) of the Impact Aid Improvement Act of 2012
21 (20 U.S.C. 6301 note; Public Law 112–239; 126 Stat
22 1748) is amended—

23 (1) by striking paragraphs (1) and (4); and

24 (2) by redesignating paragraphs (2) and (3), as
25 paragraphs (1) and (2), respectively.

1 (b) REPEAL.—Title IV (20 U.S.C. 7101 et seq.), as
2 amended by section 501(b)(2) of this Act, is repealed.

3 (c) TRANSFER AND REDESIGNATION.—Title VIII (20
4 U.S.C. 7701 et seq.), as amended by this title, is redesi-
5 gnated as title IV (20 U.S.C. 7101 et seq.), and transferred
6 and inserted after title III (as amended by this Act).

7 (d) TITLE VIII REFERENCES.—The Act (20 U.S.C.
8 6301 et seq.) is amended—

9 (1) by redesignating sections 8001 through
10 8005 as sections 4001 through 4005, respectively;

11 (2) by redesignating sections 8007 through
12 8013 as sections 4007 through 4013, respectively;

13 (3) by striking “section 8002” each place it ap-
14 pears and inserting “section 4002”;

15 (4) by striking “section 8002(b)” each place it
16 appears and inserting “section 4002(b)”;

17 (5) by striking “section 8003” each place it ap-
18 pears and inserting “section 4003”, respectively;

19 (6) by striking “section 8003(a)” each place it
20 appears and inserting “section 4003(a)”;

21 (7) by striking “section 8003(a)(1)” each place
22 it appears and inserting “section 4003(a)(1)”;

23 (8) by striking “section 8003(a)(1)(C)” each
24 place it appears and inserting “section
25 4003(a)(1)(C)”;

1 (9) by striking “section 8002(a)(2)” each place
2 it appears and inserting “section 4002(a)(2)”;

3 (10) by striking “section 8003(b)” each place it
4 appears and inserting “section 4003(b)”;

5 (11) by striking “section 8003(b)(1)” each
6 place it appears and inserting “section 4003(b)(1)”;

7 (12) in section 4002(b)(1)(C) (as so redesign-
8 nated), by striking “section 8003(b)(1)(C)” and in-
9 serting “section 4003(b)(1)(C)”;

10 (13) in section 4002(k)(1) (as so redesignated),
11 by striking “section 8013(5)(C)(iii)” and inserting
12 “section 4013(5)(C)(iii)”;

13 (14) in section 4005 (as so redesignated)—

14 (A) in the section heading, by striking
15 “**8002 AND 8003**” and inserting “**4002 AND**
16 **4003**”;

17 (B) by striking “or 8003” each place it ap-
18 pears and inserting “or 4003”;

19 (C) in subsection (b)(2), by striking “sec-
20 tion 8004” and inserting “section 4004”; and

21 (D) in subsection (d)(2), by striking “sec-
22 tion 8003(e)” and inserting “section 4003(e)”;

23 (15) in section 4007(a)(3)(A)(i)(II) (as so re-
24 designated), by striking “section 8008(a)” and in-
25 serting “section 4008(a)”;

1 (16) in section 4007(a)(4) (as so redesignated),
2 by striking “section 8013(3)” and inserting “section
3 4013(3)”; and

4 (17) in section 4009 (as so redesignated)—

5 (A) in subsection (b)(1)—

6 (i) by striking “or 8003(b)” and in-
7 serting “or 4003(b)”;

8 (ii) by striking “section
9 8003(a)(2)(B)” and inserting “section
10 4003(a)(2)(B)”; and

11 (iii) by striking “section 8003(b)(2)”
12 each place it appears and inserting “sec-
13 tion 4003(b)(2)”;

14 (B) by striking “section 8011(a)” each
15 place it appears and inserting “section
16 4011(a)”; and

17 (18) in section 4010(c)(2)(D) (as so redesign-
18 ated) by striking “section 8009(b)” and inserting
19 “section 4009(b)”.

20 **TITLE V—GENERAL PROVISIONS**
21 **FOR THE ACT**

22 **SEC. 501. GENERAL PROVISIONS FOR THE ACT.**

23 (a) AMENDING TITLE V.—Title V (20 U.S.C. 7201
24 et seq.) is amended to read as follows:

1 **“TITLE V—GENERAL**
2 **PROVISIONS**

3 **“PART A—DEFINITIONS**

4 **“SEC. 5101. DEFINITIONS.**

5 “Except as otherwise provided, in this Act:

6 “(1) AVERAGE DAILY ATTENDANCE.—

7 “(A) IN GENERAL.—Except as provided
8 otherwise by State law or this paragraph, the
9 term ‘average daily attendance’ means—

10 “(i) the aggregate number of days of
11 attendance of all students during a school
12 year; divided by

13 “(ii) the number of days school is in
14 session during that year.

15 “(B) CONVERSION.—The Secretary shall
16 permit the conversion of average daily member-
17 ship (or other similar data) to average daily at-
18 tendance for local educational agencies in
19 States that provide State aid to local edu-
20 cational agencies on the basis of average daily
21 membership (or other similar data).

22 “(C) SPECIAL RULE.—If the local edu-
23 cational agency in which a child resides makes
24 a tuition or other payment for the free public
25 education of the child in a school located in an-

1 other school district, the Secretary shall, for the
2 purpose of this Act—

3 “(i) consider the child to be in attend-
4 ance at a school of the agency making the
5 payment; and

6 “(ii) not consider the child to be in at-
7 tendance at a school of the agency receiv-
8 ing the payment.

9 “(D) CHILDREN WITH DISABILITIES.—If a
10 local educational agency makes a tuition pay-
11 ment to a private school or to a public school
12 of another local educational agency for a child
13 with a disability, as defined in section 602 of
14 the Individuals with Disabilities Education Act,
15 the Secretary shall, for the purpose of this Act,
16 consider the child to be in attendance at a
17 school of the agency making the payment.

18 “(2) AVERAGE PER-PUPIL EXPENDITURE.—The
19 term ‘average per-pupil expenditure’ means, in the
20 case of a State or of the United States—

21 “(A) without regard to the source of
22 funds—

23 “(i) the aggregate current expendi-
24 tures, during the third fiscal year pre-
25 ceding the fiscal year for which the deter-

1 mination is made (or, if satisfactory data
2 for that year are not available, during the
3 most recent preceding fiscal year for which
4 satisfactory data are available) of all local
5 educational agencies in the State or, in the
6 case of the United States, for all States
7 (which, for the purpose of this paragraph,
8 means the 50 States and the District of
9 Columbia); plus

10 “(ii) any direct current expenditures
11 by the State for the operation of those
12 agencies; divided by

13 “(B) the aggregate number of children in
14 average daily attendance to whom those agen-
15 cies provided free public education during that
16 preceding year.

17 “(3) CHARTER SCHOOL.—The term ‘charter
18 school’ means a public school that—

19 “(A) in accordance with a specific State
20 statute authorizing the granting of charters to
21 schools, is exempt from significant State or
22 local rules that inhibit the flexible operation
23 and management of public schools, but not
24 from any rules relating to the other require-
25 ments of this paragraph;

1 “(B) is created by a developer as a public
2 school, or is adapted by a developer from an ex-
3 isting public school, and is operated under pub-
4 lic supervision and direction;

5 “(C) operates in pursuit of a specific set of
6 educational objectives determined by the
7 school’s developer and agreed to by the author-
8 ized public chartering agency;

9 “(D) provides a program of elementary or
10 secondary education, or both;

11 “(E) is nonsectarian in its programs, ad-
12 missions policies, employment practices, and all
13 other operations, and is not affiliated with a
14 sectarian school or religious institution;

15 “(F) does not charge tuition;

16 “(G) complies with the Age Discrimination
17 Act of 1975, title VI of the Civil Rights Act of
18 1964, title IX of the Education Amendments of
19 1972, section 504 of the Rehabilitation Act of
20 1973, and part B of the Individuals with Dis-
21 abilities Education Act;

22 “(H) is a school to which parents choose to
23 send their children, and that admits students
24 on the basis of a lottery, if more students apply
25 for admission than can be accommodated;

1 “(I) agrees to comply with the same Fed-
2 eral and State audit requirements as do other
3 elementary schools and secondary schools in the
4 State, unless such requirements are specifically
5 waived for the purpose of this program;

6 “(J) meets all applicable Federal, State,
7 and local health and safety requirements;

8 “(K) operates in accordance with State
9 law;

10 “(L) has a written performance contract
11 with the authorized public chartering agency in
12 the State that includes a description of how
13 student performance will be measured in char-
14 ter schools pursuant to State assessments that
15 are required of other schools and pursuant to
16 any other assessments mutually agreeable to
17 the authorized public chartering agency and the
18 charter school; and

19 “(M) may serve prekindergarten or post
20 secondary students.

21 “(4) CHILD.—The term ‘child’ means any per-
22 son within the age limits for which the State pro-
23 vides free public education.

24 “(5) CHILD WITH A DISABILITY.—The term
25 ‘child with a disability’ has the same meaning given

1 that term in section 602 of the Individuals with Dis-
2 abilities Education Act.

3 “(6) COMMUNITY-BASED ORGANIZATION.—The
4 term ‘community-based organization’ means a public
5 or private nonprofit organization of demonstrated ef-
6 fectiveness that—

7 “(A) is representative of a community or
8 significant segments of a community; and

9 “(B) provides educational or related serv-
10 ices to individuals in the community.

11 “(7) CONSOLIDATED LOCAL APPLICATION.—
12 The term ‘consolidated local application’ means an
13 application submitted by a local educational agency
14 pursuant to section 5305.

15 “(8) CONSOLIDATED LOCAL PLAN.—The term
16 ‘consolidated local plan’ means a plan submitted by
17 a local educational agency pursuant to section 5305.

18 “(9) CONSOLIDATED STATE APPLICATION.—
19 The term ‘consolidated State application’ means an
20 application submitted by a State educational agency
21 pursuant to section 5302.

22 “(10) CONSOLIDATED STATE PLAN.—The term
23 ‘consolidated State plan’ means a plan submitted by
24 a State educational agency pursuant to section
25 5302.

1 “(11) CORE ACADEMIC SUBJECTS.—The term
2 ‘core academic subjects’ means English, reading or
3 language arts, mathematics, science, foreign lan-
4 guages, civics and government, economics, arts, his-
5 tory, and geography.

6 “(12) COUNTY.—The term ‘county’ means one
7 of the divisions of a State used by the Secretary of
8 Commerce in compiling and reporting data regard-
9 ing counties.

10 “(13) COVERED PROGRAM.—The term ‘covered
11 program’ means each of the programs authorized
12 by—

13 “(A) part A of title I;

14 “(B) title II; and

15 “(C) title III.

16 “(14) CURRENT EXPENDITURES.—The term
17 ‘current expenditures’ means expenditures for free
18 public education—

19 “(A) including expenditures for adminis-
20 tration, instruction, attendance and health serv-
21 ices, pupil transportation services, operation
22 and maintenance of plant, fixed charges, and
23 net expenditures to cover deficits for food serv-
24 ices and student body activities; but

1 “(B) not including expenditures for com-
2 munity services, capital outlay, and debt serv-
3 ice, or any expenditures made from funds re-
4 ceived under title I.

5 “(15) DEPARTMENT.—The term ‘Department’
6 means the Department of Education.

7 “(16) DIRECT STUDENT SERVICES.—The term
8 ‘direct student services’ means public school choice
9 or high-quality academic tutoring that are designed
10 to help increase academic achievement for students.

11 “(17) DISTANCE EDUCATION.—The term ‘dis-
12 tance education’ means the use of one or more tech-
13 nologies to deliver instruction to students who are
14 separated from the instructor and to support regular
15 and substantive interaction between the students
16 and the instructor synchronously or nonsyn-
17 chronously.

18 “(18) 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 “(19) 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 “(20) ENGLISH LEARNER.—The term ‘English
4 learner’, when used with respect to an individual,
5 means an individual—

6 “(A) who is aged 3 through 21;

7 “(B) who is enrolled or preparing to enroll
8 in an elementary school or secondary school;

9 “(C)(i) who was not born in the United
10 States or whose native language is a language
11 other than English;

12 “(ii)(I) who is a Native American or Alas-
13 ka Native, or a native resident of the outlying
14 areas; and

15 “(II) who comes from an environment
16 where a language other than English has had
17 a significant impact on the individual’s level of
18 English language proficiency; or

19 “(iii) who is migratory, whose native lan-
20 guage is a language other than English, and
21 who comes from an environment where a lan-
22 guage other than English is dominant; and

23 “(D) whose difficulties in speaking, read-
24 ing, writing, or understanding the English lan-

1 guage may be sufficient to deny the indi-
2 vidual—

3 “(i) the ability to meet the State’s
4 academic standards described in section
5 1111;

6 “(ii) the ability to successfully achieve
7 in classrooms where the language of in-
8 struction is English; or

9 “(iii) the opportunity to participate
10 fully in society.

11 “(21) EXTENDED-YEAR ADJUSTED COHORT
12 GRADUATION RATE.—

13 “(A) IN GENERAL.—The term ‘extended-
14 year adjusted cohort graduation rate’ means the
15 ratio where—

16 “(i) the denominator consists of the
17 number of students who form the original
18 cohort of entering first-time 9th grade stu-
19 dents enrolled in the high school no later
20 than the effective date for student mem-
21 bership data submitted annually by State
22 educational agencies to the National Cen-
23 ter for Education Statistics under section
24 153 of the Education Sciences Reform Act,
25 adjusted by—

1 “(I) adding the students who
2 joined that cohort, after the time of
3 the determination of the original co-
4 hort; and

5 “(II) subtracting only those stu-
6 dents who left that cohort, after the
7 time of the determination of the origi-
8 nal cohort, as described in subpara-
9 graph (B); and

10 “(ii) the numerator consists of the
11 number of students in the cohort, as ad-
12 justed under clause (i), who earned a reg-
13 ular high school diploma before, during, or
14 at the conclusion of—

15 “(I) one or more additional years
16 beyond the fourth year of high school;
17 or

18 “(II) a summer session imme-
19 diately following the additional year of
20 high school.

21 “(B) 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,

1 emigrated to another country, transferred to a
2 prison or juvenile facility, or is deceased.

3 “(C) TRANSFERRED OUT.—

4 “(i) IN GENERAL.—For purposes of
5 this paragraph, the term ‘transferred out’
6 means a student who the high school or
7 local educational agency has confirmed, ac-
8 cording to clause (ii), has transferred—

9 “(I) to another school from which
10 the student is expected to receive a
11 regular high school diploma; or

12 “(II) to another educational pro-
13 gram from which the student is ex-
14 pected to receive a regular high school
15 diploma.

16 “(ii) CONFIRMATION REQUIRE-
17 MENTS.—

18 “(I) DOCUMENTATION RE-
19 QUIRED.—The confirmation of a stu-
20 dent’s transfer to another school or
21 educational program described in
22 clause (i) requires documentation
23 from the receiving school or program
24 that the student enrolled in the receiv-
25 ing school or program.

1 “(II) LACK OF CONFIRMATION.—

2 A student who was enrolled, but for
3 whom there is no confirmation of the
4 student having transferred out, shall
5 remain in the denominator of the ex-
6 tended-year adjusted cohort.

7 “(iii) PROGRAMS NOT PROVIDING
8 CREDIT.—A student who is retained in
9 grade or who is enrolled in a GED or other
10 alternative educational program that does
11 not issue or provide credit toward the
12 issuance of a regular high school diploma
13 shall not be considered transferred out and
14 shall remain in the extended-year adjusted
15 cohort.

16 “(D) SPECIAL RULE.—For those high
17 schools that start after grade 9, the original co-
18 hort shall be calculated for the earliest high
19 school grade students attend no later than the
20 effective date for student membership data sub-
21 mitted annually by State educational agencies
22 to the National Center for Education Statistics
23 pursuant to section 153 of the Education
24 Sciences Reform Act.

1 “(22) FAMILY LITERACY SERVICES.—The term
2 ‘family literacy services’ means services provided to
3 participants on a voluntary basis that are of suffi-
4 cient intensity in terms of hours, and of sufficient
5 duration, to make sustainable changes in a family,
6 and that integrate all of the following activities:

7 “(A) Interactive literacy activities between
8 parents and their children.

9 “(B) Training for parents regarding how
10 to be the primary teacher for their children and
11 full partners in the education of their children.

12 “(C) Parent literacy training that leads to
13 economic self-sufficiency.

14 “(D) An age-appropriate education to pre-
15 pare children for success in school and life ex-
16 periences.

17 “(23) FOUR-YEAR ADJUSTED COHORT GRADUA-
18 TION RATE.—

19 “(A) IN GENERAL.—The term ‘four-year
20 adjusted cohort graduation rate’ means the
21 ratio where—

22 “(i) the denominator consists of the
23 number of students who form the original
24 cohort of entering first-time 9th grade stu-
25 dents enrolled in the high school no later

1 than the effective date for student mem-
2 bership data submitted annually by State
3 educational agencies to the National Cen-
4 ter for Education Statistics pursuant to
5 section 153 of the Education Sciences Re-
6 form Act, adjusted by—

7 “(I) adding the students who
8 joined that cohort, after the time of
9 the determination of the original co-
10 hort; and

11 “(II) subtracting only those stu-
12 dents who left that cohort, after the
13 time of the determination of the origi-
14 nal cohort, as described in subpara-
15 graph (B); and

16 “(ii) the numerator consists of the
17 number of students in the cohort, as ad-
18 justed under clause (i), who earned a reg-
19 ular high school diploma before, during, or
20 at the conclusion of—

21 “(I) the fourth year of high
22 school; or

23 “(II) a summer session imme-
24 diately following the fourth year of
25 high school.

1 “(B) COHORT REMOVAL.—To remove a
2 student from a cohort, a school or local edu-
3 cational agency shall require documentation to
4 confirm that the student has transferred out,
5 emigrated to another country, transferred to a
6 prison or juvenile facility, or is deceased.

7 “(C) TRANSFERRED OUT.—

8 “(i) IN GENERAL.—For purposes of
9 this paragraph, the term ‘transferred out’
10 means a student who the high school or
11 local educational agency has confirmed, ac-
12 cording to clause (ii), has transferred—

13 “(I) to another school from which
14 the student is expected to receive a
15 regular high school diploma; or

16 “(II) to another educational pro-
17 gram from which the student is ex-
18 pected to receive a regular high school
19 diploma.

20 “(ii) CONFIRMATION REQUIRE-
21 MENTS.—

22 “(I) DOCUMENTATION RE-
23 QUIRED.—The confirmation of a stu-
24 dent’s transfer to another school or
25 educational program described in

1 clause (i) requires documentation
2 from the receiving school or program
3 that the student enrolled in the receiv-
4 ing school or program.

5 “(II) LACK OF CONFIRMATION.—
6 A student who was enrolled, but for
7 whom there is no confirmation of the
8 student having transferred out, shall
9 remain in the adjusted cohort.

10 “(iii) PROGRAMS NOT PROVIDING
11 CREDIT.—A student who is retained in
12 grade or who is enrolled in a GED or other
13 alternative educational program that does
14 not issue or provide credit toward the
15 issuance of a regular high school diploma
16 shall not be considered transferred out and
17 shall remain in the adjusted cohort.

18 “(D) SPECIAL RULE.—For those high
19 schools that start after grade 9, the original co-
20 hort shall be calculated for the earliest high
21 school grade students attend no later than the
22 effective date for student membership data sub-
23 mitted annually by State educational agencies
24 to the National Center for Education Statistics

1 pursuant to section 153 of the Education
2 Sciences Reform Act.

3 “(24) FREE PUBLIC EDUCATION.—The term
4 ‘free public education’ means education that is pro-
5 vided—

6 “(A) at public expense, under public super-
7 vision and direction, and without tuition charge;
8 and

9 “(B) as elementary school or secondary
10 school education as determined under applicable
11 State law, except that the term does not include
12 any education provided beyond grade 12.

13 “(25) GIFTED AND TALENTED.—The term
14 ‘gifted and talented’, when used with respect to stu-
15 dents, children, or youth, means students, children,
16 or youth who give evidence of high achievement ca-
17 pability in areas such as intellectual, creative, artis-
18 tic, or leadership capacity, or in specific academic
19 fields, and who need services or activities not ordi-
20 narily provided by the school in order to fully de-
21 velop those capabilities.

22 “(26) HIGH-QUALITY ACADEMIC TUTORING.—
23 The term ‘high-quality academic tutoring’ means
24 supplemental academic services that—

1 “(A) are in addition to instruction pro-
2 vided during the school day;

3 “(B) are provided by a non-governmental
4 entity or local educational agency that—

5 “(i) is included on a State educational
6 agency approved provider list after dem-
7 onstrating to the State educational agency
8 that its program consistently improves the
9 academic achievement of students; and

10 “(ii) agrees to provide parents of chil-
11 dren receiving high-quality academic tutor-
12 ing, the appropriate local educational agen-
13 cy, and school with information on partici-
14 pating students increases in academic
15 achievement, in a format, and to the extent
16 practicable, a language that such parent
17 can understand, and in a manner that pro-
18 tects the privacy of individuals consistent
19 with section 444 of the General Education
20 Provisions Act (20 U.S.C. 1232g);

21 “(C) are selected by the parents of stu-
22 dents who are identified by the local educational
23 agency as being eligible for such services from
24 among providers on the approved provider list
25 described in subparagraph (B)(i);

1 “(D) meet all applicable Federal, State,
2 and local health, safety, and civil rights laws;
3 and

4 “(E) ensure that all instruction and con-
5 tent are secular, neutral, and non-ideological.

6 “(27) HIGH SCHOOL.—The term ‘high school’
7 means a secondary school that—

8 “(A) grants a diploma, as defined by the
9 State; and

10 “(B) includes, at least, grade 12.

11 “(28) INSTITUTION OF HIGHER EDUCATION.—
12 The term ‘institution of higher education’ has the
13 meaning given that term in section 101(a) of the
14 Higher Education Act of 1965.

15 “(29) LOCAL EDUCATIONAL AGENCY.—

16 “(A) IN GENERAL.—The term ‘local edu-
17 cational agency’ means a public board of edu-
18 cation or other public authority legally con-
19 stituted within a State for either administrative
20 control or direction of, or to perform a service
21 function for, public elementary schools or sec-
22 ondary schools in a city, county, township,
23 school district, or other political subdivision of
24 a State, or of or for a combination of school
25 districts or counties that is recognized in a

1 State as an administrative agency for its public
2 elementary schools or secondary schools.

3 “(B) ADMINISTRATIVE CONTROL AND DI-
4 RECTION.—The term includes any other public
5 institution or agency having administrative con-
6 trol and direction of a public elementary school
7 or secondary school.

8 “(C) BIE SCHOOLS.—The term includes
9 an elementary school or secondary school fund-
10 ed by the Bureau of Indian Education but only
11 to the extent that including the school makes
12 the school eligible for programs for which spe-
13 cific eligibility is not provided to the school in
14 another provision of law and the school does not
15 have a student population that is smaller than
16 the student population of the local educational
17 agency receiving assistance under this Act with
18 the smallest student population, except that the
19 school shall not be subject to the jurisdiction of
20 any State educational agency other than the
21 Bureau of Indian Education.

22 “(D) EDUCATIONAL SERVICE AGENCIES.—
23 The term includes educational service agencies
24 and consortia of those agencies.

1 “(E) STATE EDUCATIONAL AGENCY.—The
2 term includes the State educational agency in a
3 State in which the State educational agency is
4 the sole educational agency for all public
5 schools.

6 “(30) 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.

11 “(31) OTHER STAFF.—The term ‘other staff’
12 means specialized instructional support personnel, li-
13 brarians, career guidance and counseling personnel,
14 education aides, and other instructional and admin-
15 istrative personnel.

16 “(32) OUTLYING AREA.—The term ‘outlying
17 area’—

18 “(A) means American Samoa, the Com-
19 monwealth of the Northern Mariana Islands,
20 Guam, and the United States Virgin Islands;

21 “(B) means the Republic of Palau, to the
22 extent permitted under section 105(f)(1)(B)(ix)
23 of the Compact of Free Association Amend-
24 ments Act of 2003 (Public Law 99–658; 117
25 Stat. 2751) and until an agreement for the ex-

1 tension of United States education assistance
2 under the Compact of Free Association becomes
3 effective for the Republic of Palau; and

4 “(C) for the purpose of any discretionary
5 grant program under this Act, includes the Re-
6 public of the Marshall Islands and the Fed-
7 erated States of Micronesia, to the extent per-
8 mitted under section 105(f)(1)(B)(viii) of the
9 Compact of Free Association Amendments Act
10 of 2003 (Public Law 108–188; 117 Stat.
11 2751).

12 “(33) PARENT.—The term ‘parent’ includes a
13 legal guardian or other person standing in loco
14 parentis (such as a grandparent, stepparent, or fos-
15 ter parent with whom the child lives, or a person
16 who is legally responsible for the child’s welfare).

17 “(34) PARENTAL INVOLVEMENT.—The term
18 ‘parental involvement’ means the participation of
19 parents in regular, two-way, and meaningful commu-
20 nication involving student academic learning and
21 other school activities, including ensuring—

22 “(A) that parents play an integral role in
23 assisting in their child’s learning;

1 “(B) that parents are encouraged to be ac-
2 tively involved in their child’s education at
3 school;

4 “(C) that parents are full partners in their
5 child’s education and are included, as appro-
6 priate, in decisionmaking and on advisory com-
7 mittees to assist in the education of their child;
8 and

9 “(D) the carrying out of other activities,
10 such as those described in section 1118.

11 “(35) 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) applicable to a family of
16 the size involved.

17 “(36) PROFESSIONAL DEVELOPMENT.—The
18 term ‘professional development’—

19 “(A) includes evidence-based, job-embed-
20 ded, continuous activities that—

21 “(i) improve and increase teachers’
22 knowledge of the academic subjects the
23 teachers teach, and enable teachers to be-
24 come effective educators;

1 “(ii) are an integral part of broad
2 schoolwide and districtwide educational im-
3 provement plans;

4 “(iii) give teachers, school leaders,
5 other staff, and administrators the knowl-
6 edge and skills to provide students with
7 the opportunity to meet State academic
8 standards;

9 “(iv) improve classroom management
10 skills;

11 “(v)(I) have a positive and lasting im-
12 pact on classroom instruction and the
13 teacher’s performance in the classroom;
14 and

15 “(II) are not 1-day or short-term
16 workshops or conferences;

17 “(vi) support the recruiting, hiring,
18 and training of effective teachers, including
19 teachers who became certified or licensed
20 through State and local alternative routes
21 to certification;

22 “(vii) advance teacher understanding
23 of effective instructional strategies that are
24 strategies for improving student academic
25 achievement or substantially increasing the

1 knowledge and teaching skills of teachers,
2 including through addressing the social
3 and emotional development needs of stu-
4 dents;

5 “(viii) are aligned with and directly
6 related to—

7 “(I) State academic standards
8 and assessments; and

9 “(II) the curricula and programs
10 tied to the standards described in sub-
11 clause (I);

12 “(ix) are developed with extensive par-
13 ticipation of teachers, school leaders, par-
14 ents, and administrators of schools to be
15 served under this Act;

16 “(x) are designed to give teachers of
17 English learners and other teachers and
18 instructional staff, the knowledge and
19 skills to provide instruction and appro-
20 priate language and academic support
21 services to those children, including the ap-
22 propriate use of curricula and assessments;

23 “(xi) to the extent appropriate, pro-
24 vide training for teachers, other staff, and
25 school leaders in the use of technology so

1 that technology and technology applica-
2 tions are effectively used to improve teach-
3 ing and learning in the curricula and core
4 academic subjects in which the students re-
5 ceive instruction;

6 “(xii) as a whole, are regularly evalu-
7 ated for their impact on increased teacher
8 effectiveness and improved student aca-
9 demic achievement, with the findings of
10 the evaluations used to improve the quality
11 of the professional development;

12 “(xiii) provide instruction in methods
13 of teaching children with special needs;

14 “(xiv) include instruction in the use of
15 data and assessments to inform and in-
16 struct classroom practice; and

17 “(xv) include instruction in ways that
18 teachers, school leaders, specialized in-
19 structional support personnel, other staff,
20 and school administrators may work more
21 effectively with parents; and

22 “(B) may include evidence-based, job-em-
23 bedded, continuous activities that—

24 “(i) involve the forming of partner-
25 ships with institutions of higher education

1 to establish school-based teacher training
2 programs that provide prospective teachers
3 and new teachers with an opportunity to
4 work under the guidance of experienced
5 teachers and college faculty;

6 “(ii) create programs to enable para-
7 professionals (assisting teachers employed
8 by a local educational agency receiving as-
9 sistance under subpart 1 of part A of title
10 I) to obtain the education necessary for
11 those paraprofessionals to become certified
12 and licensed teachers; and

13 “(iii) provide follow-up training to in-
14 dividuals who have participated in activi-
15 ties described in subparagraph (A) or an-
16 other clause of this subparagraph that are
17 designed to ensure that the knowledge and
18 skills learned by the teachers are imple-
19 mented in the classroom.

