

113TH CONGRESS
1ST SESSION

S. 1110

To amend part A of title I of the Elementary and Secondary Education Act of 1965.

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2013

Ms. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend part A of title I of the Elementary and Secondary Education Act of 1965.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Educational Account-
5 ability and State Flexibility Act of 2013”.

6 **SEC. 2. IMPROVING THE ACADEMIC ACHIEVEMENT OF THE**
7 **DISADVANTAGED.**

8 (a) **PURPOSE AUTHORIZATION, AND SCHOOL IM-**
9 **PROVEMENT FUNDS.**—Sections 1001 through 1003 of the

1 Elementary and Secondary Education Act of 1965 (20
2 U.S.C. 6301 et seq.) are amended to read as follows:

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

4 “The purpose of this title is to ensure that all chil-
5 dren have a fair, equal, and significant opportunity to ob-
6 tain a high-quality education and reach, at a minimum,
7 proficiency on challenging State academic achievement
8 standards and State academic assessments. This purpose
9 can be accomplished by—

10 “(1) ensuring that high-quality academic as-
11 sessments, accountability systems, teacher prepara-
12 tion and training, curriculum, and instructional ma-
13 terials are aligned with challenging State academic
14 standards so that students, teachers, parents, and
15 administrators can measure progress against com-
16 mon expectations for student academic achievement;

17 “(2) meeting the educational needs of low-
18 achieving children in our Nation’s highest-poverty
19 schools, limited English proficient children, migra-
20 tory children, children with disabilities, Indian, Alas-
21 ka Native and Native Hawaiian children, neglected
22 or delinquent children, and young children in need
23 of reading assistance;

24 “(3) closing the achievement gap between high-
25 and low-performing children, especially the achieve-

1 ment gaps between minority and nonminority stu-
2 dents, and between disadvantaged children and their
3 more advantaged peers;

4 “(4) holding schools, local educational agencies,
5 and States accountable for improving the academic
6 achievement of all students, and identifying and
7 turning around low-performing schools that have
8 failed to provide a high-quality education to their
9 students, while providing alternatives to students in
10 such schools to enable the students to receive a high-
11 quality education;

12 “(5) distributing and targeting resources suffi-
13 ciently to make a difference to local educational
14 agencies and schools where needs are greatest;

15 “(6) improving and strengthening account-
16 ability, teaching, and learning by using State assess-
17 ment systems designed to ensure that students are
18 meeting challenging State academic achievement and
19 content standards and increasing achievement over-
20 all, but especially for the disadvantaged;

21 “(7) providing greater decisionmaking authority
22 and flexibility to schools and teachers in exchange
23 for greater responsibility for student performance;

24 “(8) providing children an enriched and acceler-
25 ated educational program, including the use of

1 schoolwide programs or additional services that in-
2 crease the amount and quality of instructional time;

3 “(9) promoting schoolwide reform and ensuring
4 the access of children to effective, scientifically based
5 instructional strategies and challenging academic
6 content;

7 “(10) significantly elevating the quality of in-
8 struction by providing staff in participating schools
9 with substantial opportunities for professional devel-
10 opment;

11 “(11) coordinating services under all parts of
12 this title with each other, with other educational
13 services, and, to the extent feasible, with other agen-
14 cies providing services to youth, children, and fami-
15 lies; and

16 “(12) affording parents substantial and mean-
17 ingful opportunities to participate in the education
18 of their children.

19 **“SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

20 “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For
21 the purpose of carrying out part A, there are authorized
22 to be appropriated such sums as necessary for fiscal years
23 2014 through 2019.

24 “(b) IMPROVING LITERACY THROUGH SCHOOL LI-
25 BRARIES.—For the purpose of carrying out subpart 4 of

1 part B, there are authorized to be appropriated
2 \$250,000,000 for fiscal year 2014 and such sums as may
3 be necessary for each of the 5 succeeding fiscal years.

4 “(c) EDUCATION OF MIGRATORY CHILDREN.—For
5 the purpose of carrying out part C, there are authorized
6 to be appropriated \$410,000,000 for fiscal year 2014 and
7 such sums as may be necessary for each of the 5 suc-
8 ceeding fiscal years.

9 “(d) PREVENTION AND INTERVENTION PROGRAMS
10 FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT
11 RISK.—For the purpose of carrying out part D, there are
12 authorized to be appropriated \$50,000,000 for fiscal year
13 2014 and such sums as may be necessary for each of the
14 5 succeeding fiscal years.

15 “(e) FEDERAL ACTIVITIES.—

16 “(1) SECTIONS 1501 AND 1502.—For the pur-
17 pose of carrying out sections 1501 and 1502, there
18 are authorized to be appropriated such sums as may
19 be necessary for fiscal year 2014 and each of the 5
20 succeeding fiscal years.

21 “(2) SECTION 1504.—

22 “(A) IN GENERAL.—For the purpose of
23 carrying out section 1504, there are authorized
24 to be appropriated such sums as may be nec-

1 essary for fiscal year 2014 and for each of the
2 5 succeeding fiscal years.

3 “(B) SPECIAL RULE.—Of the funds appro-
4 priated pursuant to subparagraph (A), not
5 more than 30 percent may be used for teachers
6 associated with students participating in the
7 programs described in subsections (a)(1),
8 (b)(1), and (c)(1).

9 “(f) COMPREHENSIVE SCHOOL REFORM.—For the
10 purpose of carrying out part F, there are authorized to
11 be appropriated such sums as may be necessary for fiscal
12 year 2014 and each of the 5 succeeding fiscal years.

13 “(g) ADVANCED PLACEMENT.—For the purposes of
14 carrying out part G, there are authorized to be appro-
15 priated such sums for fiscal year 2014 and each 5 suc-
16 ceeding fiscal year.

17 “(h) SCHOOL DROPOUT PREVENTION.—For the pur-
18 pose of carrying out part H, there are authorized to be
19 appropriated \$125,000,000 for fiscal year 2014 and such
20 sums as may be necessary for each of the 5 succeeding
21 fiscal years, of which—

22 “(1) up to 10 percent shall be available to carry
23 out subpart 1 of part H for each fiscal year; and

24 “(2) the remainder shall be available to carry
25 out subpart 2 of part H for each fiscal year.

1 “(i) SCHOOL IMPROVEMENT.—For the purpose of
 2 carrying out section 1003(g), there are authorized to be
 3 appropriated \$500,000,000 for fiscal year 2014 and such
 4 sums as may be necessary for each of the 5 succeeding
 5 fiscal years.

6 **“SEC. 1003. SCHOOL IMPROVEMENT.**

7 “(a) STATE RESERVATIONS.—Each State shall re-
 8 serve 4 percent of the amount received under subpart 2
 9 of part A for fiscal years 2014 through 2019, to carry
 10 out subsection (b) and to carry out the State’s responsibil-
 11 ities under sections 1116 and 1117, including carrying out
 12 the State educational agency’s statewide system of tech-
 13 nical assistance and support for local educational agencies.

14 “(b) USES.—Of the amount reserved under sub-
 15 section (a) for any fiscal year, the State educational agen-
 16 cy—

17 “(1) shall allocate not less than 95 percent of
 18 that amount directly to local educational agencies
 19 for schools identified by the State in a tier described
 20 in paragraph (2), (3), or (4) of section 1116(c); or

21 “(2) may, with the approval of the local edu-
 22 cational agency, directly provide for these activities
 23 or arrange for their provision through other entities
 24 such as school support teams or educational service
 25 agencies.

1 “(c) PRIORITY.—The State educational agency, in al-
2 locating funds to local educational agencies under this sec-
3 tion, shall give priority to local educational agencies
4 that—

5 “(1) serve the lowest-achieving schools;

6 “(2) demonstrate the greatest need for such
7 funds; and

8 “(3) demonstrate the strongest commitment to
9 ensuring that such funds are used to enable the low-
10 est-achieving schools to meet or make satisfactory
11 progress toward meeting State standards, in accord-
12 ance with section 1111(b)(2).

13 “(d) UNUSED FUNDS.—If, after consultation with
14 local educational agencies in the State, the State edu-
15 cational agency determines that the amount of funds re-
16 served to carry out subsection (b) is greater than the
17 amount needed to provide the assistance described in that
18 subsection, the State educational agency shall allocate the
19 excess amount to local educational agencies in accordance
20 with—

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

24 “(2) section 1126(c).

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

8 “(f) REPORTING.—The State educational agency
9 shall make publicly available a list of those schools that
10 have received funds or services pursuant to subsection (b)
11 and the percentage of students from each school from fam-
12 ilies with incomes below the poverty line.

13 “(g) ASSISTANCE FOR LOCAL SCHOOL IMPROVE-
14 MENT.—

15 “(1) PROGRAM AUTHORIZED.—The Secretary
16 shall award grants to States to enable the States to
17 provide subgrants to local educational agencies for
18 the purpose of providing assistance for school im-
19 provement consistent with section 1116.

20 “(2) STATE ALLOTMENTS.—Such grants shall
21 be allotted among States, the Bureau of Indian Edu-
22 cation, and the outlying areas, in proportion to the
23 funds received by the States, the Bureau of Indian
24 Education, and the outlying areas, respectively, for
25 the fiscal year under parts A, C, and D of this title.

1 The Secretary shall expeditiously allot a portion of
2 such funds to States for the purpose of assisting
3 local educational agencies identified under section
4 1116(e)(3) and schools that were identified under
5 paragraph (1), (6), or (7) of section 1116(b) on the
6 day preceding the date of enactment of the Edu-
7 cational Accountability and State Flexibility Act of
8 2013.

9 “(3) REALLOCATIONS.—If a State does not re-
10 ceive funds under this subsection, the Secretary shall
11 reallocate such funds to other States in the same
12 proportion funds are allocated under paragraph (2).

13 “(4) STATE APPLICATIONS.—Each State edu-
14 cational agency that desires to receive funds under
15 this subsection shall submit an application to the
16 Secretary at such time, and containing such infor-
17 mation, as the Secretary shall reasonably require,
18 except that such requirement shall be waived if a
19 State educational agency submitted such information
20 as part of its State plan under this part. Each State
21 application shall describe how the State educational
22 agency will allocate such funds in order to assist the
23 State educational agency and local educational agen-
24 cies in complying with the requirements of section
25 1116.

1 “(5) LOCAL EDUCATIONAL AGENCY GRANTS.—
2 A grant to a local educational agency under this
3 subsection shall be—

4 “(A) of sufficient size and scope to support
5 the activities required under sections 1116 and
6 1117, but not less than \$50,000 and not more
7 than \$500,000 for each participating school;

8 “(B) integrated with other funds awarded
9 by the State under this Act; and

10 “(C) renewable for two additional 1-year
11 periods if schools are meeting their goals, as de-
12 termined by the State in accordance with sec-
13 tion 1116.

14 “(6) PRIORITY.—The State, in awarding such
15 grants, shall give priority to local educational agen-
16 cies with the lowest-achieving schools that dem-
17 onstrate—

18 “(A) the greatest need for such funds; and

19 “(B) the strongest commitment to ensur-
20 ing that such funds are used to provide ade-
21 quate resources to enable the lowest-achieving
22 schools to meet the requirements of section
23 1116.

24 “(7) ALLOCATION.—A State educational agency
25 that receives a grant under this subsection shall allo-

1 cate at least 95 percent of the grant funds directly
2 to local educational agencies for schools identified by
3 the State as being in a tier described in paragraph
4 (2), (3), or (4) of section 1116(e) to carry out activi-
5 ties described in such section, or may, with the ap-
6 proval of the local educational agency, directly pro-
7 vide for these activities or arrange for their provision
8 through other entities such as school support teams
9 or educational service agencies.

10 “(8) ADMINISTRATIVE COSTS.—A State edu-
11 cational agency that receives a grant award under
12 this subsection may reserve not more than 5 percent
13 of such grant funds for administration, evaluation,
14 and technical assistance expenses.

15 “(9) LOCAL AWARDS.—Each local educational
16 agency that applies for assistance under this sub-
17 section shall describe how it will provide the lowest-
18 achieving schools the resources necessary to assist
19 such schools to meet or make satisfactory progress
20 toward meeting State standards, in accordance with
21 sections 1111 and 1116.”.

22 (b) BASIC PROGRAM REQUIREMENTS AND STATE AC-
23 COUNTABILITY SYSTEM.—Sections 1111 through 1119 of
24 title I of the Elementary and Secondary Education Act
25 of 1965 (20 U.S.C. 6311) are amended to read as follows:

1 **“SEC. 1111. STATE PLANS.**

2 “(a) PLANS REQUIRED.—

3 “(1) IN GENERAL.—For any State desiring to
4 receive a grant under this part, the State edu-
5 cational agency shall submit to the Secretary a plan,
6 developed by the State educational agency, in con-
7 sultation with local educational agencies, teachers,
8 principals, pupil services personnel, administrators
9 (including administrators of programs described in
10 other parts of this title), other staff, parents, and
11 representatives of tribes and Native organizations lo-
12 cated in the State, that satisfies the requirements of
13 this section and that is coordinated with other pro-
14 grams under this Act (including the comprehensive
15 program plans described in section 7114), the Indi-
16 viduals with Disabilities Education Act, the Carl D.
17 Perkins Career and Technical Education Act of
18 2006, the Head Start Act, the Adult Education and
19 Family Literacy Act, and the McKinney-Vento
20 Homeless Assistance Act.

21 “(2) SPECIAL RULE.—Notwithstanding para-
22 graph (1), a State that has received a waiver under
23 the Secretary’s authority under section 9401 before
24 the date of enactment of the Educational Account-
25 ability and State Flexibility Act of 2013 may meet
26 the requirements of this part by implementing the

1 requirements under the waiver agreement for the pe-
2 riod of the waiver, or may adopt and implement a
3 plan that meets the requirements of this subpart.

4 “(3) CONSOLIDATED PLAN.—A State plan sub-
5 mitted under paragraph (1) may be submitted as
6 part of a consolidated plan under section 9302.

7 “(b) ACADEMIC STANDARDS, ACADEMIC ASSESS-
8 MENTS, AND ACCOUNTABILITY.—

9 “(1) CHALLENGING ACADEMIC STANDARDS.—

10 “(A) IN GENERAL.—Each State plan shall
11 demonstrate that the State has adopted chal-
12 lenging academic content standards and chal-
13 lenging student academic achievement stand-
14 ards that will be used by the State, its local
15 educational agencies, and its schools to carry
16 out this part, except that a State shall not be
17 required to submit such standards to the Sec-
18 retary.

19 “(B) SAME STANDARDS.—The academic
20 standards required by subparagraph (A) shall
21 be the same academic standards that the State
22 applies to all schools and children in the State.

23 “(C) SUBJECTS.—The State shall have
24 such academic standards for all public elemen-
25 tary school and secondary school children, in-

1 including children served under this part, in sub-
2 jects determined by the State, but including at
3 least mathematics, reading or language arts,
4 and science, which shall include the same
5 knowledge, skills, and levels of achievement ex-
6 pected of all children.

7 “(D) CHALLENGING ACADEMIC STAND-
8 ARDS.—Standards under this paragraph shall
9 include—

10 “(i) challenging academic content
11 standards in academic subjects that—

12 “(I) specify what children are ex-
13 pected to know and be able to do;

14 “(II) contain coherent and rig-
15 orous content; and

16 “(III) encourage the teaching of
17 advanced skills; and

18 “(ii) challenging student academic
19 achievement standards that—

20 “(I) are aligned with the State’s
21 academic content standards;

22 “(II) are aligned with the aca-
23 demic coursework at public institu-
24 tions of higher education in the State,
25 relevant career and technical edu-

1 cation standards, and appropriate ca-
2 reer skills as determined appropriate
3 by the State;

4 “(III) describe two levels of high
5 achievement (proficient and advanced)
6 that determine how well children are
7 mastering the material in the State
8 academic content standards;

9 “(IV) describe a third level of
10 achievement (basic) to provide com-
11 plete information about the progress
12 of the lower-achieving children toward
13 mastering the proficient and advanced
14 levels of achievement; and

15 “(V) will prepare a student who
16 graduates from secondary school and
17 who has been determined to be pro-
18 ficient, to succeed without the need
19 for remediation at a public institution
20 of higher education, job training, or
21 work.

22 “(E) INFORMATION.—For the subjects in
23 which students will be served under this part,
24 but for which a State is not required by sub-
25 paragraphs (A), (B), and (C) to develop, and

1 has not otherwise developed, such academic
2 standards, the State plan shall describe a strat-
3 egy for ensuring that students are taught the
4 same knowledge and skills in such subjects and
5 held to the same expectations as are all chil-
6 dren.

7 “(F) EXISTING STANDARDS.—Nothing in
8 this part shall prohibit a State from revising,
9 consistent with this section, any standard
10 adopted under this part before or after the date
11 of enactment of the Educational Accountability
12 and State Flexibility Act of 2013.

13 “(2) ACCOUNTABILITY.—

14 “(A) IN GENERAL.—Each State plan shall
15 demonstrate that the State has developed and is
16 implementing a single, statewide State account-
17 ability system that will be effective in ensuring
18 that all local educational agencies, public ele-
19 mentary schools, and public secondary schools
20 meet or make satisfactory progress toward
21 meeting State standards as defined under this
22 paragraph. Each State accountability system
23 shall—

24 “(i) be based on the academic stand-
25 ards and academic assessments adopted

1 under paragraphs (1) and (3), and other
2 academic indicators consistent with sub-
3 paragraph (C)(vi) and (vii), and shall take
4 into account the achievement of all public
5 elementary school and secondary school
6 students;

7 “(ii) be the same accountability sys-
8 tem the State uses for all public elemen-
9 tary schools and secondary schools or all
10 local educational agencies in the State, ex-
11 cept that public elementary schools, sec-
12 ondary schools, and local educational agen-
13 cies not participating under this part are
14 not subject to the requirements of section
15 1116; and

16 “(iii) include recognition for schools
17 that meet or are making satisfactory
18 progress toward meeting State standards
19 and assistance for schools that do not meet
20 or make satisfactory progress toward meet-
21 ing State standards as described in section
22 1116.

