

114TH CONGRESS
1ST SESSION

H. R. 5

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2015

Mr. KLINE (for himself and Mr. ROKITA) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. TABLE OF CONTENTS.**

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

Sec. 1. Short title.

- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Transition.
- Sec. 5. Effective dates.
- Sec. 6. Authorization of appropriations.
- Sec. 7. Sense of the Congress.

TITLE I—AID TO LOCAL EDUCATIONAL AGENCIES

Subtitle A—In General

- Sec. 101. Title heading.
- Sec. 102. Statement of purpose.
- Sec. 103. Flexibility to use Federal funds.
- Sec. 104. School improvement.
- Sec. 105. Direct student services.
- Sec. 106. State administration.

Subtitle B—Improving the Academic Achievement of the Disadvantaged

- Sec. 111. Part A headings.
- Sec. 112. State plans.
- Sec. 113. Local educational agency plans.
- Sec. 114. Eligible school attendance areas.
- Sec. 115. Schoolwide programs.
- Sec. 116. Targeted assistance schools.
- Sec. 117. Academic assessment and local educational agency and school improvement; school support and recognition.
- Sec. 118. Parental involvement.
- Sec. 119. Qualifications for teachers and paraprofessionals.
- Sec. 120. Participation of children enrolled in private schools.
- Sec. 121. Fiscal requirements.
- Sec. 122. Coordination requirements.
- Sec. 123. Grants for the outlying areas and the Secretary of the Interior.
- Sec. 124. Allocations to States.
- Sec. 125. Basic grants to local educational agencies.
- Sec. 126. Adequacy of funding of targeted grants to local educational agencies in fiscal years after fiscal year 2001.
- Sec. 127. Education finance incentive grant program.
- Sec. 128. Carryover and waiver.
- Sec. 129. Title I portability.

Subtitle C—Additional Aid to States and School Districts

- Sec. 131. Additional aid.

Subtitle D—National Assessment

- Sec. 141. National assessment of title I.

Subtitle E—Title I General Provisions

- Sec. 151. General provisions for title I.

TITLE II—TEACHER PREPARATION AND EFFECTIVENESS

- Sec. 201. Teacher preparation and effectiveness.
- Sec. 202. Conforming repeals.

TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

Sec. 301. Parental engagement and local flexibility.

TITLE IV—IMPACT AID

- Sec. 401. Purpose.
- Sec. 402. Payments relating to Federal acquisition of real property.
- Sec. 403. Payments for eligible federally connected children.
- Sec. 404. Policies and procedures relating to children residing on Indian lands.
- Sec. 405. Application for payments under sections 8002 and 8003.
- Sec. 406. Construction.
- Sec. 407. Facilities.
- Sec. 408. State consideration of payments providing State aid.
- Sec. 409. Federal administration.
- Sec. 410. Administrative hearings and judicial review.
- Sec. 411. Definitions.
- Sec. 412. Authorization of appropriations.
- Sec. 413. Conforming amendments.

TITLE V—THE FEDERAL GOVERNMENT'S TRUST RESPONSIBILITY TO AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN EDUCATION

Sec. 501. The Federal Government's Trust Responsibility to American Indian, Alaska Native, and Native Hawaiian Education.

TITLE VI—GENERAL PROVISIONS FOR THE ACT

- Sec. 601. General provisions for the Act.
- Sec. 602. Repeal.
- Sec. 603. Other laws.
- Sec. 604. Amendment to IDEA.

TITLE VII—HOMELESS EDUCATION

- Sec. 701. Statement of policy.
- Sec. 702. Grants for State and local activities for the education of homeless children and youths.
- Sec. 703. Local educational agency subgrants for the education of homeless children and youths.
- Sec. 704. Secretarial responsibilities.
- Sec. 705. Definitions.
- Sec. 706. Authorization of appropriations.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Findings; Sense of the Congress.

1 **SEC. 3. REFERENCES.**

2 Except as otherwise expressly provided, whenever in
 3 this Act an amendment or repeal is expressed in terms
 4 of an amendment to, or repeal of, a section or other provi-

1 sion, the reference shall be considered to be made to a
2 section or other provision of the Elementary and Sec-
3 ondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

4 **SEC. 4. TRANSITION.**

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

13 **SEC. 5. EFFECTIVE DATES.**

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

17 (b) NONCOMPETITIVE PROGRAMS.—With respect to
18 noncompetitive programs under which any funds are allot-
19 ted by the Secretary of Education to recipients on the
20 basis of a formula, this Act, and the amendments made
21 by this Act, shall take effect on October 1, 2015.