20 “(37) REGULAR HIGH SCHOOL DIPLOMA.—

21 “(A) IN GENERAL.—The term ‘regular
22 high school diploma’ means the standard high
23 school diploma awarded to the preponderance of
24 students in the State that is fully aligned with
25 State standards, or a higher diploma. Such

1 term shall not include a GED or other recog-
2 nized equivalent of a diploma, a certificate of
3 attendance, or any lesser diploma award.

4 “(B) EXCEPTION FOR STUDENTS WITH
5 SIGNIFICANT COGNITIVE DISABILITIES.—For a
6 student who is assessed using an alternate as-
7 sessment aligned to alternate academic stand-
8 ards under section 1111(b)(1)(D), receipt of a
9 regular high school diploma as defined under
10 subparagraph (A) or a State-defined alternate
11 diploma obtained within the time period for
12 which the State ensures the availability of a
13 free appropriate public education and in accord-
14 ance with section 612(a)(1) of the Individuals
15 with Disabilities Education Act shall be counted
16 as graduating with a regular high school di-
17 ploma for the purposes of this Act.

18 “(38) SCHOOL LEADER.—The term ‘school
19 leader’ means a principal, assistant principal, or
20 other individual who is—

21 “(A) an employee or officer of a school,
22 local educational agency, or other entity oper-
23 ating the school; and

24 “(B) responsible for—

1 “(i) the daily instructional leadership
2 and managerial operations of the school;
3 and

4 “(ii) creating the optimum conditions
5 for student learning.

6 “(39) SECONDARY SCHOOL.—The term ‘sec-
7 ondary school’ means a nonprofit institutional day or
8 residential school, including a public secondary char-
9 ter school, that provides secondary education, as de-
10 termined under State law, except that the term does
11 not include any education beyond grade 12.

12 “(40) SECRETARY.—The term ‘Secretary’
13 means the Secretary of Education.

14 “(41) SPECIALIZED INSTRUCTIONAL SUPPORT
15 PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT
16 SERVICES.—

17 “(A) SPECIALIZED INSTRUCTIONAL SUP-
18 PORT PERSONNEL.—The term ‘specialized in-
19 structional support personnel’ means school
20 counselors, school social workers, school psy-
21 chologists, and other qualified professional per-
22 sonnel involved in providing assessment, diag-
23 nosis, counseling, educational, therapeutic, and
24 other necessary services (including related serv-
25 ices as that term is defined in section 602 of

1 the Individuals with Disabilities Education Act)
2 as part of a comprehensive program to meet
3 student needs.

4 “(B) SPECIALIZED INSTRUCTIONAL SUP-
5 PORT SERVICES.—The term ‘specialized instruc-
6 tional support services’ means the services pro-
7 vided by specialized instructional support per-
8 sonnel.

9 “(42) STATE.—The term ‘State’ means each of
10 the 50 States, the District of Columbia, the Com-
11 monwealth of Puerto Rico, and each of the outlying
12 areas.

13 “(43) STATE EDUCATIONAL AGENCY.—The
14 term ‘State educational agency’ means the agency
15 primarily responsible for the State supervision of
16 public elementary schools and secondary schools.

17 “(44) TECHNOLOGY.—The term ‘technology’
18 means modern information, computer and commu-
19 nication technology products, services, or tools, in-
20 cluding, but not limited to, the Internet and other
21 communications networks, computer devices and
22 other computer and communications hardware, soft-
23 ware applications, data systems, and other electronic
24 content and data storage.

1 **“SEC. 5102. APPLICABILITY OF TITLE.**

2 “Parts B, C, D, and E of this title do not apply to
3 title IV of this Act.

4 **“SEC. 5103. APPLICABILITY TO BUREAU OF INDIAN EDU-
5 CATION OPERATED SCHOOLS.**

6 “For the purpose of any competitive program under
7 this Act—

8 “(1) a consortium of schools operated by the
9 Bureau of Indian Education;

10 “(2) a school operated under a contract or
11 grant with the Bureau of Indian Education in con-
12 sortium with another contract or grant school or a
13 tribal or community organization; or

14 “(3) a Bureau of Indian Education school in
15 consortium with an institution of higher education,
16 a contract or grant school, or a tribal or community
17 organization,

18 shall be given the same consideration as a local edu-
19 cational agency.

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

22 **“SEC. 5201. CONSOLIDATION OF STATE ADMINISTRATIVE
23 FUNDS FOR ELEMENTARY AND SECONDARY
24 EDUCATION PROGRAMS.**

25 “(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

1 “(1) IN GENERAL.—A State educational agency
2 may consolidate the amounts specifically made avail-
3 able to it for State administration under one or
4 more of the programs under paragraph (2).

5 “(2) APPLICABILITY.—This section applies to
6 any program under this Act under which funds are
7 authorized to be used for administration, and such
8 other programs as the Secretary may designate.

9 “(b) USE OF FUNDS.—

10 “(1) IN GENERAL.—A State educational agency
11 shall use the amount available under this section for
12 the administration of the programs included in the
13 consolidation under subsection (a).

14 “(2) ADDITIONAL USES.—A State educational
15 agency may also use funds available under this sec-
16 tion for administrative activities designed to enhance
17 the effective and coordinated use of funds under pro-
18 grams included in the consolidation under subsection
19 (a), such as—

20 “(A) the coordination of those programs
21 with other Federal and non-Federal programs;

22 “(B) the establishment and operation of
23 peer-review mechanisms under this Act;

24 “(C) the administration of this title;

1 “(D) the dissemination of information re-
2 garding model programs and practices;

3 “(E) technical assistance under any pro-
4 gram under this Act;

5 “(F) State-level activities designed to carry
6 out this title;

7 “(G) training personnel engaged in audit
8 and other monitoring activities; and

9 “(H) implementation of the Cooperative
10 Audit Resolution and Oversight Initiative of the
11 Department.

12 “(c) RECORDS.—A State educational agency that
13 consolidates administrative funds under this section shall
14 not be required to keep separate records, by individual
15 program, to account for costs relating to the administra-
16 tion of programs included in the consolidation under sub-
17 section (a).

18 “(d) REVIEW.—To determine the effectiveness of
19 State administration under this section, the Secretary may
20 periodically review the performance of State educational
21 agencies in using consolidated administrative funds under
22 this section and take such steps as the Secretary finds
23 appropriate to ensure the effectiveness of that administra-
24 tion.

1 “(e) UNUSED ADMINISTRATIVE FUNDS.—If a State
2 educational agency does not use all of the funds available
3 to the agency under this section for administration, the
4 agency may use those funds during the applicable period
5 of availability as funds available under one or more pro-
6 grams included in the consolidation under subsection (a).

7 “(f) CONSOLIDATION OF FUNDS FOR STANDARDS
8 AND ASSESSMENT DEVELOPMENT.—In order to develop
9 State academic standards and assessments, a State edu-
10 cational agency may consolidate the amounts described in
11 subsection (a) for those purposes under title I.

12 **“SEC. 5202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.**

13 “A State educational agency that also serves as a
14 local educational agency shall, in its applications or plans
15 under this Act, describe how the agency will eliminate du-
16 plication in conducting administrative functions.

17 **“SEC. 5203. CONSOLIDATED SET-ASIDE FOR DEPARTMENT**
18 **OF THE INTERIOR FUNDS.**

19 “(a) GENERAL AUTHORITY.—

20 “(1) TRANSFER.—The Secretary shall transfer
21 to the Department of the Interior, as a consolidated
22 amount for covered programs, the Indian education
23 programs under subpart 6 of part A of title I, and
24 the education for homeless children and youth pro-
25 gram under subtitle B of title VII of the McKinney-

1 Vento Homeless Assistance Act, the amounts allotted to the Department of the Interior under those
2 programs.
3

4 “(2) AGREEMENT.—

5 “(A) IN GENERAL.—The Secretary and the
6 Secretary of the Interior shall enter into an
7 agreement, consistent with the requirements of
8 the programs specified in paragraph (1), for the
9 distribution and use of those program funds
10 under terms that the Secretary determines best
11 meet the purposes of those programs.

12 “(B) CONTENTS.—The agreement shall—

13 “(i) set forth the plans of the Secretary of the Interior for the use of the
14 amount transferred and the achievement
15 measures to assess program effectiveness;
16 and
17

18 “(ii) be developed in consultation with
19 Indian tribes.

20 “(b) ADMINISTRATION.—The Department of the Interior may use not more than 1.5 percent of the funds
21 consolidated under this section for its costs related to the
22 administration of the funds transferred under this section.
23

1 **“PART C—COORDINATION OF PROGRAMS; CON-**
2 **SOLIDATED STATE AND LOCAL PLANS AND**
3 **APPLICATIONS**

4 **“SEC. 5301. PURPOSES.**

5 “The purposes of this part are—

6 “(1) to improve teaching and learning by en-
7 couraging greater cross-program coordination, plan-
8 ning, and service delivery;

9 “(2) to provide greater flexibility to State and
10 local authorities through consolidated plans, applica-
11 tions, and reporting; and

12 “(3) to enhance the integration of programs
13 under this Act with State and local programs.

14 **“SEC. 5302. OPTIONAL CONSOLIDATED STATE PLANS OR**
15 **APPLICATIONS.**

16 “(a) GENERAL AUTHORITY.—

17 “(1) SIMPLIFICATION.—In order to simplify ap-
18 plication requirements and reduce the burden for
19 State educational agencies under this Act, the Sec-
20 retary, in accordance with subsection (b), shall es-
21 tablish procedures and criteria under which, after
22 consultation with the Governor, a State educational
23 agency may submit a consolidated State plan or a
24 consolidated State application meeting the require-
25 ments of this section for—

1 “(A) each of the covered programs in
2 which the State participates; and

3 “(B) such other programs as the Secretary
4 may designate.

5 “(2) CONSOLIDATED APPLICATIONS AND
6 PLANS.—After consultation with the Governor, a
7 State educational agency that submits a consolidated
8 State plan or a consolidated State application under
9 this section shall not be required to submit separate
10 State plans or applications under any of the pro-
11 grams to which the consolidated State plan or con-
12 solidated State application under this section ap-
13 plies.

14 “(b) COLLABORATION.—

15 “(1) IN GENERAL.—In establishing criteria and
16 procedures under this section, the Secretary shall
17 collaborate with State educational agencies and, as
18 appropriate, with other State agencies, local edu-
19 cational agencies, public and private agencies, orga-
20 nizations, and institutions, private schools, and par-
21 ents, students, and teachers.

22 “(2) CONTENTS.—Through the collaborative
23 process described in paragraph (1), the Secretary
24 shall establish, for each program under this Act to
25 which this section applies, the descriptions, informa-

1 tion, assurances, and other material required to be
2 included in a consolidated State plan or consolidated
3 State application.

4 “(3) NECESSARY MATERIALS.—The Secretary
5 shall require only descriptions, information, assur-
6 ances (including assurances of compliance with ap-
7 plicable provisions regarding participation by private
8 school children and teachers), and other materials
9 that are absolutely necessary for the consideration of
10 the consolidated State plan or consolidated State ap-
11 plication.

12 **“SEC. 5303. CONSOLIDATED REPORTING.**

13 “(a) IN GENERAL.—In order to simplify reporting re-
14 quirements and reduce reporting burdens, the Secretary
15 shall establish procedures and criteria under which a State
16 educational agency, in consultation with the Governor of
17 the State, may submit a consolidated State annual report.

18 “(b) CONTENTS.—The report shall contain informa-
19 tion about the programs included in the report, including
20 the performance of the State under those programs, and
21 other matters as the Secretary determines are necessary,
22 such as monitoring activities.

23 “(c) REPLACEMENT.—The report shall replace sepa-
24 rate individual annual reports for the programs included
25 in the consolidated State annual report.

1 **“SEC. 5304. GENERAL APPLICABILITY OF STATE EDU-**
2 **CATIONAL AGENCY ASSURANCES.**

3 “(a) ASSURANCES.—A State educational agency, in
4 consultation with the Governor of the State, that submits
5 a consolidated State plan or consolidated State application
6 under this Act, whether separately or under section 5302,
7 shall have on file with the Secretary a single set of assur-
8 ances, applicable to each program for which the plan or
9 application is submitted, that provides that—

10 “(1) each such program will be administered in
11 accordance with all applicable statutes, regulations,
12 program plans, and applications;

13 “(2)(A) the control of funds provided under
14 each such program and title to property acquired
15 with program funds will be in a public agency, an
16 eligible private agency, institution, or organization,
17 or an Indian tribe, if the law authorizing the pro-
18 gram provides for assistance to those entities; and

19 “(B) the public agency, eligible private agency,
20 institution, or organization, or Indian tribe will ad-
21 minister those funds and property to the extent re-
22 quired by the authorizing law;

23 “(3) the State will adopt and use proper meth-
24 ods of administering each such program, including—

25 “(A) the enforcement of any obligations
26 imposed by law on agencies, institutions, orga-

1 nizations, and other recipients responsible for
2 carrying out each program;

3 “(B) the correction of deficiencies in pro-
4 gram operations that are identified through au-
5 dits, monitoring, or evaluation; and

6 “(C) the adoption of written procedures for
7 the receipt and resolution of complaints alleging
8 violations of law in the administration of the
9 programs;

10 “(4) the State will cooperate in carrying out
11 any evaluation of each such program conducted by
12 or for the Secretary or other Federal officials;

13 “(5) the State will use such fiscal control and
14 fund accounting procedures that will ensure proper
15 disbursement of, and accounting for, Federal funds
16 paid to the State under each such program;

17 “(6) the State will—

18 “(A) make reports to the Secretary as may
19 be necessary to enable the Secretary to perform
20 the Secretary’s duties under each such pro-
21 gram; and

22 “(B) maintain such records, provide such
23 information to the Secretary, and afford such
24 access to the records as the Secretary may find

1 necessary to carry out the Secretary’s duties;
2 and

3 “(7) before the plan or application was sub-
4 mitted to the Secretary, the State afforded a reason-
5 able opportunity for public comment on the plan or
6 application and considered such comment.

7 “(b) GEPA PROVISION.—Section 441 of the General
8 Education Provisions Act shall not apply to programs
9 under this Act.

10 **“SEC. 5305. CONSOLIDATED LOCAL PLANS OR APPLICA-**
11 **TIONS.**

12 “(a) GENERAL AUTHORITY.—

13 “(1) CONSOLIDATED PLAN.—A local edu-
14 cational agency receiving funds under more than one
15 covered program may submit plans or applications
16 to the State educational agency under those pro-
17 grams on a consolidated basis.

18 “(2) AVAILABILITY TO GOVERNOR.—The State
19 educational agency shall make any consolidated local
20 plans and applications available to the Governor.

21 “(b) REQUIRED CONSOLIDATED PLANS OR APPLICA-
22 TIONS.—A State educational agency that has an approved
23 consolidated State plan or application under section 5302
24 may require local educational agencies in the State receiv-
25 ing funds under more than one program included in the

1 consolidated State plan or consolidated State application
2 to submit consolidated local plans or applications under
3 those programs, but may not require those agencies to
4 submit separate plans.

5 “(c) COLLABORATION.—A State educational agency,
6 in consultation with the Governor, shall collaborate with
7 local educational agencies in the State in establishing pro-
8 cedures for the submission of the consolidated State plans
9 or consolidated State applications under this section.

10 “(d) NECESSARY MATERIALS.—The State edu-
11 cational agency shall require only descriptions, informa-
12 tion, assurances, and other material that are absolutely
13 necessary for the consideration of the local educational
14 agency plan or application.

15 **“SEC. 5306. OTHER GENERAL ASSURANCES.**

16 “(a) ASSURANCES.—Any applicant, other than a
17 State educational agency that submits a plan or applica-
18 tion under this Act, shall have on file with the State edu-
19 cational agency a single set of assurances, applicable to
20 each program for which a plan or application is submitted,
21 that provides that—

22 “(1) each such program will be administered in
23 accordance with all applicable statutes, regulations,
24 program plans, and applications;

1 “(2)(A) the control of funds provided under
2 each such program and title to property acquired
3 with program funds will be in a public agency or in
4 an eligible private agency, institution, organization,
5 or Indian tribe, if the law authorizing the program
6 provides for assistance to those entities; and

7 “(B) the public agency, eligible private agency,
8 institution, or organization, or Indian tribe will ad-
9 minister the funds and property to the extent re-
10 quired by the authorizing statutes;

11 “(3) the applicant will adopt and use proper
12 methods of administering each such program, in-
13 cluding—

14 “(A) the enforcement of any obligations
15 imposed by law on agencies, institutions, orga-
16 nizations, and other recipients responsible for
17 carrying out each program; and

18 “(B) the correction of deficiencies in pro-
19 gram operations that are identified through au-
20 dits, monitoring, or evaluation;

21 “(4) the applicant will cooperate in carrying out
22 any evaluation of each such program conducted by
23 or for the State educational agency, the Secretary,
24 or other Federal officials;

1 “(5) the applicant will use such fiscal control
2 and fund accounting procedures as will ensure prop-
3 er disbursement of, and accounting for, Federal
4 funds paid to the applicant under each such pro-
5 gram;

6 “(6) the applicant will—

7 “(A) submit such reports to the State edu-
8 cational agency (which shall make the reports
9 available to the Governor) and the Secretary as
10 the State educational agency and Secretary may
11 require to enable the State educational agency
12 and the Secretary to perform their duties under
13 each such program; and

14 “(B) maintain such records, provide such
15 information, and afford such access to the
16 records as the State educational agency (after
17 consultation with the Governor) or the Sec-
18 retary may reasonably require to carry out the
19 State educational agency’s or the Secretary’s
20 duties; and

21 “(7) before the application was submitted, the
22 applicant afforded a reasonable opportunity for pub-
23 lic comment on the application and considered such
24 comment.

1 “(b) GEPA PROVISION.—Section 442 of the General
2 Education Provisions Act shall not apply to programs
3 under this Act.

4 **“PART D—WAIVERS**

5 **“SEC. 5401. WAIVERS OF STATUTORY AND REGULATORY RE-**
6 **QUIREMENTS.**

7 “(a) IN GENERAL.—

8 “(1) REQUEST FOR WAIVER.—A State edu-
9 cational agency, local educational agency, or Indian
10 tribe that receives funds under a program authorized
11 under this Act may submit a request to the Sec-
12 retary to waive any statutory or regulatory require-
13 ment of this Act.

14 “(2) RECEIPT OF WAIVER.—Except as provided
15 in subsection (c) and subject to the limits in sub-
16 section (b)(5)(A), the Secretary shall waive any stat-
17 utory or regulatory requirement of this Act for a
18 State educational agency, local educational agency,
19 Indian tribe, or school (through a local educational
20 agency), that submits a waiver request pursuant to
21 this subsection.

22 “(b) PLAN.—

23 “(1) IN GENERAL.—A State educational agen-
24 cy, local educational agency, or Indian tribe that de-
25 sires a waiver under this section shall submit a waiv-

1 er request to the Secretary, which shall include a
2 plan that—

3 “(A) identifies the Federal programs af-
4 fected by the requested waiver;

5 “(B) describes which Federal statutory or
6 regulatory requirements are to be waived;

7 “(C) reasonably demonstrates that the
8 waiver will improve instruction for students and
9 advance student academic achievement;

10 “(D) describes the methods the State edu-
11 cational agency, local educational agency, or In-
12 dian tribe will use to monitor the effectiveness
13 of the implementation of the plan; and

14 “(E) describes how schools will continue to
15 provide assistance to the same populations
16 served by programs for which the waiver is re-
17 quested.

18 “(2) ADDITIONAL INFORMATION.—A waiver re-
19 quest under this section—

20 “(A) may provide for waivers of require-
21 ments applicable to State educational agencies,
22 local educational agencies, Indian tribes, and
23 schools; and

24 “(B) shall be developed and submitted—

1 “(i)(I) by local educational agencies
2 (on behalf of those agencies and schools)
3 to State educational agencies; and

4 “(II) by State educational agencies
5 (on their own behalf, or on behalf of, and
6 based on the requests of, local educational
7 agencies in the State) to the Secretary; or

8 “(ii) by Indian tribes (on behalf of
9 schools operated by the tribes) to the Sec-
10 retary.

11 “(3) GENERAL REQUIREMENTS.—

12 “(A) STATE EDUCATIONAL AGENCIES.—In
13 the case of a waiver request submitted by a
14 State educational agency acting on its own be-
15 half, or on behalf of local educational agencies
16 in the State, the State educational agency
17 shall—

18 “(i) provide the public and local edu-
19 cational agencies in the State with notice
20 and a reasonable opportunity to comment
21 and provide input on the request;

22 “(ii) submit the comments and input
23 to the Secretary, with a description of how
24 the State addressed the comments and
25 input; and

1 “(iii) provide notice and a reasonable
2 time to comment to the public and local
3 educational agencies in the manner in
4 which the applying agency customarily pro-
5 vides similar notice and opportunity to
6 comment to the public.

7 “(B) LOCAL EDUCATIONAL AGENCIES.—In
8 the case of a waiver request submitted by a
9 local educational agency that receives funds
10 under this Act—

11 “(i) the request shall be reviewed by
12 the State educational agency and be ac-
13 companied by the comments, if any, of the
14 State educational agency and the public;
15 and

16 “(ii) notice and a reasonable oppor-
17 tunity to comment regarding the waiver re-
18 quest shall be provided to the State edu-
19 cational agency and the public by the agen-
20 cy requesting the waiver in the manner in
21 which that agency customarily provides
22 similar notice and opportunity to comment
23 to the public.

24 “(4) PEER REVIEW.—

1 “(A) ESTABLISHMENT.—The Secretary
2 shall establish a multi-disciplinary peer review
3 team, which shall meet the requirements of sec-
4 tion 5543, to review waiver requests under this
5 section.

6 “(B) APPLICABILITY.—The Secretary may
7 approve a waiver request under this section
8 without conducting a peer review of the request,
9 but shall use the peer review process under this
10 paragraph before disapproving such a request.

11 “(C) STANDARD AND NATURE OF RE-
12 VIEW.—Peer reviewers shall conduct a good
13 faith review of waiver requests submitted to
14 them under this section. Peer reviewers shall re-
15 view such waiver requests—

16 “(i) in their totality;

17 “(ii) in deference to State and local
18 judgment; and

19 “(iii) with the goal of promoting
20 State- and local-led innovation.

21 “(5) WAIVER DETERMINATION, DEMONSTRA-
22 TION, AND REVISION.—

23 “(A) IN GENERAL.—The Secretary shall
24 approve a waiver request not more than 60
25 days after the date on which such request is

1 submitted, unless the Secretary determines and
2 demonstrates that—

3 “(i) the waiver request does not meet
4 the requirements of this section;

5 “(ii) the waiver is not permitted under
6 subsection (c);

7 “(iii) the plan that is required under
8 paragraph (1)(C), and reviewed with def-
9 erence to State and local judgment, pro-
10 vides no reasonable evidence to determine
11 that a waiver will enhance student aca-
12 demic achievement; or

13 “(iv) the waiver request does not pro-
14 vide for adequate evaluation to ensure re-
15 view and continuous improvement of the
16 plan.

17 “(B) WAIVER DETERMINATION AND REVI-
18 SION.—If the Secretary determines and dem-
19 onstrates that the waiver request does not meet
20 the requirements of this section, the Secretary
21 shall—

22 “(i) immediately—

23 “(I) notify the State educational
24 agency, local educational agency, or

1 Indian tribe of such determination;
2 and

3 “(II) at the request of the State
4 educational agency, local educational
5 agency, or Indian tribe, provide de-
6 tailed reasons for such determination
7 in writing;

8 “(ii) offer the State educational agen-
9 cy, local educational agency, or Indian
10 tribe an opportunity to revise and resubmit
11 the waiver request not more than 60 days
12 after the date of such determination; and

13 “(iii) if the Secretary determines that
14 the resubmission does not meet the re-
15 quirements of this section, at the request
16 of the State educational agency, local edu-
17 cational agency, or Indian tribe, conduct a
18 public hearing not more than 30 days after
19 the date of such resubmission.

20 “(C) WAIVER DISAPPROVAL.—The Sec-
21 retary may disapprove a waiver request if—

22 “(i) the State educational agency,
23 local educational agency, or Indian tribe
24 has been notified and offered an oppor-
25 tunity to revise and resubmit the waiver

1 request, as described under clauses (i) and
2 (ii) of subparagraph (B); and

3 “(ii) the State educational agency,
4 local educational agency, or Indian tribe—

5 “(I) does not revise and resubmit
6 the waiver request; or

7 “(II) revises and resubmits the
8 waiver request, and the Secretary de-
9 termines that such waiver request
10 does not meet the requirements of this
11 section after a hearing conducted
12 under subparagraph (B)(iii), if re-
13 quested.

14 “(D) EXTERNAL CONDITIONS.—The Sec-
15 retary shall not, directly or indirectly, require or
16 impose new or additional requirements in ex-
17 change for receipt of a waiver if such require-
18 ments are not specified in this Act.

19 “(c) RESTRICTIONS.—The Secretary shall not waive
20 under this section any statutory or regulatory require-
21 ments relating to—

22 “(1) the allocation or distribution of funds to
23 States, local educational agencies, Indian tribes, or
24 other recipients of funds under this Act;

25 “(2) comparability of services;

1 “(3) use of Federal funds to supplement, not
2 supplant, non-Federal funds;

3 “(4) equitable participation of private school
4 students and teachers;

5 “(5) parental participation and involvement;

6 “(6) applicable civil rights requirements;

7 “(7) the prohibitions—

8 “(A) in subpart 2 of part E;

9 “(B) regarding use of funds for religious
10 worship or instruction in section 5505; and

11 “(C) regarding activities in section 5524;

12 or

13 “(8) the selection of a school attendance area or
14 school under subsections (a) and (b) of section 1113,
15 except that the Secretary may grant a waiver to
16 allow a school attendance area or school to partici-
17 pate in activities under subpart 1 of part A of title
18 I if the percentage of children from low-income fami-
19 lies in the school attendance area or who attend the
20 school is not more than 10 percentage points below
21 the lowest percentage of those children for any
22 school attendance area or school of the local edu-
23 cational agency that meets the requirements of sub-
24 sections (a) and (b) of section 1113.

1 “(d) DURATION AND EXTENSION OF WAIVER; LIM-
2 TATIONS.—

3 “(1) IN GENERAL.—Except as provided in para-
4 graph (2), a waiver approved by the Secretary under
5 this section may be for a period not to exceed 3
6 years.

7 “(2) EXTENSION.—The Secretary may extend
8 the period described in paragraph (1) if the State
9 demonstrates that—

10 “(A) the waiver has been effective in ena-
11 bling the State or affected recipient to carry out
12 the activities for which the waiver was re-
13 quested and the waiver has contributed to im-
14 proved student achievement; and

15 “(B) the extension is in the public interest.