23 “(B) MEETING OR MAKING SATISFACTORY
24 PROGRESS TOWARD MEETING STATE STAND-
25 ARDS.—

1 “(i) IN GENERAL.—Each State plan
2 shall demonstrate, based on academic as-
3 sements described in paragraph (3) and
4 other indicators the State may adopt (as
5 described in clause (ii)) and in accordance
6 with this paragraph, what constitutes
7 meeting, or making satisfactory progress
8 toward meeting, State standards for all
9 public elementary schools, secondary
10 schools, and local educational agencies in
11 the State, in order to enable all public ele-
12 mentary school and secondary school stu-
13 dents to meet the State’s student academic
14 achievement standards, while working to-
15 ward the goal of narrowing the achieve-
16 ment gaps in the State, local educational
17 agencies, and schools.

18 “(ii) ADDITIONAL INDICATORS.—If a
19 State chooses to adopt additional indica-
20 tors to be used in the determination re-
21 garding meeting State standards, the State
22 shall include a description of such indica-
23 tors in the State plan.

1 “(C) DEFINITION.—The term ‘meeting
2 State standards’ shall be defined by the State
3 for purposes of this part in a manner that—

4 “(i) applies the same high standards
5 of academic achievement to all public ele-
6 mentary school and secondary school stu-
7 dents in the State;

8 “(ii) is statistically valid and reliable;

9 “(iii) results in continuous and sub-
10 stantial academic improvement for all stu-
11 dents;

12 “(iv) measures the progress of public
13 elementary schools, secondary schools, and
14 local educational agencies and the State
15 based primarily on the academic assess-
16 ments described in paragraph (3) and
17 other factors the State may adopt, in ac-
18 cordance with subparagraph (B);

19 “(v) includes separate measurable an-
20 nual objectives for continuous and substan-
21 tial improvement for each of the following:

22 “(I) The achievement of all pub-
23 lic elementary school and secondary
24 school students.

25 “(II) The achievement of—

1 “(aa) economically disadvan-
2 taged students;

3 “(bb) students from major
4 racial and ethnic groups;

5 “(cc) students with disabili-
6 ties; and

7 “(dd) students with limited
8 English proficiency;

9 except that disaggregation of data
10 under subclause (II) shall not be re-
11 quired in a case in which the number
12 of students in a category is insuffi-
13 cient to yield statistically reliable in-
14 formation or the results would reveal
15 personally identifiable information
16 about an individual student;

17 “(vi) in accordance with subparagraph
18 (D), includes graduation rates for public
19 secondary school students (defined as the
20 percentage of students who graduate from
21 secondary school with a regular diploma in
22 the standard number of years or, for stu-
23 dents who are children with disabilities,
24 within the time allotted by the Individuals
25 with Disabilities Education Act) and at

1 least one other academic indicator, as de-
2 termined by the State for all public ele-
3 mentary school students; and

4 “(vii) in accordance with subpara-
5 graph (D), at the State’s discretion, may
6 also include other academic indicators, as
7 determined by the State for all public
8 school students, measured separately for
9 each group described in clause (v), such as
10 achievement on additional State or locally
11 administered assessments, decreases in
12 grade-to-grade retention rates, attendance
13 rates, and changes in the percentages of
14 students completing gifted and talented,
15 advanced placement, and college pre-
16 paratory courses.

17 “(D) REQUIREMENTS FOR OTHER INDICA-
18 TORS.—In carrying out subparagraph (C)(vi)
19 and (vii), the State—

20 “(i) shall ensure that the indicators
21 described in those provisions are valid and
22 reliable, and are consistent with relevant,
23 nationally recognized professional and
24 technical standards, if any; and

1 “(ii) except as provided in subpara-
2 graph (I)(i), may not use those indicators
3 to reduce the number of, or change, the
4 schools that would otherwise not meet or
5 make satisfactory progress toward meeting
6 State standards under section 1116 if
7 those additional indicators were not used,
8 but may use them to identify additional
9 schools for school improvement.

10 “(E) TIMELINE.—Each State shall estab-
11 lish a timeline for students in each subgroup
12 described in subparagraph (C)(v)(II) in each
13 school to meet or make substantial gains to-
14 ward meeting State standards.

15 “(F) MEASURABLE OBJECTIVES.—Each
16 State shall establish statewide annual measur-
17 able objectives, pursuant to subparagraph
18 (C)(v), for meeting the requirements of this
19 paragraph, and which—

20 “(i) shall be set separately for the as-
21 sessments of mathematics and reading or
22 language arts under paragraph (3);

23 “(ii) shall be the same for all schools
24 and local educational agencies in the State;

1 “(iii) shall identify a single minimum
2 percentage of students who are required to
3 meet or exceed the proficient level on the
4 academic assessments that applies sepa-
5 rately to each group of students described
6 in subparagraph (C)(v);

7 “(iv) shall ensure that all students
8 will meet or exceed the State’s proficient
9 level of academic achievement on the State
10 assessments within the State’s timeline
11 under subparagraph (F); and

12 “(v) may be the same for more than
13 1 year, subject to the requirements of sub-
14 paragraph (H).

15 “(G) INTERMEDIATE GOALS FOR MEETING
16 STATE STANDARDS.—Each State shall establish
17 intermediate goals for meeting the require-
18 ments, including the measurable objectives in
19 subparagraph (F), of this paragraph. Each
20 State shall determine the rate of satisfactory
21 progress toward meeting State standards that
22 is acceptable. A State may require schools to—

23 “(i) increase proficiency rates by 50
24 percent for every subgroup described in

1 subparagraph (C)(v) over a period of 6
2 years;

3 “(ii) increase proficiency in annual in-
4 crements that result in 100 percent pro-
5 ficiency for all students in 6 years; or

6 “(iii) use another method that is edu-
7 cationally sound and results in ambitious
8 but achievable progress toward ensuring
9 that all students are prepared to succeed
10 in college, job training, or work.

11 “(H) ANNUAL IMPROVEMENT FOR
12 SCHOOLS.—Each year, the State shall deter-
13 mine whether—

14 “(i) each group of students described
15 in subparagraph (C)(v) has met or exceed-
16 ed the objectives set by the State under
17 subparagraph (F), except that if any group
18 described in subparagraph (C)(v) does not
19 meet those objectives in any particular
20 year, the school shall be considered to have
21 met State standards if students in that
22 group who did not meet or exceed the pro-
23 ficient level of academic achievement on
24 the State assessments under paragraph (3)
25 for that year have made at least one year’s

1 academic progress or have made substan-
2 tial gains in meeting State standards, as
3 determined by the State in accordance with
4 this paragraph; and

5 “(ii) not less than 95 percent of each
6 group of students described in subpara-
7 graph (C)(v) who are enrolled in the school
8 are required to take the assessments, con-
9 sistent with paragraph (3)(C)(xi) and with
10 accommodations, guidelines, and alter-
11 native assessments provided in the same
12 manner as those provided under section
13 612(a)(16)(A) of the Individuals with Dis-
14 abilities Education Act and paragraph (3),
15 on which meeting State standards is based
16 (except that the 95 percent requirement
17 described in this clause shall not apply in
18 a case in which the number of students in
19 a category is insufficient to yield statis-
20 tically reliable information or the results
21 would reveal personally identifiable infor-
22 mation about an individual student).

23 “(I) UNIFORM AVERAGING PROCEDURE.—

24 For the purpose of determining whether schools
25 are meeting or making satisfactory progress to-

1 ward meeting State standards, the State may
2 establish a uniform procedure for averaging
3 data which includes one or more of the fol-
4 lowing:

5 “(i) The State may average data from
6 the school year for which the determina-
7 tion is made with data from one or two
8 school years immediately preceding that
9 school year.

10 “(ii) Until the assessments described
11 in paragraph (3) are administered in such
12 manner and time to allow for the imple-
13 mentation of the uniform procedure for
14 averaging data described in clause (i), the
15 State may use the academic assessments
16 that were required under paragraph (3) as
17 that paragraph was in effect on the day
18 preceding the date of enactment of the
19 Educational Accountability and State
20 Flexibility Act of 2013, provided that noth-
21 ing in this clause shall be construed to un-
22 dermine or delay the determination of
23 meeting State standards, the requirements
24 of section 1116, or the implementation of
25 assessments under this section.

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

5 “(K) NO APPROVAL REQUIRED.—The
6 State is not required to receive the approval of
7 the Secretary for a State plan under this para-
8 graph.

9 “(3) ACADEMIC ASSESSMENTS.—

10 “(A) IN GENERAL.—Each State plan shall
11 demonstrate that the State educational agency,
12 in consultation with local educational agencies,
13 has implemented a set of high-quality, yearly
14 student academic assessments that include, at a
15 minimum, academic assessments in mathe-
16 matics, reading or language arts, and science
17 that will be used as the primary means of deter-
18 mining the yearly performance of the State and
19 of each local educational agency and school in
20 the State in enabling all children to meet the
21 State’s challenging student academic achieve-
22 ment standards.

23 “(B) USE OF ASSESSMENTS.—Each State
24 educational agency may incorporate the data
25 from the assessments under this paragraph into

1 a State-developed longitudinal data system that
2 links student test scores, length of enrollment,
3 graduation records over time, and other data as
4 the State may determine to be appropriate.

5 “(C) REQUIREMENTS.—Such assessments
6 shall—

7 “(i) be the same academic assess-
8 ments used to measure the achievement of
9 all children, except for those students with
10 significant cognitive disabilities for whom
11 an alternative assessment would be appro-
12 priate;

13 “(ii) be aligned with the State’s chal-
14 lenging academic content and student aca-
15 demic achievement standards, and provide
16 coherent information about student attain-
17 ment of such standards;

18 “(iii) be used for purposes for which
19 such assessments are valid and reliable,
20 and be consistent with relevant, nationally
21 recognized professional and technical
22 standards;

23 “(iv) be used only if the State edu-
24 cational agency provides to the Secretary
25 evidence from the test publisher or other

1 relevant sources that the assessments used
2 are of adequate technical quality for each
3 purpose required under this Act and are
4 consistent with the requirements of this
5 section, and such evidence is made public
6 by the Secretary upon request;

7 “(v) measure the achievement of all
8 students against the challenging State aca-
9 demic content and student academic
10 achievement standards in science and be
11 administered not less than one time dur-
12 ing—

13 “(I) grades 3 through 5;

14 “(II) grades 6 through 9; and

15 “(III) grades 10 through 12;

16 “(vi) involve multiple up-to-date meas-
17 ures of student academic achievement, in-
18 cluding measures that assess higher-order
19 thinking skills and understanding;

20 “(vii) measure the achievement of all
21 students against the challenging State aca-
22 demic content and student academic
23 achievement standards in each of grades 3
24 through 8 in, at a minimum, mathematics,
25 and reading or language arts;

1 “(viii) at the discretion of the State,
2 measure the proficiency of students in aca-
3 demic subjects not described in clauses (v),
4 (vi), (vii) in which the State has adopted
5 challenging academic content and academic
6 achievement standards;

7 “(ix) provide for—

8 “(I) the participation in such as-
9 sessments of all students;

10 “(II) the valid and reliable adap-
11 tations and accommodations necessary
12 for students who are children with
13 disabilities to measure the academic
14 achievement of such students relative
15 to State academic content and State
16 student academic achievement stand-
17 ards; and

18 “(III) the inclusion of limited
19 English proficient students, who shall
20 be assessed in a valid and reliable
21 manner and provided reasonable ac-
22 commodations on assessments admin-
23 istered to such students under this
24 paragraph, including, to the extent
25 practicable, assessments in the lan-

1 guage and form most likely to yield
2 accurate data on what such students
3 know and can do in academic content
4 areas, until such students have
5 achieved English language proficiency
6 as determined under paragraph (7);
7 “(x) notwithstanding clause (ix)(III),
8 the academic assessment of reading or lan-
9 guage arts, mathematics, and science shall
10 be in English, except that if the local edu-
11 cational agency determines, on a case-by-
12 case individual basis, that academic assess-
13 ments in another language or form would
14 likely yield more accurate and reliable in-
15 formation on what such student knows and
16 can do, the local educational agency may
17 make a determination to assess such stu-
18 dent in the appropriate language other
19 than English, provided that such student
20 has not yet reached a level of English lan-
21 guage proficiency sufficient to yield valid
22 and reliable information on what such stu-
23 dent knows and can do on tests written in
24 English;

1 “(xi) include students who have at-
2 tended schools in a local educational agen-
3 cy for a full academic year but have not at-
4 tended a single school for a full academic
5 year, except that the performance of stu-
6 dents who have attended more than 1
7 school in the local educational agency in
8 any academic year shall be used only in de-
9 termining the progress of the local edu-
10 cational agency;

11 “(xii) produce individual student in-
12 terpretive, descriptive, and diagnostic re-
13 ports, consistent with clause (iii) that allow
14 parents, teachers, and principals to under-
15 stand and address the specific academic
16 needs of students, and include information
17 regarding achievement on academic assess-
18 ments aligned with State academic achieve-
19 ment standards, and that are provided to
20 parents, teachers, and principals, as soon
21 as is practicably possible after the assess-
22 ment is given, in an understandable and
23 uniform format, and to the extent prac-
24 ticable, in a language that parents can un-
25 derstand;

1 “(xiii) enable results to be
2 disaggregated within each State, local edu-
3 cational agency, and school by gender, by
4 each major racial and ethnic group, by
5 English proficiency status, by migrant sta-
6 tus, by students with disabilities as com-
7 pared to nondisabled students, and by eco-
8 nomically disadvantaged students as com-
9 pared to students who are not economically
10 disadvantaged, except that, in the case of
11 a local educational agency or a school, such
12 disaggregation shall not be required in a
13 case in which the number of students in a
14 category is insufficient to yield statistically
15 reliable information or the results would
16 reveal personally identifiable information
17 about an individual student;

18 “(xiv) be consistent with widely ac-
19 cepted professional testing standards, ob-
20 jectively measure academic achievement,
21 knowledge, and skills, and be tests that do
22 not evaluate or assess personal or family
23 beliefs and attitudes, or publicly disclose
24 personally identifiable information; and

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

9 “(4) SPECIAL RULE.—Academic assessment
10 measures in addition to those in paragraph (3) that
11 do not meet the requirements of such paragraph
12 may be included in the assessment under paragraph
13 (3) as additional measures, but may not be used in
14 lieu of the academic assessments required under
15 paragraph (3). Such additional assessment measures
16 may not be used to reduce the number of or change
17 the schools that would otherwise be determined to
18 have not met State standards under section 1116 if
19 such additional indicators were not used, but may be
20 used to identify additional such schools.

21 “(5) STATE AUTHORITY.—If neither a State
22 educational agency nor any other State government
23 official, agency, or entity has sufficient authority,
24 under State law, to adopt curriculum content and
25 student academic achievement standards, and aca-

1 demic assessments aligned with such academic
2 standards, which will be applicable to all students
3 enrolled in the State’s public elementary schools and
4 secondary schools, then the State educational agency
5 may meet the requirements of this subsection by—

6 “(A) adopting academic standards and
7 academic assessments that meet the require-
8 ments of this subsection, on a statewide basis,
9 and limiting their applicability to students
10 served under this part; or

11 “(B) adopting and implementing policies
12 that ensure that each local educational agency
13 in the State that receives grants under this part
14 will adopt curriculum content and student aca-
15 demic achievement standards, and academic as-
16 sessments aligned with such standards, which—

17 “(i) meet all of the criteria in this
18 subsection and any regulations regarding
19 such standards and assessments that the
20 Secretary may publish; and

21 “(ii) are applicable to all students
22 served by each such local educational agen-
23 cy.

24 “(6) LANGUAGE ASSESSMENTS.—Each State
25 plan shall identify the languages other than English

1 that are present in the participating student popu-
2 lation and indicate the languages for which yearly
3 student academic assessments are not available and
4 are needed. The State shall make every effort to de-
5 velop such assessments and may request assistance
6 from the Secretary, an institution of higher edu-
7 cation, tribes, or other entities, if linguistically ac-
8 cessible academic assessment measures are needed.
9 Upon request, the Secretary shall assist with the
10 identification of appropriate academic assessment
11 measures in the needed languages, but shall not
12 mandate a specific academic assessment or mode of
13 instruction.

14 “(7) ACADEMIC ASSESSMENTS OF ENGLISH
15 LANGUAGE PROFICIENCY.—Each State plan shall
16 demonstrate that local educational agencies in the
17 State will provide for an annual assessment of
18 English proficiency (measuring students’ oral lan-
19 guage, reading, and writing skills in English) of all
20 students with limited English proficiency in the
21 schools served by the State educational agency.

22 “(8) REQUIREMENT.—Each State plan shall de-
23 scribe—

24 “(A) how the State educational agency will
25 assist each local educational agency and school

1 affected by the State plan to develop the capac-
2 ity to comply with each of the requirements of
3 sections 1112(c)(1)(D), 1114(b), and 1115(c)
4 that is applicable to such agency or school;

5 “(B) how the State educational agency will
6 assist each local educational agency and school
7 affected by the State plan to provide additional
8 educational assistance to individual students as-
9 sessed as needing help to achieve the State’s
10 challenging academic achievement standards;

11 “(C) the specific steps the State edu-
12 cational agency will take to ensure that both
13 schoolwide programs and targeted assistance
14 schools provide instruction by highly effective
15 instructional staff as required by sections
16 1114(b)(1)(C) and 1115(c)(1)(E), including
17 steps that the State educational agency will
18 take to ensure that poor and minority children
19 are not taught at higher rates than other chil-
20 dren by inexperienced, unqualified, or out-of-
21 field teachers, and the measures that the State
22 educational agency will use to evaluate and pub-
23 licly report the progress of the State edu-
24 cational agency with respect to such steps;

1 “(D) an assurance that the State edu-
2 cational agency will assist local educational
3 agencies in developing or identifying high-qual-
4 ity effective curricula aligned with State aca-
5 demic achievement standards and how the State
6 educational agency will disseminate such cur-
7 ricula to each local educational agency and
8 school within the State; and

9 “(E) such other factors the State edu-
10 cational agency determines appropriate to pro-
11 vide students an opportunity to achieve the
12 knowledge and skills described in the chal-
13 lenging academic content standards adopted by
14 the State.