22 (c) COMPETITIVE PROGRAMS.—With respect to pro-
23 grams that are conducted by the Secretary on a competi-
24 tive basis, this Act, and the amendments made by this Act,

1 shall take effect with respect to appropriations for use
 2 under those programs for fiscal year 2016.

3 (d) IMPACT AID.—With respect to title IV of the Act
 4 (20 U.S.C. 7701 et seq.) (Impact Aid), this Act, and the
 5 amendments made by this Act, shall take effect with re-
 6 spect to appropriations for use under that title for fiscal
 7 year 2016.

8 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

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

12 “(a) TITLE I.—

13 “(1) PART A.—There are authorized to be ap-
 14 propriated to carry out part A of title I
 15 \$16,245,163,000 for each of fiscal years 2016
 16 through 2021.

17 “(2) PART B.—There are authorized to be ap-
 18 propriated to carry out part B of title I \$710,000
 19 for each of fiscal years 2016 through 2021.

20 “(b) TITLE II.—There are authorized to be appro-
 21 priated to carry out title II \$2,788,356,000 for each of
 22 fiscal years 2016 through 2021.

23 “(c) TITLE III.—

24 “(1) PART A.—

1 “(A) SUBPART 1.—There are authorized to
2 be appropriated to carry out subpart 1 of part
3 A of title III \$300,000,000 for each of fiscal
4 years 2016 through 2021.

5 “(B) SUBPART 2.—There are authorized to
6 be appropriated to carry out subpart 2 of part
7 A of title III \$91,647,000 for each of fiscal
8 years 2016 through 2021.

9 “(C) SUBPART 3.—There are authorized to
10 be appropriated to carry out subpart 3 of part
11 A of title III \$25,000,000 for each of fiscal
12 years 2016 through 2021.

13 “(2) PART B.—There are authorized to be ap-
14 propriated to carry out part B of title III
15 \$2,302,287,000 for each of fiscal years 2016
16 through 2021.

17 “(d) TITLE IV.—

18 “(1) PAYMENTS FOR FEDERAL ACQUISITION OF
19 REAL PROPERTY.—For the purpose of making pay-
20 ments under section 4002, there are authorized to
21 be appropriated \$66,813,000 for each of fiscal years
22 2016 through 2021.

23 “(2) BASIC PAYMENTS; PAYMENTS FOR HEAV-
24 ILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—
25 For the purpose of making payments under section

1 4003(b), there are authorized to be appropriated
2 \$1,151,233,000 for each of fiscal years 2016
3 through 2021.

4 “(3) PAYMENTS FOR CHILDREN WITH DISABIL-
5 ITIES.—For the purpose of making payments under
6 section 4003(d), there are authorized to be appro-
7 priated \$48,316,000 for each of fiscal years 2016
8 through 2021.

9 “(4) CONSTRUCTION.—For the purpose of car-
10 rying out section 4007, there are authorized to be
11 appropriated \$17,406,000 for each of fiscal years
12 2016 through 2021.

13 “(5) FACILITIES MAINTENANCE.—For the pur-
14 pose of carrying out section 4008, there are author-
15 ized to be appropriated \$4,835,000 for each of fiscal
16 years 2016 through 2021.”.

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

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

19 (1) The Elementary and Secondary Education
20 Act prohibits the Federal Government from man-
21 dating, directing, or controlling a State, local edu-
22 cational agency, or school’s curriculum, program of
23 instruction, or allocation of State and local re-
24 sources, and from mandating a State or any subdivi-

1 sion thereof to spend any funds or incur any costs
2 not paid for under such Act.

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

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

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

21 (5) The Race to the Top Assessment grants
22 awarded to the Partnership for the Assessment of
23 Readiness for College and Careers (PARCC) and
24 SMARTER Balanced Assessment Consortium
25 (SMARTER Balance) initiated the development of

1 Common Core State Standards aligned assessments
 2 that will, in turn, inform and ultimately influence
 3 kindergarten through 12th-grade curriculum and in-
 4 structional materials.

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

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

15 **TITLE I—AID TO LOCAL**
 16 **EDUCATIONAL AGENCIES**
 17 **Subtitle A—In General**

18 **SEC. 101. TITLE HEADING.**

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

21 **“TITLE I—AID TO LOCAL**
 22 **EDUCATIONAL AGENCIES”.**

23 **SEC. 102. STATEMENT OF PURPOSE.**

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

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

2 “The purpose of this title is to provide all children
3 the opportunity to graduate high school prepared for post-
4 secondary education or the workforce. This purpose can
5 be accomplished by—

6 “(1) meeting the educational needs of low-
7 achieving children in our Nation’s highest-poverty
8 schools, English learners, migratory children, chil-
9 dren with disabilities, Indian children, and neglected
10 or delinquent children;

11 “(2) closing the achievement gap between high-
12 and low-performing children, especially the achieve-
13 ment gaps between minority and nonminority stu-
14 dents, and between disadvantaged children and their
15 more advantaged peers;

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

19 “(4) challenging States and local educational
20 agencies to embrace meaningful, evidence-based edu-
21 cation reform, while encouraging state and local in-
22 novation.”.