16 “(3) SPECIFIC LIMITATIONS.—The Secretary
17 shall not require a State educational agency, local
18 educational agency, or Indian tribe, as a condition of
19 approval of a waiver request, to—

20 “(A) include in, or delete from, such re-
21 quest, specific academic standards, such as the
22 Common Core State Standards developed under
23 the Common Core State Standards Initiative or
24 any other standards common to a significant
25 number of States;

1 “(B) use specific academic assessment in-
2 struments or items, including assessments
3 aligned to the standards described in subpara-
4 graph (A); or

5 “(C) include in, or delete from, such waiv-
6 er request any criterion that specifies, defines,
7 describes, or prescribes the standards or meas-
8 ures that a State or local educational agency or
9 Indian tribe uses to establish, implement, or im-
10 prove—

11 “(i) State academic standards;

12 “(ii) academic assessments;

13 “(iii) State accountability systems; or

14 “(iv) teacher and school leader evalua-
15 tion systems.

16 “(e) REPORTS.—

17 “(1) WAIVER REPORTS.—A State educational
18 agency, local educational agency, or Indian tribe
19 that receives a waiver under this section shall, at the
20 end of the second year for which a waiver is received
21 under this section and each subsequent year, submit
22 a report to the Secretary that—

23 “(A) describes the uses of the waiver by
24 the agency or by schools;

1 “(B) describes how schools continued to
2 provide assistance to the same populations
3 served by the programs for which waivers were
4 granted; and

5 “(C) evaluates the progress of the agency
6 and schools, or Indian tribe, in improving the
7 quality of instruction or the academic achieve-
8 ment of students.

9 “(2) REPORT TO CONGRESS.—The Secretary
10 shall annually submit to the Committee on Edu-
11 cation and the Workforce of the House of Rep-
12 resentatives and the Committee on Health, Edu-
13 cation, Labor, and Pensions of the Senate a re-
14 port—

15 “(A) summarizing the uses of waivers by
16 State educational agencies, local educational
17 agencies, Indian tribes, and schools; and

18 “(B) describing the status of the waivers
19 in improving academic achievement.

20 “(f) TERMINATION OF WAIVERS.—The Secretary
21 shall terminate a waiver under this section if the Secretary
22 determines, after notice and an opportunity for a hearing,
23 that the performance of the State or other recipient af-
24 fected by the waiver has been inadequate to justify a con-
25 tinuation of the waiver and the recipient of the waiver has

1 failed to make revisions needed to carry out the purpose
2 of the waiver, or if the waiver is no longer necessary to
3 achieve its original purpose.

4 “(g) PUBLICATION.—A notice of the Secretary’s deci-
5 sion to grant each waiver under subsection (a) shall be
6 published in the Federal Register and the Secretary shall
7 provide for the dissemination of the notice to State edu-
8 cational agencies, interested parties, including educators,
9 parents, students, advocacy and civil rights organizations,
10 and the public.

11 **“PART E—UNIFORM PROVISIONS**

12 **“Subpart 1—Private Schools**

13 **“SEC. 5501. PARTICIPATION BY PRIVATE SCHOOL CHIL-**
14 **DREN AND TEACHERS.**

15 “(a) PRIVATE SCHOOL PARTICIPATION.—

16 “(1) IN GENERAL.—Except as otherwise pro-
17 vided in this Act, to the extent consistent with the
18 number of eligible children in areas served by a
19 State educational agency, local educational agency,
20 educational service agency, consortium of those
21 agencies, or another entity receiving financial assist-
22 ance under a program specified in subsection (b),
23 who are enrolled in private elementary schools and
24 secondary schools in areas served by such agency,
25 consortium, or entity, the agency, consortium, or en-

1 tity shall, after timely and meaningful consultation
2 with appropriate private school officials or their rep-
3 resentatives, provide to those children and their
4 teachers or other educational personnel, on an equi-
5 table basis, special educational services or other ben-
6 efits that address their needs under the program.

7 “(2) SECULAR, NEUTRAL, AND NONIDEOLOG-
8 ICAL SERVICES OR BENEFITS.—Educational services
9 or other benefits, including materials and equipment,
10 provided under this section, shall be secular, neutral,
11 and nonideological.

12 “(3) SPECIAL RULE.—Educational services and
13 other benefits provided under this section for private
14 school children, teachers, and other educational per-
15 sonnel shall be equitable in comparison to services
16 and other benefits for public school children, teach-
17 ers, and other educational personnel participating in
18 the program and shall be provided in a timely man-
19 ner.

20 “(4) EXPENDITURES.—

21 “(A) IN GENERAL.—Expenditures for edu-
22 cational services and other benefits to eligible
23 private school children, teachers, and other
24 service personnel shall be equal to the expendi-
25 tures for participating public school children,

1 taking into account the number and educational
2 needs, of the children to be served.

3 “(B) OBLIGATION OF FUNDS.—Funds allo-
4 cated to a local educational agency for edu-
5 cational services and other benefits to eligible
6 private school children shall—

7 “(i) be obligated in the fiscal year for
8 which the funds are received by the agen-
9 cy; and

10 “(ii) with respect to any such funds
11 that cannot be so obligated, be used to
12 serve such children in the following fiscal
13 year.

14 “(C) NOTICE OF ALLOCATION.—Each
15 State educational agency shall—

16 “(i) determine, in a timely manner,
17 the proportion of funds to be allocated to
18 each local educational agency in the State
19 for educational services and other benefits
20 under this subpart to eligible private school
21 children; and

22 “(ii) provide notice, simultaneously, to
23 each such local educational agency and the
24 appropriate private school officials or their

1 representatives in the State of such alloca-
2 tion of funds.

3 “(5) PROVISION OF SERVICES.—An agency,
4 consortium, or entity described in subsection (a)(1)
5 of this section may provide those services directly or
6 through contracts with public and private agencies,
7 organizations, and institutions.

8 “(b) APPLICABILITY.—

9 “(1) IN GENERAL.—This section applies to pro-
10 grams under—

11 “(A) subpart 2 of part A of title I;

12 “(B) subpart 4 of part A of title I;

13 “(C) part A of title II;

14 “(D) part B of title II; and

15 “(E) part B of title III.

16 “(2) DEFINITION.—For the purpose of this sec-
17 tion, the term ‘eligible children’ means children eligi-
18 ble for services under a program described in para-
19 graph (1).

20 “(c) CONSULTATION.—

21 “(1) IN GENERAL.—To ensure timely and
22 meaningful consultation, a State educational agency,
23 local educational agency, educational service agency,
24 consortium of those agencies, or entity shall consult,
25 in order to reach an agreement, with appropriate

1 private school officials or their representatives dur-
2 ing the design and development of the programs
3 under this Act, on issues such as—

4 “(A) how the children’s needs will be iden-
5 tified;

6 “(B) what services will be offered;

7 “(C) how, where, and by whom the services
8 will be provided;

9 “(D) how the services will be assessed and
10 how the results of the assessment will be used
11 to improve those services;

12 “(E) the size and scope of the equitable
13 services to be provided to the eligible private
14 school children, teachers, and other educational
15 personnel and the amount of funds available for
16 those services;

17 “(F) how and when the agency, consor-
18 tium, or entity will make decisions about the
19 delivery of services, including a thorough con-
20 sideration and analysis of the views of the pri-
21 vate school officials or their representatives on
22 the provision of services through potential
23 third-party providers or contractors; and

24 “(G) how, if the agency disagrees with the
25 views of the private school officials or their rep-

1 representatives on the provision of services through
2 a contract, the local educational agency will
3 provide in writing to such private school offi-
4 cials or their representatives an analysis of the
5 reasons why the local educational agency has
6 chosen not to use a contractor.

7 “(2) DISAGREEMENT.—If the agency, consor-
8 tium, or entity disagrees with the views of the pri-
9 vate school officials or their representatives with re-
10 spect to an issue described in paragraph (1), the
11 agency, consortium, or entity shall provide to the
12 private school officials or their representatives a
13 written explanation of the reasons why the local edu-
14 cational agency has chosen not to adopt the course
15 of action requested by such officials or their rep-
16 resentatives.

17 “(3) TIMING.—The consultation required by
18 paragraph (1) shall occur before the agency, consor-
19 tium, or entity makes any decision that affects the
20 opportunities of eligible private school children,
21 teachers, and other educational personnel to partici-
22 pate in programs under this Act, and shall continue
23 throughout the implementation and assessment of
24 activities under this section.

1 “(4) DISCUSSION REQUIRED.—The consultation
2 required by paragraph (1) shall include a discussion
3 of service delivery mechanisms that the agency, con-
4 sortium, or entity could use to provide equitable
5 services to eligible private school children, teachers,
6 administrators, and other staff.

7 “(5) DOCUMENTATION.—Each local educational
8 agency shall maintain in the agency’s records and
9 provide to the State educational agency involved a
10 written affirmation signed by officials or their rep-
11 resentatives of each participating private school that
12 the meaningful consultation required by this section
13 has occurred. The written affirmation shall provide
14 the option for private school officials or their rep-
15 resentatives to indicate that timely and meaningful
16 consultation has not occurred or that the program
17 design is not equitable with respect to eligible pri-
18 vate school children. If such officials or their rep-
19 resentatives do not provide such affirmation within
20 a reasonable period of time, the local educational
21 agency shall forward the documentation that such
22 consultation has, or attempts at such consultation
23 have, taken place to the State educational agency.

24 “(6) COMPLIANCE.—

1 “(A) IN GENERAL.—If the consultation re-
2 quired under this section is with a local edu-
3 cational agency or educational service agency, a
4 private school official or representative shall
5 have the right to file a complaint with the State
6 educational agency that the consultation re-
7 quired under this section was not meaningful
8 and timely, did not give due consideration to
9 the views of the private school official or rep-
10 resentative, or did not treat the private school
11 or its students equitably as required by this sec-
12 tion.

13 “(B) PROCEDURE.—If the private school
14 official or representative wishes to file a com-
15 plaint, the private school official or representa-
16 tive shall provide the basis of the noncompli-
17 ance with this section and all parties shall pro-
18 vide the appropriate documentation to the ap-
19 propriate officials or representatives.

20 “(C) SERVICES.—A State educational
21 agency shall provide services under this section
22 directly or through contracts with public and
23 private agencies, organizations, and institutions,
24 if—

1 “(i) the appropriate private school of-
2 ficials or their representatives have—

3 “(I) requested that the State
4 educational agency provide such serv-
5 ices directly; and

6 “(II) demonstrated that the local
7 educational agency or Education Serv-
8 ice Agency involved has not met the
9 requirements of this section; or

10 “(ii) in a case in which—

11 “(I) a local educational agency
12 has more than 10,000 children from
13 low-income families who attend pri-
14 vate elementary schools or secondary
15 schools in such agency’s school at-
16 tendance areas, as defined in section
17 1113(a)(2)(A), that are not being
18 served by the agency’s program under
19 this section; or

20 “(II) 90 percent of the eligible
21 private school students in a school at-
22 tendance area, as defined in section
23 1113(a)(2)(A), are not being served
24 by the agency’s program under this
25 section.

1 “(d) PUBLIC CONTROL OF FUNDS.—

2 “(1) IN GENERAL.—The control of funds used
3 to provide services under this section, and title to
4 materials, equipment, and property purchased with
5 those funds, shall be in a public agency for the uses
6 and purposes provided in this Act, and a public
7 agency shall administer the funds and property.

8 “(2) PROVISION OF SERVICES.—

9 “(A) IN GENERAL.—The provision of serv-
10 ices under this section shall be provided—

11 “(i) by employees of a public agency;

12 or

13 “(ii) through contract by the public
14 agency with an individual, association,
15 agency, organization, or other entity.

16 “(B) INDEPENDENCE; PUBLIC AGENCY.—

17 In the provision of those services, the employee,
18 person, association, agency, organization, or
19 other entity shall be independent of the private
20 school and of any religious organization, and
21 the employment or contract shall be under the
22 control and supervision of the public agency.

23 “(C) COMMINGLING OF FUNDS PROHIB-
24 ITED.—Funds used to provide services under

1 this section shall not be commingled with non-
2 Federal funds.

3 **“SEC. 5502. STANDARDS FOR BY-PASS.**

4 “(a) IN GENERAL.—If, by reason of any provision of
5 law, a State educational agency, local educational agency,
6 educational service agency, consortium of those agencies,
7 or other entity is prohibited from providing for the partici-
8 pation in programs of children enrolled in, or teachers or
9 other educational personnel from, private elementary
10 schools and secondary schools, on an equitable basis, or
11 if the Secretary determines that the agency, consortium,
12 or entity has substantially failed or is unwilling to provide
13 for that participation, as required by section 5501, the
14 Secretary shall—

15 “(1) waive the requirements of that section for
16 the agency, consortium, or entity; and

17 “(2) arrange for the provision of equitable serv-
18 ices to those children, teachers, or other educational
19 personnel through arrangements that shall be sub-
20 ject to the requirements of this section and of sec-
21 tions 5501, 5503, and 5504.

22 “(b) DETERMINATION.—In making the determina-
23 tion under subsection (a), the Secretary shall consider one
24 or more factors, including the quality, size, scope, and lo-
25 cation of the program, and the opportunity of private

1 school children, teachers, and other educational personnel
2 to participate in the program.

3 **“SEC. 5503. COMPLAINT PROCESS FOR PARTICIPATION OF**
4 **PRIVATE SCHOOL CHILDREN.**

5 “(a) PROCEDURES FOR COMPLAINTS.—The Sec-
6 retary shall develop and implement written procedures for
7 receiving, investigating, and resolving complaints from
8 parents, teachers, or other individuals and organizations
9 concerning violations of section 5501 by a State edu-
10 cational agency, local educational agency, educational
11 service agency, consortium of those agencies, or entity.
12 The individual or organization shall submit the complaint
13 to the State educational agency for a written resolution
14 by the State educational agency within 45 days.

15 “(b) APPEALS TO SECRETARY.—The resolution may
16 be appealed by an interested party to the Secretary not
17 later than 30 days after the State educational agency re-
18 solves the complaint or fails to resolve the complaint with-
19 in the 45-day time limit. The appeal shall be accompanied
20 by a copy of the State educational agency’s resolution,
21 and, if there is one, a complete statement of the reasons
22 supporting the appeal. The Secretary shall investigate and
23 resolve the appeal not later than 90 days after receipt of
24 the appeal.

1 **“Subpart 2—Prohibitions**

2 **“SEC. 5521. PROHIBITION AGAINST FEDERAL MANDATES,**
3 **DIRECTION, OR CONTROL.**

4 “(a) IN GENERAL.—No officer or employee of the
5 Federal Government shall, directly or indirectly, through
6 grants, contracts, or other cooperative agreements, man-
7 date, direct, incentivize, or control a State, local edu-
8 cational agency, or school’s specific instructional content,
9 academic standards and assessments, curricula, or pro-
10 gram of instruction, (including any requirement, direction,
11 incentive, or mandate to adopt the Common Core State
12 Standards developed under the Common Core State
13 Standards Initiative or any other academic standards com-
14 mon to a significant number of States), nor shall anything
15 in this Act be construed to authorize such officer or em-
16 ployee to do so.

17 “(b) FINANCIAL SUPPORT.—No officer or employee
18 of the Federal Government shall, directly or indirectly,
19 through grants, contracts, or other cooperative agree-
20 ments, make financial support available in a manner that
21 is conditioned upon a State, local educational agency, or
22 school’s adoption of specific instructional content, aca-
23 demic standards and assessments, curriculum, or program
24 of instruction, (including any requirement, direction, or
25 mandate to adopt the Common Core State Standards de-
26 veloped under the Common Core State Standards Initia-

1 tive, any other academic standards common to a signifi-
2 cant number of States, or any assessment, instructional
3 content, or curriculum aligned to such standards), even
4 if such requirements are specified in an Act other than
5 this Act, nor shall anything in this Act be construed to
6 authorize such officer or employee to do so.

7 **“SEC. 5522. PROHIBITIONS ON FEDERAL GOVERNMENT AND**
8 **USE OF FEDERAL FUNDS.**

9 “(a) GENERAL PROHIBITION.—Nothing in this Act
10 shall be construed to authorize an officer or employee of
11 the Federal Government directly or indirectly, whether
12 through a grant, contract, or cooperative agreement, to
13 mandate, direct, or control a State, local educational agen-
14 cy, or school’s curriculum, program of instruction, or allo-
15 cation of State or local resources, or mandate a State or
16 any subdivision thereof to spend any funds or incur any
17 costs not paid for under this Act.

18 “(b) PROHIBITION ON ENDORSEMENT OF CUR-
19 RICULUM.—Notwithstanding any other prohibition of Fed-
20 eral law, no funds provided to the Department under this
21 Act may be used by the Department directly or indi-
22 rectly—whether through a grant, contract, or cooperative
23 agreement—to endorse, approve, develop, require, or sanc-
24 tion any curriculum, including any curriculum aligned to
25 the Common Core State Standards developed under the

1 Common Core State Standards Initiative or any other aca-
2 demic standards common to a significant number of
3 States, designed to be used in an elementary school or sec-
4 ondary school.

5 “(c) LOCAL CONTROL.—Nothing in this Act shall be
6 construed to—

7 “(1) authorize an officer or employee of the
8 Federal Government directly or indirectly—whether
9 through a grant, contract, or cooperative agree-
10 ment—to mandate, direct, review, or control a State,
11 local educational agency, or school’s instructional
12 content, curriculum, and related activities;

13 “(2) limit the application of the General Edu-
14 cation Provisions Act;

15 “(3) require the distribution of scientifically or
16 medically false or inaccurate materials or to prohibit
17 the distribution of scientifically or medically true or
18 accurate materials; or

19 “(4) create any legally enforceable right.

20 “(d) PROHIBITION ON REQUIRING FEDERAL AP-
21 PROVAL OR CERTIFICATION OF STANDARDS.—Notwith-
22 standing any other provision of Federal law, no State shall
23 be required to have academic standards approved or cer-
24 tified by the Federal Government, in order to receive as-
25 sistance under this Act.

1 available to the Department or otherwise available under
2 this Act may be used for any purpose relating to a manda-
3 tory nationwide test or certification of teachers or edu-
4 cation paraprofessionals, including any planning, develop-
5 ment, implementation, or administration of such test or
6 certification.

7 “(b) PROHIBITION ON WITHHOLDING FUNDS.—The
8 Secretary is prohibited from withholding funds from any
9 State educational agency or local educational agency if the
10 State educational agency or local educational agency fails
11 to adopt a specific method of teacher or paraprofessional
12 certification.

13 **“SEC. 5525. PROHIBITED USES OF FUNDS.**

14 “No funds under this Act may be used—

15 “(1) for construction, renovation, or repair of
16 any school facility, except as authorized under title
17 IV or otherwise authorized under this Act;

18 “(2) for medical services, drug treatment or re-
19 habilitation, except for specialized instructional sup-
20 port services or referral to treatment for students
21 who are victims of, or witnesses to, crime or who il-
22 legally use drugs;

23 “(3) for transportation unless otherwise author-
24 ized under this Act;

1 ing in this Act shall be construed to require a State to
2 participate in any program under this Act.

3 **“SEC. 5531. LOCAL CONTROL.**

4 “The Secretary shall not—

5 “(1) impose any requirements or exercise any
6 governance or authority over school administration,
7 including the development and expenditure over
8 school budgets, unless explicitly authorized under
9 this Act;

10 “(2) issue any regulations or non-regulatory
11 guidance without first consulting with local stake-
12 holders and fairly addressing their concerns; or

13 “(3) deny any local educational agency the
14 right to object to any administrative requirement, in-
15 cluding actions that place additional burdens or cost
16 on the local educational agency.

17 **“Subpart 3—Other Provisions**

18 **“SEC. 5541. ARMED FORCES RECRUITER ACCESS TO STU-**
19 **DENTS AND STUDENT RECRUITING INFORMA-**
20 **TION.**

21 “(a) POLICY.—

22 “(1) ACCESS TO STUDENT RECRUITING INFOR-
23 MATION.—Notwithstanding section 444(a)(5)(B) of
24 the General Education Provisions Act, each local
25 educational agency receiving assistance under this

1 Act shall provide, upon a request made by a military
2 recruiter or an institution of higher education, ac-
3 cess to the name, address, and telephone listing of
4 each secondary school student served by the local
5 educational agency, unless the parent of such stu-
6 dent has submitted the prior consent request under
7 paragraph (2).

8 “(2) CONSENT.—

9 “(A) OPT-OUT PROCESS.—A parent of a
10 secondary school student may submit a written
11 request, to the local educational agency, that
12 the student’s name, address, and telephone list-
13 ing not be released for purposes of paragraph
14 (1) without prior written consent of the parent.
15 Upon receiving such request, the local edu-
16 cational agency may not release the student’s
17 name, address, and telephone listing for such
18 purposes without the prior written consent of
19 the parent.

20 “(B) NOTIFICATION OF OPT-OUT PROC-
21 ESS.—Each local educational agency shall no-
22 tify the parents of the students served by the
23 agency of the option to make a request de-
24 scribed in subparagraph (A).

1 “(3) SAME ACCESS TO STUDENTS.—Each local
2 educational agency receiving assistance under this
3 Act shall provide military recruiters the same access
4 to secondary school students as is provided generally
5 to institutions of higher education or to prospective
6 employers of those students.

7 “(4) RULE OF CONSTRUCTION PROHIBITING
8 OPT-IN PROCESSES.—Nothing in this subsection
9 shall be construed to allow a local educational agen-
10 cy to withhold access to a student’s name, address,
11 and telephone listing from a military recruiter or in-
12 stitution of higher education by implementing an
13 opt-in process or any other process other than the
14 written consent request process under paragraph
15 (2)(A).

16 “(5) PARENTAL CONSENT.—For purposes of
17 this subsection, whenever a student has attained 18
18 years of age, the permission or consent required of
19 and the rights accorded to the parents of the stu-
20 dent shall only be required of and accorded to the
21 student.

22 “(b) NOTIFICATION.—The Secretary, in consultation
23 with the Secretary of Defense, shall, not later than 120
24 days after the date of enactment of the Student Success

1 Act, notify school leaders, school administrators, and other
2 educators about the requirements of this section.

3 “(c) EXCEPTION.—The requirements of this section
4 do not apply to a private secondary school that maintains
5 a religious objection to service in the Armed Forces if the
6 objection is verifiable through the corporate or other orga-
7 nizational documents or materials of that school.

8 **“SEC. 5542. RULEMAKING.**

9 “The Secretary shall issue regulations under this Act
10 as prescribed under section 1401 only to the extent that
11 such regulations are necessary to ensure that there is com-
12 pliance with the specific requirements and assurances re-
13 quired by this Act.

14 **“SEC. 5543. PEER REVIEW.**

15 “(a) IN GENERAL.—If the Secretary uses a peer re-
16 view panel to evaluate an application for any program re-
17 quired under this Act, the Secretary shall conduct the
18 panel in accordance with this section.

19 “(b) MAKEUP.—The Secretary shall—

20 “(1) solicit nominations for peers to serve on
21 the panel from States that are—

22 “(A) practitioners in the subject matter; or

23 “(B) experts in the subject matter; and

24 “(2) select the peers from such nominees, ex-
25 cept that there shall be at least 75 percent practi-

1 tioners on each panel and in each group formed
2 from the panel.

3 “(c) GUIDANCE.—The Secretary shall issue the peer
4 review guidance concurrently with the notice of the grant.

5 “(d) REPORTING.—The Secretary shall—

6 “(1) make the names of the peer reviewers
7 available to the public before the final deadline for
8 the application of the grant;

9 “(2) make the peer review notes publically
10 available once the review has concluded; and

11 “(3) make any deviations from the peer review-
12 ers’ recommendations available to the public with an
13 explanation of the deviation.

14 “(e) APPLICANT REVIEWS.—An applicant shall have
15 an opportunity within 30 days to review the peer review
16 notes and appeal the score to the Secretary prior to the
17 Secretary making any final determination.

18 “(f) PROHIBITION.—The Secretary, and the Sec-
19 retary’s staff, may not attempt to participate in, or influ-
20 ence, the peer review process. No Federal employee may
21 participate in, or attempt to influence the peer review
22 process, except to respond to questions of a technical na-
23 ture, which shall be publicly reported.

1 **“SEC. 5544. PARENTAL CONSENT.**

2 “Upon receipt of written notification from the par-
3 ents or legal guardians of a student, the local educational
4 agency shall withdraw such student from any program
5 funded under part B of title III. The local educational
6 agency shall make reasonable efforts to inform parents or
7 legal guardians of the content of such programs or activi-
8 ties funded under this Act, other than classroom instruc-
9 tion.

10 **“SEC. 5548. SEVERABILITY.**

11 “If any provision of this Act is held invalid, the re-
12 mainder of this Act shall be unaffected thereby.

13 **“SEC. 5551. DEPARTMENT STAFF.**

14 “The Secretary shall—

15 “(1) not later than 60 days after the date of
16 the enactment of the Student Success Act, identify
17 the number of Department employees who worked
18 on or administered each education program and
19 project authorized under this Act, as such program
20 or project was in effect on the day before such en-
21 actment date, and publish such information on the
22 Department’s website;

23 “(2) not later than 60 days after such enact-
24 ment date, identify the number of full-time equiva-
25 lent employees who work on or administer programs
26 or projects authorized under this Act, as in effect on

1 the day before such enactment date, that have been
2 eliminated or consolidated since such date;

3 “(3) not later than 1 year after such enactment
4 date, reduce the workforce of the Department by the
5 number of full-time equivalent employees the De-
6 partment calculated under paragraph (2); and

7 “(4) not later than 1 year after such enactment
8 date, report to the Congress on—

9 “(A) the number of employees associated
10 with each program or project authorized under
11 this Act administered by the Department;

12 “(B) the number of full-time equivalent
13 employees who were determined to be associated
14 with eliminated or consolidated programs or
15 projects under paragraph (2);

16 “(C) how the Secretary reduced the num-
17 ber of employees at the Department under
18 paragraph (3);

19 “(D) the average salary of the employees
20 described in subparagraph (B) whose positions
21 were eliminated; and

22 “(E) the average salary of the full-time
23 equivalent employees who work on or admin-
24 ister a program or project authorized under this
25 Act by the Department, disaggregated by em-

1 ployee function with each such program or
2 project.

3 **“SEC. 5552. CRIMINAL BACKGROUND CHECKS.**

4 “(a) CONDITION OF RECEIPT OF FUNDS.—A local
5 educational agency or State educational agency shall be
6 ineligible for funds under this Act if such agency—

7 “(1) employs an individual who—

8 “(A) refuses to consent to a criminal back-
9 ground check that includes—

10 “(i) a search of the State criminal
11 registry or repository in the State where
12 the individual resides and each State where
13 such individual previously resided;

14 “(ii) a search of State-based child
15 abuse and neglect registries and databases
16 in the State where the individual resides
17 and each State where such individual pre-
18 viously resided;

19 “(iii) a search of the National Crime
20 Information Center;

21 “(iv) a Federal Bureau of Investiga-
22 tion fingerprint check using the Integrated
23 Automated Fingerprint Identification Sys-
24 tem; and

1 “(v) a search of the National Sex Of-
2 fender Registry established under the
3 Adam Walsh Child Protection and Safety
4 Act of 2006 (42 U.S.C. 16901 et seq.);

5 “(B) makes a false statement in connec-
6 tion with such criminal background check;

7 “(C) is registered or is required to be reg-
8 istered on a State sex offender registry or the
9 National Sex Offender Registry established
10 under the Adam Walsh Child Protection and
11 Safety Act of 2006 (42 U.S.C. 16901 et seq.);

12 or

13 “(D) has been convicted of a felony con-
14 sisting of—

15 “(i) homicide;

16 “(ii) child abuse or neglect;

17 “(iii) a crime against children, includ-
18 ing child pornography;

19 “(iv) domestic violence;

20 “(v) a crime involving rape or sexual
21 assault;

22 “(vi) kidnapping;

23 “(vii) arson; or

24 “(viii) physical assault, battery, or a
25 drug-related offense, committed on or after

1 the date that is 5 years before the date of
2 the individual’s criminal background check
3 under this section; or

4 “(2) knowingly facilitates the transfer of an em-
5 ployee if the agency knows, or has probable cause to
6 believe, that the employee engaged in sexual mis-
7 conduct with a student.