15 “(9) USE OF ACADEMIC ASSESSMENT RESULTS
16 TO IMPROVE STUDENT ACADEMIC ACHIEVEMENT.—
17 Each State plan shall describe how the State edu-
18 cational agency will ensure that the results of the
19 State assessments described in paragraph (3)—

20 “(A) will be promptly provided to local
21 educational agencies, schools, and teachers, and
22 to tribes and Native organizations that provide
23 educational services to American Indian or
24 Alaska Natives in a manner that is clear and

1 easy to understand, but not later than before
2 the beginning of the next school year; and

3 “(B) be used by those local educational
4 agencies, schools, and teachers to improve the
5 educational achievement of individual students.

6 “(c) OTHER PROVISIONS TO SUPPORT TEACHING
7 AND LEARNING.—Each State plan shall contain assur-
8 ances that—

9 “(1) the State educational agency will meet the
10 requirements of subsection (g)(1) and, will produce
11 the annual State report cards described in such sub-
12 section;

13 “(2) the State will participate in biennial State
14 academic assessments of 4th and 8th grade reading
15 and mathematics under the National Assessment of
16 Educational Progress carried out under section
17 303(b)(2) of the National Assessment of Edu-
18 cational Progress Authorization Act if the Secretary
19 pays the costs of administering such assessments;

20 “(3) the State educational agency, in consulta-
21 tion with the Governor, will include, as a component
22 of the State plan, a plan to carry out the responsibil-
23 ities of the State under sections 1116 and 1117, in-
24 cluding carrying out the State educational agency’s

1 statewide system of technical assistance and support
2 for local educational agencies;

3 “(4) the State educational agency will work
4 with other agencies, including educational service
5 agencies or other local consortia, and institutions to
6 provide technical assistance to local educational
7 agencies and schools, including technical assistance
8 in providing professional development under section
9 1119, technical assistance under section 1117, and
10 technical assistance relating to parental involvement
11 under section 1118;

12 “(5)(A) where educational service agencies
13 exist, the State educational agency will consider pro-
14 viding professional development and technical assist-
15 ance through such agencies; and

16 “(B) where educational service agencies do not
17 exist, the State educational agency will consider pro-
18 viding professional development and technical assist-
19 ance through other cooperative agreements such as
20 through a consortium of local educational agencies;

21 “(6) the State educational agency will notify
22 local educational agencies and the public of the con-
23 tent and student academic achievement standards
24 and academic assessments developed under this sec-
25 tion, and of the authority to operate schoolwide pro-

1 grams, and will fulfill the State educational agency’s
2 responsibilities regarding school improvement under
3 section 1116, including such corrective actions as
4 are necessary;

5 “(7) the State educational agency will provide
6 the least restrictive and burdensome regulations for
7 local educational agencies and individual schools par-
8 ticipating in a program assisted under this part;

9 “(8) the State educational agency will inform
10 the Secretary and the public of how Federal laws, if
11 at all, hinder the ability of States to hold local edu-
12 cational agencies and schools accountable for stu-
13 dent academic achievement;

14 “(9) the State educational agency will encour-
15 age schools to consolidate funds from other Federal,
16 State, and local sources for schoolwide reform in
17 schoolwide programs under section 1114;

18 “(10) the State educational agency will modify
19 or eliminate State fiscal and accounting barriers so
20 that schools can easily consolidate funds from other
21 Federal, State, and local sources for schoolwide pro-
22 grams under section 1114;

23 “(11) the State educational agency has involved
24 the committee of practitioners established under sec-

1 tion 1903(b) in developing the plan and monitoring
2 its implementation;

3 “(12) the State educational agency will inform
4 local educational agencies in the State of the local
5 educational agency’s authority to transfer funds
6 under title VI, to obtain waivers under part D of
7 title IX, and, if the State is an Ed-Flex Partnership
8 State, to obtain waivers under the Education Flexi-
9 bility Partnership Act of 1999;

10 “(13) the State educational agency will coordi-
11 nate activities funded under this part with other
12 Federal activities as appropriate;

13 “(14) the State educational agency will encour-
14 age local educational agencies and individual schools
15 participating in a program assisted under this part
16 to offer family literacy services (using funds under
17 this part), if the agency or school determines that a
18 substantial number of students served under this
19 part by the agency or school have parents who do
20 not have a secondary school diploma or its recog-
21 nized equivalent or who have low levels of literacy;
22 and

23 “(15) the State educational agency has engaged
24 in timely and meaningful consultation with rep-
25 resentatives of Indian tribes and Native organiza-

1 tions that may be located in the State in the devel-
2 opment of the State plan to serve local educational
3 agencies under its jurisdiction in order to improve
4 the coordination of activities under this Act, to meet
5 the purpose of this title, and to meet the unique cul-
6 tural, language, and educational needs of American
7 Indian, Alaska Native, and Native Hawaiian stu-
8 dents.

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; and

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

21 “(e) PEER REVIEW.—

22 “(1) SECRETARIAL DUTIES.—The Secretary
23 shall—

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

1 “(B) appoint individuals to the peer-review
2 process who are representative of parents,
3 teachers, State educational agencies, and local
4 educational agencies, and, where applicable,
5 representatives of tribes or tribal organizations
6 who are familiar with educational standards, as-
7 sessments, accountability, the needs of low-per-
8 forming schools, and other educational needs of
9 students.

10 “(2) PEER REVIEW REPORT.—The peer review
11 panel will provide their views on whether the State’s
12 plan complies with the requirements of this section
13 and the degree to which it is likely to improve the
14 academic achievement of all students to the Sec-
15 retary and to the State. The Secretary shall make
16 the peer review panel’s report public and shall pro-
17 vide copies to the Committee on Health, Education
18 Labor, and Pensions of the Senate and the Edu-
19 cation and Workforce Committee of the House of
20 Representatives.

21 “(3) APPROVAL.—The Secretary shall approve
22 a State plan within 120 days of its submission un-
23 less the Secretary determines that the State has not
24 included all required information in its plan.

1 “(4) OPPORTUNITY TO REVISE.—If the Sec-
2 retary determines that the State has not included all
3 required information in its State plan, the Secretary
4 shall offer the State the opportunity to revise its
5 plan. A State educational agency shall revise its
6 State plan to include all required information in
7 order to receive funds under subpart 2.

8 “(5) LIMITS TO SECRETARY’S POWER.—The
9 Secretary shall not have the authority to disapprove
10 how the State plans to fulfill the requirements of
11 this section, nor shall the Secretary have the author-
12 ity to require a State, as a condition of approval,
13 funding, or priority for funding under this Act, to
14 include or delete from the State plan 1 or more ele-
15 ments associated with the State’s standards, cur-
16 riculum, or assessments.

17 “(f) DURATION OF THE PLAN.—

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

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

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

1 “(2) ADDITIONAL INFORMATION.—If significant
2 changes are made to a State’s plan, such as the
3 adoption of new State academic content standards
4 and State student achievement standards, new aca-
5 demic assessments, or a new definition of meeting
6 State standards, such information shall be submitted
7 to the Secretary. The Secretary shall have no au-
8 thority to approve or disapprove such changes.

9 “(g) REPORTS.—

10 “(1) ANNUAL STATE REPORT CARD.—

11 “(A) IN GENERAL.—A State that receives
12 assistance under this part shall prepare and
13 disseminate an annual State report card to the
14 public.

15 “(B) IMPLEMENTATION.—The State report
16 card shall be—

17 “(i) concise; and

18 “(ii) presented in an understandable
19 and uniform format and, to the extent
20 practicable, provided in a language that
21 parents and the community can under-
22 stand.

23 “(C) REQUIRED INFORMATION.—The
24 State shall include in its annual State report
25 card—

1 “(i) a clear and concise description of
2 the State’s accountability system, including
3 a description of the criteria by which the
4 State evaluates school performance, and
5 the criteria that the State has established,
6 consistent with subsection (b)(2) and sec-
7 tion 1116, to determine the status of
8 schools in the State’s multi-tiered system;

9 “(ii) information, in the aggregate, on
10 student achievement at each proficiency
11 level on the State academic assessments
12 described in subsection (b)(3)
13 (disaggregated by race, ethnicity, gender,
14 disability status, migrant status, English
15 proficiency, and status as economically dis-
16 advantaged, except that such
17 disaggregation shall not be required in a
18 case in which the number of students in a
19 category is insufficient to yield statistically
20 reliable information or the results would
21 reveal personally identifiable information
22 about an individual student);

23 “(iii) information that provides a com-
24 parison between the actual achievement
25 levels of each group of students described

1 in subsection (b)(2)(C)(v) and the State’s
2 annual measurable objectives for each such
3 group of students on each of the academic
4 assessments required under this part;

5 “(iv) the percentage of students not
6 tested (disaggregated by the same cat-
7 egories and subject to the same exception
8 described in clause (i));

9 “(v) the most recent 2-year trend in
10 student achievement in each subject area,
11 and for each grade level, for which assess-
12 ments under this section are required;

13 “(vi) aggregate information on any
14 other indicators used by the State to deter-
15 mine whether students have met or are
16 making satisfactory progress toward meet-
17 ing State standards;

18 “(vii) graduation rates for secondary
19 school students consistent with subsection
20 (b)(2)(C)(vi);

21 “(viii) information on the performance
22 of local educational agencies and schools in
23 the State regarding whether such agencies
24 and schools have met or are making satis-
25 factory progress toward meeting State

1 standards, including the names of each
2 school identified in each tier under section
3 1116(e); and

4 “(ix) the professional qualifications of
5 teachers in the State, the percentage of
6 such teachers teaching with emergency or
7 provisional credentials, and the percentage
8 of classes in the State not taught by highly
9 effective teachers, in the aggregate and
10 disaggregated by high-poverty compared to
11 low-poverty schools which, for the purpose
12 of this clause, means schools in the top
13 quartile of poverty and the bottom quartile
14 of poverty in the State.

15 “(D) OPTIONAL INFORMATION.—The State
16 may include in its annual State report card
17 other information as the State believes will best
18 provide parents, students, and other members
19 of the public with information regarding the
20 progress of each of the State’s public elemen-
21 tary schools and public secondary schools, such
22 as the following:

23 “(i) School attendance rates.

24 “(ii) Average class size in each grade.

1 “(iii) Academic achievement and gains
2 in English proficiency of limited English
3 proficient students.

4 “(iv) The incidence of school violence,
5 drug abuse, alcohol abuse, student suspen-
6 sions, and student expulsions.

7 “(v) The extent and type of parental
8 involvement in the schools.

9 “(vi) The percentage of students com-
10 pleting advanced placement or dual enroll-
11 ment courses, and the rate of passing of
12 advanced placement tests.

13 “(2) ANNUAL LOCAL EDUCATIONAL AGENCY
14 REPORT CARDS TO THE PUBLIC.—

15 “(A) REPORT CARDS.—A local educational
16 agency that receives assistance under this part
17 shall prepare and disseminate an annual local
18 educational agency report card.

19 “(B) MINIMUM REQUIREMENTS.—The
20 State educational agency shall ensure that each
21 local educational agency collects appropriate
22 data and includes in the local educational agen-
23 cy’s annual report card the information de-
24 scribed in paragraph (1)(C) as applied to the

1 local educational agency and each school served
2 by the local educational agency, and—

3 “(i) in the case of a local educational
4 agency—

5 “(I) the number and percentage
6 of schools identified in each tier under
7 section 1116(c) and how long the
8 schools have been so identified; and

9 “(II) information that shows how
10 students served by the local edu-
11 cational agency achieved on the state-
12 wide academic assessment compared
13 to students in the State as a whole;
14 and

15 “(ii) in the case of a school—

16 “(I) the tier the school is in
17 under section 1116; and

18 “(II) information that shows how
19 the school’s students achievement on
20 the statewide academic assessments
21 and other indicators of meeting State
22 standards compared to students in the
23 local educational agency and the State
24 as a whole.

1 “(C) OTHER INFORMATION.—A local edu-
2 cational agency may include in its annual local
3 educational agency report card any other appro-
4 priate information, whether or not such infor-
5 mation is included in the annual State report
6 card.

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

14 “(E) PUBLIC DISSEMINATION.—The local
15 educational agency shall publicly disseminate
16 the information described in this paragraph to
17 all schools in the school district served by the
18 local educational agency and to all parents of
19 students attending those schools in an under-
20 standable and uniform format and, to the ex-
21 tent practicable, provided in a language that
22 the parents can understand, and make the in-
23 formation widely available through public
24 means, such as posting on the Internet, dis-
25 tribution to the media, and distribution through

1 public agencies, except that if a local edu-
2 cational agency issues a report card for all stu-
3 dents, the local educational agency may include
4 the information under this section as part of
5 such report.

6 “(3) PREEXISTING REPORT CARDS.—A State
7 educational agency or local educational agency that
8 was providing public report cards on the perform-
9 ance of students, schools, local educational agencies,
10 or the State prior to the date of enactment of the
11 Educational Accountability and State Flexibility Act
12 of 2013 may use those report cards for the purpose
13 of this subsection, so long as any such report card
14 is modified, as may be needed, to contain the infor-
15 mation required by this subsection.

16 “(4) ANNUAL STATE REPORT TO THE SEC-
17 RETARY.—Each State educational agency receiving
18 assistance under this part shall report annually to
19 the Secretary, and make widely available within the
20 State—

21 “(A) information on the achievement of
22 students on the academic assessments required
23 by subsection (b)(3), including the
24 disaggregated results for the categories of stu-
25 dents identified in subsection (b)(2)(C)(v);

1 “(B) information on the acquisition of
2 English language proficiency by children with
3 limited English proficiency;

4 “(C) the number and names of each school
5 in the tiers described in paragraphs (2), (3),
6 and (4) of section 1116(c), the reason why each
7 school was so identified, and the measures
8 taken to address the achievement problems of
9 such schools;

10 “(D) the number of students and schools
11 that participated in public school choice and
12 supplemental service programs and activities
13 under this title; and

14 “(E) information on the quality of teachers
15 and the percentage of classes being taught by
16 highly effective teachers in the State and in
17 each local educational agency and school.

18 “(5) REPORT TO CONGRESS.—The Secretary
19 shall transmit annually to the Committee on Edu-
20 cation and the Workforce of the House of Rep-
21 resentatives and the Committee on Health, Edu-
22 cation, Labor, and Pensions of the Senate a report
23 that provides national and State-level data on the in-
24 formation collected under paragraph (4).

25 “(6) PARENTS RIGHT-TO-KNOW.—

1 “(A) QUALIFICATIONS.—At the beginning
2 of each school year, a local educational agency
3 that receives funds under this part shall notify
4 the parents of each student attending any
5 school receiving funds under this part that the
6 parents may request, and the agency will pro-
7 vide the parents on request (and in a timely
8 manner), information regarding the professional
9 qualifications of the student’s classroom teach-
10 ers, including, at a minimum, the following:

11 “(i) Whether the teacher has met
12 State qualification and licensing criteria
13 for the grade levels and subject areas in
14 which the teacher provides instruction.

15 “(ii) Whether the teacher is teaching
16 under emergency or other provisional sta-
17 tus through which State qualification or li-
18 censing criteria have been waived.

19 “(iii) The baccalaureate degree major
20 of the teacher and any other graduate cer-
21 tification or degree held by the teacher,
22 and the field of discipline of the certifi-
23 cation or degree.

1 “(iv) Whether the child’s teacher is
2 highly effective under the definition adopt-
3 ed by the State.

4 “(v) Whether the child is provided
5 services by paraprofessionals and, if so,
6 their qualifications.

7 “(B) ADDITIONAL INFORMATION.—In ad-
8 dition to the information that parents may re-
9 quest under subparagraph (A), a school that re-
10 ceives funds under this part shall provide to
11 each individual parent information on the level
12 of achievement of the parent’s child in each of
13 the State academic assessments as required
14 under this part.

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

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

23 “(i) TECHNICAL ASSISTANCE.—The Secretary shall
24 provide a State educational agency, at the State edu-

1 cational agency’s request, technical assistance in meeting
2 the requirements of this section.

3 “(j) VOLUNTARY PARTNERSHIPS.—A State may
4 enter into a voluntary partnership with another State to
5 develop and implement the academic assessments and
6 standards required under this section.

7 “(k) CONSTRUCTION.—Nothing in this part shall be
8 construed to prescribe the use of the academic assess-
9 ments described in this part for student promotion or
10 graduation purposes.

11 “(l) SPECIAL RULE WITH RESPECT TO BUREAU-
12 FUNDED SCHOOLS.—In determining the assessments to be
13 used by each operated or funded by BIA school receiving
14 funds under this part, the following shall apply:

15 “(1) Each such school that is accredited by the
16 State in which it is operating shall use the assess-
17 ments the State has developed and implemented to
18 meet the requirements of this section, or such other
19 appropriate assessment as approved by the Secretary
20 of the Interior.

21 “(2) Each such school that is accredited by a
22 regional accrediting organization shall adopt an ap-
23 propriate assessment, in consultation with and with
24 the approval of, the Secretary of the Interior and
25 consistent with assessments adopted by other schools

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

3 “(3) Each such school that is accredited by a
4 tribal accrediting agency or tribal division of edu-
5 cation shall use an assessment developed by such
6 agency or division, except that the Secretary of the
7 Interior shall ensure that such assessment meets the
8 requirements of this section.