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

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

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

2 “(a) ALTERNATIVE USES OF FEDERAL FUNDS FOR
3 STATE EDUCATIONAL AGENCIES.—

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

10 “(A) Section 1003.

11 “(B) Section 1004.

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

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

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

15 “(2) NOTIFICATION.—Not later than June 1 of
16 each year, a State educational agency shall notify
17 the Secretary of the State educational agency’s in-
18 tention to use the applicable funding for any of the
19 alternative uses under paragraph (1).

20 “(3) APPLICABLE FUNDING DEFINED.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B), in this subsection, the term
23 ‘applicable funding’ means funds provided to
24 carry out State activities under one or more of
25 the following provisions.

26 “(i) Section 1003.

1 “(ii) Section 1004.

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

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

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

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

10 “(i) to reserve, allocate, or spend for
11 required activities;

12 “(ii) to allocate, allot, or award to
13 local educational agencies or other entities
14 eligible to receive such funds; or

15 “(iii) to use for technical assistance or
16 monitoring.

17 “(4) DISBURSEMENT.—The Secretary shall dis-
18 burse the applicable funding to State educational
19 agencies for alternative uses under paragraph (1) for
20 a fiscal year at the same time as the Secretary dis-
21 burses the applicable funding to State educational
22 agencies that do not intend to use the applicable
23 funding for such alternative uses for the fiscal year.

24 “(b) ALTERNATIVE USES OF FEDERAL FUNDS FOR
25 LOCAL EDUCATIONAL AGENCIES.—

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

7 “(A) Section 1003.

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

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

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

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

12 “(2) NOTIFICATION.—A local educational agen-
 13 cy shall notify the State educational agency of the
 14 local educational agency’s intention to use the appli-
 15 cable funding for any of the alternative uses under
 16 paragraph (1) by a date that is established by the
 17 State educational agency for the notification.

18 “(3) APPLICABLE FUNDING DEFINED.—

19 “(A) IN GENERAL.—Except as provided in
 20 subparagraph (B), in this subsection, the term
 21 ‘applicable funding’ means funds provided to
 22 carry out local activities under one or more of
 23 the following provisions:

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

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

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

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

7 “(i) to reserve, allocate, or spend for
8 required activities;

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

11 “(iii) to use for technical assistance or
12 monitoring.

13 “(4) DISBURSEMENT.—Each State educational
14 agency that receives applicable funding for a fiscal
15 year shall disburse the applicable funding to local
16 educational agencies for alternative uses under para-
17 graph (1) for the fiscal year at the same time as the
18 State educational agency disburses the applicable
19 funding to local educational agencies that do not in-
20 tend to use the applicable funding for such alter-
21 native uses for the fiscal year.

22 “(c) RULE FOR ADMINISTRATIVE COSTS.—A State
23 educational agency or a local educational agency shall only
24 use applicable funding (as defined in subsection (a)(3) or
25 (b)(3), respectively) for administrative costs incurred in

1 carrying out a provision listed in subsection (a)(1) or
 2 (b)(1), respectively, to the extent that the agency, in the
 3 absence of this section, could have used funds for adminis-
 4 trative costs with respect to a program listed in subsection
 5 (a)(3) or (b)(3), respectively.

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

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

12 “(2) comparability of services;

13 “(3) equitable participation of private school
 14 students and teachers;

15 “(4) applicable civil rights requirements;

16 “(5) section 1113; or

17 “(6) section 1111.”.

18 **SEC. 104. SCHOOL IMPROVEMENT.**

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

20 (1) in subsection (a)—

21 (A) by striking “2 percent” and inserting
 22 “7 percent”; and

23 (B) by striking “subpart 2 of part A” and
 24 all that follows through “sections 1116 and
 25 1117,” and inserting “chapter B of subpart 1

1 of part A for each fiscal year to carry out sub-
2 section (b),”;

3 (2) in subsection (b)—

4 (A) in paragraph (1), by striking “for
5 schools identified for school improvement, cor-
6 rective action, and restructuring, for activities
7 under section 1116(b)” and inserting “to carry
8 out the State’s system of school improvement
9 under section 1111(b)(3)(B)(iii)”;

10 (B) in paragraph (2), by striking “or edu-
11 cational service agencies” and inserting “, edu-
12 cational service agencies, or non-profit or for-
13 profit external providers with expertise in using
14 evidence-based or other effective strategies to
15 improve student achievement”;

16 (3) in subsection (c)—

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

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

22 (C) by striking paragraph (3);

23 (4) in subsection (d)(1), by striking “subpart 2
24 of part A;” and inserting “chapter B of subpart 1
25 of part A;”;

1 (5) in subsection (e)—

2 (A) by striking “in any fiscal year” and in-
 3 serting “in fiscal year 2015 and each subse-
 4 quent fiscal year”;

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

7 (C) by striking “such subpart” and insert-
 8 ing “such chapter”;

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

12 (7) by striking subsection (g).