8 “(b) FEES FOR BACKGROUND CHECKS.—The Attor-
9 ney General or a State may charge any applicable fees
10 for conducting a criminal background check under this
11 section.

12 **“Subpart 4—Restoration of State Sovereignty Over**
13 **Public Education and Parental Rights Over the**
14 **Education of Their Children**

15 **“SEC. 5561. STATES TO RETAIN RIGHTS AND AUTHORITIES**
16 **THEY DO NOT EXPRESSLY WAIVE.**

17 “(a) RETENTION OF RIGHTS AND AUTHORITIES.—
18 No officer, employee, or other authority of the Secretary
19 shall enforce against an authority of a State, nor shall
20 any authority of a State have any obligation to obey, any
21 requirement imposed as a condition of receiving assistance
22 under a grant program established under this Act, nor
23 shall such program operate within a State, unless the leg-
24 islature of that State shall have by law expressly approved
25 that program and, in doing so, have waived the State’s

1 rights and authorities to act inconsistently with any re-
2 quirement that might be imposed by the Secretary as a
3 condition of receiving that assistance.

4 “(b) AMENDMENT OF TERMS OF RECEIPT OF FED-
5 ERAL FINANCIAL ASSISTANCE.—An officer, employee, or
6 other authority of the Secretary may release assistance
7 under a grant program established under this Act to a
8 State only after the legislature of the State has by law
9 expressly approved the program (as described in sub-
10 section (a)). This approval may be accomplished by a vote
11 to affirm a State budget that includes the use of such Fed-
12 eral funds and any such State budget must expressly in-
13 clude any requirement imposed as a condition of receiving
14 assistance under a grant program established under this
15 Act so that by approving the budget, the State legislature
16 is expressly approving the grant program and, in doing
17 so, waiving the State’s rights and authorities to act incon-
18 sistently with any requirement that might be imposed by
19 the Secretary as a condition of receiving that assistance.

20 “(c) SPECIAL RULE FOR STATES WITH BIENNIAL
21 LEGISLATURES.—In the case of a State with a biennial
22 legislature—

23 “(1) during a year in which the State legisla-
24 ture does not meet, subsections (a) and (b) shall not
25 apply; and

1 such Act not allocated to a State because a State did not
2 affirmatively agree to the receipt of such funds shall not
3 be reallocated among the States.

4 **“SEC. 5563. DEFINITION OF STATE WITH BIENNIAL LEGIS-**
5 **LATURE.**

6 “In this Act, the term ‘State with a biennial legisla-
7 ture’ means a State the legislature of which meets every
8 other year.

9 **“SEC. 5564. INTENT OF CONGRESS.**

10 “It is the intent of Congress that other than the
11 terms and conditions expressly approved by State law
12 under the terms of this subpart, control over public edu-
13 cation and parental rights to control the education of their
14 children are vested exclusively within the autonomous zone
15 of independent authority reserved to the States and indi-
16 vidual Americans by the United States Constitution, other
17 than the Federal Government’s undiminishable obligation
18 to enforce minimum Federal standards of equal protection
19 and due process.

20 **“PART F—EVALUATIONS**

21 **“SEC. 5601. EVALUATIONS.**

22 “(a) RESERVATION OF FUNDS.—Except as provided
23 in subsections (c) and (d), the Secretary may reserve not
24 more than 0.5 percent of the amount appropriated to
25 carry out each categorical program authorized under this

1 Act. The reserved amounts shall be used by the Secretary,
2 acting through the Director of the Institute of Education
3 Sciences—

4 “(1) to conduct—

5 “(A) comprehensive evaluations of the pro-
6 gram or project; and

7 “(B) studies of the effectiveness of the pro-
8 gram or project and its administrative impact
9 on schools and local educational agencies;

10 “(2) to evaluate the aggregate short- and long-
11 term effects and cost efficiencies across Federal pro-
12 grams assisted or authorized under this Act and re-
13 lated Federal preschool, elementary, and secondary
14 programs under any other Federal law; and

15 “(3) to increase the usefulness of evaluations of
16 grant recipients in order to ensure the continuous
17 progress of the program or project by improving the
18 quality, timeliness, efficiency, and use of information
19 relating to performance under the program or
20 project.

21 “(b) REQUIRED PLAN.—The Secretary, acting
22 through the Director of the Institute of Education
23 Sciences, may use the reserved amount under subsection
24 (a) only after completion of a comprehensive, multi-year
25 plan—

1 “(1) for the periodic evaluation of each of the
2 major categorical programs authorized under this
3 Act, and as resources permit, the smaller categorical
4 programs authorized under this Act;

5 “(2) that shall be developed and implemented
6 with the involvement of other officials at the Depart-
7 ment, as appropriate; and

8 “(3) that shall not be finalized until—

9 “(A) the publication of a notice in the Fed-
10 eral Register seeking public comment on such
11 plan and after review by the Secretary of such
12 comments; and

13 “(B) the plan is submitted for comment to
14 the Committee on Education and the Workforce
15 of the House of Representatives and the Com-
16 mittee on Health, Education, Labor, and Pen-
17 sions of the Senate and after review by the Sec-
18 retary of such comments.

19 “(c) TITLE I EXCLUDED.—The Secretary may not
20 reserve under subsection (a) funds appropriated to carry
21 out any program authorized under title I.

22 “(d) EVALUATION ACTIVITIES AUTHORIZED ELSE-
23 WHERE.—If, under any other provision of this Act (other
24 than title I), funds are authorized to be reserved or used
25 for evaluation activities with respect to a program or

1 project, the Secretary may not reserve additional funds
2 under this section for the evaluation of that program or
3 project.”.

4 (b) TECHNICAL AMENDMENTS.—

5 (1) TITLE IX.—

6 (A) SUBPART 1 OF PART E OF TITLE V.—

7 (i) TRANSFER AND REDESIGNA-
8 TION.—Sections 9504 through 9506 (20
9 U.S.C. 7884, 7885, and 7886) are—

10 (I) transferred to title V, as
11 amended by subsection (a) of this sec-
12 tion;

13 (II) inserted after section 5503
14 of such title; and

15 (III) redesignated as sections
16 5504 through 5506, respectively.

17 (ii) AMENDMENTS.—Section 5504 (as
18 so redesignated) is amended—

19 (I) in subsection (a)(1)(A), by
20 striking “section 9502” and inserting
21 “section 5502”;

22 (II) in subsection (b), by striking
23 “section 9501” and inserting “section
24 5501”; and

1 (III) in subsection (d), by strik-
2 ing “No Child Left Behind Act of
3 2001” and inserting “Student Success
4 Act”.

5 (B) SUBPART 2 OF PART E OF TITLE V.—

6 (i) TRANSFER AND REDESIGNA-
7 TION.—Sections 9531, 9533, and 9534 (20
8 U.S.C. 7911, 7913, and 7914) are—

9 (I) transferred to title V, as
10 amended by subparagraph (A) of this
11 paragraph;

12 (II) inserted after section 5525
13 of such title; and

14 (III) redesignated as sections
15 5526 through 5528, respectively.

16 (ii) AMENDMENTS.—Section 5528 (as
17 so redesignated) is amended—

18 (I) by striking “(a) IN GEN-
19 ERAL.—Nothing” and inserting
20 “Nothing”; and

21 (II) by striking subsection (b).

22 (C) SUBPART 3 OF PART E OF TITLE V.—

23 Sections 9523, 9524, and 9525 (20 U.S.C.
24 7903, 7904, and 7905) are—

- 1 (i) transferred to title V, as amended
2 by subparagraph (B) of this paragraph;
3 (ii) inserted after section 5544 of such
4 title; and
5 (iii) redesignated as sections 5545
6 through 5547, respectively.

7 (2) TITLE IV.—Sections 4141 and 4155 (20
8 U.S.C. 7151 and 7161) are—

- 9 (A) transferred to title V, as amended by
10 paragraph (1) of this subsection;
11 (B) inserted after section 5548 (as so re-
12 designated by paragraph (1)(C)(iii) of this sub-
13 section); and
14 (C) redesignated as sections 5549 and
15 5550, respectively.

16 **SEC. 502. REPEAL.**

17 Title IX (20 U.S.C. 7801 et seq.), as amended by
18 section 501(b)(1) of this title, is repealed.

19 **SEC. 503. OTHER LAWS.**

20 Beginning on the date of the enactment of this Act,
21 any reference in law to the term “highly qualified” as de-
22 fined in section 9101 of the Elementary and Secondary
23 Education Act of 1965 shall be treated as a reference to
24 such term under section 9101 of the Elementary and Sec-

1 onduary Education Act of 1965 as in effect on the day be-
 2 fore the date of the enactment of this Act.

3 **SEC. 504. AMENDMENT TO IDEA.**

4 Section 602 of the Individuals with Disabilities Edu-
 5 cation Act (20 U.S.C. 1401) is amended by striking para-
 6 graph (10).

7 **TITLE VI—THE FEDERAL GOV-
 8 ERNMENT’S TRUST RESPON-
 9 SIBILITY TO AMERICAN IN-
 10 DIAN, ALASKA NATIVE, AND
 11 NATIVE HAWAIIAN EDU-
 12 CATION**

13 **SEC. 601. THE FEDERAL GOVERNMENT’S TRUST RESPONSI-
 14 BILITY TO AMERICAN INDIAN, ALASKA NA-
 15 TIVE, AND NATIVE HAWAIIAN EDUCATION.**

16 Title VI of the Act (20 U.S.C. 7301 et seq.) is
 17 amended to read as follows:

18 “TITLE VI—THE FEDERAL GOVERNMENT’S
 19 TRUST RESPONSIBILITY TO AMERICAN IN-
 20 DIAN, ALASKA NATIVE, AND NATIVE HA-
 21 WAIAN EDUCATION

22 “PART A—INDIAN EDUCATION

23 **“SEC. 6101. STATEMENT OF POLICY.**

24 “It is the policy of the United States to fulfill the
 25 Federal Government’s unique and continuing trust rela-

1 tionship with, and responsibility to, the Indian people for
2 the education of Indian children. The Federal Government
3 will continue to work with local educational agencies, In-
4 dian tribes and organizations, postsecondary institutions,
5 and other entities toward the goal of ensuring that pro-
6 grams that serve Indian children are of the highest quality
7 and provide for not only the basic elementary and sec-
8 ondary educational needs, but also the unique educational
9 and culturally related academic needs of these children.

10 **“SEC. 6102. PURPOSE.**

11 “It is the purpose of this part to support the efforts
12 of local educational agencies, Indian tribes and organiza-
13 tions, postsecondary institutions, and other entities—

14 “(1) to meet the unique educational and cul-
15 turally related academic needs of American Indian
16 and Alaska Native students, so that such students
17 can meet State student academic achievement stand-
18 ards;

19 “(2) to ensure that Indian and Alaskan Native
20 students gain knowledge and understanding of Na-
21 tive communities, languages, tribal histories, tradi-
22 tions, and cultures; and

23 “(3) to ensure that school leaders, teachers, and
24 other staff who serve Indian and Alaska Native stu-

1 dian children eligible under section 6117 who were
2 enrolled in the schools of the agency, and to whom
3 the agency provided free public education, during
4 the preceding fiscal year—

5 “(A) was at least 10; or

6 “(B) constituted not less than 25 percent
7 of the total number of individuals enrolled in
8 the schools of such agency.

9 “(2) EXCLUSION.—The requirement of para-
10 graph (1) shall not apply in Alaska, California, or
11 Oklahoma, or with respect to any local educational
12 agency located on, or in proximity to, an Indian res-
13 ervation.

14 “(c) INDIAN TRIBES, INDIAN ORGANIZATIONS, ALAS-
15 KA NATIVE ORGANIZATIONS, AND CONSORTIA.—

16 “(1) IN GENERAL.—If a local educational agen-
17 cy that is otherwise eligible for a grant under this
18 subpart does not establish a committee under section
19 6114(e)(4) for such grant, an Indian tribe, Indian
20 organization, Alaska Native Organization, or consor-
21 tium of such entities that represents not less than
22 one-third of the eligible Indian or Alaska Native
23 children who are served by such local educational
24 agency may apply for such grant.

25 “(2) SPECIAL RULE.—

1 “(A) IN GENERAL.—The Secretary shall
2 treat each Indian tribe, Indian organization,
3 Alaska Native Organization, or consortium of
4 such entities applying for a grant pursuant to
5 paragraph (1) as if such applicant were a local
6 educational agency for purposes of this subpart.

7 “(B) EXCEPTIONS.—Notwithstanding sub-
8 paragraph (A), such Indian tribe, Indian orga-
9 nization, Alaska Native Organization, or con-
10 sortium of such entities shall not be subject to
11 the requirements of section 6114(c)(5),
12 6118(c), or 6119.

13 “(3) ELIGIBILITY.—If more than 1 applicant
14 qualifies to apply for a grant under paragraph (1),
15 the entity that represents the most eligible Indian
16 and Alaska Native children who are served by the
17 local educational agency shall be eligible to receive
18 the grant or the applicants may apply in consortium
19 and jointly operate a program.

20 “(d) INDIAN AND ALASKA NATIVE COMMUNITY-
21 BASED ORGANIZATIONS.—

22 “(1) IN GENERAL.—If no local educational
23 agency pursuant to subsection (b), and no Indian
24 tribe, tribal organization, Alaska Native Organiza-
25 tion, or consortium pursuant to subsection (c), ap-

1 plies for a grant under this subpart, Indian and
2 Alaska Native community-based organizations serv-
3 ing the community of the local educational agency
4 may apply for the grant.

5 “(2) APPLICABILITY OF SPECIAL RULE.—The
6 Secretary shall apply the special rule in subsection
7 (c)(2) to a community-based organization applying
8 or receiving a grant under paragraph (1) in the
9 same manner as such rule applies to an Indian tribe,
10 Indian organization, Alaska Native Organization, or
11 consortium.

12 “(3) DEFINITION OF INDIAN AND ALASKA NA-
13 TIVE COMMUNITY-BASED ORGANIZATIONS.—In this
14 subsection, the term ‘Indian and Alaska Native com-
15 munity-based organizations’ means any organiza-
16 tions that—

17 “(A) are composed primarily of the family
18 members of Indian or Alaska Native students,
19 Indian or Alaska Native community members,
20 tribal government education officials, and tribal
21 members from a specific community;

22 “(B) assist in the social, cultural, and edu-
23 cational development of Indians or Alaska Na-
24 tives in such community;

1 “(C) meet the unique cultural, language,
2 and academic needs of Indian or Alaska Native
3 students; and

4 “(D) demonstrate organizational and ad-
5 ministrative capacity to effectively manage the
6 grant.

7 **“SEC. 6113. AMOUNT OF GRANTS.**

8 “(a) AMOUNT OF GRANT AWARDS.—

9 “(1) IN GENERAL.—Except as provided in sub-
10 section (b) and paragraph (2), the Secretary shall
11 allocate to each local educational agency that has an
12 approved application under this subpart an amount
13 equal to the product of—

14 “(A) the number of Indian children who
15 are eligible under section 6117 and served by
16 such agency; and

17 “(B) the greater of—

18 “(i) the average per pupil expenditure
19 of the State in which such agency is lo-
20 cated; or

21 “(ii) 80 percent of the average per
22 pupil expenditure of all the States.

23 “(2) REDUCTION.—The Secretary shall reduce
24 the amount of each allocation otherwise determined
25 under this section in accordance with subsection (e).

1 “(b) MINIMUM GRANT.—

2 “(1) IN GENERAL.—Notwithstanding subsection
3 (e), an entity that is eligible for a grant under sec-
4 tion 6112, and a school that is operated or sup-
5 ported by the Bureau of Indian Education that is el-
6 igible for a grant under subsection (d), that submits
7 an application that is approved by the Secretary,
8 shall, subject to appropriations, receive a grant
9 under this subpart in an amount that is not less
10 than \$3,000.

11 “(2) CONSORTIA.—Local educational agencies
12 may form a consortium for the purpose of obtaining
13 grants under this subpart.

14 “(3) INCREASE.—The Secretary may increase
15 the minimum grant under paragraph (1) to not
16 more than \$4,000 for all grantees if the Secretary
17 determines such increase is necessary to ensure the
18 quality of the programs provided.

19 “(c) DEFINITION.—For the purpose of this section,
20 the term ‘average per pupil expenditure’, used with respect
21 to a State, means an amount equal to—

22 “(1) the sum of the aggregate current expendi-
23 tures of all the local educational agencies in the
24 State, plus any direct current expenditures by the
25 State for the operation of such agencies, without re-

1 gard to the sources of funds from which such local
2 or State expenditures were made, during the second
3 fiscal year preceding the fiscal year for which the
4 computation is made; divided by

5 “(2) the aggregate number of children who
6 were included in average daily attendance for whom
7 such agencies provided free public education during
8 such preceding fiscal year.

9 “(d) SCHOOLS OPERATED OR SUPPORTED BY THE
10 BUREAU OF INDIAN EDUCATION.—

11 “(1) IN GENERAL.—Subject to subsection (e),
12 in addition to the grants awarded under subsection
13 (a), the Secretary shall allocate to the Secretary of
14 the Interior an amount equal to the product of—

15 “(A) the total number of Indian children
16 enrolled in schools that are operated by—

17 “(i) the Bureau of Indian Education;

18 or

19 “(ii) an Indian tribe, or an organiza-
20 tion controlled or sanctioned by an Indian
21 tribal government, for the children of that
22 tribe under a contract with, or grant from,
23 the Department of the Interior under the
24 Indian Self-Determination Act or the Trib-
25 ally Controlled Schools Act of 1988; and

1 “(B) the greater of—

2 “(i) the average per pupil expenditure
3 of the State in which the school is located;
4 or

5 “(ii) 80 percent of the average per
6 pupil expenditure of all the States.

7 “(2) SPECIAL RULE.—Any school described in
8 paragraph (1)(A) that wishes to receive an allocation
9 under this subpart shall submit an application in ac-
10 cordance with section 6114, and shall otherwise be
11 treated as a local educational agency for the purpose
12 of this subpart, except that such school shall not be
13 subject to section 6114(c)(5), section 6118(c), or
14 section 6119.

15 “(e) RATABLE REDUCTIONS.—If the sums appro-
16 priated for any fiscal year to carry out this subpart are
17 insufficient to pay in full the amounts determined for local
18 educational agencies under subsection (a)(1) and for the
19 Secretary of the Interior under subsection (d), each of
20 those amounts shall be ratably reduced.

21 **“SEC. 6114. APPLICATIONS.**

22 “(a) APPLICATION REQUIRED.—Each local edu-
23 cational agency that desires to receive a grant under this
24 subpart shall submit an application to the Secretary at

1 such time, in such manner, and containing such informa-
2 tion as the Secretary may reasonably require.

3 “(b) COMPREHENSIVE PROGRAM REQUIRED.—Each
4 application submitted under subsection (a) shall include
5 a description of a comprehensive program for meeting the
6 needs of Indian and Alaska Native children served by the
7 local educational agency, including the language and cul-
8 tural needs of the children, that—

9 “(1) describes how the comprehensive program
10 will offer programs and activities to meet the cul-
11 turally related academic needs of American Indian
12 and Alaska Native students;

13 “(2)(A) is consistent with the State, tribal, and
14 local plans submitted under other provisions of this
15 Act; and

16 “(B) includes academic content and stu-
17 dent academic achievement goals for such chil-
18 dren, and benchmarks for attaining such goals,
19 that are based on State academic content and
20 student academic achievement standards adopt-
21 ed under title I for all children;

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 serve such students;

1 “(4) demonstrates how funds made available
2 under this subpart will be used for activities de-
3 scribed in section 6115;

4 “(5) describes the professional development op-
5 portunities that will be provided, as needed, to en-
6 sure that—

7 “(A) teachers and other school profes-
8 sionals who are new to the Indian or Alaska
9 Native community are prepared to work with
10 Indian and Alaska Native children;

11 “(B) all teachers who will be involved in
12 programs assisted under this subpart have been
13 properly trained to carry out such programs;
14 and

15 “(C) those family members of Indian and
16 Alaska Native children and representatives of
17 tribes who are on the committee described in
18 (c)(5) will participate in the planning of profes-
19 sional development materials;

20 “(6) describes how the local educational agen-
21 cy—

22 “(A) will periodically assess the progress of
23 all Indian children enrolled in the schools of the
24 local educational agency, including Indian chil-
25 dren who do not participate in programs as-

1 sisted under this subpart, in meeting the goals
2 described in paragraph (2);

3 “(B) will provide the results of each as-
4 sessment referred to in subparagraph (A) to—

5 “(i) the committee described in sub-
6 section (c)(5);

7 “(ii) the community served by the
8 local educational agency; and

9 “(iii) the tribes whose children are
10 served by the local educational agency;

11 “(C) is responding to findings of any pre-
12 vious assessments that are similar to the as-
13 sessments described in subparagraph (A); and

14 “(7) explicitly delineates—

15 “(A) a formal, collaborative process that
16 the local educational agency used to directly in-
17 volve tribes, Indian organizations, or Alaska
18 Native Organizations in the development of the
19 comprehensive programs and the results of such
20 process; and

21 “(B) how the local educational agency
22 plans to ensure that tribes, Indian organiza-
23 tions, or Alaska Native Organizations will play
24 an active, meaningful, and ongoing role in the
25 functioning of the comprehensive programs.

1 “(c) ASSURANCES.—Each application submitted
2 under subsection (a) shall include assurances that—

3 “(1) the local educational agency will use funds
4 received under this subpart only to supplement the
5 funds that, in the absence of the Federal funds
6 made available under this subpart, such agency
7 would make available for services described in this
8 subsection, and not to supplant such funds;

9 “(2) the local educational agency will use funds
10 received under this subpart only for activities de-
11 scribed and authorized under this subpart;

12 “(3) the local educational agency will prepare
13 and submit to the Secretary such reports, in such
14 form and containing such information, as the Sec-
15 retary may require to—

16 “(A) carry out the functions of the Sec-
17 retary under this subpart; and

18 “(B) determine the extent to which activi-
19 ties carried out with funds provided to the local
20 educational agency under this subpart are effec-
21 tive in improving the educational achievement
22 of Indian and Alaska Native students served by
23 such agency; and

1 “(C) determine the extent to which such
2 activities address the unique cultural, language,
3 and educational needs of Indian students;

4 “(4) the program for which assistance is
5 sought—

6 “(A) is based on a comprehensive local as-
7 sessment and prioritization of the unique edu-
8 cational and culturally related academic needs
9 of the American Indian and Alaska Native stu-
10 dents for whom the local educational agency is
11 providing an education;

12 “(B) will use the best available talents and
13 resources, including individuals from the Indian
14 or Alaska Native community; and

15 “(C) was developed by such agency in open
16 consultation with the families of Indian or Alas-
17 ka Native children, Indian or Alaska Native
18 teachers, Indian or Alaska Native students
19 from secondary schools, and representatives of
20 tribes, Indian organizations, or Alaska Native
21 Organizations in the community including
22 through public hearings held by such agency to
23 provide to the individuals described in this sub-
24 paragraph a full opportunity to understand the

1 program and to offer recommendations regard-
2 ing the program;

3 “(5) the local educational agency developed the
4 program with the participation and written approval
5 of a committee—

6 “(A) that is composed of, and selected
7 by—

8 “(i) family members of Indian and
9 Alaska Native children that are attending
10 the local educational agency’s schools;

11 “(ii) teachers in the schools; and

12 “(iii) Indian and Alaska Native stu-
13 dents attending secondary schools of the
14 agency;

15 “(B) a majority of whose members are
16 family members of Indian and Alaska Native
17 children that are attending the local educational
18 agency’s schools;

19 “(C) that has set forth such policies and
20 procedures, including policies and procedures
21 relating to the hiring of personnel, as will en-
22 sure that the program for which assistance is
23 sought will be operated and evaluated in con-
24 sultation with, and with the involvement of,

1 parents of the children, and representatives of
2 the area, to be served;

3 “(D) with respect to an application de-
4 scribing a schoolwide program in accordance
5 with section 6115(c), that has—

6 “(i) reviewed in a timely fashion the
7 program;

8 “(ii) determined that the program will
9 not diminish the availability of culturally
10 related activities for American Indian and
11 Alaska Native students; and

12 “(iii) will directly enhance the edu-
13 cational experience of American Indian and
14 Alaska Native students; and

15 “(E) that has adopted reasonable bylaws
16 for the conduct of the activities of the com-
17 mittee and abides by such bylaws; and

18 “(6) the local educational agency conducted
19 adequate outreach to family members to meet the
20 requirements under subsection (c)(5).

21 **“SEC. 6115. AUTHORIZED SERVICES AND ACTIVITIES.**

22 “(a) GENERAL REQUIREMENTS.—Each local edu-
23 cational agency that receives a grant under this subpart
24 shall use the grant funds, in a manner consistent with the

1 purpose specified in section 6111, for services and activi-
2 ties that—

3 “(1) are designed to carry out the comprehen-
4 sive program of the local educational agency for In-
5 dian students, and described in the application of
6 the local educational agency submitted to the Sec-
7 retary under section 6114(a) solely for the services
8 and activities described in such application;

9 “(2) are designed with special regard for the
10 language and cultural needs of the Indian students;
11 and

12 “(3) supplement and enrich the regular school
13 program of such agency.

14 “(b) PARTICULAR ACTIVITIES.—The services and ac-
15 tivities referred to in subsection (a) may include—

16 “(1) activities that support Native American
17 language immersion programs and Native American
18 language restoration programs, which may be taught
19 by traditional leaders;

20 “(2) culturally related activities that support
21 the program described in the application submitted
22 by the local educational agency;

23 “(3) early childhood and family programs that
24 emphasize school readiness;

1 “(4) enrichment programs that focus on prob-
2 lem solving and cognitive skills development and di-
3 rectly support the attainment of challenging State
4 academic content and student academic achievement
5 standards;

6 “(5) integrated educational services in combina-
7 tion with other programs including programs that
8 enhance student achievement by promoting increased
9 involvement of parents and families in school activi-
10 ties;

11 “(6) career preparation activities to enable In-
12 dian students to participate in programs such as the
13 programs supported by the Carl D. Perkins Career
14 and Technical Education Improvement Act of 2006,
15 including programs for tech-prep education, men-
16 toring, and apprenticeship;

17 “(7) activities to educate individuals so as to
18 prevent violence, suicide, and substance abuse;

19 “(8) the acquisition of equipment, but only if
20 the acquisition of the equipment is essential to
21 achieve the purpose described in section 6111;

22 “(9) activities that promote the incorporation of
23 culturally responsive teaching and learning strategies
24 into the educational program of the local educational
25 agency;

1 “(10) activities that incorporate culturally and
2 linguistically relevant curriculum content into class-
3 room instruction that is responsive to the unique
4 learning styles of Indian and Alaska Native children
5 and ensures that children are better able to meet
6 State standards;

7 “(11) family literacy services;

8 “(12) activities that recognize and support the
9 unique cultural and educational needs of Indian chil-
10 dren, and incorporate appropriately qualified tribal
11 elders and seniors;

12 “(13) dropout prevention strategies for Indian
13 and Alaska Native students; and

14 “(14) strategies to meet the educational needs
15 of at-risk Indian students in correctional facilities,
16 including such strategies that support Indian and
17 Alaska Native students who are transitioning from
18 such facilities to schools served by local educational
19 agencies.

20 “(c) SCHOOLWIDE PROGRAMS.—Notwithstanding
21 any other provision of law, a local educational agency may
22 use funds made available to such agency under this sub-
23 part to support a schoolwide program under section 1114
24 if—

1 “(1) the committee established pursuant to sec-
2 tion 6114(c)(5) approves the use of the funds for
3 the schoolwide program;

4 “(2) the schoolwide program is consistent with
5 the purpose described in section 6111; and

6 “(3) the local educational agency identifies in
7 its application how the use of such funds in a
8 schoolwide program will produce benefits to the
9 American Indian and Alaska Native students that
10 would not be achieved if the funds were not used in
11 a schoolwide program.