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

10 “(a) PLANS REQUIRED.—

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

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

24 “(b) PLAN PROVISIONS.—

1 “(1) IN GENERAL.—In order to help low-achiev-
2 ing children meet challenging achievement academic
3 standards, each local educational agency plan shall
4 include—

5 “(A) a description of high-quality student
6 academic assessments, if any, that are in addi-
7 tion to the academic assessments described in
8 the State plan under section 1111(b)(3), that
9 the local educational agency and schools served
10 under this part will use—

11 “(i) to determine the success of chil-
12 dren served under this part in meeting the
13 State student academic achievement stand-
14 ards, and to provide information to teach-
15 ers, parents, and students on the progress
16 being made toward meeting the State stu-
17 dent academic achievement standards de-
18 scribed in section 1111(b)(1)(D)(ii);

19 “(ii) to assist in diagnosis, teaching,
20 and learning in the classroom in ways that
21 best enable low-achieving children served
22 under this part to meet State student
23 achievement academic standards and do
24 well in the local curriculum;

1 “(iii) to determine what revisions are
2 needed to projects under this part so that
3 such children meet the State student aca-
4 demic achievement standards; and

5 “(iv) to identify effectively students
6 who may be at risk for reading failure or
7 who are having difficulty reading, through
8 the use of screening, diagnostic, and class-
9 room-based instructional reading assess-
10 ments, as defined under section 1208;

11 “(B) at the local educational agency’s dis-
12 cretion, a description of any other indicators
13 that will be used in addition to the academic in-
14 dicators described in section 1111(b)(2) for the
15 uses described in such section;

16 “(C) a description of how the local edu-
17 cational agency will provide additional edu-
18 cational assistance to individual students as-
19 sessed as needing help in meeting the State’s
20 challenging student academic achievement
21 standards;

22 “(D) a description of the strategy the local
23 educational agency will use to coordinate pro-
24 grams under this part with programs under
25 title II to provide professional development for

1 teachers and principals, and, if appropriate,
2 pupil services personnel, administrators, parents
3 and other staff, including local educational
4 agency level staff in accordance with sections
5 1118 and 1119;

6 “(E) a description of how the local edu-
7 cational agency will coordinate and integrate
8 services provided under this part with other
9 educational services at the local educational
10 agency or individual school level, such as—

11 “(i) Head Start and other preschool
12 programs, including plans for the transi-
13 tion of participants in such programs to
14 local elementary school programs; and

15 “(ii) services for—

16 “(I) children with limited English
17 proficiency,

18 “(II) children with disabilities;

19 “(III) migratory children;

20 “(IV) neglected or delinquent
21 youth;

22 “(V) American Indian, Alaska
23 Native, and Native Hawaiian children;

24 “(VI) homeless children; and

25 “(VII) immigrant children,

1 in order to increase program effectiveness,
2 eliminate duplication, and reduce frag-
3 mentation of the instructional program;

4 “(F) an assurance that the local edu-
5 cational agency will participate, if selected, in
6 the State National Assessment of Educational
7 Progress in 4th and 8th grade reading and
8 mathematics carried out under section
9 303(b)(2) of the National Assessment of Edu-
10 cational Progress Authorization Act;

11 “(G) a description of the poverty criteria
12 that will be used to select school attendance
13 areas under section 1113;

14 “(H) a description of how teachers, in con-
15 sultation with parents, administrators, and
16 pupil services personnel, in targeted assistance
17 schools under section 1115, will identify the eli-
18 gible children most in need of services under
19 this part;

20 “(I) a general description of the nature of
21 the programs to be conducted by such agency’s
22 schools under sections 1114 and 1115 and,
23 where appropriate, educational services outside
24 such schools for children living in local institu-
25 tions for neglected or delinquent children, and

1 for neglected and delinquent children in com-
2 munity day school programs;

3 “(J) a description of how the local edu-
4 cational agency will ensure that migratory chil-
5 dren and formerly migratory children who are
6 eligible to receive services under this part are
7 selected to receive such services on the same
8 basis as other children who are selected to re-
9 ceive services under this part;

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

22 “(L) a description of the actions the local
23 educational agency will take to assist its low-
24 achieving schools identified in the tiers de-

1 scribed in paragraphs (2), (3), and (4) of sec-
2 tion 1116(e);

3 “(M) a description of the actions the local
4 educational agency will take to implement pub-
5 lic school choice and supplemental services, if
6 applicable, consistent with the requirements of
7 section 1116(e);

8 “(N) a description of how the local edu-
9 cational agency will meet the requirements of
10 section 1119;

11 “(O) a description of the services the local
12 educational agency will provide homeless chil-
13 dren, including services provided with funds re-
14 served under section 1113(e)(3)(A);

15 “(P) a description of the strategy the local
16 educational agency will use to implement effec-
17 tive parental involvement under section 1118;

18 “(Q) where appropriate, a description of
19 how the local educational agency will use funds
20 under this part to support after school (includ-
21 ing before school and summer school) and
22 school-year extension programs; and

23 “(R) where applicable, a description of the
24 procedure that the local educational agency will
25 use to engage in timely, ongoing, and meaning-

1 ful consultation with representatives of Indian
2 tribes and Native organizations located in the
3 area served by the local educational agency, in
4 the development of the local plan in order to
5 improve the coordination of activities under this
6 Act, to meet the purposes of this title, and to
7 meet the unique cultural, language, and edu-
8 cational needs of American Indian, Alaska Na-
9 tive, and Native Hawaiian students.

10 “(2) EXCEPTION.—The academic assessments
11 and indicators described in subparagraphs (A) and
12 (B) of paragraph (1) shall not be used—

13 “(A) in lieu of the academic assessments
14 required under section 1111(b)(3) and other
15 State academic indicators under section
16 1111(b)(2); or

17 “(B) to reduce the number of, or change
18 which, schools would otherwise be identified in
19 the tiers described in paragraphs (2), (3), or
20 (4) of section 1116(c), if such additional assess-
21 ments or indicators described in such subpara-
22 graphs were not used, but such assessments
23 and indicators may be used to identify addi-
24 tional schools for school improvement.

25 “(c) ASSURANCES.—

1 “(1) IN GENERAL.—Each local educational
2 agency plan shall provide assurances that the local
3 educational agency will—

4 “(A) inform eligible schools and parents of
5 schoolwide program authority and the ability of
6 such schools to consolidate funds from Federal,
7 State, and local sources;

8 “(B) provide technical assistance and sup-
9 port to schoolwide programs;

10 “(C) work in consultation with schools as
11 the schools develop the schools’ plans pursuant
12 to section 1114 and assist schools as the
13 schools implement such plans or undertake ac-
14 tivities pursuant to section 1115 so that each
15 school can meet, or make satisfactory progress
16 toward meeting, State standards;

17 “(D) fulfill such agency’s school improve-
18 ment responsibilities under section 1116, in-
19 cluding taking actions under subsections (c),
20 (d), and (f) of section 1116;

21 “(E) provide services to eligible children
22 attending private elementary schools and sec-
23 ondary schools in accordance with section 1120,
24 and timely and meaningful consultation with
25 private school officials regarding such services;

1 “(F) take into account the experience of
2 model programs for the educationally disadvan-
3 taged, and the findings of relevant scientifically
4 based research indicating that services may be
5 most effective if focused on students in the ear-
6 liest grades at schools that receive funds under
7 this part;

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

17 “(H) work in consultation with schools as
18 the schools develop and implement their plans
19 or activities under sections 1118 and 1119;

20 “(I) comply with the requirements of sec-
21 tion 1119 regarding the qualifications of teach-
22 ers and paraprofessionals and professional de-
23 velopment;

24 “(J) inform eligible schools of the local
25 educational agency’s authority to obtain waivers

1 on the school's behalf under title IX and, if the
2 State is an Ed-Flex Partnership State, to ob-
3 tain waivers under the Education Flexibility
4 Partnership Act of 1999;

5 “(K) coordinate and collaborate, to the ex-
6 tent feasible and necessary as determined by
7 the local educational agency, with the State
8 educational agency, other agencies, and rep-
9 resentatives of Indian tribes and Native organi-
10 zations present in the area served providing
11 services to children, youth, and families with re-
12 spect to a school that has been identified in a
13 tier described in paragraph (2), (3), or (4) of
14 section 1116(c) if such a school requests assist-
15 ance from the local educational agency in ad-
16 dressing major factors that have significantly
17 affected student achievement at the school;

18 “(L) ensure, through incentives for vol-
19 untary transfers, the provision of professional
20 development, recruitment programs, or other ef-
21 fective strategies, that low-income students and
22 minority students are not taught at higher
23 rates than other students by unqualified, out-of-
24 field, or inexperienced teachers;

1 “(M) use the results of the student aca-
2 demic assessments required under section
3 1111(b)(3), and other measures or indicators
4 available to the agency, to review annually the
5 progress of each school served by the agency
6 and receiving funds under this part to deter-
7 mine whether all of the schools are meeting or
8 making satisfactory progress toward meeting
9 State standards as determined by the State;

10 “(N) ensure that the results from the aca-
11 demic assessments required under section
12 1111(b)(3) will be provided to parents and
13 teachers as soon as is practicably possible after
14 the test is taken, in an understandable and uni-
15 form format and, to the extent practicable, pro-
16 vided in a language that the parents can under-
17 stand;

18 “(O) assist each school served by the agen-
19 cy and assisted under this part in developing or
20 identifying examples of high-quality, effective
21 curricula consistent with section 1111(b)(8)(D);
22 and

23 “(P) engage in timely and meaningful con-
24 sultation with representatives of Indian tribes

1 and Native organizations located in the area
2 served by the local educational agency.

3 “(2) SPECIAL RULE.—In carrying out subpara-
4 graph (G) of paragraph (1), the Secretary—

5 “(A) shall consult with the Secretary of
6 Health and Human Services and shall establish
7 procedures (taking into consideration existing
8 State and local laws, and local teacher con-
9 tracts) to assist local educational agencies to
10 comply with such subparagraph; and

11 “(B) shall disseminate to local educational
12 agencies the education performance standards
13 in effect under section 641A(a)(1)(B) of the
14 Head Start Act, and such agencies affected by
15 such subparagraph shall plan for the implemen-
16 tation of such subparagraph (taking into con-
17 sideration existing State and local laws, and
18 local teacher contracts), including pursuing the
19 availability of other Federal, State, and local
20 funding sources to assist in compliance with
21 such subparagraph.

22 “(d) PLAN DEVELOPMENT AND DURATION.—

23 “(1) CONSULTATION.—Each local educational
24 agency plan shall be developed in consultation with
25 teachers, principals, administrators (including ad-

1 administrators of programs described in other parts of
2 this title), other appropriate school personnel, rep-
3 resentatives of local Indian tribes and Native organi-
4 zations located in the area served by the local edu-
5 cational agency, and parents of children in schools
6 served under this part.

7 “(2) DURATION.—Each such plan shall be sub-
8 mitted for the first year for which this part is in ef-
9 fect following the date of enactment of the Edu-
10 cational Accountability and State Flexibility Act of
11 2013 and shall remain in effect for the duration of
12 the agency’s participation under this part.

13 “(3) REVIEW.—Each local educational agency
14 shall periodically review and, as necessary, revise its
15 plan.

16 “(e) STATE APPROVAL.—

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

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

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

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

3 “(B) meets the requirements of this sec-
4 tion.

5 “(3) REVIEW.—The State educational agency
6 shall review the local educational agency’s plan to
7 determine if such agencies activities are in accord-
8 ance with sections 1118 and 1119.

9 “(f) PROGRAM RESPONSIBILITY.—The local edu-
10 cational agency plan shall reflect the shared responsibility
11 of schools, teachers, and the local educational agency in
12 making decisions regarding activities under sections 1114
13 and 1115.

14 “(g) PARENTAL NOTIFICATION.—

15 “(1) NOTICE.—Each local educational agency
16 using funds under this part to provide a language
17 instruction educational program as determined in
18 part C of title III shall, not later than 30 days after
19 the beginning of the school year, inform a parent or
20 parents of a limited English proficient child identi-
21 fied for participation or participating in, such a pro-
22 gram of—

23 “(A) the reasons for the identification of
24 their child as limited English proficient and in

1 need of placement in a language instruction
2 educational program;

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

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

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

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

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

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

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

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

9 “(i) detailing—

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

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

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

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

1 instruction educational program for limited English
2 proficient children shall be in an understandable and
3 uniform format and, to the extent practicable, pro-
4 vided in a language that the parents can under-
5 stand.

6 “(3) SPECIAL RULE APPLICABLE DURING THE
7 SCHOOL YEAR.—For those children who have not
8 been identified as limited English proficient prior to
9 the beginning of the school year the local educational
10 agency shall notify parents within the first 2 weeks
11 of the child being placed in a language instruction
12 educational program consistent with paragraphs (1)
13 and (2).

14 “(4) PARENTAL PARTICIPATION.—Each local
15 educational agency receiving funds under this part
16 shall implement an effective means of outreach to
17 parents of limited English proficient students to in-
18 form the parents regarding how the parents can be
19 involved in the education of their children, and be
20 active participants in assisting their children to at-
21 tain English proficiency, achieve at high levels in
22 core academic subjects, and meet challenging State
23 academic achievement standards and State academic
24 content standards expected of all students, including
25 holding, and sending notice of opportunities for, reg-

1 ular meetings for the purpose of formulating and re-
2 sponding to recommendations from parents of stu-
3 dents assisted under this part.

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

8 **“SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

9 “(a) DETERMINATION.—

10 “(1) IN GENERAL.—A local educational agency
11 shall use funds received under this part only in eligi-
12 ble school attendance areas.

13 “(2) ELIGIBLE SCHOOL ATTENDANCE AREAS.—

14 For the purposes of this part—

15 “(A) the term ‘school attendance area’
16 means, in relation to a particular school, the
17 geographical area in which the children who are
18 normally served by that school reside; and

19 “(B) the term ‘eligible school attendance
20 area’ means a school attendance area in which
21 the percentage of children from low-income
22 families is at least as high as the percentage of
23 children from low-income families served by the
24 local educational agency as a whole.

1 “(3) RANKING ORDER.—If funds allocated in
2 accordance with subsection (c) are insufficient to
3 serve all eligible school attendance areas, a local edu-
4 cational agency shall—

5 “(A) annually rank, without regard to
6 grade spans, such agency’s eligible school at-
7 tendance areas in which the concentration of
8 children from low-income families exceeds 75
9 percent from highest to lowest according to the
10 percentage of children from low-income families;
11 and

12 “(B) serve such eligible school attendance
13 areas in rank order.

14 “(4) REMAINING FUNDS.—If funds remain
15 after serving all eligible school attendance areas
16 under paragraph (3), a local educational agency
17 shall—

18 “(A) annually rank such agency’s remain-
19 ing eligible school attendance areas from high-
20 est to lowest either by grade span or for the en-
21 tire local educational agency according to the
22 percentage of children from low-income families;
23 and

24 “(B) serve such eligible school attendance
25 areas in rank order either within each grade-

1 span grouping or within the local educational
2 agency as a whole.

3 “(5) MEASURES.—The local educational agency
4 shall use the same measure of poverty, which meas-
5 ure shall be the number of children ages 5 through
6 17 in poverty counted in the most recent census
7 data approved by the Secretary, the number of chil-
8 dren eligible for free and reduced priced lunches
9 under the Richard B. Russell National School Lunch
10 Act, the number of children in families receiving as-
11 sistance under the State program funded under part
12 A of title IV of the Social Security Act, or the num-
13 ber of children eligible to receive medical assistance
14 under the Medicaid program, or a composite of such
15 indicators, with respect to all school attendance
16 areas in the local educational agency—

17 “(A) to identify eligible school attendance
18 areas;

19 “(B) to determine the ranking of each
20 area; and

21 “(C) to determine allocations under sub-
22 section (c).

23 “(6) EXCEPTION.—This subsection shall not
24 apply to a local educational agency with a total en-
25 rollment of less than 1,000 children.

1 “(7) WAIVER FOR DESEGREGATION PLANS.—
2 The Secretary may approve a local educational agen-
3 cy’s written request for a waiver of the requirements
4 of subsections (a) and (c), and permit such agency
5 to treat as eligible, and serve, any school that chil-
6 dren attend with a State-ordered, court-ordered
7 school desegregation plan or a plan that continues to
8 be implemented in accordance with a State-ordered
9 or court-ordered desegregation plan, if—

10 “(A) the number of economically disadvan-
11 taged children enrolled in the school is at least
12 25 percent of the school’s total enrollment; and

13 “(B) the Secretary determines on the basis
14 of a written request from such agency and in
15 accordance with such criteria as the Secretary
16 establishes, that approval of that request would
17 further the purposes of this part.

18 “(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—

19 “(1) IN GENERAL.—Notwithstanding subsection
20 (a)(2), a local educational agency may—

21 “(A) designate as eligible any school at-
22 tendance area or school in which at least 35
23 percent of the children are from low-income
24 families;

1 “(B) use funds received under this part in
2 a school that is not in an eligible school attend-
3 ance area, if the percentage of children from
4 low-income families enrolled in the school is
5 equal to or greater than the percentage of such
6 children in a participating school attendance
7 area of such agency;

8 “(C) designate and serve a school attend-
9 ance area or school that is not eligible under
10 this section, but that was eligible and that was
11 served in the preceding fiscal year, but only for
12 1 additional fiscal year; and

13 “(D) elect not to serve an eligible school
14 attendance area or eligible school that has a
15 higher percentage of children from low-income
16 families if—

17 “(i) the school meets the com-
18 parability requirements of section
19 1120A(c);

20 “(ii) the school is receiving supple-
21 mental funds from other State or local
22 sources that are spent according to the re-
23 quirements of section 1114 or 1115; and

1 “(iii) the funds expended from such
2 other sources equal or exceed the amount
3 that would be provided under this part.

4 “(2) SPECIAL RULE.—Notwithstanding para-
5 graph (1)(D), the number of children attending pri-
6 vate elementary schools and secondary schools who
7 are to receive services, and the assistance such chil-
8 dren are to receive under this part, shall be deter-
9 mined without regard to whether the public school
10 attendance area in which such children reside is as-
11 sisted under subparagraph (A).

12 “(c) ALLOCATIONS.—

13 “(1) IN GENERAL.—A local educational agency
14 shall allocate funds received under this part to eligi-
15 ble school attendance areas or eligible schools, iden-
16 tified under subsections (a) and (b), in rank order,
17 on the basis of the total number of children from
18 low-income families in each area or school.

19 “(2) SPECIAL RULE.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraph (B), the per-pupil amount of
22 funds allocated to each school attendance area
23 or school under paragraph (1) shall be at least
24 125 percent of the per-pupil amount of funds a
25 local educational agency received for that year

1 under the poverty criteria described by the local
2 educational agency in the plan submitted under
3 section 1112, except that this paragraph shall
4 not apply to a local educational agency that
5 only serves schools in which the percentage of
6 such children is 35 percent or greater.

7 “(B) EXCEPTION.—A local educational
8 agency may reduce the amount of funds allo-
9 cated under subparagraph (A) for a school at-
10 tendance area or school by the amount of any
11 supplemental State and local funds expended in
12 that school attendance area or school for pro-
13 grams that meet the requirements of section
14 1114 or 1115.

15 “(3) RESERVATION.—A local educational agen-
16 cy shall reserve such funds as are necessary under
17 this part to provide services comparable to those
18 provided to children in schools funded under this
19 part to serve—

20 “(A) homeless children who do not attend
21 participating schools, including providing educa-
22 tionally related support services to children in
23 shelters and other locations where children may
24 live;

1 “(B) children in local institutions for ne-
2 glected children; and

3 “(C) if appropriate, children in local insti-
4 tutions for delinquent children, and neglected or
5 delinquent children in community day school
6 programs.

7 “(4) FINANCIAL INCENTIVES AND REWARDS
8 RESERVATION.—A local educational agency may re-
9 serve such funds as are necessary from those funds
10 received by the local educational agency under title
11 II, and not more than 5 percent of those funds re-
12 ceived by the local educational agency under subpart
13 2, to provide financial incentives and rewards to
14 teachers who serve in schools eligible under this sec-
15 tion and identified in a tier described in paragraph
16 (2), (3), or (4) of section 1116(c) for the purpose of
17 attracting and retaining qualified and effective
18 teachers.

19 **“SEC. 1114. SCHOOLWIDE PROGRAMS.**

20 “(a) USE OF FUNDS FOR SCHOOLWIDE PRO-
21 GRAMS.—

22 “(1) IN GENERAL.—A local educational agency
23 may consolidate and use funds under this part, to-
24 gether with other Federal, State, and local funds, in
25 order to upgrade the entire educational program of

1 a school that serves an eligible school attendance
2 area in which not less than 40 percent of the chil-
3 dren are from low-income families, or not less than
4 40 percent of the children enrolled in the school are
5 from such families.

6 “(2) IDENTIFICATION OF STUDENTS NOT RE-
7 QUIRED.—

8 “(A) IN GENERAL.—No school partici-
9 pating in a schoolwide program shall be re-
10 quired—

11 “(i) to identify particular children
12 under this part as eligible to participate in
13 a schoolwide program; or

14 “(ii) to provide services to such chil-
15 dren that are supplementary, as otherwise
16 required by section 1120A(b).

17 “(B) SUPPLEMENTAL FUNDS.—A school
18 participating in a schoolwide program shall use
19 funds available to carry out this section only to
20 supplement the amount of funds that would, in
21 the absence of funds under this part, be made
22 available from non-Federal sources for the
23 school, including funds needed to provide serv-
24 ices that are required by law for children with

1 disabilities and children with limited English
2 proficiency.

3 “(3) EXEMPTION FROM STATUTORY AND REGU-
4 LATORY REQUIREMENTS.—

5 “(A) EXEMPTION.—Except as provided in
6 subsection (b), the Secretary may, through pub-
7 lication of a notice in the Federal Register, ex-
8 empt schoolwide programs under this section
9 from statutory or regulatory provisions of any
10 other noncompetitive formula grant program
11 administered by the Secretary (other than for-
12 mula or discretionary grant programs under the
13 Individuals with Disabilities Education Act, ex-
14 cept as provided in section 613(a)(2)(D) of
15 such Act), or any discretionary grant program
16 administered by the Secretary, to support
17 schoolwide programs if the intent and purposes
18 of such other programs are met.

19 “(B) REQUIREMENTS.—A school that
20 chooses to use funds from such other programs
21 shall not be relieved of the requirements relat-
22 ing to health, safety, civil rights, student and
23 parental participation and involvement, services
24 to private school children, maintenance of ef-
25 fort, comparability of services, uses of Federal

1 funds to supplement, not supplant non-Federal
2 funds, or the distribution of funds to State edu-
3 cational agencies or local educational agencies
4 that apply to the receipt of funds from such
5 programs.

6 “(C) RECORDS.—A school that consoli-
7 dates and uses funds from different Federal
8 programs under this section shall not be re-
9 quired to maintain separate fiscal accounting
10 records, by program, that identify the specific
11 activities supported by those particular funds as
12 long as the school maintains records that dem-
13 onstrate that the schoolwide program, consid-
14 ered as a whole, addresses the intent and pur-
15 poses of each of the Federal programs that
16 were consolidated to support the schoolwide
17 program.

18 “(4) PROFESSIONAL DEVELOPMENT.—Each
19 school receiving funds under this part for any fiscal
20 year shall devote sufficient resources to effectively
21 carry out the activities described in subsection
22 (b)(1)(D) in accordance with section 1119 for such
23 fiscal year, except that a school may enter into a
24 consortium with another school to carry out such ac-
25 tivities.

1 “(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

2 “(1) IN GENERAL.—A schoolwide program shall
3 include the following components:

4 “(A) A comprehensive needs assessment of
5 the entire school (including taking into account
6 the needs of migratory children as defined in
7 section 1309(2)) that is based on information
8 which includes the achievement of children in
9 relation to the State academic content stand-
10 ards and the State student academic achieve-
11 ment standards described in section 1111(b)(1).

12 “(B) Schoolwide reform strategies that—

13 “(i) provide opportunities for all chil-
14 dren to meet the State’s proficient and ad-
15 vanced levels of student academic achieve-
16 ment described in section 1111(b)(1)(D);

17 “(ii) use effective methods and in-
18 structional strategies that are based on sci-
19 entificallly based research that—

20 “(I) strengthen the core aca-
21 demic program in the school;

22 “(II) increase the amount and
23 quality of learning time, such as pro-
24 viding an extended school year and
25 before- and after-school and summer

1 programs and opportunities, and help
2 provide an enriched and accelerated
3 curriculum; and

4 “(III) include strategies for meet-
5 ing the educational needs of histori-
6 cally underserved populations;

7 “(iii)(I) include strategies to address
8 the needs of all children in the school, but
9 particularly the needs of low-achieving chil-
10 dren and those at risk of not meeting the
11 State student academic achievement stand-
12 ards who are members of the target popu-
13 lation of any program that is included in
14 the schoolwide program, which may in-
15 clude—

16 “(aa) counseling, pupil services,
17 and mentoring services;

18 “(bb) college and career aware-
19 ness and preparation, such as college
20 and career guidance, personal finance
21 education, and innovative teaching
22 methods, which may include applied
23 learning and team-teaching strategies;
24 and

1 “(cc) the integration of career
2 and technical education, arts, and
3 physical education programs; and

4 “(II) address how the school will de-
5 termine if such needs have been met; and

6 “(iv) are consistent with, and are de-
7 signed to implement, the State and local
8 improvement plans, if any.

9 “(C) Instruction by highly effective teach-
10 ers.

11 “(D) In accordance with section 1119 and
12 subsection (a)(4), high-quality and ongoing pro-
13 fessional development for teachers, principals,
14 and paraprofessionals and, if appropriate, pupil
15 services personnel, parents, and other staff to
16 enable all children in the school to meet the
17 State’s student academic achievement stand-
18 ards.

19 “(E) Strategies to attract high-quality
20 highly effective teachers to high-need schools.

21 “(F) Strategies to increase parental in-
22 volvement in accordance with section 1118,
23 such as family literary services.

24 “(G) Plans for assisting preschool children
25 in the transition from early childhood programs,

1 such as Head Start or a State-run preschool
2 program, to local elementary school programs.

3 “(H) Measures to include teachers in the
4 decisions regarding the use of academic assess-
5 ments described in section 1111(b)(3) in order
6 to provide information on, and to improve, the
7 achievement of individual students and the
8 overall instructional program.

9 “(I) Activities to ensure that students who
10 experience difficulty mastering the proficient or
11 advanced levels of academic achievement stand-
12 ards required by section 1111(b)(1) shall be
13 provided with effective, timely additional assist-
14 ance which shall include measures to ensure
15 that students’ difficulties are identified on a
16 timely basis and to provide sufficient informa-
17 tion on which to base effective assistance.

18 “(J) Coordination and integration of Fed-
19 eral, State, and local services and programs, in-
20 cluding programs supported under this Act, vio-
21 lence prevention programs, nutrition programs,
22 housing programs, Head Start, adult education,
23 vocational and technical education, and job
24 training.

25 “(2) PLAN.—

1 “(A) IN GENERAL.—Any eligible school
2 that desires to operate a schoolwide program
3 shall first develop (or amend a plan for such a
4 program that was in existence on the day before
5 the date of enactment of the Educational Ac-
6 countability and State Flexibility Act of 2013),
7 in consultation with the local educational agen-
8 cy and its school support team or other tech-
9 nical assistance provider under section 1117, a
10 comprehensive plan for reforming the total in-
11 structional program in the school that—

12 “(i) describes how the school will im-
13 plement the components described in para-
14 graph (1);

15 “(ii) describes how the school will use
16 resources under this part and from other
17 sources to implement those components;

18 “(iii) includes a list of State edu-
19 cational agency and local educational agen-
20 cy programs and other Federal programs
21 under subsection (a)(3) that will be con-
22 solidated in the schoolwide program; and

23 “(iv) describes how the school will
24 provide individual student academic assess-
25 ment results in a language the parents can

1 understand, including an interpretation of
2 those results, to the parents of a child who
3 participates in the academic assessments
4 required by section 1111(b)(3).

5 “(B) PLAN DEVELOPMENT.—The com-
6 prehensive plan shall be—

7 “(i) developed during a one-year pe-
8 riod, unless—

9 “(I) the local educational agency,
10 after considering the recommendation
11 of the technical assistance providers
12 under section 1117, determines that
13 less time is needed to develop and im-
14 plement the schoolwide program; or

15 “(II) the school is operating a
16 schoolwide program on the day pre-
17 ceding the date of enactment of the
18 Educational Accountability and State
19 Flexibility Act of 2013, in which case
20 such school may continue to operate
21 such program, but shall develop
22 amendments to its existing plan dur-
23 ing the first year of assistance after
24 that date to reflect the provisions of
25 this section;

1 “(ii) developed with the involvement of
2 parents and other members of the commu-
3 nity to be served and individuals who will
4 carry out such plan, including teachers,
5 principals, and administrators (including
6 administrators of programs described in
7 other parts of this title), and, if appro-
8 priate, pupil services personnel, technical
9 assistance providers, school staff, and, if
10 the plan relates to a secondary school, stu-
11 dents from such school;

12 “(iii) in effect for the duration of the
13 school’s participation under this part and
14 reviewed and revised, as necessary, by the
15 school;

16 “(iv) available to the local educational
17 agency, parents, and the public, and the
18 information contained in such plan shall be
19 in an understandable and uniform format
20 and, to the extent practicable, provided in
21 a language that the parents can under-
22 stand; and

23 “(v) if appropriate, developed in co-
24 ordination with programs under the Carl
25 D. Perkins Career and Technical Edu-

1 cation Act of 2006 and the Head Start
2 Act.

3 “(c) PREKINDERGARTEN PROGRAM.—A school that
4 is eligible for a schoolwide program under this section may
5 use funds made available under this part to establish or
6 enhance prekindergarten programs for children below the
7 age of 6.

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

9 “(a) IN GENERAL.—In all schools selected to receive
10 funds under section 1113(c) that are ineligible for a
11 schoolwide program under section 1114, or that choose
12 not to operate such a schoolwide program, a local edu-
13 cational agency serving such school may use funds re-
14 ceived under this part only for programs that provide serv-
15 ices to eligible children under subsection (b) identified as
16 having the greatest need for special assistance.

17 “(b) ELIGIBLE CHILDREN.—

18 “(1) ELIGIBLE POPULATION.—

19 “(A) IN GENERAL.—The eligible popu-
20 lation for services under this section is—

21 “(i) children not older than age 21
22 who are entitled to a free public education
23 through grade 12; and

1 “(ii) children who are not yet at a
2 grade level at which the local educational
3 agency provides a free public education.

4 “(B) ELIGIBLE CHILDREN FROM ELIGIBLE
5 POPULATION.—From the population described
6 in subparagraph (A), eligible children are chil-
7 dren identified by the school as failing, or most
8 at risk of failing, to meet the State’s chal-
9 lenging student academic achievement stand-
10 ards on the basis of multiple, educationally re-
11 lated, objective criteria established by the local
12 educational agency and supplemented by the
13 school, except that children from preschool
14 through grade 2 shall be selected solely on the
15 basis of such criteria as teacher judgment,
16 interviews with parents, and developmentally
17 appropriate measures.

18 “(2) CHILDREN INCLUDED.—

19 “(A) IN GENERAL.—Children who are eco-
20 nomically disadvantaged, children with disabili-
21 ties, migrant children, American Indian, Alas-
22 ka Native or Native Hawaiian children, or lim-
23 ited English proficient children, are eligible for
24 services under this part on the same basis as

1 other children selected to receive services under
2 this part.

3 “(B) HEAD START CHILDREN.—A child
4 who, at any time in the 2 years preceding the
5 year for which the determination is made, par-
6 ticipated in a Head Start program or in pre-
7 school services under this title, is eligible for
8 services under this part.

9 “(C) PART C CHILDREN.—A child who, at
10 any time in the 2 years preceding the year for
11 which the determination is made, received serv-
12 ices under part C is eligible for services under
13 this part.

14 “(D) NEGLECTED OR DELINQUENT CHIL-
15 DREN.—A child in a local institution for ne-
16 glected or delinquent children and youth or at-
17 tending a community day program for such
18 children is eligible for services under this part.

19 “(E) HOMELESS CHILDREN.—A child who
20 is homeless and attending any school served by
21 the local educational agency is eligible for serv-
22 ices under this part.

23 “(F) INDIAN CHILDREN.—A child who, at
24 any time in the 2 years preceding the year for
25 which the determination is made, received serv-

1 ices under title VII is eligible for services under
2 this part.

3 “(3) SPECIAL RULE.—Funds received under
4 this part may not be used to provide services that
5 are otherwise required by law to be made available
6 to children described in paragraph (2) but may be
7 used to coordinate or supplement such services.

8 “(c) COMPONENTS OF A TARGETED ASSISTANCE
9 SCHOOL PROGRAM.—

10 “(1) IN GENERAL.—To assist targeted assist-
11 ance schools and local educational agencies to meet
12 their responsibility to provide for all their students
13 served under this part the opportunity to meet the
14 State’s challenging student academic achievement
15 standards in subjects as determined by the State,
16 each targeted assistance program under this section
17 shall—

18 “(A) use such program’s resources under
19 this part to help participating children meet
20 such State’s challenging student academic
21 achievement standards expected for all children;

22 “(B) ensure that planning for students
23 served under this part is incorporated into ex-
24 isting school planning;

1 “(C) use effective methods and instruc-
2 tional strategies that are based on scientifically
3 based research that strengthens the core aca-
4 demic program of the school and may include—

5 “(i) extended learning time, such as
6 an extended school year, before- and after-
7 school, and summer programs and oppor-
8 tunities;

9 “(ii) help provide an accelerated, high-
10 quality curriculum, including applied learn-
11 ing;

12 “(iii) positive behavioral interventions
13 and supports and response to intervention;
14 and

15 “(iv) minimize removing children from
16 the regular classroom during regular
17 school hours for instruction provided under
18 this part;

19 “(D) coordinate with and support the reg-
20 ular education program, which may include
21 services to assist preschool children in the tran-
22 sition from early childhood programs such as
23 Head Start and State-run preschool programs
24 to elementary school programs;

1 “(E) provide instruction by highly effective
2 teachers;

3 “(F) in accordance with subsection (e)(3)
4 and section 1119, provide opportunities for pro-
5 fessional development with resources provided
6 under this part, and, to the extent practicable,
7 from other sources, for teachers, principals, and
8 paraprofessionals, including, if appropriate,
9 pupil services personnel, parents, and other
10 staff, who work with participating children in
11 programs under this section or in the regular
12 education program;

13 “(G) provide strategies to increase paren-
14 tal involvement in accordance with section
15 1118, such as family literacy services; and

16 “(H) coordinate and integrate Federal,
17 State, and local services and programs, includ-
18 ing programs supported under this Act, violence
19 prevention programs, nutrition programs, hous-
20 ing programs, Head Start, adult education, vo-
21 cational and technical education, and job train-
22 ing.

23 “(2) REQUIREMENTS.—Each school conducting
24 a program under this section shall assist partici-
25 pating children selected in accordance with sub-

1 section (b) to meet the State’s proficient and ad-
2 vanced levels of achievement by—

3 “(A) the coordinating of resources provided
4 under this part with other resources; and

5 “(B) reviewing, on an ongoing basis, the
6 progress of participating children and revising
7 the targeted assistance program, if necessary,
8 to provide additional assistance to enable such
9 children to meet the State’s challenging student
10 academic achievement standards, such as an ex-
11 tended school year, before- and after-school,
12 and summer programs and opportunities, train-
13 ing for teachers regarding how to identify stu-
14 dents who need additional assistance, and train-
15 ing for teachers regarding how to implement
16 student academic achievement standards in the
17 classroom.

18 “(d) INTEGRATION OF PROFESSIONAL DEVELOP-
19 MENT.—To promote the integration of staff supported
20 with funds under this part into the regular school program
21 and overall school planning and improvement efforts, pub-
22 lic school personnel who are paid with funds received
23 under this part may—

24 “(1) participate in general professional develop-
25 ment and school planning activities; and

1 “(2) assume limited duties that are assigned to
2 similar personnel who are not so paid, including du-
3 ties beyond classroom instruction or that do not ben-
4 efit participating children, so long as the amount of
5 time spent on such duties is the same proportion of
6 total work time as prevails with respect to similar
7 personnel at the same school.

8 “(e) SPECIAL RULES.—

9 “(1) SIMULTANEOUS SERVICE.—Nothing in this
10 section shall be construed to prohibit a school from
11 serving students under this section simultaneously
12 with students with similar educational needs, in the
13 same educational settings where appropriate.