12 “(d) **LIMITATION ON ADMINISTRATIVE COSTS.**—Not
13 more than 5 percent of the funds provided to a grantee
14 under this subpart for any fiscal year may be used for
15 administrative purposes.

16 “(e) **LIMITATION ON THE USE OF FUNDS.**—Funds
17 provided to a grantee under this subpart may not be used
18 for long-distance travel expenses for training activities
19 available locally or regionally.

20 **“SEC. 6116. INTEGRATION OF SERVICES AUTHORIZED.**

21 “(a) **PLAN.**—An entity receiving funds under this
22 subpart may submit a plan to the Secretary for the inte-
23 gration of education and related services provided to In-
24 dian students.

1 “(b) CONSOLIDATION OF PROGRAMS.—Upon the re-
2 ceipt of an acceptable plan under subsection (a), the Sec-
3 retary, in cooperation with each Federal agency providing
4 grants for the provision of education and related services
5 to the entity, shall authorize the entity to consolidate, in
6 accordance with such plan, the federally funded education
7 and related services programs of the entity and the Fed-
8 eral programs, or portions of the programs, serving Indian
9 students in a manner that integrates the program services
10 involved into a single, coordinated, comprehensive pro-
11 gram and reduces administrative costs by consolidating
12 administrative functions.

13 “(c) PROGRAMS AFFECTED.—The funds that may be
14 consolidated in a demonstration project under any such
15 plan referred to in subsection (a) shall include funds for
16 any Federal program exclusively serving Indian children,
17 or the funds reserved under any Federal program to exclu-
18 sively serve Indian children, under which the entity is eligi-
19 ble for receipt of funds under a statutory or administrative
20 formula for the purposes of providing education and re-
21 lated services that would be used to serve Indian students.

22 “(d) PLAN REQUIREMENTS.—For a plan to be ac-
23 ceptable pursuant to subsection (b), the plan shall—

24 “(1) identify the programs or funding sources
25 to be consolidated;

1 “(2) be consistent with the objectives of this
2 section concerning authorizing the services to be in-
3 tegrated in a demonstration project;

4 “(3) describe a comprehensive strategy that
5 identifies the full range of potential educational op-
6 portunities and related services to be provided to as-
7 sist Indian students to achieve the objectives set
8 forth in this subpart;

9 “(4) describe the way in which services are to
10 be integrated and delivered and the results expected
11 from the plan;

12 “(5) identify the projected expenditures under
13 the plan in a single budget;

14 “(6) identify the State, tribal, or local agency
15 or agencies to be involved in the delivery of the serv-
16 ices integrated under the plan;

17 “(7) identify any statutory provisions, regula-
18 tions, policies, or procedures that the entity believes
19 need to be waived in order to implement the plan;

20 “(8) set forth measures for academic content
21 and student academic achievement goals designed to
22 be met within a specific period of time; and

23 “(9) be approved by a committee formed in ac-
24 cordance with section 6114(c)(5), if such a com-
25 mittee exists.

1 “(e) PLAN REVIEW.—Upon receipt of the plan from
2 an eligible entity, the Secretary shall consult with the Sec-
3 retary of each Federal department providing funds to be
4 used to implement the plan, and with the entity submit-
5 ting the plan. The parties so consulting shall identify any
6 waivers of statutory requirements or of Federal depart-
7 mental regulations, policies, or procedures necessary to en-
8 able the entity to implement the plan. Notwithstanding
9 any other provision of law, the Secretary of the affected
10 department shall have the authority to waive any regula-
11 tion, policy, or procedure promulgated by that department
12 that has been so identified by the entity or department,
13 unless the Secretary of the affected department deter-
14 mines that such a waiver is inconsistent with the objectives
15 of this subpart or those provisions of the statute from
16 which the program involved derives authority that are spe-
17 cifically applicable to Indian students.

18 “(f) PLAN APPROVAL.—Within 90 days after the re-
19 ceipt of an entity’s plan by the Secretary, the Secretary
20 shall inform the entity, in writing, of the Secretary’s ap-
21 proval or disapproval of the plan. If the plan is dis-
22 approved, the entity shall be informed, in writing, of the
23 reasons for the disapproval and shall be given an oppor-
24 tunity to amend the plan or to petition the Secretary to
25 reconsider such disapproval.

1 “(g) RESPONSIBILITIES OF DEPARTMENT OF EDU-
2 CATION.—Not later than 180 days after the date of enact-
3 ment of the Student Success Act of 2013, the Secretary
4 of Education, the Secretary of the Interior, the Secretary
5 of the Department of Health and Human Services, and
6 the head of any other Federal department or agency iden-
7 tified by the Secretary of Education, shall enter into an
8 interdepartmental memorandum of agreement providing
9 for the implementation and coordination of the demonstra-
10 tion projects authorized under this section. The lead agen-
11 cy head for a demonstration project under this section
12 shall be—

13 “(1) the Secretary of the Interior, in the case
14 of an entity meeting the definition of a contract or
15 grant school under title XI of the Education Amend-
16 ments of 1978; or

17 “(2) the Secretary of Education, in the case of
18 any other entity.

19 “(h) RESPONSIBILITIES OF LEAD AGENCY.—The re-
20 sponsibilities of the lead agency shall include—

21 “(1) the use of a single report format related
22 to the plan for the individual project, which shall be
23 used by an eligible entity to report on the activities
24 undertaken under the project;

1 “(2) the use of a single report format related
2 to the projected expenditures for the individual
3 project which shall be used by an eligible entity to
4 report on all project expenditures;

5 “(3) the development of a single system of Fed-
6 eral oversight for the project, which shall be imple-
7 mented by the lead agency; and

8 “(4) the provision of technical assistance to an
9 eligible entity appropriate to the project, except that
10 an eligible entity shall have the authority to accept
11 or reject the plan for providing such technical assist-
12 ance and the technical assistance provider.

13 “(i) REPORT REQUIREMENTS.—A single report for-
14 mat shall be developed by the Secretary, consistent with
15 the requirements of this section. Such report format shall
16 require that reports described in subsection (h), together
17 with records maintained on the consolidated program at
18 the local level, shall contain such information as will allow
19 a determination that the eligible entity has complied with
20 the requirements incorporated in its approved plan, in-
21 cluding making a demonstration of student academic
22 achievement, and will provide assurances to each Sec-
23 retary that the eligible entity has complied with all directly
24 applicable statutory requirements and with those directly

1 applicable regulatory requirements that have not been
2 waived.

3 “(j) NO REDUCTION IN AMOUNTS.—In no case shall
4 the amount of Federal funds available to an eligible entity
5 involved in any demonstration project be reduced as a re-
6 sult of the enactment of this section.

7 “(k) INTERAGENCY FUND TRANSFERS AUTHOR-
8 IZED.—The Secretary is authorized to take such action
9 as may be necessary to provide for an interagency transfer
10 of funds otherwise available to an eligible entity in order
11 to further the objectives of this section.

12 “(l) ADMINISTRATION OF FUNDS.—

13 “(1) IN GENERAL.—Program funds for the con-
14 solidated programs shall be administered in such a
15 manner as to allow for a determination that funds
16 from a specific program are spent on allowable ac-
17 tivities authorized under such program, except that
18 the eligible entity shall determine the proportion of
19 the funds granted that shall be allocated to such
20 program.

21 “(2) SEPARATE RECORDS NOT REQUIRED.—
22 Nothing in this section shall be construed as requir-
23 ing the eligible entity to maintain separate records
24 tracing any services or activities conducted under
25 the approved plan to the individual programs under

1 which funds were authorized for the services or ac-
2 tivities, nor shall the eligible entity be required to al-
3 locate expenditures among such individual programs.

4 “(m) OVERAGE.—The eligible entity may commingle
5 all administrative funds from the consolidated programs
6 and shall be entitled to the full amount of such funds
7 (under each program’s or agency’s regulations). The over-
8 age (defined as the difference between the amount of the
9 commingled funds and the actual administrative cost of
10 the programs) shall be considered to be properly spent for
11 Federal audit purposes, if the overage is used for the pur-
12 poses provided for under this section.

13 “(n) FISCAL ACCOUNTABILITY.—Nothing in this
14 part shall be construed so as to interfere with the ability
15 of the Secretary or the lead agency to fulfill the respon-
16 sibilities for the safeguarding of Federal funds pursuant
17 to chapter 75 of title 31, United States Code.

18 “(o) REPORT ON STATUTORY OBSTACLES TO PRO-
19 GRAM INTEGRATION.—

20 “(1) PRELIMINARY REPORT.—Not later than 2
21 years after the date of enactment of the Student
22 Success Act of 2013, the Secretary of Education
23 shall submit a preliminary report to the Committee
24 on Education and the Workforce and the Committee
25 on Natural Resources of the House of Representa-

1 tives and the Committee on Health, Education,
2 Labor, and Pensions and the Committee on Indian
3 Affairs of the Senate on the status of the implemen-
4 tation of the demonstration projects authorized
5 under this section.

6 “(2) FINAL REPORT.—Not later than 5 years
7 after the date of enactment of the Student Success
8 Act of 2013, the Secretary of Education shall sub-
9 mit a report to the Committee on Education and the
10 Workforce and the Committee on Natural Resources
11 of the House of Representatives and the Committee
12 on Health, Education, Labor, and Pensions and the
13 Committee on Indian Affairs of the Senate on the
14 results of the implementation of the demonstration
15 projects authorized under this section. Such report
16 shall identify statutory barriers to the ability of par-
17 ticipants to integrate more effectively their education
18 and related services to Indian students in a manner
19 consistent with the objectives of this section.

20 “(p) DEFINITIONS.—For the purposes of this section,
21 the term ‘Secretary’ means—

22 “(1) the Secretary of the Interior, in the case
23 of an entity meeting the definition of a contract or
24 grant school under title XI of the Education Amend-
25 ments of 1978; or

1 “(2) the Secretary of Education, in the case of
2 any other entity.

3 **“SEC. 6117. STUDENT ELIGIBILITY FORMS.**

4 “(a) IN GENERAL.—The Secretary shall require that,
5 as part of an application for a grant under this subpart,
6 each applicant shall maintain a file, with respect to each
7 Indian child for whom the local educational agency pro-
8 vides a free public education, that contains a form that
9 sets forth information establishing the status of the child
10 as an Indian child eligible for assistance under this sub-
11 part, and that otherwise meets the requirements of sub-
12 section (b).

13 “(b) FORMS.—The form described in subsection (a)
14 shall include—

15 “(1) either—

16 “(A)(i) the name of the tribe or band of
17 Indians (as defined in section 6151) with re-
18 spect to which the child claims membership;

19 “(ii) the enrollment or membership number
20 establishing the membership of the child (if
21 readily available); and

22 “(iii) the name and address of the organi-
23 zation that maintains updated and accurate
24 membership data for such tribe or band of Indi-
25 ans; or

1 “(B) the name, the enrollment or member-
2 ship number (if readily available), and the name
3 and address of the organization responsible for
4 maintaining updated and accurate membership
5 data, of any parent or grandparent of the child
6 from whom the child claims eligibility under
7 this subpart, if the child is not a member of the
8 tribe or band of Indians (as so defined);

9 “(2) a statement of whether the tribe or band
10 of Indians (as so defined), with respect to which the
11 child, or parent or grandparent of the child, claims
12 membership, is federally recognized;

13 “(3) the name and address of the parent or
14 legal guardian of the child;

15 “(4) a signature of the parent or legal guardian
16 of the child that verifies the accuracy of the informa-
17 tion supplied; and

18 “(5) any other information that the Secretary
19 considers necessary to provide an accurate program
20 profile.

21 “(c) STATUTORY CONSTRUCTION.—Nothing in this
22 section shall be construed to affect a definition contained
23 in section 6151.

24 “(d) DOCUMENTATION AND TYPES OF PROOF.—

1 “(1) TYPES OF PROOF.—For purposes of deter-
2 mining whether a child is eligible to be counted for
3 the purpose of computing the amount of a grant
4 award under section 6113, the membership of the
5 child, or any parent or grandparent of the child, in
6 a tribe or band of Indians (as so defined) may be
7 established by proof other than an enrollment num-
8 ber, notwithstanding the availability of an enroll-
9 ment number for a member of such tribe or band.
10 Nothing in subsection (b) shall be construed to re-
11 quire the furnishing of an enrollment number.

12 “(2) NO NEW OR DUPLICATIVE DETERMINA-
13 TIONS.—Once a child is determined to be an Indian
14 eligible to be counted for such grant award, the local
15 education agency shall maintain a record of such de-
16 termination and shall not require a new or duplicate
17 determination to be made for such child for a subse-
18 quent application for a grant under this subpart.

19 “(3) PREVIOUSLY FILED FORMS.—An Indian
20 student eligibility form that was on file as required
21 by this section on the day before the date of enact-
22 ment of the Student Success Act of 2013 and that
23 met the requirements of this section, as this section
24 was in effect on the day before the date of enact-

1 ment of such Act, shall remain valid for such Indian
2 student.

3 “(e) MONITORING AND EVALUATION REVIEW.—

4 “(1) IN GENERAL.—

5 “(A) REVIEW.—For each fiscal year, in
6 order to provide such information as is nec-
7 essary to carry out the responsibility of the Sec-
8 retary to provide technical assistance under this
9 subpart, the Secretary shall conduct a moni-
10 toring and evaluation review of a sampling of
11 the recipients of grants under this subpart. The
12 sampling conducted under this subparagraph
13 shall take into account the size of and the geo-
14 graphic location of each local educational agen-
15 cy.

16 “(B) EXCEPTION.—A local educational
17 agency may not be held liable to the United
18 States or be subject to any penalty, by reason
19 of the findings of an audit that relates to the
20 date of completion, or the date of submission,
21 of any forms used to establish, before April 28,
22 1988, the eligibility of a child for an entitle-
23 ment under the Indian Elementary and Sec-
24 ondary School Assistance Act.

1 “(2) FALSE INFORMATION.—Any local edu-
2 cational agency that provides false information in an
3 application for a grant under this subpart shall—

4 “(A) be ineligible to apply for any other
5 grant under this subpart; and

6 “(B) be liable to the United States for any
7 funds from the grant that have not been ex-
8 pended.

9 “(3) EXCLUDED CHILDREN.—A student who
10 provides false information for the form required
11 under subsection (a) shall not be counted for the
12 purpose of computing the amount of a grant under
13 section 6113.

14 “(f) TRIBAL GRANT AND CONTRACT SCHOOLS.—
15 Notwithstanding any other provision of this section, in cal-
16 culating the amount of a grant under this subpart to a
17 tribal school that receives a grant or contract from the
18 Bureau of Indian Education, the Secretary shall use only
19 one of the following, as selected by the school:

20 “(1) A count of the number of students in the
21 schools certified by the Bureau.

22 “(2) A count of the number of students for
23 whom the school has eligibility forms that comply
24 with this section.

1 “(g) TIMING OF CHILD COUNTS.—For purposes of
2 determining the number of children to be counted in calcu-
3 lating the amount of a local educational agency’s grant
4 under this subpart (other than in the case described in
5 subsection (f)(1)), the local educational agency shall—

6 “(1) establish a date on, or a period not longer
7 than 31 consecutive days during, which the agency
8 counts those children, if that date or period occurs
9 before the deadline established by the Secretary for
10 submitting an application under section 6114; and

11 “(2) determine that each such child was en-
12 rolled, and receiving a free public education, in a
13 school of the agency on that date or during that pe-
14 riod, as the case may be.

15 **“SEC. 6118. PAYMENTS.**

16 “(a) IN GENERAL.—Subject to subsections (b) and
17 (c), the Secretary shall pay to each local educational agen-
18 cy that submits an application that is approved by the Sec-
19 retary under this subpart the amount determined under
20 section 6113. The Secretary shall notify the local edu-
21 cational agency of the amount of the payment not later
22 than June 1 of the year for which the Secretary makes
23 the payment.

24 “(b) PAYMENTS TAKEN INTO ACCOUNT BY THE
25 STATE.—The Secretary may not make a grant under this

1 subpart to a local educational agency for a fiscal year if,
2 for such fiscal year, the State in which the local edu-
3 cational agency is located takes into consideration pay-
4 ments made under this chapter in determining the eligi-
5 bility of the local educational agency for State aid, or the
6 amount of the State aid, with respect to the free public
7 education of children during such fiscal year or the pre-
8 ceding fiscal year.

9 “(c) REDUCTION OF PAYMENT FOR FAILURE TO
10 MAINTAIN FISCAL EFFORT.—

11 “(1) IN GENERAL.—The Secretary may not pay
12 a local educational agency the full amount of a grant
13 award determined under section 6113 for any fiscal
14 year unless the State educational agency notifies the
15 Secretary, and the Secretary determines, that with
16 respect to the provision of free public education by
17 the local educational agency for the preceding fiscal
18 year, the combined fiscal effort of the local edu-
19 cational agency and the State, computed on either a
20 per student or aggregate expenditure basis, was not
21 less than 90 percent of the amount of the combined
22 fiscal effort, computed on the same basis, for the
23 second preceding fiscal year.

24 “(2) FAILURE TO MAINTAIN EFFORT.—If, for
25 the preceding fiscal year, the Secretary determines

1 that a local educational agency and State failed to
2 maintain the combined fiscal effort for such agency
3 at the level specified in paragraph (1), the Secretary
4 shall—

5 “(A) reduce the amount of the grant that
6 would otherwise be made to such agency under
7 this subpart in the exact proportion of the fail-
8 ure to maintain the fiscal effort at such level;
9 and

10 “(B) not use the reduced amount of the
11 agency and State expenditures for the pre-
12 ceding year to determine compliance with para-
13 graph (1) for any succeeding fiscal year, but
14 shall use the amount of expenditures that would
15 have been required to comply with paragraph
16 (1).

17 “(3) WAIVER.—

18 “(A) IN GENERAL.—The Secretary may
19 waive the requirement of paragraph (1) for a
20 local educational agency, for not more than 1
21 year at a time, if the Secretary determines that
22 the failure to comply with such requirement is
23 due to exceptional or uncontrollable cir-
24 cumstances, such as a natural disaster or a pre-

1 cipitous and unforeseen decline in the agency’s
2 financial resources.

3 “(B) FUTURE DETERMINATIONS.—The
4 Secretary shall not use the reduced amount of
5 the agency’s expenditures for the fiscal year
6 preceding the fiscal year for which a waiver is
7 granted to determine compliance with para-
8 graph (1) for any succeeding fiscal year, but
9 shall use the amount of expenditures that would
10 have been required to comply with paragraph
11 (1) in the absence of the waiver.

12 “(d) REALLOCATIONS.—The Secretary may reallo-
13 cate, in a manner that the Secretary determines will best
14 carry out the purpose of this subpart, any amounts that—

15 “(1) based on estimates made by local edu-
16 cational agencies or other information, the Secretary
17 determines will not be needed by such agencies to
18 carry out approved programs under this subpart; or

19 “(2) otherwise become available for reallocation
20 under this subpart.

21 **“SEC. 6119. STATE EDUCATIONAL AGENCY REVIEW.**

22 “Before submitting an application to the Secretary
23 under section 6114, a local educational agency shall sub-
24 mit the application to the State educational agency, which
25 may comment on such application. If the State educational

1 agency comments on the application, the agency shall com-
2 ment on all applications submitted by local educational
3 agencies in the State and shall provide those comments
4 to the respective local educational agencies, with an oppor-
5 tunity to respond.

6 “SUBPART 2—SPECIAL PROGRAMS AND PROJECTS TO
7 IMPROVE EDUCATIONAL OPPORTUNITIES FOR IN-
8 DIAN CHILDREN AND YOUTH

9 “**SEC. 6121. SPECIAL PROGRAMS AND PROJECTS TO IM-
10 PROVE EDUCATIONAL OPPORTUNITIES FOR
11 INDIAN CHILDREN AND YOUTH.**

12 “(a) PURPOSE.—

13 “(1) IN GENERAL.—It is the purpose of this
14 section to support projects to develop, test, and dem-
15 onstrate the effectiveness of services and programs
16 to improve educational opportunities and achieve-
17 ment of Indian children and youth.

18 “(2) COORDINATION.—The Secretary shall take
19 the necessary actions to achieve the coordination of
20 activities assisted under this subpart with—

21 “(A) other programs funded under this
22 Act; and

23 “(B) other Federal programs operated for
24 the benefit of American Indian and Alaska Na-
25 tive children and youth.

1 “(b) ELIGIBLE ENTITIES.—In this section, the term
2 ‘eligible entity’ means a State educational agency, local
3 educational agency, Indian tribe, Indian organization, fed-
4 erally supported elementary school or secondary school for
5 Indian students, Indian institution (including an Indian
6 institution of higher education), Alaska Native Organiza-
7 tion, or a consortium of such entities.

8 “(c) GRANTS AUTHORIZED.—

9 “(1) IN GENERAL.—The Secretary shall award
10 grants to eligible entities to enable such entities to
11 carry out activities that meet the purpose of this
12 section, including—

13 “(A) innovative programs related to the
14 educational needs of educationally disadvan-
15 taged children and youth;

16 “(B) educational services that are not
17 available to such children and youth in suffi-
18 cient quantity or quality, including remedial in-
19 struction, to raise the achievement of Indian
20 and Alaska Native children in one or more of
21 the core academic subjects of English, mathe-
22 matics, science, foreign languages, art, history,
23 and geography;

24 “(C) bilingual and bicultural programs and
25 projects;

1 “(D) special health and nutrition services,
2 and other related activities, that address the
3 special health, social, emotional, and psycho-
4 logical problems of Indian children;

5 “(E) special compensatory and other pro-
6 grams and projects designed to assist and en-
7 courage Indian children to enter, remain in, or
8 reenter school, and to increase the rate of high
9 school graduation for Indian children;

10 “(F) comprehensive guidance, counseling,
11 and testing services;

12 “(G) high quality early childhood education
13 programs that are effective in preparing young
14 children to make sufficient academic growth by
15 the end of grade 3, including kindergarten and
16 pre-kindergarten programs, family-based pre-
17 school programs that emphasize school readi-
18 ness, screening and referral, and the provision
19 of services to Indian children and youth with
20 disabilities;

21 “(H) partnership projects between local
22 educational agencies and institutions of higher
23 education that allow secondary school students
24 to enroll in courses at the postsecondary level to

1 aid such students in the transition from sec-
2 ondary to postsecondary education;

3 “(I) partnership projects between schools
4 and local businesses for career preparation pro-
5 grams designed to provide Indian youth with
6 the knowledge and skills such youth need to
7 make an effective transition from school to a
8 high-skill, high-wage career;

9 “(J) programs designed to encourage and
10 assist Indian students to work toward, and gain
11 entrance into, an institution of higher edu-
12 cation;

13 “(K) family literacy services;

14 “(L) activities that recognize and support
15 the unique cultural and educational needs of In-
16 dian children, and incorporate appropriately
17 qualified tribal elders and seniors;

18 “(M) high quality professional development
19 of teaching professionals and paraprofessionals;
20 or

21 “(N) other services that meet the purpose
22 described in this section.

23 “(d) GRANT REQUIREMENTS AND APPLICATIONS.—

24 “(1) GRANT REQUIREMENTS.—

1 “(A) IN GENERAL.—The Secretary may
2 make multiyear grants under subsection (c) for
3 the planning, development, pilot operation, or
4 demonstration of any activity described in sub-
5 section (c) for a period not to exceed 5 years.

6 “(B) PRIORITY.—In making multiyear
7 grants described in this paragraph, the Sec-
8 retary shall give priority to entities submitting
9 applications that present a plan for combining
10 two or more of the activities described in sub-
11 section (c) over a period of more than 1 year.

12 “(C) PROGRESS.—The Secretary shall
13 make a grant payment for a grant described in
14 this paragraph to an eligible entity after the
15 initial year of the multiyear grant only if the
16 Secretary determines that the eligible entity has
17 made substantial progress in carrying out the
18 activities assisted under the grant in accordance
19 with the application submitted under paragraph
20 (3) and any subsequent modifications to such
21 application.

22 “(2) DISSEMINATION GRANTS.—

23 “(A) IN GENERAL.—In addition to award-
24 ing the multiyear grants described in paragraph
25 (1), the Secretary may award grants under sub-

1 section (c) to eligible entities for the dissemina-
2 tion of exemplary materials or programs as-
3 sisted under this section.

4 “(B) DETERMINATION.—The Secretary
5 may award a dissemination grant described in
6 this paragraph if, prior to awarding the grant,
7 the Secretary determines that the material or
8 program to be disseminated—

9 “(i) has been adequately reviewed;

10 “(ii) has demonstrated educational
11 merit; and

12 “(iii) can be replicated.

13 “(3) APPLICATION.—

14 “(A) IN GENERAL.—Any eligible entity
15 that desires to receive a grant under this sec-
16 tion shall submit an application to the Sec-
17 retary at such time and in such manner as the
18 Secretary may reasonably require.

19 “(B) CONTENTS.—Each application sub-
20 mitted to the Secretary under subparagraph
21 (A), other than an application for a dissemina-
22 tion grant under paragraph (2), shall contain—

23 “(i) a description of how parents of
24 Indian children and representatives of In-
25 dian tribes have been, and will be, involved

1 in developing and implementing the activi-
2 ties for which assistance is sought;

3 “(ii) assurances that the applicant will
4 participate, at the request of the Secretary,
5 in any national evaluation of activities as-
6 sisted under this section;

7 “(iii) information demonstrating that
8 the proposed program for the activities is
9 a scientifically based research program,
10 where applicable, which may include a pro-
11 gram that has been modified to be cul-
12 turally appropriate for students who will be
13 served;

14 “(iv) a description of how the appli-
15 cant will incorporate the proposed activities
16 into the ongoing school program involved
17 once the grant period is over; and

18 “(v) such other assurances and infor-
19 mation as the Secretary may reasonably
20 require.

21 “(e) ADMINISTRATIVE COSTS.—Not more than 5 per-
22 cent of the funds provided to a grantee under this subpart
23 for any fiscal year may be used for administrative pur-
24 poses.

1 **“SEC. 6122. PROFESSIONAL DEVELOPMENT FOR TEACHERS**
2 **AND EDUCATION PROFESSIONALS.**

3 “(a) **PURPOSES.**—The purposes of this section are—

4 “(1) to increase the number of qualified Indian
5 and Alaska Native teachers and administrators serv-
6 ing Indian and Alaska Native students;

7 “(2) to provide training to qualified Indian and
8 Alaska Native individuals to become educators and
9 education support service professionals; and

10 “(3) to improve the skills of qualified Indian in-
11 dividuals who serve in the capacities described in
12 paragraph (2).

13 “(b) **ELIGIBLE ENTITIES.**—For the purpose of this
14 section, the term ‘eligible entity’ means—

15 “(1) an institution of higher education, includ-
16 ing an Indian institution of higher education;

17 “(2) a State educational agency or local edu-
18 cational agency, in consortium with an institution of
19 higher education;

20 “(3) an Indian tribe or organization, in consor-
21 tium with an institution of higher education; and

22 “(4) a Bureau-funded school (as defined in sec-
23 tion 1146 of the Education Amendments of 1978).

24 “(c) **PROGRAM AUTHORIZED.**—The Secretary is au-
25 thorized to award grants to eligible entities having applica-

1 tions approved under this section to enable those entities
2 to carry out the activities described in subsection (d).

3 “(d) AUTHORIZED ACTIVITIES.—

4 “(1) IN GENERAL.—Grant funds under this sec-
5 tion shall be used for activities to provide support
6 and training for Indian individuals in a manner con-
7 sistent with the purposes of this section. Such activi-
8 ties may include continuing programs, symposia,
9 workshops, conferences, and direct financial support,
10 and may include programs designed to train tribal
11 elders and seniors.

12 “(2) SPECIAL RULES.—

13 “(A) TYPE OF TRAINING.—For education
14 personnel, the training received pursuant to a
15 grant under this section may be inservice or
16 preservice training.