14 “(2) COMPREHENSIVE SERVICES.—If—

15 “(A) health, nutrition, and other social
16 services are not otherwise available to eligible
17 children in a targeted assistance school and
18 such school, if appropriate, has engaged in a
19 comprehensive needs assessment and estab-
20 lished a collaborative partnership with local
21 service providers; and

22 “(B) funds are not reasonably available
23 from other public or private sources to provide
24 such services, then a portion of the funds pro-

1 vided under this part may be used as a last re-
2 sort to provide such services, including—

3 “(i) the provision of basic medical
4 equipment, such as eyeglasses and hearing
5 aids;

6 “(ii) compensation of a coordinator;
7 and

8 “(iii) professional development nec-
9 essary to assist teachers, pupil services
10 personnel, other staff, and parents in iden-
11 tifying and meeting the comprehensive
12 needs of eligible children.

13 “(3) PROFESSIONAL DEVELOPMENT.—Each
14 school receiving funds under this part for any fiscal
15 year shall devote sufficient resources to carry out ef-
16 fectively the professional development activities de-
17 scribed in subparagraph (F) of subsection (c)(1) in
18 accordance with section 1119 for such fiscal year,
19 and a school may enter into a consortium with an-
20 other school to carry out such activities.

21 **“SEC. 1116. ACADEMIC ASSESSMENT AND LOCAL EDU-**
22 **CATIONAL AGENCY AND SCHOOL IMPROVE-**
23 **MENT.**

24 “(a) ESTABLISHMENT OF NEW STATE FLEXIBILITY
25 IN ACCOUNTABILITY REQUIREMENTS.—

1 “(1) IN GENERAL.—Beginning one year after
2 the date of enactment of the Educational Account-
3 ability and State Flexibility Act of 2013 and except
4 as provided in paragraph (2), each State educational
5 agency and local educational agency shall determine
6 the performance of, and consequences for, the public
7 schools served under this part in accordance with
8 this section.

9 “(2) STATE FLEXIBILITY.—A State that has re-
10 ceived a waiver pursuant to the Secretary’s authority
11 under section 9401 before the date of enactment of
12 the Educational Accountability and State Flexibility
13 Act of 2013 may elect to carry out the terms of the
14 waiver or may choose to implement the requirements
15 of this section instead of the corresponding require-
16 ments of the waiver.

17 “(b) EVALUATION.—

18 “(1) IN GENERAL.—Each State educational
19 agency shall, for each year and in coordination with
20 each local educational agency, evaluate a school’s
21 performance for the previous school year to—

22 “(A) determine whether the school has met
23 State standards or is making satisfactory
24 progress toward meeting State standards; and

1 “(B) assign each school to a tier described
2 in subsection (c).

3 “(2) CONSIDERATIONS.—In determining the
4 proper tier for a school, the State educational agen-
5 cy shall consider, at a minimum—

6 “(A) each school’s performance and
7 progress toward ensuring that each student is
8 proficient on State standards or is making sat-
9 isfactory progress toward attaining proficiency
10 on the State’s standards, as measured by the
11 State academic assessments and other indica-
12 tors described in the State and local plans
13 under sections 1111 and 1112; and

14 “(B) is on track to graduate from high
15 school on time or, for students with an individ-
16 ualized educational program, within the period
17 allowed under the Individuals with Disabilities
18 Education Act.

19 “(c) ACCOUNTABILITY TIERS.—Each State shall de-
20 velop an accountability system to identify schools that con-
21 sists of a series of tiers and shall assign rational and ap-
22 propriate consequences to each tier. The system shall in-
23 clude, at a minimum, the following tiers and consequences
24 for each tier:

25 “(1) MEETING STATE STANDARDS.—

1 “(A) DESCRIPTION.—This tier shall in-
2 clude each school in the State that meets the
3 requirements of subparagraphs (B) and (C) of
4 section 1111(b)(2).

5 “(B) CONSEQUENCE.—The State edu-
6 cational agency shall provide a school in this
7 tier with appropriate recognition and shall en-
8 sure that the school’s best practices are dis-
9 seminated to other local educational agencies in
10 the State.

11 “(2) NEARLY MEETING STATE STANDARDS AND
12 MAKING GROWTH.—

13 “(A) DESCRIPTION.—This tier shall in-
14 clude each school in the State that—

15 “(i) has not met the requirements of
16 subparagraphs (B) and (C) of section
17 1111(b)(2) for not more than 2 of the sub-
18 groups of students described in section
19 1111(b)(2)(C)(v)(II) for which data must
20 be disaggregated; and

21 “(ii) demonstrates that the school is
22 making satisfactory progress toward meet-
23 ing such standards, such as by satisfying
24 the safe harbor provisions of section

1 1111(b)(2)(I) or as required by the State
2 plan under section 1111(h).

3 “(B) CONSEQUENCES.—

4 “(i) The State educational agency
5 shall provide each school in this tier with
6 appropriate recognition for the school’s
7 successes and growth.

8 “(ii) The local educational agency
9 shall ensure that each such school creates,
10 and submits for approval by the local edu-
11 cational agency, a research-based improve-
12 ment plan for the students in such sub-
13 groups attending the school who are in any
14 of grades 3 through 12 and who did not
15 meet or exceed the proficient level on the
16 most recent State assessment in mathe-
17 matics or in reading or language arts, or
18 for improving the graduation rate, as ap-
19 plicable, and implements the approved
20 plan.

21 “(3) NOT MEETING STATE STANDARDS FOR A
22 SIGNIFICANT NUMBER OF CATEGORIES.—

23 “(A) DESCRIPTION.—This tier shall in-
24 clude each school in the State that—

1 “(i) did not meet the requirements of
2 subparagraphs (B) and (C) of section
3 1111(b)(2) for a significant number of
4 subgroups; and

5 “(ii) is not showing enough improve-
6 ment to provide reasonable confidence that
7 the students will be meeting or making
8 satisfactory progress toward meeting State
9 standards as required by the State plan
10 under section 1111(b) or that the gradua-
11 tion rate will improve within the number of
12 years required by the State plan.

13 “(B) CONSEQUENCES.—

14 “(i) RECOGNITION.—The State edu-
15 cational agency shall ensure that each
16 school in this tier receives recognition for
17 what the school is doing well.

18 “(ii) IMPROVEMENT PLAN.—

19 “(I) IN GENERAL.—The local
20 educational agency serving each school
21 in this tier shall audit the policies and
22 practices of the school, as described in
23 subsection (d), and, based on the re-
24 sults, shall create, in consultation with
25 parents, teachers, administrators, and

1 as applicable, representatives of tribes
2 or Native organizations that are serv-
3 ing students who attend the school,
4 and submit to the State educational
5 agency for approval, a research-based
6 improvement plan for the students in
7 each subgroup of students attending
8 the school who are in any of grades 3
9 through 12 and who did not meet or
10 exceed the proficient level on the most
11 recent State assessment in mathe-
12 matics, reading or language arts, for
13 improving the graduation rate in the
14 school, or for the school as a whole, as
15 appropriate, and implement the ap-
16 proved plan.

17 “(II) REQUIREMENTS.—A plan
18 described in this clause shall include
19 valid, reliable, evidence-based inter-
20 ventions and may be developed with
21 the assistance of a nonprofit organiza-
22 tion with demonstrated effectiveness
23 in school improvement research or im-
24 plementation.

1 “(iii) SUPPLEMENTAL EDUCATIONAL
2 SERVICES.—

3 “(I) IN GENERAL.—The local
4 educational agency shall provide sup-
5 plemental educational services to stu-
6 dents attending the school who are in
7 any of grades 3 through 12, who are
8 in the subgroups that did not meet
9 the State standards, and who did not
10 meet or exceed the proficient level on
11 the most recent State assessment in
12 mathematics or in reading or lan-
13 guage arts, in accordance with sub-
14 section (e) of this section, as such sec-
15 tion was in effect on the day before
16 the date of enactment of the Edu-
17 cational Accountability and State
18 Flexibility Act of 2013. Such services
19 may be provided by the local edu-
20 cational agency or be provided by a
21 provider that has a demonstrated
22 record of effectiveness in serving the
23 students identified under this sub-
24 section and that has been approved by
25 the State educational agency or local

1 educational agency in accordance with
2 reasonable criteria.

3 “(II) ADDITIONAL RULES.—In
4 addition to the other requirements of
5 this clause—

6 “(aa) in order to provide
7 services under this subsection to
8 students in a school, a provider
9 on the list of approved providers
10 across the State must also have
11 provided the State with evidence
12 that the provider is successful at
13 serving any subgroup of students
14 at the school that did not meet
15 State standards for the preceding
16 year;

17 “(bb) local educational agen-
18 cies may negotiate performance-
19 based contracts with providers
20 regarding—

21 “(AA) the hourly rates
22 for the supplemental edu-
23 cational services and the
24 minimum supplemental edu-

1 cational services hours pro-
2 vided;

3 “(BB) tutor qualifica-
4 tions and the curriculum to
5 be provided, particularly for
6 serving students who are
7 limited English proficient
8 and children with disabil-
9 ities; and

10 “(CC) other pro-
11 grammatic and financial
12 management factors.

13 “(iv) TECHNICAL ASSISTANCE.—The
14 State educational agency shall provide
15 technical assistance to assist the local edu-
16 cational agency to improve student pro-
17 ficiency or graduation rates at a school
18 identified under this subsection and may
19 require the local educational agency to im-
20 plement specific and appropriate interven-
21 tions.

22 “(4) NOT MEETING STATE STANDARDS FOR A
23 SIGNIFICANT NUMBER OF CATEGORIES FOR MUL-
24 TIPLE YEARS.—

1 “(A) DESCRIPTION.—This tier shall in-
2 clude each school in the State that—

3 “(i) did not meet the requirements of
4 subparagraphs (B) and (C) of section
5 1111(b)(2) for a significant number of
6 subgroups; and

7 “(ii) is showing little or no improve-
8 ment.

9 “(B) CONSEQUENCES.—

10 “(i) AUDIT AND IMPLEMENTATION OF
11 TURNAROUND MODEL OR SCHOOL IM-
12 PROVEMENT STRATEGIES.—The State
13 shall conduct an in-depth audit of the
14 school and shall require the local edu-
15 cational agency to implement—

16 “(I) an alternative model of gov-
17 ernance allowed under State law; or

18 “(II) school improvement strate-
19 gies based on a system of support
20 model described in subsection (d).

21 “(ii) CONSULTATION.—A State edu-
22 cational agency shall determine the appro-
23 priate models or strategies to be used in
24 accordance with clause (i), but shall en-
25 gage in meaningful consultation with the

1 local educational agency serving such
2 school, educators, Indian tribes or Native
3 organizations located in the area served by
4 the school, and parents before making a
5 final determination.

6 “(iii) NO FEDERAL INFLUENCE.—The
7 Secretary shall not prioritize, incentivize,
8 or require the use of, any particular meth-
9 od of school turnaround or school improve-
10 ment strategy.

11 “(iv) SUPPLEMENTAL EDUCATIONAL
12 SERVICES.—The State educational agency
13 shall require that the local educational
14 agency provide supplemental educational
15 services to students attending the school
16 who are enrolled in any of grades 3
17 through 12 and who did not meet or ex-
18 ceed the proficient level on the most recent
19 State assessment in mathematics or in
20 reading or language arts, in accordance
21 with paragraph (3)(B)(iii).

22 “(v) PUBLIC SCHOOL CHOICE.—

23 “(I) IN GENERAL.—Not later
24 than the first day of the school year
25 following a school’s classification in

1 this tier, the local educational agency
2 serving the school may provide stu-
3 dents in grades 3 through 12 who are
4 enrolled in the school and who did not
5 meet or exceed the proficient level on
6 the most recent State assessment in
7 mathematics or in reading or lan-
8 guage arts with the option to transfer
9 to another public school served by the
10 local educational agency in accordance
11 with subclause (II), which may in-
12 clude a public charter school, that has
13 not been identified for school improve-
14 ment under this paragraph, unless
15 such an option is prohibited by State
16 law. The local educational agency
17 shall provide, or shall pay for the pro-
18 vision of, transportation to the public
19 school the student attends if the local
20 educational agency chooses to make
21 this option available.

22 “(II) TRANSFER.—Students who
23 use the option to transfer under this
24 clause shall be enrolled in classes and
25 other activities in the public school to

1 which the students transfer in the
2 same manner as all other children at
3 the public school.

4 “(III) SPECIAL RULES.—Not-
5 withstanding the requirements of this
6 clause, a local educational agency
7 shall not be required to provide stu-
8 dents with the option to transfer to a
9 school under this subparagraph if
10 doing so would expose students to un-
11 safe or unreasonable transportation
12 routes or means or if there is no high-
13 er-performing school within the school
14 district that has the space or capacity
15 to serve them.

16 “(vi) WITHHOLDING OF STATE OR
17 FEDERAL FUNDS.—A State shall have full
18 authority to mandate any necessary
19 changes to a school in order to effect im-
20 provement and to withhold Federal fund-
21 ing made available by this act or State
22 funding.

23 “(5) STATE DETERMINATIONS.—The State edu-
24 cational agency shall determine the number of sub-
25 groups of students and the number of years of im-

1 provement that are required for a school to be des-
2 ignated as part of a particular tier. The Secretary
3 shall not approve, disapprove, prioritize, or otherwise
4 control the decision made by the State with regard
5 to this provision.

6 “(d) SYSTEM OF SUPPORT MODEL.—Subject to sec-
7 tion 1117, a system of support model described in this
8 subsection shall provide aligned resources, information,
9 tools, professional development, and technical assistance
10 to assist local educational agencies and schools to improve.
11 A State educational agency that chooses to implement a
12 system of support model for school improvement shall im-
13 plement strategies and assistance as required by the needs
14 of the school. This model shall include a review, and, if
15 necessary, assistance in the following areas:

16 “(1) Curriculum development, alignment with
17 performance standards, and implementation in class-
18 rooms.

19 “(2) Assessment, including formative and
20 summative data collection and review, alignment
21 with curriculum and performance standards, and use
22 of data to guide instruction.

23 “(3) Instruction, including applying multiple ef-
24 fective strategies, differentiated instruction, response

1 to intervention, and alignment with performance
2 standards.

3 “(4) Supportive learning environment, including
4 effective classroom management, maximizing in-
5 structional time, discipline or behavior plans, attend-
6 ance, parent and community involvement, extended
7 learning, and positive behavioral intervention and
8 support.

9 “(5) Professional development, such as job-em-
10 bedded, results-oriented, data-driven mentoring.

11 “(6) Leadership, including—

12 “(A) developing and implementing effective
13 improvement strategies;

14 “(B) creating a positive learning environ-
15 ment and effective adult learning community;

16 “(C) parental and community engagement;

17 “(D) using data to improve student
18 progress;

19 “(E) teacher supervision, support, evalua-
20 tion, and collaboration; and

21 “(F) the school’s mission, vision, and
22 goals.

23 “(e) STATE PLAN.—A State shall include a descrip-
24 tion of the State’s multi-tiered system under this section
25 in the State plan submitted under section 1111(a), and

1 shall provide to the Secretary such information as the Sec-
2 retary may reasonably require relating to the system and
3 the performance of the State's schools in the system in
4 the State's report under section 1111(h)(2). The Sec-
5 retary shall have no authority to approve or disapprove
6 the system under such plan.

7 “(f) FUNDS FOR TRANSPORTATION AND SUPPLE-
8 MENTAL EDUCATIONAL SERVICES.—

9 “(1) IN GENERAL.—Subject to subsection
10 (c)(4)(B)(v), a local educational agency may reserve
11 funds from its allocation under subpart 2 to provide
12 transportation as required under subsection
13 (c)(4)(E) and to satisfy all requests for supple-
14 mental educational services under section 1116(e),
15 subject to paragraph (2).

16 “(2) UNUSED FUNDS.—Beginning 30 days
17 after the first day of a school year, a local edu-
18 cational agency may spend the amount reserved
19 under paragraph (1) for other purposes, if the local
20 educational agency certifies to the State educational
21 agency that all families of students eligible for trans-
22 portation under subsection (c)(4)(E), or supple-
23 mental educational services under subsection (c),
24 have been notified of the opportunity and have been
25 provided with a reasonable period of time to change

1 schools or enroll in supplemental educational serv-
2 ices, as appropriate.

3 “(g) SCHOOLS FUNDED BY THE BUREAU OF INDIAN
4 EDUCATION.—

5 “(1) MEETING STANDARDS OR MAKING SATIS-
6 FACTORY PROGRESS TOWARD MEETING STANDARDS
7 FOR BUREAU FUNDED SCHOOLS.—

8 “(A) DEVELOPMENT OF DEFINITION.—

9 “(i) DEFINITION.—The Secretary of
10 the Interior, in consultation with the Sec-
11 retary if the Secretary of Interior requests
12 the consultation, using the process set out
13 in section 1138(b) of the Education
14 Amendments of 1978, shall define meeting
15 or making satisfactory progress toward
16 meeting State standards, for the schools
17 funded by the Bureau of Indian Education
18 on a regional or tribal basis, as appro-
19 priate, taking into account the unique cir-
20 cumstances and needs of such schools and
21 the students served by such schools.

22 “(ii) USE OF DEFINITION.—The Sec-
23 retary of the Interior, consistent with
24 clause (i), may use the definition of meet-
25 ing or making satisfactory progress toward

1 meeting State standards that the State in
2 which the school that is funded by the Bu-
3 reau is located uses consistent with section
4 1111(b), or in the case of schools that are
5 located in more than one State, the Sec-
6 retary of the Interior may use whichever
7 State definition that best meets the unique
8 circumstances and needs of such school or
9 schools and the students the schools serve.