17 “(B) PROGRAM.—For individuals who are
18 being trained to enter any field other than
19 teaching, the training received pursuant to a
20 grant under this section shall be in a program
21 that results in a graduate degree.

22 “(e) APPLICATION.—Each eligible entity desiring a
23 grant under this section shall submit an application to the
24 Secretary at such time, in such manner, and accompanied

1 by such information, as the Secretary may reasonably re-
2 quire. At a minimum

3 “(f) SPECIAL RULE.—In awarding grants under this
4 section, the Secretary—

5 “(1) shall consider the prior performance of the
6 eligible entity; and

7 “(2) may not limit eligibility to receive a grant
8 under this section on the basis of—

9 “(A) the number of previous grants the
10 Secretary has awarded such entity; or

11 “(B) the length of any period during which
12 such entity received such grants.

13 “(g) GRANT PERIOD.—Each grant under this section
14 shall be awarded for a period of not more than 5 years.

15 “(h) SERVICE OBLIGATION.—

16 “(1) IN GENERAL.—The Secretary shall re-
17 quire, by regulation, that an individual who receives
18 training pursuant to a grant made under this sec-
19 tion—

20 “(A) perform work—

21 “(i) related to the training received
22 under this section; and

23 “(ii) that benefits Indian people; or

24 “(B) repay all or a prorated part of the as-
25 sistance received.

1 “(2) REPORTING.—The Secretary shall estab-
2 lish, by regulation, a reporting procedure under
3 which a grant recipient under this section shall, not
4 later than 12 months after the date of completion of
5 the training, and periodically thereafter, provide in-
6 formation concerning compliance with the work re-
7 quirement under paragraph (1).

8 **“SEC. 6123. TRIBAL EDUCATION AGENCIES COOPERATIVE**
9 **AGREEMENTS.**

10 “(a) PURPOSE.—Tribes may enter into written coop-
11 erative agreements with the State educational agency and
12 the local educational agencies operating a school or schools
13 within Indian lands. For purposes of this section, the term
14 ‘Indian land’ has the meaning given that term in section
15 8013.

16 “(b) COOPERATIVE AGREEMENT.—If requested by
17 the Indian tribe, the State educational agency or the local
18 educational agency may enter into a cooperative agree-
19 ment with the Indian tribe. Such cooperative agreement—

20 “(1) may authorize the tribe or such tribe’s re-
21 spective tribal education agency to plan, conduct,
22 consolidate, and administer programs, services, func-
23 tions, and activities, or portions thereof, adminis-
24 tered by the State educational agency or the local
25 educational agency;

1 “(2) may authorize the tribe or such tribe’s re-
2 spective tribal education agency to reallocate funds
3 for such programs, services, functions, and activities,
4 or portions thereof as necessary; and

5 “(3) shall—

6 “(A) only confer the tribe or such tribe’s
7 respective tribal education agency with respon-
8 sibilities to conduct activities described in para-
9 graph (1) such that the burden assumed by the
10 tribe or the tribal education agency for con-
11 ducting such is commensurate with the benefit
12 that doing so conveys to all parties of the agree-
13 ment; and

14 “(B) be based solely on terms of the writ-
15 ten agreement decided upon by the Indian tribe
16 and the State educational agency or local edu-
17 cation agency.

18 “(c) DISAGREEMENT.—Agreements shall only be
19 valid if the Indian tribe and State educational agency or
20 local educational agency agree fully in writing to all of
21 the terms of the written cooperative agreement.

22 “(d) COMPLIANCE WITH APPLICABLE LAW.—Noth-
23 ing in this section shall be construed to relieve any party
24 to a cooperative agreement from complying with all appli-
25 cable Federal, State, local laws. State and local edu-

1 cational agencies are still the ultimate responsible, liable
2 parties for complying with all laws and funding require-
3 ments for any functions that are conveyed to tribes and
4 tribal education agencies through the cooperative agree-
5 ments.

6 “(e) DEFINITION.—For the purposes of this subpart,
7 the term ‘Indian Tribe’ means any tribe or band that is
8 officially recognized by the Secretary of the Interior.

9 “SUBPART 3—NATIONAL ACTIVITIES

10 “SEC. 6131. NATIONAL RESEARCH ACTIVITIES.

11 “(a) AUTHORIZED ACTIVITIES.—The Secretary may
12 use funds made available to carry out this subpart for each
13 fiscal year to—

14 “(1) conduct research related to effective ap-
15 proaches for improving the academic achievement
16 and development of Indian and Alaska Native chil-
17 dren and adults;

18 “(2) collect and analyze data on the educational
19 status and needs of Indian and Alaska Native stu-
20 dents; and

21 “(3) carry out other activities that are con-
22 sistent with the purpose of this part.

23 “(b) ELIGIBILITY.—The Secretary may carry out any
24 of the activities described in subsection (a) directly or
25 through grants to, or contracts or cooperative agreements

1 with, Indian tribes, Indian organizations, State edu-
2 cational agencies, local educational agencies, institutions
3 of higher education, including Indian institutions of higher
4 education, and other public and private agencies and insti-
5 tutions.

6 “(c) COORDINATION.—Research activities supported
7 under this section—

8 “(1) shall be coordinated with appropriate of-
9 fices within the Department; and

10 “(2) may include collaborative research activi-
11 ties that are jointly funded and carried out by the
12 Office of Indian Education Programs, the Office of
13 Educational Research and Improvement, the Bureau
14 of Indian Education, and the Institute of Education
15 Sciences.

16 **“SEC. 6132. IMPROVEMENT OF ACADEMIC SUCCESS FOR**
17 **STUDENTS THROUGH NATIVE AMERICAN**
18 **LANGUAGE.**

19 “(a) PURPOSE.—It is the purpose of this section to
20 improve educational opportunities and academic achieve-
21 ment of Indian and Alaska Native students through Na-
22 tive American language programs and to foster the acqui-
23 sition of Native American language.

24 “(b) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
25 tion, the term ‘eligible entity’ means a State educational

1 agency, local educational agency, Indian tribe, Indian or-
2 ganization, federally supported elementary school or sec-
3 ondary school for Indian students, Indian institution (in-
4 cluding an Indian institution of higher education), or a
5 consortium of such entities.

6 “(c) GRANTS AUTHORIZED.—The Secretary shall
7 award grants to eligible entities to enable such entities to
8 carry out the following activities:

9 “(1) Native American language programs
10 that—

11 “(A) provide instruction through the use of
12 a Native American language for not less than
13 10 children for an average of not less than 500
14 hours per year per student;

15 “(B) provide for the involvement of par-
16 ents, caregivers, and families of students en-
17 rolled in the program;

18 “(C) utilize, and may include the develop-
19 ment of, instructional courses and materials for
20 learning Native American languages and for in-
21 struction through the use of Native American
22 languages;

23 “(D) provide support for professional de-
24 velopment activities; and

1 “(E) include a goal of all students achiev-
2 ing—

3 “(i) fluency in a Native American lan-
4 guage; and

5 “(ii) academic proficiency in mathe-
6 matics, English, reading or language arts,
7 and science.

8 “(2) Native American language restoration pro-
9 grams that—

10 “(A) provide instruction in not less than 1
11 Native American language;

12 “(B) provide support for professional de-
13 velopment activities for teachers of Native
14 American languages;

15 “(C) develop instructional materials for the
16 programs; and

17 “(D) include the goal of increasing pro-
18 ficiency and fluency in not less than 1 Native
19 American language.

20 “(d) APPLICATION.—

21 “(1) IN GENERAL.—An eligible entity that de-
22 sires to receive a grant under this section shall sub-
23 mit an application to the Secretary at such time, in
24 such manner, and accompanied by such information
25 as the Secretary may require.

1 “(2) CERTIFICATION.—An eligible entity that
2 submits an application for a grant to carry out the
3 activity specified in subsection (c)(1), shall include
4 in such application a certification that assures that
5 such entity has experience and a demonstrated
6 record of effectiveness in operating and admin-
7 istering a Native American language program or any
8 other educational program in which instruction is
9 conducted in a Native American language.

10 “(e) GRANT DURATION.—The Secretary shall make
11 grants under this section only on a multi-year basis. Each
12 such grant shall be for a period not to exceed 5 years.

13 “(f) DEFINITION.—In this section, the term ‘average’
14 means the aggregate number of hours of instruction
15 through the use of a Native American language to all stu-
16 dents enrolled in a Native American language program
17 during a school year divided by the total number of stu-
18 dents enrolled in the program.

19 “(g) ADMINISTRATIVE COSTS.—

20 “(1) IN GENERAL.—Except as provided in para-
21 graph (2), not more than 5 percent of the funds pro-
22 vided to a grantee under this section for any fiscal
23 year may be used for administrative purposes.

24 “(2) EXCEPTION.—An elementary school or
25 secondary school for Indian students that receives

1 funds from a recipient of a grant under subsection
2 (c) for any fiscal year may use not more than 10
3 percent of the funds for administrative purposes.

4 **“SEC. 6133. GRANTS TO TRIBES FOR EDUCATION ADMINIS-**
5 **TRATIVE PLANNING AND DEVELOPMENT.**

6 “(a) IN GENERAL.—The Secretary may make grants
7 to Indian tribes, and tribal organizations approved by In-
8 dian tribes, to plan and develop a centralized tribal admin-
9 istrative entity to—

10 “(1) coordinate all education programs operated
11 by the tribe or within the territorial jurisdiction of
12 the tribe;

13 “(2) develop education codes for schools within
14 the territorial jurisdiction of the tribe;

15 “(3) provide support services and technical as-
16 sistance to schools serving children of the tribe; and

17 “(4) perform child-find screening services for
18 the preschool-aged children of the tribe to—

19 “(A) ensure placement in appropriate edu-
20 cational facilities; and

21 “(B) coordinate the provision of any need-
22 ed special services for conditions such as dis-
23 abilities and English language skill deficiencies.

24 “(b) PERIOD OF GRANT.—Each grant awarded under
25 this section may be awarded for a period of not more than

1 3 years. Such grant may be renewed upon the termination
2 of the initial period of the grant if the grant recipient dem-
3 onstrates to the satisfaction of the Secretary that renew-
4 ing the grant for an additional 3-year period is necessary
5 to carry out the objectives of the grant described in sub-
6 section (c)(2)(A).

7 “(c) APPLICATION FOR GRANT.—

8 “(1) IN GENERAL.—Each Indian tribe and trib-
9 al organization desiring a grant under this section
10 shall submit an application to the Secretary at such
11 time, in such manner, containing such information,
12 and consistent with such criteria, as the Secretary
13 may prescribe in regulations.

14 “(2) CONTENTS.—Each application described in
15 paragraph (1) shall contain—

16 “(A) a statement describing the activities
17 to be conducted, and the objectives to be
18 achieved, under the grant; and

19 “(B) a description of the method to be
20 used for evaluating the effectiveness of the ac-
21 tivities for which assistance is sought and for
22 determining whether such objectives are
23 achieved.

24 “(3) APPROVAL.—The Secretary may approve
25 an application submitted by a tribe or tribal organi-

1 zation pursuant to this section only if the Secretary
2 is satisfied that such application, including any doc-
3 umentation submitted with the application—

4 “(A) demonstrates that the applicant has
5 consulted with other education entities, if any,
6 within the territorial jurisdiction of the appli-
7 cant who will be affected by the activities to be
8 conducted under the grant;

9 “(B) provides for consultation with such
10 other education entities in the operation and
11 evaluation of the activities conducted under the
12 grant; and

13 “(C) demonstrates that there will be ade-
14 quate resources provided under this section or
15 from other sources to complete the activities for
16 which assistance is sought, except that the
17 availability of such other resources shall not be
18 a basis for disapproval of such application.

19 “(d) RESTRICTION.—A tribe may not receive funds
20 under this section if such tribe receives funds under sec-
21 tion 1144 of the Education Amendments of 1978.

1 “SUBPART 4—FEDERAL ADMINISTRATION

2 **“SEC. 6141. NATIONAL ADVISORY COUNCIL ON INDIAN EDU-**
3 **CATION.**

4 “(a) MEMBERSHIP.—There is established a National
5 Advisory Council on Indian Education (hereafter in this
6 section referred to as the ‘Council’), which shall—

7 “(1) consist of 15 Indian members, who shall
8 be appointed by the President from lists of nominees
9 furnished, from time to time, by Indian tribes and
10 organizations; and

11 “(2) represent different geographic areas of the
12 United States.

13 “(b) DUTIES.—The Council shall—

14 “(1) advise the Secretary concerning the fund-
15 ing and administration (including the development of
16 regulations and administrative policies and prac-
17 tices) of any program, including any program estab-
18 lished under this part—

19 “(A) with respect to which the Secretary
20 has jurisdiction; and

21 “(B)(i) that includes Indian children or
22 adults as participants; or

23 “(ii) that may benefit Indian children or
24 adults;

1 “(2) make recommendations to the Secretary
2 for filling the position of Director of Indian Edu-
3 cation whenever a vacancy occurs; and

4 “(3) submit to Congress, not later than June
5 30 of each year, a report on the activities of the
6 Council, including—

7 “(A) any recommendations that the Coun-
8 cil considers appropriate for the improvement of
9 Federal education programs that include Indian
10 children or adults as participants, or that may
11 benefit Indian children or adults; and

12 “(B) recommendations concerning the
13 funding of any program described in subpara-
14 graph (A).

15 **“SEC. 6142. PEER REVIEW.**

16 “The Secretary may use a peer review process to re-
17 view applications submitted to the Secretary under sub-
18 part 2 or subpart 3.

19 **“SEC. 6143. PREFERENCE FOR INDIAN APPLICANTS.**

20 “In making grants and entering into contracts or co-
21 operative agreements under subpart 2 or subpart 3, the
22 Secretary shall give a preference to Indian tribes, organi-
23 zations, and institutions of higher education under any
24 program with respect to which Indian tribes, organiza-

1 tions, and institutions are eligible to apply for grants, con-
2 tracts, or cooperative agreements.

3 **“SEC. 6144. MINIMUM GRANT CRITERIA.**

4 “The Secretary may not approve an application for
5 a grant, contract, or cooperative agreement under subpart
6 2 or subpart 3 unless the application is for a grant, con-
7 tract, or cooperative agreement that is—

8 “(1) of sufficient size, scope, and quality to
9 achieve the purpose or objectives of such grant, con-
10 tract, or cooperative agreement; and

11 “(2) based on relevant research findings.

12 **“SUBPART 5—DEFINITIONS; AUTHORIZATIONS OF**
13 **APPROPRIATIONS**

14 **“SEC. 6151. DEFINITIONS.**

15 “For the purposes of this part:

16 “(1) **ADULT.**—The term ‘adult’ means an indi-
17 vidual who—

18 “(A) has attained the age of 16 years; or

19 “(B) has attained an age that is greater
20 than the age of compulsory school attendance
21 under an applicable State law.

22 “(2) **FREE PUBLIC EDUCATION.**—The term
23 ‘free public education’ means education that is—

1 “(A) provided at public expense, under
2 public supervision and direction, and without
3 tuition charge; and

4 “(B) provided as elementary or secondary
5 education in the applicable State or to preschool
6 children.

7 “(3) INDIAN.—The term ‘Indian’ means an in-
8 dividual who is—

9 “(A) a member of an Indian tribe or band,
10 as membership is defined by the tribe or band,
11 including—

12 “(i) any tribe or band terminated
13 since 1940; and

14 “(ii) any tribe or band recognized by
15 the State in which the tribe or band re-
16 sides;

17 “(B) a descendant, in the first or second
18 degree, of an individual described in subpara-
19 graph (A);

20 “(C) considered by the Secretary of the In-
21 terior to be an Indian for any purpose;

22 “(D) an Alaska Native, as defined in sec-
23 tion 6206(1); or

24 “(E) a member of an organized Indian
25 group that received a grant under the Indian

1 Education Act of 1988 as in effect the day pre-
2 ceding the date of enactment of the Improving
3 America’s Schools Act of 1994.

4 “(4) ALASKA NATIVE ORGANIZATION.—The
5 term ‘Alaska Native Organization’ has the same
6 meaning as defined in section 6206(2).

7 **“SEC. 6152. AUTHORIZATIONS OF APPROPRIATIONS.**

8 “(a) SUBPART 1.—For the purpose of carrying out
9 subpart 1, there are authorized to be appropriated
10 \$98,245,425 for each of fiscal years 2014 through 2019.

11 “(b) SUBPARTS 2 AND 3.—For the purpose of car-
12 rying out subparts 2 and 3, there are authorized to be
13 appropriated \$33,303,534 for each of fiscal years 2014
14 through 2019.

15 “PART B—ALASKA NATIVE EDUCATION

16 **“SEC. 6201. SHORT TITLE.**

17 “This part may be cited as the ‘Alaska Native Edu-
18 cational Equity, Support, and Assistance Act’.

19 **“SEC. 6202. FINDINGS.**

20 “Congress finds and declares the following:

21 “(1) The preservation of culture and language
22 is critical to the attainment of educational success,
23 to the betterment of the conditions, and to the long-
24 term well-being, of Alaska Natives. Alaska Native

1 students must be afforded a culturally relevant edu-
2 cation.

3 “(2) It is the policy of the Federal Government
4 to maximize the leadership of and participation by
5 Alaska Natives in the planning and the management
6 of Alaska Native education programs and to support
7 efforts developed by and undertaken within the Alas-
8 ka Native community to improve educational oppor-
9 tunity for all students.

10 “(3) Many Alaska Native children enter and
11 exit school with serious educational disadvantages.

12 “(4) Overcoming the magnitude of the geo-
13 graphic challenges, historical inequities, and other
14 barriers to successfully improving educational out-
15 comes for Alaska Native students in rural, village,
16 and urban settings is challenging. Significant dis-
17 parities between academic achievement of Alaska
18 Native students and non-Native students continues,
19 including lower graduation rates, increased school
20 dropout rates, and lower achievement scores on
21 standardized tests.

22 “(5) The preservation of Alaska Native cultures
23 and languages and the integration of Alaska Native
24 cultures and languages into education, positive iden-
25 tity development for Alaska Native students, and

1 local, place-based, and culture-based programming
2 are critical to the attainment of educational success
3 and the long-term well-being of Alaska Native stu-
4 dents.

5 “(6) Improving educational outcomes for Alaska
6 Native students increases access to employment op-
7 portunities.

8 “(7) The programs and activities authorized
9 under this part give priority to Alaska Native orga-
10 nizations as a means of increasing Alaska Native
11 parents’ and community involvement in the pro-
12 motion of academic success of Alaska Native stu-
13 dents.

14 “(8) The Federal Government should lend sup-
15 port to efforts developed by and undertaken within
16 the Alaska Native community to improve educational
17 opportunity for Alaska Native students. In 1983,
18 pursuant to Public Law 98–63, Alaska ceased to re-
19 ceive educational funding from the Bureau of Indian
20 Affairs. The Bureau of Indian Education does not
21 operate any schools in Alaska, nor operate or fund
22 Alaska Native education programs. The program
23 under this part supports the Federal trust responsi-
24 bility of the United States to Alaska Natives.

1 **“SEC. 6203. PURPOSES.**

2 “The purposes of this part are as follows:

3 “(1) To recognize and address the unique edu-
4 cational needs of Alaska Natives.

5 “(2) To recognize the role of Alaska Native lan-
6 guages and cultures in the educational success and
7 long-term well-being of Alaska Native students.

8 “(3) To integrate Alaska Native cultures and
9 languages into education, develop Alaska Native stu-
10 dents’ positive identity, and support local place-
11 based and culture-based curriculum and program-
12 ming.

13 “(4) To authorize the development, manage-
14 ment, and expansion of effective supplemental edu-
15 cational programs to benefit Alaska Natives.

16 “(5) To provide direction and guidance to ap-
17 propriate Federal, State, and local agencies to focus
18 resources, including resources made available under
19 this part, on meeting the educational needs of Alas-
20 ka Natives.

21 “(6) To ensure the maximum participation by
22 Alaska Native educators and leaders in the planning,
23 development, management, and evaluation of pro-
24 grams designed to serve Alaska Natives students,
25 and to ensure Alaska Native organizations play a

1 meaningful role in supplemental educational services
2 provided to Alaska Native students.

3 **“SEC. 6204. PROGRAM AUTHORIZED.**

4 “(a) GENERAL AUTHORITY.—

5 “(1) GRANTS AND CONTRACTS.—The Secretary
6 is authorized to make grants to, or enter into con-
7 tracts with, Alaska Native organizations, State edu-
8 cational agencies, local educational agencies, edu-
9 cational entities with experience in developing or op-
10 erating Alaska Native educational programs or pro-
11 grams of instruction conducted in Alaska Native lan-
12 guages, cultural and community-based organizations
13 with experience in developing or operating programs
14 to benefit the educational needs of Alaska Natives,
15 and consortia of organizations and entities described
16 in this paragraph, to carry out programs that meet
17 the purposes of this part.

18 “(2) ADDITIONAL REQUIREMENT.—A State
19 educational agency, local educational agency, edu-
20 cational entity with experience in developing or oper-
21 ating Alaska Native educational programs or pro-
22 grams of instruction conducted in Alaska Native lan-
23 guages, cultural and community-based organization
24 with experience in developing or operating programs
25 to benefit the educational needs of Alaska Natives,

1 or consortium of such organizations and entities is
2 eligible for an award under this part only as part of
3 a partnership involving an Alaska Native organiza-
4 tion.

5 “(3) MANDATORY ACTIVITIES.—Activities pro-
6 vided through the programs carried out under this
7 part shall include the following which shall only be
8 provided specifically in the context of elementary
9 and secondary education:

10 “(A) The development and implementation
11 of plans, methods, and strategies to improve the
12 education of Alaska Natives.

13 “(B) The collection of data to assist in the
14 evaluation of the programs carried out under
15 this part.

16 “(4) PERMISSIBLE ACTIVITIES.—Activities pro-
17 vided through programs carried out under this part
18 may include the following which shall only be pro-
19 vided specifically in the context of elementary and
20 secondary education:

21 “(A) The development of curricula and
22 programs that address the educational needs of
23 Alaska Native students, including the following:

1 “(i) Curriculum materials that reflect
2 the cultural diversity, languages, history,
3 or the contributions of Alaska Natives.

4 “(ii) Instructional programs that
5 make use of Alaska Native languages and
6 cultures.

7 “(iii) Networks that develop, test, and
8 disseminate best practices and introduce
9 successful programs, materials, and tech-
10 niques to meet the educational needs of
11 Alaska Native students in urban and rural
12 schools.

13 “(B) Training and professional develop-
14 ment activities for educators, including the fol-
15 lowing:

16 “(i) Pre-service and in-service training
17 and professional development programs to
18 prepare teachers to develop appreciation
19 for and understanding of Alaska Native
20 cultures, values, ways of knowing and
21 learning in order to effectively address the
22 cultural diversity and unique needs of
23 Alaska Native students.

24 “(ii) Recruitment and preparation of
25 teachers who are Alaska Native.

1 “(iii) Programs that will lead to the
2 certification and licensing of Alaska Native
3 teachers, principals, and superintendents.

4 “(C) The development and operation of
5 student enrichment programs, including those
6 in science, technology, engineering, and mathe-
7 matics that—

8 “(i) are designed to prepare Alaska
9 Native students to excel in such subjects;

10 “(ii) provide appropriate support serv-
11 ices to the families of such students that
12 are needed to enable such students to ben-
13 efit from the programs; and

14 “(iii) include activities that recognize
15 and support the unique cultural and edu-
16 cational needs of Alaska Native children,
17 and incorporate appropriately qualified
18 Alaska Native elders and other tradition
19 bearers.

20 “(D) Research and data collection activi-
21 ties to determine the educational status and
22 needs of Alaska Native children.

23 “(E) Other research and evaluation activi-
24 ties related to programs carried out under this
25 part.

1 “(F) Remedial and enrichment programs
2 to assist Alaska Native students to be college or
3 career ready upon graduation from high school.

4 “(G) Culturally based education programs
5 designed and provided by an entity with dem-
6 onstrated experience in—

7 “(i) providing programs of study, both
8 on site and in local schools, to share the
9 rich and diverse cultures of Alaska Native
10 peoples among youth, elders, teachers, and
11 the larger community;

12 “(ii) instructing Alaska Native youth
13 in leadership, communication, Native cul-
14 ture, arts, and languages;

15 “(iii) increasing the high school grad-
16 uation rate of Alaska Native students who
17 are served;

18 “(iv) providing instruction in Alaska
19 Native history and ways of living to stu-
20 dents and teachers in the local school dis-
21 trict;

22 “(v) providing intergenerational learn-
23 ing and internship opportunities to Alaska
24 Native youth and young adults; and

1 “(vi) providing cultural immersion ac-
2 tivities aimed at Alaska Native cultural
3 preservation.

4 “(H) Statewide on-site exchange programs,
5 for both students and teachers, that work to fa-
6 cilitate cultural relationships between urban and
7 rural Alaskans to build mutual respect and un-
8 derstanding, and foster a statewide sense of
9 common identity through host family, school,
10 and community cross-cultural immersion.

11 “(I) Education programs for at-risk urban
12 Alaska Native students in kindergarten through
13 grade 12 that work to increase graduation rates
14 among such students and that—

15 “(i) include culturally-informed cur-
16 riculum intended to preserve and promote
17 Alaska Native culture;

18 “(ii) partner effectively with the local
19 school district by providing a school-within-
20 a school program model;

21 “(iii) provide high-quality academic
22 instruction, small classroom sizes, and so-
23 cial-emotional support for students from
24 elementary school through high school, in-
25 cluding residential support;

1 “(iv) work with parents to increase
2 parental involvement in their students’
3 education;

4 “(v) work to improve academic pro-
5 ficiency and increase graduation rates;

6 “(vi) provide college preparation and
7 career planning; and

8 “(vii) incorporate a strong data collec-
9 tion and continuous evaluation component
10 at all levels of the program.

11 “(J) Statewide programs that provide tech-
12 nical assistance and support to schools and
13 communities to engage adults in promoting the
14 academic progress and overall well-being of
15 Alaska Native people through child and youth
16 development, positive youth-adult relationships,
17 improved conditions for learning (school cli-
18 mate, student connection to school and commu-
19 nity), and increased connections between
20 schools and families.

21 “(K) Career preparation activities to en-
22 able Alaska Native children and adults to pre-
23 pare for meaningful employment, including pro-
24 grams providing tech-prep, mentoring, training,
25 and apprenticeship activities.

1 “(L) Support for the development and
2 operational activities of regional vocational
3 schools in rural areas of Alaska to provide stu-
4 dents with necessary resources to prepare for
5 skilled employment opportunities.

6 “(M) Other activities, consistent with the
7 purposes of this part, to meet the educational
8 needs of Alaska Native children and adults.

9 “(N) Regional leadership academies that
10 demonstrate effectiveness in building respect,
11 understanding, and fostering a sense of Alaska
12 Native identity to promote their pursuit of and
13 success in completing higher education or ca-
14 reer training.

15 “(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not
16 more than 5 percent of funds provided to an award recipi-
17 ent under this part for any fiscal year may be used for
18 administrative purposes.

19 “(c) PRIORITIES.—In awarding grants or contracts
20 to carry out activities described in this subpart, the Sec-
21 retary shall give priority to applications from Alaska Na-
22 tive Organizations. Such priority shall be explicitly delin-
23 eated in the Secretary’s process for evaluating applications
24 and applied consistently and transparently to all applica-
25 tions from Alaska Native Organizations.

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this part
3 \$31,453,135 for each of fiscal years 2014 through 2019.

4 **“SEC. 6205. ADMINISTRATIVE PROVISIONS.**

5 “(a) APPLICATION REQUIRED.—

6 “(1) IN GENERAL.—No grant may be made
7 under this part, and no contract may be entered into
8 under this part, unless the Alaska Native organiza-
9 tion or entity seeking the grant or contract submits
10 an application to the Secretary in such form, in such
11 manner, and containing such information as the Sec-
12 retary may determine necessary to carry out the pro-
13 visions of this part.

14 “(2) REQUIREMENT FOR CERTAIN APPLI-
15 CANTS.—An applicant described in section
16 6204(a)(2) shall, in the application submitted under
17 this paragraph—

18 “(A) demonstrate that an Alaska Native
19 organization was directly involved in the devel-
20 opment of the program for which the applica-
21 tion seeks funds and explicitly delineate the
22 meaningful role that the Alaska Native organi-
23 zation will play in the implementation and eval-
24 uation of the program for which funding is
25 sought; and

1 “(B) provide a copy of the Alaska Native
2 organization’s governing document.

3 “(b) CONSULTATION REQUIRED.—Each applicant for
4 an award under this part shall provide for ongoing advice
5 from and consultation with representatives of the Alaska
6 Native community.

7 “(c) LOCAL EDUCATIONAL AGENCY COORDINA-
8 TION.—Each applicant for an award under this part shall
9 inform each local educational agency serving students who
10 would participate in the program to be carried out under
11 the grant or contract about the application.

12 “(d) CONTINUATION AWARDS.—An applicant de-
13 scribed in section 6204(a)(2) that receives funding under
14 this part shall periodically demonstrate to the Secretary,
15 during the term of the award, that the applicant is con-
16 tinuing to meet the requirements of subsection (a)(2)(A).

17 **“SEC. 6206. DEFINITIONS.**

18 “In this part:

19 “(1) ALASKA NATIVE.—The term ‘Alaska Na-
20 tive’ has the same meaning as the term ‘Native ’ has
21 in section 3(b) of the Alaska Native Claims Settle-
22 ment Act and their descendants.

23 “(2) ALASKA NATIVE ORGANIZATION.—The
24 term ‘Alaska Native organization’ means a federally
25 recognized tribe, consortium of tribes, regional non-

1 profit Native association, and an organization,
2 that—

3 “(A) has or commits to acquire expertise
4 in the education of Alaska Natives; and

5 “(B) has Alaska Natives in substantive
6 and policymaking positions within the organiza-
7 tion.

8 “PART C—NATIVE HAWAIIAN EDUCATION

9 **“SEC. 6301. FINDINGS.**

10 “Congress finds the following:

11 “(1) Native Hawaiians are a distinct and
12 unique indigenous people with a historical continuity
13 to the original inhabitants of the Hawaiian archi-
14 pelago, whose society was organized as a nation and
15 internationally recognized as a nation by the United
16 States, and many other countries.

17 “(2) Native Hawaiians have a cultural, historic,
18 and land-based link to the indigenous people who ex-
19 ercised sovereignty over the Hawaiian Islands.

20 “(3) The political status of Native Hawaiians is
21 comparable to that of American Indians and Alaska
22 Natives.

23 “(4) The political relationship between the
24 United States and the Native Hawaiian people has
25 been recognized and reaffirmed by the United

1 States, as evidenced by the inclusion of Native Ha-
2 waiians in many Federal statutes, including—

3 “(A) the Native American Programs Act of
4 1974 (42 U.S.C. 2991 et seq.);

5 “(B) Public Law 95–341 (commonly
6 known as the ‘American Indian Religious Free-
7 dom Act’ (42 U.S.C. 1996));

8 “(C) the National Museum of the Amer-
9 ican Indian Act (20 U.S.C. 80q et seq.);

10 “(D) the Native American Graves Protec-
11 tion and Repatriation Act (25 U.S.C. 3001 et
12 seq.);

13 “(E) the National Historic Preservation
14 Act (16 U.S.C. 470 et seq.);

15 “(F) the Native American Languages Act
16 (25 U.S.C. 2901 et seq.);

17 “(G) the American Indian, Alaska Native,
18 and Native Hawaiian Culture and Art Develop-
19 ment Act (20 U.S.C. 4401 et seq.);

20 “(H) the Workforce Investment Act of
21 1998 (29 U.S.C. 2801 et seq.); and

22 “(I) the Older Americans Act of 1965 (42
23 U.S.C. 3001 et seq.).

24 “(5) Many Native Hawaiian students lag be-
25 hind other students in terms of—

1 “(A) school readiness factors;

2 “(B) scoring below national norms on edu-
3 cation achievement tests at all grade levels;

4 “(C) underrepresentation in the uppermost
5 achievement levels and in gifted and talented
6 programs;

7 “(D) overrepresentation among students
8 qualifying for special education programs;

9 “(E) underrepresentation in institutions of
10 higher education and among adults who have
11 completed 4 or more years of college.

12 “(6) The percentage of Native Hawaiian stu-
13 dents served by the State of Hawaii Department of
14 Education rose 30 percent from 1980 to 2008, and
15 there are and will continue to be geographically
16 rural, isolated areas with a high Native Hawaiian
17 population density.

18 “(7) The Native Hawaiian people are deter-
19 mined to preserve, develop, and transmit to future
20 generations their ancestral territory and their cul-
21 tural identity in accordance with their own spiritual
22 and traditional beliefs, customs, practices, language,
23 and social institutions.

24 **“SEC. 6302. PURPOSES.**

25 “‘The purposes of this part are—

1 “(1) to authorize, develop, implement, assess,
2 and evaluate innovative educational programs, Na-
3 tive Hawaiian language medium programs, Native
4 Hawaiian culture-based education programs, and
5 other education programs to improve the academic
6 achievement of Native Hawaiian students by meet-
7 ing their unique cultural and language needs in
8 order to help such students meet challenging State
9 student academic achievement standards;

10 “(2) to provide guidance to appropriate Fed-
11 eral, State, and local agencies to more effectively
12 and efficiently focus resources, including resources
13 made available under this part, on the development
14 and implementation of—

15 “(A) innovative educational programs for
16 Native Hawaiians;

17 “(B) rigorous and substantive Native Ha-
18 waiian language programs; and

19 “(C) Native Hawaiian culture-based edu-
20 cational programs; and

21 “(3) to create a system by which information
22 from programs funded under this part will be col-
23 lected, analyzed, evaluated, reported, and used in de-
24 cisionmaking activities regarding the types of grants
25 awarded under this part.

1 **“SEC. 6303. NATIVE HAWAIIAN EDUCATION COUNCIL**
2 **GRANT.**

3 “(a) GRANT AUTHORIZED.—In order to better effec-
4 tuate the purposes of this part through the coordination
5 of educational and related services and programs available
6 to Native Hawaiians, including those programs that re-
7 ceive funding under this part, the Secretary shall award
8 a grant to an education council, as described under sub-
9 section (b).

10 “(b) EDUCATION COUNCIL.—

11 “(1) ELIGIBILITY.—To be eligible to receive the
12 grant under subsection (a), the council shall be an
13 education council (referred to in this section as the
14 ‘Education Council’) that meets the requirements of
15 this subsection.

16 “(2) COMPOSITION.—The Education Council
17 shall consist of 15 members of whom—

18 “(A) one shall be the President of the Uni-
19 versity of Hawaii (or a designee);

20 “(B) one shall be the Governor of the
21 State of Hawaii (or a designee);

22 “(C) one shall be the Superintendent of
23 the State of Hawaii Department of Education
24 (or a designee);

25 “(D) one shall be the chairperson of the
26 Office of Hawaiian Affairs (or a designee);

1 “(E) one shall be the executive director of
2 Hawaii’s Charter School Network (or a des-
3 ignee);

4 “(F) one shall be the chief executive officer
5 of the Kamehameha Schools (or a designee);

6 “(G) one shall be the Chief Executive Offi-
7 cer of the Queen Liliuokalani Trust (or a des-
8 ignee);

9 “(H) one shall be a member, selected by
10 the other members of the Education Council,
11 who represents a private grant-making entity;

12 “(I) one shall be the Mayor of the County
13 of Hawaii (or a designee);

14 “(J) one shall be the Mayor of Maui Coun-
15 ty (or a designee from the Island of Maui);

16 “(K) one shall be the Mayor of the County
17 of Kauai (or a designee);

18 “(L) one shall be appointed by the Mayor
19 of Maui County from the Island of either
20 Molokai or Lanai;

21 “(M) one shall be the Mayor of the City
22 and County of Honolulu (or a designee);

23 “(N) one shall be the chairperson of the
24 Hawaiian Homes Commission (or a designee);

25 and

1 “(O) one shall be the chairperson of the
2 Hawaii Workforce Development Council (or a
3 designee representing the private sector).

4 “(3) REQUIREMENTS.—Any designee serving on
5 the Education Council shall demonstrate, as deter-
6 mined by the individual who appointed such designee
7 with input from the Native Hawaiian community,
8 not less than 5 years of experience as a consumer
9 or provider of Native Hawaiian education or cultural
10 activities, with traditional cultural experience given
11 due consideration.

12 “(4) LIMITATION.—A member (including a des-
13 ignee), while serving on the Education Council, shall
14 not be a recipient of grant funds that are awarded
15 under this part.

16 “(5) TERM OF MEMBERS.—A member who is a
17 designee shall serve for a term of not more than 4
18 years.

19 “(6) CHAIR, VICE CHAIR.—

20 “(A) SELECTION.—The Education Council
21 shall select a Chair and a Vice Chair from
22 among the members of the Education Council.

23 “(B) TERM LIMITS.—The Chair and Vice
24 Chair shall each serve for a 2-year term.

1 “(7) ADMINISTRATIVE PROVISIONS RELATING
2 TO EDUCATION COUNCIL.—The Education Council
3 shall meet at the call of the Chair of the Council,
4 or upon request by a majority of the members of the
5 Education Council, but in any event not less often
6 than every 120 days.

7 “(8) NO COMPENSATION.—None of the funds
8 made available through the grant may be used to
9 provide compensation to any member of the Edu-
10 cation Council or member of a working group estab-
11 lished by the Education Council, for functions de-
12 scribed in this section.

13 “(c) USE OF FUNDS FOR COORDINATION ACTIVI-
14 TIES.—The Education Council shall use funds made avail-
15 able through the grant to carry out each of the following
16 activities:

17 “(1) Providing advice about the coordination,
18 and serving as a clearinghouse for, the educational
19 and related services and programs available to Na-
20 tive Hawaiians, including the programs assisted
21 under this part.

22 “(2) Assessing the extent to which such services
23 and programs meet the needs of Native Hawaiians,
24 and collecting data on the status of Native Hawaiian
25 education.

1 “(3) Providing direction and guidance, through
2 the issuance of reports and recommendations, to ap-
3 propriate Federal, State, and local agencies in order
4 to focus and improve the use of resources, including
5 resources made available under this part, relating to
6 Native Hawaiian education, and serving, where ap-
7 propriate, in an advisory capacity.

8 “(4) Awarding grants, if such grants enable the
9 Education Council to carry out the activities de-
10 scribed in paragraphs (1) through (3).

11 “(5) Hiring an executive director who shall as-
12 sist in executing the duties and powers of the Edu-
13 cation Council, as described in subsection (d).

14 “(d) USE OF FUNDS FOR TECHNICAL ASSIST-
15 ANCE.—The Education Council shall use funds made
16 available through the grant to—

17 “(1) provide technical assistance to Native Ha-
18 waiian organizations that are grantees or potential
19 grantees under this part;

20 “(2) obtain from such grantees information and
21 data regarding grants awarded under this part, in-
22 cluding information and data about—

23 “(A) the effectiveness of such grantees in
24 meeting the educational priorities established by
25 the Education Council, as described in para-

1 graph (6)(D), using metrics related to these
2 priorities; and

3 “(B) the effectiveness of such grantees in
4 carrying out any of the activities described in
5 section 6304(c) that are related to the specific
6 goals and purposes of each grantee’s grant
7 project, using metrics related to these priorities;

8 “(3) assess and define the educational needs of
9 Native Hawaiians;

10 “(4) assess the programs and services available
11 to address the educational needs of Native Hawai-
12 ians;

13 “(5) assess and evaluate the individual and ag-
14 gregate impact achieved by grantees under this part
15 in improving Native Hawaiian educational perform-
16 ance and meeting the goals of this part, using
17 metrics related to these goals; and

18 “(6) prepare and submit to the Secretary, at
19 the end of each calendar year, an annual report that
20 contains—

21 “(A) a description of the activities of the
22 Education Council during the calendar year;

23 “(B) a description of significant barriers to
24 achieving the goals of this part;

1 “(C) a summary of each community con-
2 sultation session described in subsection (e);
3 and

4 “(D) recommendations to establish prior-
5 ities for funding under this part, based on an
6 assessment of—

7 “(i) the educational needs of Native
8 Hawaiians;

9 “(ii) programs and services available
10 to address such needs;

11 “(iii) the effectiveness of programs in
12 improving the educational performance of
13 Native Hawaiian students to help such stu-
14 dents meet challenging State student aca-
15 demic achievement standards; and

16 “(iv) priorities for funding in specific
17 geographic communities.

18 “(e) USE OF FUNDS FOR COMMUNITY CONSULTA-
19 TIONS.—The Education Council shall use funds made
20 available through the grant under subsection (a) to hold
21 not less than one community consultation each year on
22 each of the islands of Hawaii, Maui, Molokai, Lanai,
23 Oahu, and Kauai, at which—

24 “(1) not less than three members of the Edu-
25 cation Council shall be in attendance;

1 “(2) the Education Council shall gather com-
2 munity input regarding—

3 “(A) current grantees under this part, as
4 of the date of the consultation;

5 “(B) priorities and needs of Native Hawai-
6 ians; and

7 “(C) other Native Hawaiian education
8 issues; and

9 “(3) the Education Council shall report to the
10 community on the outcomes of the activities sup-
11 ported by grants awarded under this part.

12 “(f) FUNDING.—For each fiscal year, the Secretary
13 shall use the amount described in section 6305(d)(2), to
14 make a payment under the grant. Funds made available
15 through the grant shall remain available until expended.

16 “(g) REPORT.—Beginning not later than 2 years
17 after the date of enactment of the Student Success Act,
18 and for each subsequent year, the Secretary shall prepare
19 and submit to the Committee on Education and the Work-
20 force of the House of Representatives, and the Committee
21 on Indian Affairs and the Committee on Health, Edu-
22 cation, Labor, and Pensions of the Senate, a report that—

23 “(1) summarizes the annual reports of the Edu-
24 cation Council;

1 “(2) describes the allocation and use of funds
2 under this part and the information gathered since
3 the first annual report submitted by the Education
4 Council to the Secretary under this section; and

5 “(3) contains recommendations for changes in
6 Federal, State, and local policy to advance the pur-
7 poses of this part.

8 **“SEC. 6304. GRANT PROGRAM AUTHORIZED.**

9 “(a) GRANTS AND CONTRACTS.—In order to carry
10 out programs that meet the purposes of this part, the Sec-
11 retary is authorized to award grants to, or enter into con-
12 tracts with—

13 “(1) Native Hawaiian educational organiza-
14 tions;

15 “(2) Native Hawaiian community-based organi-
16 zations;

17 “(3) public and private nonprofit organizations,
18 agencies, and institutions with experience in devel-
19 oping or operating Native Hawaiian education and
20 workforce development programs or programs of in-
21 struction in the Native Hawaiian language;

22 “(4) charter schools; and

23 “(5) consortia of the organizations, agencies,
24 and institutions described in paragraphs (1) through
25 (4).

1 “(b) PRIORITY.—In awarding grants and entering
2 into contracts under this part, the Secretary shall give pri-
3 ority to—

4 “(1) programs that meet the educational pri-
5 ority recommendations of the Education Council, as
6 described under section 6303(d)(6)(D);

7 “(2) the repair and renovation of public schools
8 that serve high concentrations of Native Hawaiian
9 students;

10 “(3) programs designed to improve the aca-
11 demic achievement of Native Hawaiian students by
12 meeting their unique cultural and language needs in
13 order to help such students meet challenging State
14 student academic achievement standards, including
15 activities relating to—

16 “(A) achieving competence in reading, lit-
17 eracy, mathematics, and science for students in
18 preschool through grade 3;

19 “(B) the educational needs of at-risk chil-
20 dren and youth;

21 “(C) professional development for teachers
22 and administrators;

23 “(D) the use of Native Hawaiian language
24 and preservation or reclamation of Native Ha-
25 waiian culture-based educational practices; and

1 “(E) other programs relating to the activi-
2 ties described in this part; and

3 “(4) programs in which a local educational
4 agency, institution of higher education, or a State
5 educational agency in partnership with a nonprofit
6 entity serving underserved communities within the
7 Native Hawaiian population apply for a grant or
8 contract under this part as part of a partnership or
9 consortium.

10 “(c) AUTHORIZED ACTIVITIES.—Activities provided
11 through programs carried out under this part may in-
12 clude—

13 “(1) the development and maintenance of a
14 statewide Native Hawaiian early education and care
15 system to provide a continuum of high-quality early
16 learning services for Native Hawaiian children from
17 the prenatal period through the age of kindergarten
18 entry;

19 “(2) the operation of family-based education
20 centers that provide such services as—

21 “(A) early care and education programs
22 for Native Hawaiians; and

23 “(B) research on, and development and as-
24 sessment of, family-based, early childhood, and
25 preschool programs for Native Hawaiians;

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 in
7 grades 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 such 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, and devel-
21 opmental activities designed to assist in the
22 educational progress of such students; and

23 “(B) activities that involve the parents of
24 such students in a manner designed to assist in
25 the educational progress of such students;

1 “(6) the development of academic and voca-
2 tional curricula to address the needs of Native Ha-
3 waiian students, including curricula materials in the
4 Hawaiian language and mathematics and science
5 curricula that incorporate Native Hawaiian tradition
6 and culture;

7 “(7) professional development activities for edu-
8 cators, including—

9 “(A) the development of programs to pre-
10 pare prospective teachers to address the unique
11 needs of Native Hawaiian students within the
12 context of Native Hawaiian culture, language,
13 and traditions;

14 “(B) in-service programs to improve the
15 ability of teachers who teach in schools with
16 high concentrations of Native Hawaiian stu-
17 dents to meet the unique needs of such stu-
18 dents; and

19 “(C) the recruitment and preparation of
20 Native Hawaiians, and other individuals who
21 live in communities with a high concentration of
22 Native Hawaiians, to become teachers;

23 “(8) the operation of community-based learning
24 centers that address the needs of Native Hawaiian
25 students, parents, families, and communities

1 through the coordination of public and private pro-
2 grams and services, including—

3 “(A) early education programs;

4 “(B) before, after, and Summer school
5 programs, expanded learning time, or weekend
6 academies;

7 “(C) career and technical education pro-
8 grams; and

9 “(D) programs that recognize and support
10 the unique cultural and educational needs of
11 Native Hawaiian children, and incorporate ap-
12 propriately qualified Native Hawaiian elders
13 and seniors;

14 “(9) activities, including program co-location,
15 that ensure Native Hawaiian students graduate col-
16 lege and career ready including—

17 “(A) family literacy services;

18 “(B) counseling, guidance, and support
19 services for students; and

20 “(C) professional development activities de-
21 signed to help educators improve the college
22 and career readiness of Native Hawaiian stu-
23 dents;

1 “(10) research and data collection activities to
2 determine the educational status and needs of Na-
3 tive Hawaiian children and adults;

4 “(11) other research and evaluation activities
5 related to programs carried out under this part; and

6 “(12) other activities, consistent with the pur-
7 poses of this part, to meet the educational needs of
8 Native Hawaiian children and adults.

9 “(d) **ADDITIONAL ACTIVITIES.**—Notwithstanding
10 any other provision of this part, funds made available to
11 carry out this section as of the day before the date of en-
12 actment of the Student Success Act shall remain available
13 until expended. The Secretary shall use such funds to sup-
14 port the following:

15 “(1) The repair and renovation of public
16 schools that serve high concentrations of Native Ha-
17 waiian students.

18 “(2) The perpetuation of, and expansion of ac-
19 cess to, Hawaiian culture and history through digital
20 archives.

21 “(3) Informal education programs that connect
22 traditional Hawaiian knowledge, science, astronomy,
23 and the environment through State museums or
24 learning centers.

1 “(4) Public charter schools serving high con-
2 centrations of Native Hawaiian students.

3 “(e) ADMINISTRATIVE COSTS.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), not more than 5 percent of funds pro-
6 vided to a recipient of a grant or contract under this
7 section for any fiscal year may be used for adminis-
8 trative purposes.

9 “(2) EXCEPTION.—The Secretary may waive
10 the requirement of paragraph (1) for a nonprofit en-
11 tity that receives funding under this section and
12 allow not more than 10 percent of funds provided to
13 such nonprofit entity under this section for any fis-
14 cal year to be used for administrative purposes.

15 **“SEC. 6305. ADMINISTRATIVE PROVISIONS.**

16 “(a) APPLICATION REQUIRED.—No grant may be
17 made under this part, and no contract may be entered into
18 under this part, unless the entity seeking the grant or con-
19 tract submits an application to the Secretary at such time,
20 in such manner, and containing such information as the
21 Secretary may determine to be necessary to carry out the
22 provisions of this part.

23 “(b) DIRECT GRANT APPLICATIONS.—The Secretary
24 shall provide a copy of all direct grant applications to the
25 Education Council.

1 “(c) SUPPLEMENT NOT SUPPLANT.—

2 “(1) IN GENERAL.—Except as provided in para-
3 graph (2), funds made available under this part
4 shall be used to supplement, and not supplant, any
5 State or local funds used to achieve the purposes of
6 this part.

7 “(2) EXCEPTION.—Paragraph (1) shall not
8 apply to any nonprofit entity or Native Hawaiian
9 community-based organization that receives a grant
10 or other funds under this part.

11 “(d) AUTHORIZATION OF APPROPRIATIONS.—

12 “(1) IN GENERAL.—There are authorized to be
13 appropriated to carry out this part \$32,397,259 for
14 each of fiscal years 2014 through 2019.

15 “(2) RESERVATION.—Of the funds appro-
16 priated under this subsection, the Secretary shall re-
17 serve, for each fiscal year after the date of enact-
18 ment of the Student Success Act not less than
19 \$500,000 for the grant to the Education Council
20 under section 6303.

21 “(3) AVAILABILITY.—Funds appropriated
22 under this subsection shall remain available until ex-
23 pended.”.

1 **TITLE VII—HOMELESS**
2 **EDUCATION**

3 **SEC. 701. STATEMENT OF POLICY.**

4 Section 721 of the McKinney-Vento Homeless Assist-
5 ance Act (42 U.S.C. 11431) is amended—

6 (1) by amending paragraph (2) to read as fol-
7 lows:

8 “(2) In any State where compulsory residency
9 requirements or other requirements, laws, regula-
10 tions, practices, or policies may act as a barrier to
11 the identification, enrollment, attendance, or success
12 in school of homeless children and youths, the State
13 and local educational agencies will review and under-
14 take steps to revise such laws, regulations, practices,
15 or policies to ensure that homeless children and
16 youths are afforded the same free, appropriate pub-
17 lic education as is provided to other children and
18 youths.”;

19 (2) in paragraph (3), by striking “alone”; and

20 (3) in paragraph (4), by striking “challenging
21 State student academic achievement” and inserting
22 “State academic”.

1 **SEC. 702. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
2 **THE EDUCATION OF HOMELESS CHILDREN**
3 **AND YOUTHS.**

4 Section 722 of such Act (42 U.S.C. 11432) is amend-
5 ed—

6 (1) in subsection (a), by striking “(g).” and in-
7 serting “(h).”;

8 (2) by striking subsection (b);

9 (3) in subsection (c)—

10 (A) in paragraph (1)(A)—

11 (i) in clause (i), by adding “or” at the
12 end;

13 (ii) in clause (ii), by striking “; or” at
14 the end and inserting a period; and

15 (iii) by striking clause (iii); and

16 (B) by striking paragraph (3);

17 (4) in subsection (d)—

18 (A) in the matter preceding paragraph (1),
19 by striking “Grants” and inserting “Grant
20 funds from a grant made to a State”;

21 (B) by amending paragraph (2) to read as
22 follows:

23 “(2) To provide services and activities to im-
24 prove the identification of homeless children (includ-
25 ing preschool-aged homeless children and youths)
26 that enable such children and youths to enroll in, at-

1 tend, and succeed in school, or, if appropriate, in
2 preschool programs.”;

3 (C) in paragraph (3), by inserting before
4 the period at the end the following: “that can
5 sufficiently carry out the duties described in
6 this subtitle”;

7 (D) by amending paragraph (5) to read as
8 follows:

9 “(5) To develop and implement professional de-
10 velopment programs for liaisons designated under
11 subsection (g)(1)(J)(ii) and other local educational
12 agency personnel—

13 “(A) to improve their identification of
14 homeless children and youths; and

15 “(B) to heighten their awareness of, and
16 capacity to respond to, specific needs in the
17 education of homeless children and youths.”.

18 (5) in subsection (e)—

19 (A) in paragraph (1)—

20 (i) by striking “sums” and inserting
21 “grant funds”; and

22 (ii) by inserting “a State under sub-
23 section (a) to” after “each year to”;

24 (B) in paragraph (2), by striking “funds
25 made available for State use under this sub-

1 title” and inserting “the grant funds remaining
2 after the State educational agency distributes
3 subgrants under paragraph (1)”; and

4 (C) in paragraph (3)—

5 (i) in subparagraph (C)(iv)(II), by
6 striking “sections 1111 and 1116” and in-
7 serting “section 1111”;

8 (ii) in subparagraph (F)—

9 (I) in clause (i)—

10 (aa) in the matter preceding
11 subclause (I), by striking “a re-
12 port” and inserting “an annual
13 report”;

14 (bb) by striking “and” at
15 the end of subclause (II);

16 (cc) by striking the period at
17 the end of subclause (III) and in-
18 serting “; and”; and

19 (dd) by adding at the end
20 the following:

21 “(IV) the progress the separate
22 schools are making in helping all stu-
23 dents meet the State academic stand-
24 ards.”; and

1 (II) in clause (iii), by striking
2 “Not later than 2 years after the date
3 of enactment of the McKinney-Vento
4 Homeless Education Assistance Im-
5 provements Act of 2001, the” and in-
6 serting “The”;

7 (6) by amending subsection (f) to read as fol-
8 lows:

9 “(f) FUNCTIONS OF THE OFFICE OF COORDI-
10 NATOR.—The Coordinator for Education of Homeless
11 Children and Youths established in each State shall—

12 “(1) gather and make publically available reli-
13 able, valid, and comprehensive information on—

14 “(A) the number of homeless children and
15 youths identified in the State, posted annually
16 on the State educational agency’s website;

17 “(B) the nature and extent of the problems
18 homeless children and youths have in gaining
19 access to public preschool programs and to pub-
20 lic elementary schools and secondary schools;

21 “(C) the difficulties in identifying the spe-
22 cial needs and barriers to the participation and
23 achievement of such children and youths;

24 “(D) any progress made by the State edu-
25 cational agency and local educational agencies

1 in the State in addressing such problems and
2 difficulties; and

3 “(E) the success of the programs under
4 this subtitle in identifying homeless children
5 and youths and allowing such children and
6 youths to enroll in, attend, and succeed in,
7 school;

8 “(2) develop and carry out the State plan de-
9 scribed in subsection (g);

10 “(3) collect data for and transmit to the Sec-
11 retary, at such time and in such manner as the Sec-
12 retary may require, a report containing information
13 necessary to assess the educational needs of home-
14 less children and youths within the State, including
15 data necessary for the Secretary to fulfill the respon-
16 sibilities under section 724(h);

17 “(4) in order to improve the provision of com-
18 prehensive education and related support services to
19 homeless children and youths and their families, co-
20 ordinate and collaborate with—

21 “(A) educators, including teachers, special
22 education personnel, administrators, and child
23 development and preschool program personnel;

24 “(B) providers of services to homeless chil-
25 dren and youths and their families, including

1 services of public and private child welfare and
2 social services agencies, law enforcement agen-
3 cies, juvenile and family courts, agencies pro-
4 viding mental health services, domestic violence
5 agencies, child care providers, runaway and
6 homeless youth centers, and providers of serv-
7 ices and programs funded under the Runaway
8 and Homeless Youth Act (42 U.S.C. 5701 et
9 seq.);

10 “(C) providers of emergency, transitional,
11 and permanent housing to homeless children
12 and youths, and their families, including public
13 housing agencies, shelter operators, operators of
14 transitional housing facilities, and providers of
15 transitional living programs for homeless
16 youths;

17 “(D) local educational agency liaisons des-
18 igned under subsection (g)(1)(J)(ii) for home-
19 less children and youths; and

20 “(E) community organizations and groups
21 representing homeless children and youths and
22 their families;

23 “(5) provide technical assistance to local edu-
24 cational agencies, in coordination with local edu-
25 cational agency liaisons designated under subsection

1 (g)(1)(J)(ii), to ensure that local educational agen-
2 cies comply with the requirements of subsection
3 (e)(3), paragraphs (3) through (7) of subsection (g),
4 and subsection (h);

5 “(6) provide professional development opportu-
6 nities for local educational agency personnel and the
7 homeless liaison designated under subsection
8 (g)(1)(J)(ii) to assist such personnel in meeting the
9 needs of homeless children and youths; and

10 “(7) respond to inquiries from parents and
11 guardians of homeless children and youths and un-
12 accompanied youths to ensure that each child or
13 youth who is the subject of such an inquiry receives
14 the full protections and services provided by this
15 subtitle.”;

16 (7) by amending subsection (g) to read as fol-
17 lows:

18 “(g) STATE PLAN.—

19 “(1) IN GENERAL.—In order to be eligible to
20 receive a grant under this section, each State edu-
21 cational agency shall submit to the Secretary a plan
22 to provide for the education of homeless children
23 and youths within the State that includes the fol-
24 lowing:

1 “(A) A description of how such children
2 and youths are (or will be) given the oppor-
3 tunity to meet the same State academic stand-
4 ards that all students are expected to meet.