10 “(B) WAIVER.—The tribal governing body
11 or school board of a school funded by the Bu-
12 reau of Indian Education may waive, in part or
13 in whole, the definition of meeting or making
14 satisfactory progress toward meeting State
15 standards established pursuant to subparagraph
16 (A) where such definition is determined by such
17 body or school board to be inappropriate. If
18 such definition is waived, the tribal governing
19 body or school board shall, within 60 days
20 thereafter, submit to the Secretary of Interior
21 a proposal for an alternative definition of meet-
22 ing or making satisfactory progress toward
23 meeting State standards, consistent with section
24 1111(b), that takes into account the unique cir-
25 cumstances and needs of such school or schools

1 and the students served. The Secretary of the
2 Interior, in consultation with the Secretary if
3 the Secretary of Interior requests the consulta-
4 tion, shall approve such alternative definition
5 unless the Secretary determines that the defini-
6 tion does not meet the requirements of section
7 1111(b), taking into account the unique cir-
8 cumstances and needs of such school or schools
9 and the students served.

10 “(C) TECHNICAL ASSISTANCE.—The Sec-
11 retary of Interior shall, in consultation with the
12 Secretary if the Secretary of Interior requests
13 the consultation, either directly or through a
14 contract, provide technical assistance, upon re-
15 quest, to a tribal governing body or school
16 board of a school funded by the Bureau of In-
17 dian Education that seeks to develop an alter-
18 native definition of meeting or making satisfac-
19 tory progress toward meeting State standards.

20 “(2) ACCOUNTABILITY FOR BIA SCHOOLS.—For
21 the purposes of this section, schools funded by the
22 Bureau of Indian Education shall be considered
23 schools subject to subsection (c), as specifically pro-
24 vided for in this subsection, except that such schools
25 shall not be subject the requirements to provide pub-

1 lic school choice and supplemental educational serv-
2 ices under subsections (c) and (f).

3 “(3) SCHOOL IMPROVEMENT FOR BUREAU
4 SCHOOLS.—

5 “(A) CONTRACT AND GRANT SCHOOLS.—

6 For a school funded by the Bureau of Indian
7 Education which is operated under a contract
8 issued by the Secretary of the Interior pursuant
9 to the Indian Self-Determination Act (25
10 U.S.C. 450 et seq.) or under a grant issued by
11 the Secretary of the Interior pursuant to the
12 Tribally Controlled Schools Act of 1988 (25
13 U.S.C. 2501 et seq.), the school board of such
14 school shall be responsible for meeting the re-
15 quirements of subsections (c) through (f), other
16 than the requirements of public school choice
17 under subsection (c)(4)(B)(v). The Bureau of
18 Indian Education shall be responsible for meet-
19 ing the requirements of subsection (c)(3)(B)(iv)
20 relating to technical assistance.

21 “(B) BUREAU OPERATED SCHOOLS.—For
22 schools operated by the Bureau of Indian Edu-
23 cation, the Bureau shall be responsible for
24 meeting the requirements of subsection (b) re-
25 lating to development and implementation of

1 any school improvement plan as described in
2 subsections (b)(1) through (b)(5), other than
3 subsection (b)(1)(E).

4 “(4) CONSEQUENCES FOR BUREAU-FUNDED
5 SCHOOLS.—

6 “(A) CONTRACT AND GRANT SCHOOLS.—

7 For a school funded by the Bureau of Indian
8 Education which is operated under a contract
9 issued by the Secretary of the Interior pursuant
10 to the Indian Self-Determination Act (25
11 U.S.C. 450 et seq.) or under a grant issued by
12 the Secretary of the Interior pursuant to the
13 Tribally Controlled Schools Act of 1988 (25
14 U.S.C. 2501 et seq.), the school board of such
15 school shall be responsible for meeting the re-
16 quirements of paragraphs (2), (3), and (4) of
17 subsection (c). Any action taken by such school
18 board under such paragraphs shall take into ac-
19 count the unique circumstances and structure
20 of the Bureau of Indian Education-funded
21 school system and the laws governing that sys-
22 tem.

23 “(B) BUREAU OPERATED SCHOOLS.—For
24 schools operated by the Bureau of Indian Edu-
25 cation, the Bureau shall be responsible for

1 meeting the requirements of paragraphs (2),
2 (3), and (4) of subsection (c). Any action taken
3 by the Bureau under such paragraphs shall
4 take into account the unique circumstances and
5 structure of the Bureau of Indian Education-
6 funded school system and the laws governing
7 that system.

8 “(5) ANNUAL REPORT.—On an annual basis,
9 the Secretary of the Interior shall report to the Sec-
10 retary of Education and to the appropriate commit-
11 tees of Congress regarding any schools funded by
12 the Bureau of Indian Education which have been
13 identified in a tier described in paragraph (2), (3),
14 or (4) of subsection (c). Such report shall include—

15 “(A) the identity of each school;

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

19 “(C) an analysis by the Secretary of the
20 Interior, in consultation with the Secretary if
21 the Secretary of Interior requests the consulta-
22 tion, as to whether sufficient resources were
23 available to enable such school to meet or make
24 satisfactory progress toward meeting State
25 standards.

1 **“SEC. 1117. SCHOOL SUPPORT AND RECOGNITION.**

2 “(a) SYSTEM FOR SUPPORT.—

3 “(1) IN GENERAL.—Each State shall establish
4 a statewide system of intensive and sustained sup-
5 port and improvement for local educational agencies
6 and schools receiving funds under this part, as de-
7 scribed in section 1116, in order to increase the op-
8 portunity for all students served by those agencies
9 and schools to meet the State’s academic content
10 standards and student academic achievement stand-
11 ards.

12 “(2) PRIORITIES.—In carrying out this sub-
13 section, a State shall—

14 “(A) first, provide support and assistance
15 to local educational agencies with schools in the
16 tier described in section 1116(c)(4) and assist
17 those schools;

18 “(B) second, provide support and assist-
19 ance to other local educational agencies with
20 schools in the tier described in section
21 1116(c)(3); and

22 “(C) third, provide support and assistance
23 to other local educational agencies and schools
24 participating under this part that need that
25 support and assistance in order to achieve the
26 purpose of this part.

1 “(3) REGIONAL CENTERS.—Such a statewide
2 system shall, to the extent practicable, work with
3 and receive support and assistance from regional
4 educational laboratories established under part D of
5 the Education Sciences Reform Act of 2002 and
6 comprehensive centers established under the Edu-
7 cational Technical Assistance Act of 2002 and the
8 comprehensive regional technical assistance centers
9 and the regional educational laboratories under sec-
10 tion 941(h) of the Educational Research, Develop-
11 ment, Dissemination, and Improvement Act of 1994
12 (as such section existed on the day before the date
13 of enactment of the Education Sciences Reform Act
14 of 2002), or other providers of technical assistance.

15 “(4) STATEWIDE SYSTEM.—

16 “(A) In order to achieve the purpose de-
17 scribed in paragraph (1), the statewide system
18 shall include, at a minimum, the following ap-
19 proaches:

20 “(i) Establishing school support teams
21 in accordance with paragraph (5) for as-
22 signment to, and working in, schools in the
23 State that are described in paragraph (2).

24 “(ii) Providing such support as the
25 State educational agency determines nec-

1 essary and available in order to ensure the
2 effectiveness of such teams.

3 “(iii) Designating and using distin-
4 guished teachers and principals who are
5 chosen from schools served under this part
6 that have been especially successful in im-
7 proving academic achievement.

8 “(iv) Devising additional approaches
9 to providing the assistance described in
10 paragraph (1), such as providing assist-
11 ance through institutions of higher edu-
12 cation, tribes or Native organizations
13 whose members are enrolled in the local
14 educational agency, and educational service
15 agencies or other local consortia, and pri-
16 vate providers of scientifically based tech-
17 nical assistance.

18 “(B) PRIORITY.—The State educational
19 agency shall give priority to the approach de-
20 scribed in clause (i) of subparagraph (A).

21 “(5) SCHOOL SUPPORT TEAMS.—

22 “(A) COMPOSITION.—Each school support
23 team established under this section shall be
24 composed of persons knowledgeable about sci-
25 entifically based research and practice on teach-

1 ing and learning and about successful
2 schoolwide projects, school reform, and improv-
3 ing educational opportunities for low-achieving
4 students, including—

5 “(i) highly effective or distinguished
6 teachers and principals;

7 “(ii) pupil services personnel;

8 “(iii) parents;

9 “(iv) representatives of institutions of
10 higher education;

11 “(v) representatives of regional edu-
12 cational laboratories or comprehensive re-
13 gional technical assistance centers;

14 “(vi) representatives of outside con-
15 sultant groups;

16 “(vii) representatives of tribes or Na-
17 tive organizations present in the State; or

18 “(viii) other individuals as the State
19 educational agency, in consultation with
20 the local educational agency, may deter-
21 mine appropriate.

22 “(B) FUNCTIONS.—Each school support
23 team assigned to a school under this section
24 shall—

1 “(i) review and analyze all facets of
2 the school’s operation, including the design
3 and operation of the instructional program,
4 and assist the school in developing rec-
5 ommendations for improving student per-
6 formance in that school;

7 “(ii) collaborate with parents and
8 school staff and the local educational agen-
9 cy serving the school in the design, imple-
10 mentation, and monitoring of a plan that,
11 if fully implemented, can reasonably be ex-
12 pected to improve student performance and
13 help the school meet State standards under
14 section 1111(b)(2)(B);

15 “(iii) evaluate, at least semiannually,
16 the effectiveness of school personnel as-
17 signed to the school, including identifying
18 outstanding teachers and principals, and
19 make findings and recommendations to the
20 school, the local educational agency, and,
21 where appropriate, the State educational
22 agency; and

23 “(iv) make additional recommenda-
24 tions as the school implements the plan de-
25 scribed in clause (ii) to the local edu-

1 cational agency and the State educational
2 agency concerning additional assistance
3 that is needed by the school or the school
4 support team.

5 “(C) CONTINUATION OF ASSISTANCE.—

6 After one school year, from the beginning of the
7 activities, such school support team, in con-
8 sultation with the local educational agency and
9 other stakeholders, may recommend that the
10 school support team continue to provide assist-
11 ance to the school, or that the local educational
12 agency or the State educational agency, as ap-
13 propriate, take alternative actions with regard
14 to the school.

15 “(b) STATE RECOGNITION.—

16 “(1) ACADEMIC ACHIEVEMENT AWARDS PRO-
17 GRAM.—

18 “(A) IN GENERAL.—Each State receiving
19 a grant under this part—

20 “(i) shall establish a program for
21 making academic achievement awards to
22 recognize schools that meet the criteria de-
23 scribed in subparagraph (B); and

24 “(ii) as appropriate and as funds are
25 available under subsection (c)(2)(A), may

1 financially reward schools served under
2 this part that meet the criteria described
3 in clause (ii).

4 “(B) CRITERIA.—The criteria referred to
5 in subparagraph (A) are that a school—

6 “(i) significantly closed the achieve-
7 ment gap between the groups of students
8 described in section 1111(b)(2); or

9 “(ii) exceeded the goals set forth in
10 the State plan for improvement for 2 or
11 more consecutive years.

12 “(2) DISTINGUISHED SCHOOLS.—Of those
13 schools meeting the criteria described in paragraph
14 (1)(B), each State shall designate as distinguished
15 schools those schools that have made the greatest
16 gains in closing the achievement gap as described in
17 subparagraph (B)(i) or exceeded the goals set forth
18 in the State plan for improvement. Such distin-
19 guished schools may serve as models for and provide
20 support to other schools, especially schools identified
21 in the tier described in paragraph (3) or (4) of sec-
22 tion 1116(c), to assist such schools in meeting the
23 State’s academic content standards and student aca-
24 demic achievement standards.

1 “(3) AWARDS TO TEACHERS.—A State program
2 under paragraph (1) may also recognize and provide
3 financial awards to teachers teaching in a school de-
4 scribed in such paragraph that consistently makes
5 significant gains in academic achievement in the
6 areas in which the teacher provides instruction, or to
7 teachers or principals designated as distinguished
8 under subsection (a)(4)(A)(iii).

9 “(c) FUNDING.—

10 “(1) IN GENERAL.—Each State—

11 “(A) shall use funds reserved under section
12 1003(a) and may use funds made available
13 under section 1003(g) for the approaches de-
14 scribed under subsection (a)(4)(A); and

15 “(B) shall use State administrative funds
16 authorized under section 1004(a) to establish
17 the statewide system of support described under
18 subsection (a).

19 “(2) RESERVATIONS OF FUNDS BY STATE.—

20 “(A) AWARDS PROGRAM.—For the purpose
21 of carrying out subsection (b)(1), each State re-
22 ceiving a grant under this part may reserve,
23 from the amount (if any) by which the funds
24 received by the State under subpart 2 for a fis-
25 cal year exceed the amount received by the

1 State under that subpart for the preceding fis-
2 cal year, not more than 5 percent of such ex-
3 cess amount.

4 “(B) TEACHER AWARDS.—For the purpose
5 of carrying out subsection (b)(3), a State edu-
6 cational agency may reserve such funds as nec-
7 essary from funds made available under section
8 2111.

9 “(3) USE WITHIN 3 YEARS.—Notwithstanding
10 any other provision of law, the amount reserved
11 under subparagraph (A) by a State for each fiscal
12 year shall remain available to the State until ex-
13 pended for a period not exceeding 3 years receipt of
14 funds.

15 “(4) SPECIAL ALLOCATION RULE FOR SCHOOLS
16 IN HIGH-POVERTY AREAS.—

17 “(A) IN GENERAL.—Each State shall dis-
18 tribute not less than 75 percent of any amount
19 reserved under paragraph (2)(A) for each fiscal
20 year to schools described in subparagraph (B),
21 or to teachers in those schools consistent with
22 subsection (b)(3).

23 “(B) SCHOOL DESCRIBED.—A school de-
24 scribed in subparagraph (A) is a school whose
25 student population is in the highest quartile of

1 schools statewide in terms of the percentage of
2 children from low income families.

3 **“SEC. 1118. PARENTAL INVOLVEMENT.**

4 “(a) LOCAL EDUCATIONAL AGENCY POLICY.—

5 “(1) IN GENERAL.—A local educational agency
6 may receive funds under this part only if such agen-
7 cy implements programs, activities, and procedures
8 for the involvement of parents in programs assisted
9 under this part consistent with this section. Such
10 programs, activities, and procedures shall be planned
11 and implemented with meaningful consultation with
12 parents of participating children.

13 “(2) WRITTEN POLICY.—Each local educational
14 agency that receives funds under this part shall de-
15 velop jointly with, agree on with, and distribute to,
16 parents of participating children a written parent in-
17 volvement policy. The policy shall be incorporated
18 into the local educational agency’s plan developed
19 under section 1112, establish the agency’s expecta-
20 tions for parent involvement, and describe how the
21 agency will—

22 “(A) involve parents in the joint develop-
23 ment of the plan under section 1112, and the
24 process of school review and improvement under
25 section 1116;

1 “(B) provide the coordination, technical as-
2 sistance, and other support necessary to assist
3 participating schools in planning and imple-
4 menting effective parent involvement activities
5 to improve student academic achievement and
6 school performance;

7 “(C) identify the barriers to effective pa-
8 rental involvement and build the schools’ and
9 parents’ capacity for strong parental involve-
10 ment as described in subsection (e);

11 “(D) coordinate and integrate parental in-
12 volvement strategies under this part with paren-
13 tal involvement strategies under other pro-
14 grams, such as the Head Start program, Par-
15 ents as Teachers program, and Home Instruc-
16 tion Program for Preschool Youngsters, and
17 State-run preschool programs;

18 “(E) conduct, with the involvement of par-
19 ents, an annual evaluation of the content and
20 effectiveness of the parental involvement policy
21 in improving the academic quality of the schools
22 served under this part, including identifying
23 barriers to greater participation by parents in
24 activities authorized by this section (with par-
25 ticular attention to parents who are economi-

1 cally disadvantaged, are disabled, have limited
2 English proficiency, have limited literacy, or are
3 of any racial or ethnic minority background),
4 and use the findings of such evaluation to de-
5 sign strategies for more effective parental in-
6 volvement, and to revise, if necessary, the pa-
7 rental involvement policies described in this sec-
8 tion; and

9 “(F) involve parents in the activities of the
10 schools served under this part.

11 “(3) RESERVATION.—

12 “(A) IN GENERAL.—Each local educational
13 agency shall reserve not less than 1 percent of
14 such agency’s allocation under subpart 2 of this
15 part to carry out this section, including pro-
16 moting family literacy and parenting skills, ex-
17 cept that this paragraph shall not apply if 1
18 percent of such agency’s allocation under sub-
19 part 2 of this part for the fiscal year for which
20 the determination is made is \$5,000 or less.

21 “(B) PARENTAL INPUT.—Parents of chil-
22 dren receiving services under this part shall be
23 involved in the decisions regarding how funds
24 reserved under subparagraph (A) are allotted
25 for parental involvement activities.

1 “(C) DISTRIBUTION OF FUNDS.—Not less
2 than 95 percent of the funds reserved under
3 subparagraph (A) shall be distributed to schools
4 served under this part.

5 “(b) SCHOOL PARENTAL INVOLVEMENT POLICY.—

6 “(1) IN GENERAL.—Each school served under
7 this part shall jointly develop with, and distribute to,
8 parents of participating children a written parental
9 involvement policy, agreed on by such parents, that
10 shall describe the means for carrying out the re-
11 quirements of subsections (c) through (f). Parents
12 shall be notified of the policy in an understandable
13 and uniform format and, to the extent practicable,
14 provided in a language the parents can understand.
15 Such policy shall be made available to the local com-
16 munity and updated periodically to meet the chang-
17 ing needs of parents and the school.

18 “(2) SPECIAL RULE.—If the school has a pa-
19 rental involvement policy that applies to all parents,
20 such school may amend that policy, if necessary, to
21 meet the requirements of this subsection.

22 “(3) AMENDMENT.—If the local educational
23 agency involved has a school district-level parental
24 involvement policy that applies to all parents, such

1 agency may amend that policy, if necessary, to meet
2 the requirements of this subsection.

3 “(4) PARENTAL COMMENTS.—If the plan under
4 section 1112 is not satisfactory to the parents of
5 participating children, the local educational agency
6 shall submit any parent comments with such plan
7 when such local educational agency submits the plan
8 to the State.

9 “(c) POLICY INVOLVEMENT.—Each school served
10 under this part shall—

11 “(1) share the policy with all parents of en-
12 rolled children by convening an annual meeting, at
13 a convenient time, to which all parents of partici-
14 pating children shall be invited and encouraged to
15 attend, and in writing for parents who are unable to
16 attend the meeting, in order to inform parents of
17 their school’s participation under this part and to
18 explain the requirements of this part, and the right
19 of the parents to be involved;

20 “(2) offer a flexible number of meetings, such
21 as meetings in the morning or evening, and may
22 provide, with funds provided under this part, trans-
23 portation, child care, or home visits, as such services
24 relate to parental involvement;

1 “(3) involve parents, in an organized, ongoing,
2 and timely way, in the planning, review, and im-
3 provement of programs under this part, including
4 the planning, review, and improvement of the school
5 parental involvement policy and the joint develop-
6 ment of the schoolwide program plan under section
7 1114(b)(2), except that if a school has in place a
8 process for involving parents in the joint planning
9 and design of the school’s programs, the school may
10 use that process, if such process includes an ade-
11 quate representation of parents of participating chil-
12 dren;

13 “(4) provide parents of participating children—

14 “(A) timely information about programs
15 under this part;

16 “(B) a description and explanation of the
17 curriculum in use at the school, the forms of
18 academic assessment used to measure student
19 progress, the proficiency levels students are ex-
20 pected to meet, and the reasons for the school’s
21 identification under section 1116; and

22 “(C) if requested by parents, opportunities
23 for regular meetings to formulate suggestions
24 and to participate, as appropriate, in decisions
25 relating to the education of their children and

1 plans for improvement, and respond to any
2 such suggestions as soon as practicably pos-
3 sible; and

4 “(5) if the schoolwide program plan under sec-
5 tion 1114(b)(2) is not satisfactory to the parents of
6 participating children, submit any parent comments
7 on the plan when the school makes the plan avail-
8 able to the local educational agency.

9 “(d) SHARED RESPONSIBILITIES FOR HIGH STU-
10 DENT ACADEMIC ACHIEVEMENT.—As a component of the
11 school-level parental involvement policy developed under
12 subsection (b), each school served under this part shall
13 jointly develop with parents for all children served under
14 this part a school-parent compact that outlines how par-
15 ents, the entire school staff, and students will share the
16 responsibility for improved student academic achievement
17 and the means by which the school and parents will build
18 and develop a partnership to help children achieve the
19 State’s high standards. Such compact shall—

20 “(1) describe the school’s responsibility to pro-
21 vide high-quality curriculum and instruction in a
22 supportive and effective learning environment that
23 enables the children served under this part to meet
24 the State’s student academic achievement standards,
25 and the ways in which each parent will be respon-

1 sible for supporting their children’s learning, such as
2 monitoring attendance, homework completion, and
3 television watching; volunteering in their child’s
4 classroom; and participating, as appropriate, in deci-
5 sions relating to the education of their children and
6 positive use of extracurricular time; and

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

10 “(A) parent-teacher conferences in elemen-
11 tary schools, at least annually, during which the
12 compact shall be discussed as the compact re-
13 lates to the individual child’s achievement;

14 “(B) frequent reports to parents on their
15 children’s progress; and

16 “(C) reasonable access to staff, opportuni-
17 ties to volunteer and participate in their child’s
18 class, and observation of classroom activities.

19 “(e) BUILDING CAPACITY FOR INVOLVEMENT.—To
20 ensure effective involvement of parents and to support a
21 partnership among the school involved, parents, and the
22 community to improve student academic achievement,
23 each school and local educational agency assisted under
24 this part—

1 “(1) shall provide assistance to parents of chil-
2 dren served by the school or local educational agen-
3 cy, as appropriate, in understanding such topics as
4 the State’s academic content standards and State
5 student academic achievement standards, State and
6 local academic assessments, the requirements of this
7 part, and how to monitor a child’s progress and
8 work with educators to improve the achievement of
9 their children;

10 “(2) shall provide materials and training to
11 help parents to work with their children to improve
12 their children’s achievement, such as literacy train-
13 ing and using technology, as appropriate, to foster
14 parental involvement;

15 “(3) shall educate teachers, pupil services per-
16 sonnel, principals, and other staff, with the assist-
17 ance of parents, in the value and utility of contribu-
18 tions of parents, and in how to reach out to, commu-
19 nicate with, and work with parents as equal part-
20 ners, implement and coordinate parent programs,
21 and build ties between parents and the school;

22 “(4) shall, to the extent feasible and appro-
23 priate, coordinate and integrate parent involvement
24 programs and activities with Head Start, the Home
25 Instruction Programs for Preschool Youngsters, the

1 Parents as Teachers Program, public preschool and
2 other programs, and conduct other activities, such as
3 parent resource centers, that encourage and support
4 parents in more fully participating in the education
5 of their children;

6 “(5) shall ensure that information related to
7 school and parent programs, meetings, and other ac-
8 tivities is sent to the parents of participating chil-
9 dren in a format and, to the extent practicable, in
10 a language the parents can understand;

11 “(6) may involve parents in the development of
12 training for teachers, principals, and other educators
13 to improve the effectiveness of such training;

14 “(7) may provide necessary literacy training
15 from funds received under this part if the local edu-
16 cational agency has exhausted all other reasonably
17 available sources of funding for such training;

18 “(8) may pay reasonable and necessary ex-
19 penses associated with local parental involvement ac-
20 tivities, including transportation and child care
21 costs, to enable parents to participate in school-re-
22 lated meetings and training sessions;

23 “(9) may train parents to enhance the involve-
24 ment of other parents;

1 “(10) may arrange school meetings at a variety
2 of times, or conduct in-home conferences between
3 teachers or other educators, who work directly with
4 participating children, with parents who are unable
5 to attend such conferences at school, in order to
6 maximize parental involvement and participation;

7 “(11) may adopt and implement model ap-
8 proaches to improving parental involvement;

9 “(12) may establish a districtwide parent advi-
10 sory council to provide advice on all matters related
11 to parental involvement in programs supported
12 under this section;

13 “(13) may develop appropriate roles for com-
14 munity-based organizations and businesses in parent
15 involvement activities;

16 “(14) shall provide such other reasonable sup-
17 port for parental involvement activities under this
18 section as parents may request;

19 “(15) may provide, in consultation with Indian
20 tribes and Native organizations whose members are
21 enrolled in the school, information about culture-
22 based education in use in the school; and

23 “(16) shall, in consultation with Indian tribes
24 and parents of Indian, Alaska Native, and Native
25 Hawaiian children who are served by any school in

1 the local educational agency, establish mechanisms
2 to overcome barriers to effective Indian, Alaska Na-
3 tive, and Native Hawaiian parental involvement.

4 “(f) ACCESSIBILITY.—In carrying out the parental
5 involvement requirements of this part, local educational
6 agencies and schools, to the extent practicable, shall pro-
7 vide full opportunities for the participation of parents with
8 limited English proficiency, parents with disabilities, par-
9 ents of American Indian, Alaska Native, or Native Hawai-
10 ian children, and parents of migratory children, including
11 providing information and school reports required under
12 section 1111 in a format and, to the extent practicable,
13 in a language such parents understand.

14 “(g) INFORMATION FROM PARENTAL INFORMATION
15 AND RESOURCE CENTERS.—In a State where a parental
16 information and resource center is established to provide
17 training, information, and support to parents and individ-
18 uals who work with local parents, local educational agen-
19 cies, and schools receiving assistance under this part, each
20 local educational agency or school that receives assistance
21 under this part and is located in the State shall assist
22 parents and parental organizations by informing such par-
23 ents and organizations of the existence and purpose of
24 such centers.

1 “(h) REVIEW.—The State educational agency shall
2 review the local educational agency’s parental involvement
3 policies and practices to determine if the policies and prac-
4 tices meet the requirements of this section.

5 **“SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARA-**
6 **PROFESSIONALS.**

7 “(a) TEACHER QUALIFICATIONS AND MEASURABLE
8 OBJECTIVES.—

9 “(1) IN GENERAL.—Not later than 1 year after
10 the date of enactment of the Educational Account-
11 ability and State Flexibility Act of 2013, each local
12 educational agency receiving assistance under this
13 part shall ensure that all teachers hired after such
14 day and teaching in a program supported with funds
15 under this part are highly effective.

16 “(2) STATE PLAN.—As part of the plan de-
17 scribed in section 1111, each State educational
18 agency receiving assistance under this part shall de-
19 velop a plan to ensure that all teachers teaching in
20 core academic subjects within the State are highly
21 effective not later than the end of the 2014-2015
22 school year. Such plan shall establish annual meas-
23 urable objectives for each local educational agency
24 and school that, at a minimum—

1 “(A) shall include an annual increase in
2 the percentage of highly effective teachers at
3 each local educational agency and school, to en-
4 sure that all teachers teaching in core academic
5 subjects in each public elementary school and
6 secondary school are highly effective not later
7 than the end of the 2014-2015 school year;

8 “(B) shall include an annual increase in
9 the percentage of teachers who are receiving
10 high-quality professional development to enable
11 such teachers to become highly effective and
12 successful classroom teachers; and

13 “(C) may include such other measures as
14 the State educational agency determines to be
15 appropriate to increase teacher qualifications.

16 “(3) LOCAL PLAN.—As part of the plan de-
17 scribed in section 1112, each local educational agen-
18 cy receiving assistance under this part shall develop
19 a plan to ensure that all teachers teaching within
20 the school district served by the local educational
21 agency are highly effective not later than the end of
22 the 2005–2006 school year.

23 “(4) DEFINITION OF HIGHLY EFFECTIVE.—
24 Notwithstanding any other provision of law, the
25 State education agency shall, in consultation with

1 local educational agencies, teachers, principals, In-
2 dian tribes and Native organizations that may be
3 present in the State, parents, and the community,
4 define ‘highly effective’ for purposes of this section
5 to include standards for certification, knowledge of
6 subject matter being taught, and competency in as-
7 sisting students to meet or make satisfactory
8 progress toward meeting State standards.

9 “(b) REPORTS.—

10 “(1) ANNUAL STATE AND LOCAL REPORTS.—

11 “(A) LOCAL REPORTS.—Each State edu-
12 cational agency described in subsection (a)(2)
13 shall require each local educational agency re-
14 ceiving funds under this part to publicly report,
15 each year, beginning with the 2014-2015 school
16 year, the annual progress of the local edu-
17 cational agency as a whole and of each of the
18 schools served by the agency, in meeting the
19 measurable objectives described in subsection
20 (a)(2).

21 “(B) STATE REPORTS.—Each State edu-
22 cational agency receiving assistance under this
23 part shall prepare and submit each year, begin-
24 ning with the 2014-2015 school year, a report
25 to the Secretary, describing the State edu-

1 cational agency’s progress in meeting the meas-
2 urable objectives described in subsection (a)(2).

3 “(C) INFORMATION FROM OTHER RE-
4 PORTS.—A State educational agency or local
5 educational agency may submit information
6 from the reports described in section 1111(h)
7 for the purposes of this subsection, if such re-
8 port is modified, as may be necessary, to con-
9 tain the information required by this sub-
10 section, and may submit such information as a
11 part of the reports required under section
12 1111(h).

13 “(2) ANNUAL REPORTS BY THE SECRETARY.—
14 Each year, beginning with the 2015-2016 school
15 year, the Secretary shall publicly report the annual
16 progress of State educational agencies, local edu-
17 cational agencies, and schools, in meeting the meas-
18 urable objectives described in subsection (a)(2).

19 “(c) PARAPROFESSIONALS.—

20 “(1) IN GENERAL.—Each local educational
21 agency receiving assistance under this part shall en-
22 sure that all paraprofessionals hired in the school
23 year after the date of enactment of the Educational
24 Accountability and State Flexibility Act of 2013 and
25 working in a program supported with funds under

1 this part shall have met State standards regarding
2 certification or licensure, knowledge of subject mat-
3 ter being taught, and competency in assisting stu-
4 dents to meet or make satisfactory progress toward
5 meeting State standards.

6 “(2) CLARIFICATION.—The receipt of a sec-
7 ondary school diploma (or its recognized equivalent)
8 shall be necessary but not sufficient to satisfy the
9 requirements of paragraph (1).

10 “(d) EXCEPTIONS.—Subsection (c) shall not apply
11 to—

12 “(1) a paraprofessional who is proficient in
13 English and a language other than English and who
14 provides services primarily to enhance the participa-
15 tion of children in programs under this part by act-
16 ing as a translator;

17 “(2) a paraprofessional whose duties consist
18 solely of conducting parental involvement activities
19 consistent with section 1118;

20 “(3) teachers of American Indian, Alaska Na-
21 tive, or Native Hawaiian language or culture, wheth-
22 er the teacher is teaching on a permanent, part-
23 time, or occasional basis, except that a State may
24 require that a local Indian tribe or tribal organiza-
25 tion, as defined in section 4 of the Indian Self-De-

1 termination and Education Assistance Act (25
2 U.S.C. 450b), verify the competency of a public
3 school teacher of American Indian, Alaska Native, or
4 Native Hawaiian language or culture to teach such
5 subject, to the chief administrative officer of the
6 local educational agency or the chief State school of-
7 ficer; and

8 “(4) a Native elder or other authority on Amer-
9 ican Indian, Alaska Native, or Native Hawaiian his-
10 tory who provides instruction in such subject on a
11 periodic or 1-time basis, except that a State may re-
12 quire that a local Indian tribe or tribal organization,
13 as defined in section 4 of the Indian Self-Determina-
14 tion and Education Assistance Act (25 U.S.C.
15 450b), verify the competency of the instructor de-
16 scribed in subparagraph (A) of American Indian,
17 Alaska Native, or Native Hawaiian history to teach
18 such subject, to the chief administrative officer of
19 the local educational agency or the chief State school
20 officer.

21 “(e) DUTIES OF PARAPROFESSIONALS.—

22 “(1) IN GENERAL.—Each local educational
23 agency receiving assistance under this part shall en-
24 sure that a paraprofessional working in a program

1 supported with funds under this part is not assigned
2 a duty inconsistent with this subsection.

3 “(2) RESPONSIBILITIES PARAPROFESSIONALS
4 MAY BE ASSIGNED.—A paraprofessional described in
5 paragraph (1) may be assigned—

6 “(A) to provide one-on-one tutoring for eli-
7 gible students, if the tutoring is scheduled at a
8 time when a student would not otherwise re-
9 ceive instruction from a teacher;

10 “(B) to assist with classroom management,
11 such as organizing instructional and other ma-
12 terials;

13 “(C) to provide assistance in a computer
14 laboratory;

15 “(D) to conduct parental involvement ac-
16 tivities;

17 “(E) to provide support in a library or
18 media center;

19 “(F) to act as a translator; or

20 “(G) to provide instructional services to
21 students in accordance with paragraph (3).

22 “(3) ADDITIONAL LIMITATIONS.—A paraprofes-
23 sional described in paragraph (1)—

24 “(A) may not provide any instructional
25 service to a student unless the paraprofessional

1 is working under the direct supervision of a
2 teacher consistent with section 1119; and

3 “(B) may assume limited duties that are
4 assigned to similar personnel who are not work-
5 ing in a program supported with funds under
6 this part, including duties beyond classroom in-
7 struction or that do not benefit participating
8 children, so long as the amount of time spent
9 on such duties is the same proportion of total
10 work time as prevails with respect to similar
11 personnel at the same school.

12 “(f) USE OF FUNDS.—A local educational agency re-
13 ceiving funds under this part may use such funds to sup-
14 port ongoing training and professional development to as-
15 sist teachers and paraprofessionals in satisfying the re-
16 quirements of this section.

17 “(g) VERIFICATION OF COMPLIANCE.—

18 “(1) IN GENERAL.—In verifying compliance
19 with this section, each local educational agency, at
20 a minimum, shall require that the principal of each
21 school operating a program under section 1114 or
22 1115 attest annually in writing as to whether such
23 school is in compliance with the requirements of this
24 section.

1 “(2) AVAILABILITY OF INFORMATION.—Copies
2 of attestations under paragraph (1)—

3 “(A) shall be maintained at each school op-
4 erating a program under section 1114 or 1115
5 and at the main office of the local educational
6 agency; and

7 “(B) shall be available to any member of
8 the general public on request.

9 “(h) COMBINATIONS OF FUNDS.—Funds provided
10 under this part that are used for professional development
11 purposes may be combined with funds provided under title
12 II of this Act, other Acts, and other sources.

13 “(i) SPECIAL RULE.—Except as provided in sub-
14 section (j), no State educational agency shall require a
15 school or a local educational agency to expend a specific
16 amount of funds for professional development activities
17 under this part.

18 “(j) MINIMUM EXPENDITURES.—Each local edu-
19 cational agency that receives funds under this part shall
20 use not less than 5 percent, or more than 10 percent, of
21 such funds for each of fiscal years 2012 and 2013, and
22 not less than 5 percent of the funds for each subsequent
23 fiscal year, for professional development activities to en-
24 sure that teachers who are not highly effective become

1 highly effective not later than the end of the 2017–2018
2 school year.”.

3 **SEC. 3. CONFORMING AMENDMENTS.**

4 (a) IN GENERAL.—The Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 6301 et seq.) is further
6 amended—

7 (1) by repealing subparts 1, 2, and 3 of part B
8 of title I; and

9 (2) in section 9101, by striking paragraph (23).

10 (b) REPLACEMENT OF DEFINITIONS.—Notwith-
11 standing any other provision of law—

12 (1) any reference in the Elementary and Sec-
13 ondary Education Act of 1965 to highly qualified
14 shall be deemed to refer to highly effective, as deter-
15 mined by the State in accordance with section
16 1119(a)(4) of such Act, as amended by this Act; and

17 (2) any reference in the Elementary and Sec-
18 ondary Education Act of 1965 to making adequate
19 yearly progress shall be deemed to refer to meeting,
20 or making satisfactory progress toward meeting,
21 State standards, as described in section 1111(b)(2)
22 of such Act, as amended by this Act.

○