5 “(B) A description of the procedures the
6 State educational agency will use to identify
7 such children and youths in the State and to
8 assess their needs.

9 “(C) A description of procedures for the
10 prompt resolution of disputes regarding the
11 educational placement of homeless children and
12 youths.

13 “(D) A description of programs for school
14 personnel (including liaisons, school leaders, at-
15 tendance officers, teachers, enrollment per-
16 sonnel, and specialized instructional support
17 personnel) to heighten the awareness of such
18 personnel of the specific needs of homeless ado-
19 lescents, including runaway and homeless
20 youths.

21 “(E) A description of procedures that en-
22 sure that homeless children and youths who
23 meet the relevant eligibility criteria are able to
24 participate in Federal, State, or local nutrition
25 programs.

1 “(F) A description of procedures that en-
2 sure that—

3 “(i) homeless children have equal ac-
4 cess to public preschool programs, adminis-
5 tered by the State educational agency or
6 local educational agency, as provided to
7 other children in the State;

8 “(ii) homeless youths and youths sep-
9 arated from public schools are identified
10 and accorded equal access to appropriate
11 secondary education and support services;
12 and

13 “(iii) homeless children and youth
14 who meet the relevant eligibility criteria
15 are able to participate in Federal, State, or
16 local education programs.

17 “(G) Strategies to address problems identi-
18 fied in the report provided to the Secretary
19 under subsection (f)(3).

20 “(H) Strategies to address other problems
21 with respect to the education of homeless chil-
22 dren and youths, including problems resulting
23 from enrollment delays that are caused by—

24 “(i) immunization and other health
25 records requirements;

1 “(ii) residency requirements;

2 “(iii) lack of birth certificates, school
3 records, or other documentation;

4 “(iv) guardianship issues; or

5 “(v) uniform or dress code require-
6 ments.

7 “(I) A demonstration that the State edu-
8 cational agency and local educational agencies
9 in the State have developed, and shall review
10 and revise, policies to remove barriers to the
11 identification, enrollment, and retention of
12 homeless children and youths in schools in the
13 State.

14 “(J) Assurances that the following will be
15 carried out:

16 “(i) The State educational agency and
17 local educational agencies in the State will
18 adopt policies and practices to ensure that
19 homeless children and youths are not stig-
20 matized or segregated on the basis of their
21 status as homeless.

22 “(ii) Local educational agencies will
23 designate an appropriate staff person, who
24 may also be a coordinator for other Fed-
25 eral programs, as a local educational agen-

1 cy liaison for homeless children and
2 youths, to carry out the duties described in
3 paragraph (6)(A).

4 “(iii) The State and its local edu-
5 cational agencies will adopt policies and
6 practices to ensure that transportation is
7 provided, at the request of the parent or
8 guardian (or in the case of an unaccom-
9 panied youth, the liaison), to and from the
10 school of origin, as determined in para-
11 graph (3)(A), in accordance with the fol-
12 lowing, as applicable:

13 “(I) If the child or youth con-
14 tinues to live in the area served by the
15 local educational agency in which the
16 school of origin is located, the child’s
17 or youth’s transportation to and from
18 the school of origin shall be provided
19 or arranged by the local educational
20 agency in which the school of origin is
21 located.

22 “(II) If the child’s or youth’s liv-
23 ing arrangements in the area served
24 by the local educational agency of ori-
25 gin terminate and the child or youth,

1 though continuing his or her edu-
2 cation in the school of origin, begins
3 living in an area served by another
4 local educational agency, the local
5 educational agency of origin and the
6 local educational agency in which the
7 child or youth is living shall agree
8 upon a method to apportion the re-
9 sponsibility and costs for providing
10 the child with transportation to and
11 from the school of origin. If the local
12 educational agencies are unable to
13 agree upon such method, the responsi-
14 bility and costs for transportation
15 shall be shared equally.

16 “(2) COMPLIANCE.—

17 “(A) IN GENERAL.—Each plan adopted
18 under this subsection shall also describe how
19 the State will ensure that local educational
20 agencies in the State will comply with the re-
21 quirements of paragraphs (3) through (7).

22 “(B) COORDINATION.—Such plan shall in-
23 dicate what technical assistance the State will
24 furnish to local educational agencies and how
25 compliance efforts will be coordinated with the

1 local educational agency liaisons designated
2 under paragraph (1)(J)(ii).

3 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-
4 MENTS.—

5 “(A) IN GENERAL.—The local educational
6 agency serving each child or youth to be as-
7 sisted under this subtitle shall, according to the
8 child’s or youth’s best interest—

9 “(i) continue the child’s or youth’s
10 education in the school of origin for the
11 duration of homelessness—

12 “(I) in any case in which a fam-
13 ily becomes homeless between aca-
14 demic years or during an academic
15 year; or

16 “(II) for the remainder of the
17 academic year, if the child or youth
18 becomes permanently housed during
19 an academic year; or

20 “(ii) enroll the child or youth in any
21 public school that nonhomeless students
22 who live in the attendance area in which
23 the child or youth is actually living are eli-
24 gible to attend.

1 “(B) SCHOOL STABILITY.—In determining
2 the best interest of the child or youth under
3 subparagraph (A), the local educational agency
4 shall—

5 “(i) presume that keeping the child or
6 youth in the school of origin is in the child
7 or youth’s best interest, except when doing
8 so is contrary to the wishes of the child’s
9 or youth’s parent or guardian, or the unac-
10 companied youth;

11 “(ii) consider student-centered factors
12 related to the child’s or youth’s best inter-
13 est, including factors related to the impact
14 of mobility on achievement, education,
15 health, and safety of homeless children and
16 youth, giving priority to the wishes of the
17 homeless child’s or youth’s parent or
18 guardian or the unaccompanied youth in-
19 volved;

20 “(iii) if, after conducting the best in-
21 terest determination based on consider-
22 ation of the presumption in clause (i) and
23 the student-centered factors in clause (ii),
24 the local educational agency determines
25 that it is not in the child’s or youth’s best

1 interest to attend the school of origin or
2 the school requested by the parent, guard-
3 ian, or unaccompanied youth, provide the
4 child's or youth's parent or guardian or
5 the unaccompanied youth with a written
6 explanation of the reasons for its deter-
7 mination, in a manner and form under-
8 standable to such parent, guardian, or un-
9 accompanied youth, including information
10 regarding the right to appeal under sub-
11 paragraph (E); and

12 “(iv) in the case of an unaccompanied
13 youth, ensure that the homeless liaison
14 designated under paragraph (1)(J)(ii) as-
15 sists in placement or enrollment decisions
16 under this subparagraph, gives priority to
17 the views of such unaccompanied youth,
18 and provides notice to such youth of the
19 right to appeal under subparagraph (E).

20 “(C) ENROLLMENT.—

21 “(i) IN GENERAL.—The school se-
22 lected in accordance with this paragraph
23 shall immediately enroll the homeless child
24 or youth, even if the child or youth—

1 “(I) is unable to produce records
2 normally required for enrollment, such
3 as previous academic records, records
4 of immunization and other required
5 health records, proof of residency, or
6 other documentation; or

7 “(II) has missed application or
8 enrollment deadlines during any pe-
9 riod of homelessness.

10 “(ii) RELEVANT ACADEMIC
11 RECORDS.—The enrolling school shall im-
12 mediately contact the school last attended
13 by the child or youth to obtain relevant
14 academic and other records.

15 “(iii) RELEVANT HEALTH RECORDS.—
16 If the child or youth needs to obtain immu-
17 nizations or other required health records,
18 the enrolling school shall immediately refer
19 the parent or guardian of the child or
20 youth, or the unaccompanied child or
21 youth, to the local educational agency liai-
22 son designated under paragraph (1)(J)(ii),
23 who shall assist in obtaining necessary im-
24 munizations or screenings, or immuniza-

1 tion or other required health records, in
2 accordance with subparagraph (D).

3 “(D) RECORDS.—Any record ordinarily
4 kept by the school, including immunization or
5 other required health records, academic records,
6 birth certificates, guardianship records, and
7 evaluations for special services or programs, re-
8 garding each homeless child or youth shall be
9 maintained—

10 “(i) so that the records involved are
11 available, in a timely fashion, when a child
12 or youth enters a new school or school dis-
13 trict; and

14 “(ii) in a manner consistent with sec-
15 tion 444 of the General Education Provi-
16 sions Act (20 U.S.C. 1232g).

17 “(E) ENROLLMENT DISPUTES.—If a dis-
18 pute arises over school selection or enrollment
19 in a school—

20 “(i) the child or youth shall be imme-
21 diately enrolled in the school in which en-
22 rollment is sought, pending final resolution
23 of the dispute, including all available ap-
24 peals;

1 “(ii) the parent, guardian, or unac-
2 companied youth shall be provided with a
3 written explanation of any decisions made
4 by the school, the local educational agency,
5 or the State educational agency involved,
6 including the rights of the parent, guard-
7 ian, or youth to appeal such decisions;

8 “(iii) the parent, guardian, or unac-
9 companied youth shall be referred to the
10 local educational agency liaison designated
11 under paragraph (1)(J)(ii), who shall carry
12 out the dispute resolution process as de-
13 scribed in paragraph (1)(C) as expedi-
14 tiously as possible after receiving notice of
15 the dispute; and

16 “(iv) in the case of an unaccompanied
17 youth, the liaison shall ensure that the
18 youth is immediately enrolled in school in
19 which the youth seeks enrollment pending
20 resolution of such dispute.

21 “(F) PLACEMENT CHOICE.—The choice re-
22 garding placement shall be made regardless of
23 whether the child or youth lives with the home-
24 less parents or has been temporarily placed
25 elsewhere.

1 “(G) SCHOOL OF ORIGIN DEFINED.—

2 “(i) IN GENERAL.—In this paragraph,
3 the term ‘school of origin’ means the
4 school that a child or youth attended when
5 permanently housed or the school in which
6 the child or youth was last enrolled.

7 “(ii) RECEIVING SCHOOL.—When the
8 child or youth completes the final grade
9 level served by the school of origin, as de-
10 scribed in clause (i), the term “school of
11 origin” shall include the designated receiv-
12 ing school at the next grade level for all
13 feeder schools.

14 “(H) CONTACT INFORMATION.—Nothing
15 in this subtitle shall prohibit a local educational
16 agency from requiring a parent or guardian of
17 a homeless child to submit contact information.

18 “(I) PRIVACY.—Information about a home-
19 less child’s or youth’s living situation shall be
20 treated as a student education record under
21 section 444 of the General Education Provi-
22 sions Act (20 U.S.C. 1232g) and shall not be
23 released to housing providers, employers, law
24 enforcement personnel, or other persons or
25 agencies not authorized to have such informa-

1 tion under section 99.31 of title 34, Code of
2 Federal Regulations.

3 “(J) ACADEMIC ACHIEVEMENT.—The
4 school selected in accordance with this para-
5 graph shall ensure that homeless children and
6 youth have opportunities to meet the same
7 State academic standards to which other stu-
8 dents are held.

9 “(4) COMPARABLE SERVICES.—Each homeless
10 child or youth to be assisted under this subtitle shall
11 be provided services comparable to services offered
12 to other students in the school selected under para-
13 graph (3), including the following:

14 “(A) Transportation services.

15 “(B) Educational services for which the
16 child or youth meets the eligibility criteria, such
17 as services provided under title I of the Elemen-
18 tary and Secondary Education Act of 1965 (20
19 U.S.C. 6301 et seq.) or similar State or local
20 programs, educational programs for children
21 with disabilities, and educational programs for
22 English learners.

23 “(C) Programs in career and technical
24 education.

1 “(D) Programs for gifted and talented stu-
2 dents.

3 “(E) School nutrition programs.

4 “(5) COORDINATION.—

5 “(A) IN GENERAL.—Each local educational
6 agency serving homeless children and youths
7 that receives assistance under this subtitle shall
8 coordinate—

9 “(i) the provision of services under
10 this subtitle with local social services agen-
11 cies and other agencies or entities pro-
12 viding services to homeless children and
13 youths and their families, including serv-
14 ices and programs funded under the Run-
15 away and Homeless Youth Act (42 U.S.C.
16 5701 et seq.); and

17 “(ii) transportation, transfer of school
18 records, and other interdistrict activities,
19 with other local educational agencies.

20 “(B) HOUSING ASSISTANCE.—If applica-
21 ble, each State educational agency and local
22 educational agency that receives assistance
23 under this subtitle shall coordinate with State
24 and local housing agencies responsible for devel-
25 oping the comprehensive housing affordability

1 strategy described in section 105 of the Cran-
2 ston-Gonzalez National Affordable Housing Act
3 (42 U.S.C. 12705) to minimize educational dis-
4 ruption for children and youths who become
5 homeless.

6 “(C) COORDINATION PURPOSE.—The co-
7 ordination required under subparagraphs (A)
8 and (B) shall be designed to—

9 “(i) ensure that all homeless children
10 and youths are promptly identified;

11 “(ii) ensure that homeless children
12 and youths have access to, and are in rea-
13 sonable proximity to, available education
14 and related support services; and

15 “(iii) raise the awareness of school
16 personnel and service providers of the ef-
17 fects of short-term stays in a shelter and
18 other challenges associated with homeless-
19 ness.

20 “(D) HOMELESS CHILDREN AND YOUTHS
21 WITH DISABILITIES.—For children and youth
22 who are to be assisted both under this subtitle,
23 and under the Individuals with Disabilities
24 Education Act (20 U.S.C. 1400 et seq.) or sec-
25 tion 504 of the Rehabilitation Act of 1973 (29

1 U.S.C. 794), each local educational agency shall
2 coordinate the provision of services under this
3 subtitle with the provision of programs for chil-
4 dren with disabilities served by that local edu-
5 cational agency and other involved local edu-
6 cational agencies.

7 “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

8 “(A) DUTIES.—Each local educational
9 agency liaison for homeless children and youths,
10 designated under paragraph (1)(J)(ii), shall en-
11 sure that—

12 “(i) homeless children and youths are
13 identified by school personnel through out-
14 reach and coordination activities with other
15 entities and agencies;

16 “(ii) homeless children and youths are
17 enrolled in, and have a full and equal op-
18 portunity to succeed in, schools of that
19 local educational agency;

20 “(iii) homeless families, children, and
21 youths have access to and receive edu-
22 cational services for which such families,
23 children, and youths are eligible, including
24 services through Head Start, Early Head
25 Start, early intervention, and preschool

1 programs administered by the local edu-
2 cational agency;

3 “(iv) homeless families, children, and
4 youths receive referrals to health care serv-
5 ices, dental services, mental health and
6 substances abuse services, housing services,
7 and other appropriate services;

8 “(v) the parents or guardians of
9 homeless children and youths are informed
10 of the educational and related opportuni-
11 ties available to their children 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 youths is
16 disseminated in locations frequented by
17 parents or guardians of such children and
18 youths, and unaccompanied youths, includ-
19 ing schools, shelters, public libraries, and
20 soup kitchens in a manner and form un-
21 derstandable to the parents and guardians
22 of homeless children and youths, and unac-
23 companied youths;

24 “(vii) enrollment disputes are medi-
25 ated in accordance with paragraph (3)(E);

1 “(viii) the parent or guardian of a
2 homeless child or youth, and any unaccom-
3 panied youth, is fully informed of all trans-
4 portation services, including transportation
5 to the school of origin, as described in
6 paragraph (1)(J)(iii), and is assisted in ac-
7 cessing transportation to the school that is
8 selected under paragraph (3)(A);

9 “(ix) school personnel providing serv-
10 ices under this subtitle receive professional
11 development and other support; and

12 “(x) unaccompanied youths—

13 “(I) are enrolled in school;

14 “(II) have opportunities to meet
15 the same State academic standards to
16 which other students are held, includ-
17 ing through implementation of the
18 policies and practices required by
19 paragraph (1)(F)(ii); and

20 “(III) are informed of their sta-
21 tus as independent students under
22 section 480 of the Higher Education
23 Act of 1965 (20 U.S.C. 1087vv) and
24 receive verification of such status for
25 purposes of the Free Application for

1 Federal Student Aid described in sec-
2 tion 483 of such Act (20 U.S.C.
3 1090).

4 “(B) NOTICE.—State coordinators estab-
5 lished under subsection (d)(3) and local edu-
6 cational agencies shall inform school personnel,
7 service providers, advocates working with home-
8 less families, parents and guardians of homeless
9 children and youths, and homeless children and
10 youths of the duties of the local educational
11 agency liaisons, including publishing an annu-
12 ally updated list of the liaisons on the State
13 educational agency’s website.

14 “(C) LOCAL AND STATE COORDINATION.—
15 Local educational agency liaisons for homeless
16 children and youths shall, as a part of their du-
17 ties, coordinate and collaborate with State coor-
18 dinators and community and school personnel
19 responsible for the provision of education and
20 related services to homeless children and
21 youths. Such coordination shall include col-
22 lecting and providing to the State Coordinator
23 the reliable, valid, and comprehensive data
24 needed to meet the requirements of paragraphs
25 (1) and (3) of subsection (f).

1 “(7) REVIEW AND REVISIONS.—

2 “(A) IN GENERAL.—Each State edu-
3 cational agency and local educational agency
4 that receives assistance under this subtitle shall
5 review and revise any policies that may act as
6 barriers to the enrollment of homeless children
7 and youths in schools that are selected under
8 paragraph (3).

9 “(B) CONSIDERATION.—In reviewing and
10 revising such policies, consideration shall be
11 given to issues concerning transportation, im-
12 munization, residency, birth certificates, school
13 records and other documentation, and guard-
14 ianship.

15 “(C) SPECIAL ATTENTION.—Special atten-
16 tion shall be given to ensuring the enrollment
17 and attendance of homeless children and youths
18 who are not currently attending school.”;

19 (8) in subsection (h)(1)(A), by striking “fiscal
20 year 2009,” and inserting “fiscal years 2014
21 through 2019,”; and

22 (9) in subsection (h)(4), by striking “fiscal year
23 2009” and inserting “fiscal years 2014 through
24 2019”.

1 **SEC. 703. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**
2 **THE EDUCATION OF HOMELESS CHILDREN**
3 **AND YOUTHS.**

4 Section 723 of such Act (42 U.S.C. 11433) is amend-
5 ed—

6 (1) in subsection (a)—

7 (A) in paragraph (1), by striking “facili-
8 tating the enrollment,” and inserting “facili-
9 tating the identification, enrollment,”;

10 (B) in paragraph (2)(A)—

11 (i) by adding “and” at the end of
12 clause (i);

13 (ii) by striking “; and” and inserting
14 a period at the end of clause (ii); and

15 (iii) by striking clause (iii); and

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

17 “(4) DURATION OF GRANTS.—Subgrants
18 awarded under this section shall be for terms of not
19 to exceed 3 years.”;

20 (2) in subsection (b)—

21 (A) by striking paragraph (3) and redesign-
22 ating paragraphs (4) and (5) as paragraphs
23 (3) and (4), respectively; and

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

25 “(5) An assurance that the local educational
26 agency will collect and promptly provide data re-

1 requested by the State Coordinator pursuant to para-
2 graphs (1) and (3) of section 722(f).

3 “(6) An assurance that the local educational
4 agency has removed barriers to complying with the
5 requirements of section 722(g)(1)(I).”;

6 (3) in subsection (c)—

7 (A) in paragraph (1), by striking “726”
8 and inserting “722(a)”;

9 (B) in paragraph (2)—

10 (i) in subparagraph (A), by inserting
11 “identification,” before “enrollment”;

12 (ii) by amending subparagraph (B) to
13 read as follows:

14 “(B) The extent to which the application
15 reflects coordination with other local and State
16 agencies that serve homeless children and
17 youths.”; and

18 (iii) in subparagraph (C), by inserting
19 “(as of the date of submission of the appli-
20 cation)” after “current practice”;

21 (C) in paragraph (3)—

22 (i) by amending subparagraph (C) to
23 read as follows:

24 “(C) The extent to which the applicant will
25 promote meaningful involvement of parents or

1 guardians of homeless children or youths in the
2 education of their children.”;

3 (ii) in subparagraph (D), by striking
4 “within” and inserting “into”;

5 (iii) in subparagraph (G)—

6 (I) by striking “Such” and in-
7 serting “The extent to which the ap-
8 plicant’s program meets such”; and

9 (II) by striking “case manage-
10 ment or related”;

11 (iv) by redesignating subparagraph
12 (G) as subparagraph (I) and inserting
13 after subparagraph (F) the following:

14 “(G) The extent to which the local edu-
15 cational agency will use the subgrant to lever-
16 age resources, including by maximizing
17 nonsubgrant funding for the position of the liai-
18 son described in section 722(g)(1)(J)(ii) and
19 the provision of transportation.

20 “(H) How the local educational agency
21 uses funds to serve homeless children and
22 youths under section 1113(c)(3) of the Elemen-
23 tary and Secondary Education Act of 1965 (20
24 U.S.C. 6313(c)(3)).”; and

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

1 “(J) An assurance that the applicant will
2 meet the requirements of section 722(g)(3).”;
3 and

4 (D) by striking paragraph (4).

5 (4) in subsection (d)—

6 (A) in paragraph (1)—

7 (i) by striking “challenging State aca-
8 demic content standards” and inserting
9 “State academic standards”; and

10 (ii) by striking “and challenging State
11 student academic achievement standards”;

12 (B) in paragraph (2)—

13 (i) by striking “students with limited
14 English proficiency,” and inserting
15 “English learners,”; and

16 (ii) by striking “vocational” and in-
17 serting “career”;

18 (C) in paragraph (3), by striking “pupil
19 services” and inserting “specialized instruc-
20 tional support”;

21 (D) in paragraph (7), by striking “, and
22 unaccompanied youths,” and inserting “, par-
23 ticularly homeless children and youths who are
24 not enrolled in school,”;

1 (E) in paragraph (9) by striking “medical”
2 and inserting “other required health”;

3 (F) in paragraph (10), by inserting before
4 the period at the end “, and other activities de-
5 signed to increase the meaningful involvement
6 of parents or guardians of homeless children or
7 youths in the education of their children”;

8 (G) in paragraph (12), by striking “pupil”
9 and inserting “specialized instructional sup-
10 port”; and

11 (H) in paragraph (13), by inserting before
12 the period at the end “and parental mental
13 health or substance abuse problems”.

14 **SEC. 704. SECRETARIAL RESPONSIBILITIES.**

15 Section 724 of such Act (42 U.S.C. 11434) is amend-
16 ed—

17 (1) by amending subsection (c) to read as fol-
18 lows:

19 “(c) NOTICE.—

20 “(1) IN GENERAL.—The Secretary shall, before
21 the next school year that begins after the date of the
22 enactment of the Student Success Act, update and
23 disseminate nationwide the public notice described in
24 this subsection (as in effect prior to such date) of

1 the educational rights of homeless children and
2 youths.

3 “(2) DISSEMINATION.—The Secretary shall dis-
4 seminate the notice nationally to all Federal agen-
5 cies, program grantees, and grant recipients serving
6 homeless families, children, and youths.”;

7 (2) in subsection (d), by striking “and dissemi-
8 nation” and inserting “, dissemination, and technical
9 assistance”;

10 (3) in subsection (e)—

11 (A) by striking “applications for grants
12 under this subtitle” and inserting “plans for
13 the use of grant funds under section 722”;

14 (B) by striking “60-day” and inserting
15 “120-day”; and

16 (C) by striking “120-day” and inserting
17 “180-day”;

18 (4) in subsection (f), by adding at the end the
19 following: “The Secretary shall provide support and
20 technical assistance to State educational agencies in
21 areas in which barriers to a free appropriate public
22 education persist.”;

23 (5) by amending subsection (g) to read as fol-
24 lows:

1 “(g) GUIDELINES.—The Secretary shall develop,
2 issue, and publish in the Federal Register, not later than
3 60 days after the date of the enactment of the Student
4 Success Act, strategies by which a State—

5 “(1) may assist local educational agencies to
6 implement the provisions amended by the Act; and

7 “(2) can review and revise State policies and
8 procedures that may present barriers to the identi-
9 fication, enrollment, attendance, and success of
10 homeless children and youths in school.”;

11 (6) in subsection (h)(1)(A), by inserting “in all
12 areas served by local educational agencies” before
13 the semicolon at the end; and

14 (7) in subsection (i), by striking “McKinney-
15 Vento Homeless Education Assistance Improvements
16 Act of 2001” and inserting “Student Success Act”.

17 **SEC. 705. DEFINITIONS.**

18 Section 725 of such Act (42 U.S.C. 11434a) is
19 amended—

20 (1) in paragraph (2)(B)(iv), by striking “1309”
21 and inserting “1139”; and

22 (2) in paragraph (3), by striking “9101” and
23 inserting “5101”.

1 **SEC. 706. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 726 of such Act (42 U.S.C. 11435) is amend-
3 ed to read as follows:

4 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

5 “For the purpose of carrying out this subtitle, there
6 are authorized to be appropriated \$61,771,000 for each
7 of fiscal years 2014 through 2019.”.

8 **TITLE VIII—MISCELLANEOUS**
9 **PROVISIONS**

10 **SEC. 801. FINDINGS; SENSE OF THE CONGRESS.**

11 (a) FINDINGS.—The Congress finds as follows:

12 (1) To avoid negative attention and litigation,
13 some local educational agencies have entered into
14 agreements with employees who are suspected of
15 abusing or are known to have abused students.

16 (2) Instead of reporting sexual misconduct with
17 minors to the proper authorities such as the police
18 or child welfare services, under such agreements the
19 local educational agencies, schools, and employees
20 keep the information private and facilitate the em-
21 ployee’s transfer to another local educational agency.

22 (b) SENSE OF THE CONGRESS.—It is the sense of
23 the Congress that—

24 (1) confidentiality agreements between local
25 educational agencies or schools and suspected child
26 sex abusers should be prohibited;

1 (2) the practice of employee transfers after sus-
2 pected or proven sexual misconduct should be
3 stopped, and States should require local educational
4 agencies and schools to provide law enforcement
5 with all information regarding sexual conduct be-
6 tween an employee and a minor; and

7 (3) Congress should help protect children and
8 help stop this unacceptable practice in our schools.
Passed the House of Representatives July 19, 2013.

Attest:

KAREN L. HAAS,

Clerk.