13 **SEC. 105. DIRECT STUDENT SERVICES.**

14 The Act (20 U.S.C. 6301 et seq.) is amended by in-
 15 serting after section 1003 the following:

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

17 “(a) STATE RESERVATION.—Each State shall reserve
 18 3 percent of the amount the State receives under chapter
 19 B of subpart 1 of part A for each fiscal year to carry
 20 out this section. Of such reserved funds, the State edu-
 21 cational agency may use up to 1 percent to administer
 22 direct student services.

23 “(b) DIRECT STUDENT SERVICES.—From the
 24 amount available after the application of subsection (a),
 25 each State shall award grants in accordance with this sec-

1 tion to local educational agencies to support direct student
2 services.

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

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

16 “(1) shall use up to 1 percent of each award for
17 outreach and communication to parents about their
18 options and to register students for direct student
19 services;

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

23 “(3) shall use the remainder of the award to
24 pay the transportation required to provide public
25 school choice or the hourly rate for high-quality aca-

1 demic tutoring services, as determined by a provider
2 on the State-approved list required under subsection
3 (f)(2).

4 “(e) APPLICATION.—A local educational agency de-
5 siring to receive an award under subsection (b) shall sub-
6 mit an application describing how the local educational
7 agency will—

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

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

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

17 “(4) determine the requirements or criteria for
18 student eligibility for direct student services;

19 “(5) select a variety of providers of high-quality
20 academic tutoring from the State-approved list re-
21 quired under subsection (f)(2) and ensure fair nego-
22 tiations in selecting such providers of high-quality
23 academic tutoring, including online, on campus, and
24 other models of tutoring which provide meaningful

1 choices to parents to find the best service for their
2 child; and

3 “(6) develop an estimated per pupil expenditure
4 available for eligible students to use toward high-
5 quality academic tutoring which shall allow for an
6 adequate level of services to increase academic
7 achievement from a variety of high-quality academic
8 tutoring providers.

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

10 “(1) shall ensure that each local educational
11 agency receiving an award to provide public school
12 choice can provide a sufficient number of options to
13 provide a meaningful choice for parents;

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

17 “(3) shall ensure that each local educational
18 agency receiving an award will provide an adequate
19 number of high-quality academic tutoring options to
20 ensure parents have a meaningful choice of serv-
21 ices.”.

22 **SEC. 106. STATE ADMINISTRATION.**

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

1 **“SEC. 1004. STATE ADMINISTRATION.**

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

6 “(1) 1 percent of the amounts received under
7 such subparts; or

8 “(2) \$400,000 (\$50,000 in the case of each
9 outlying area).

10 “(b) EXCEPTION.—If the sum of the amounts re-
11 served under subparts 1, 2, and 3 of part A of this title
12 is equal to or greater than \$14,000,000,000, then the res-
13 ervation described in subsection (a)(1) shall not exceed 1
14 percent of the amount the State would receive if
15 \$14,000,000,000 were allocated among the States for sub-
16 parts 1, 2, and 3 of part A of this title.”.

17 **Subtitle B—Improving the Aca-**
18 **demic Achievement of the Dis-**
19 **advantaged**

20 **SEC. 111. PART A HEADINGS.**

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

1 **“PART A—IMPROVING THE ACADEMIC**
 2 **ACHIEVEMENT OF THE DISADVANTAGED”.**

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

6 **“Subpart 1—Improving Basic Programs Operated by**
 7 **Local Educational Agencies**

8 **“CHAPTER A—BASIC PROGRAM**
 9 **REQUIREMENTS”.**

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

13 **“CHAPTER B—ALLOCATIONS”.**

14 **SEC. 112. STATE PLANS.**

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

17 **“SEC. 1111. STATE PLANS.**

18 “(a) PLANS REQUIRED.—

19 “(1) IN GENERAL.—For any State desiring to
 20 receive a grant under this subpart, the State edu-
 21 cational agency shall submit to the Secretary a plan,
 22 developed by the State educational agency, in con-
 23 sultation with local educational agencies, teachers,
 24 school leaders, public charter school representatives,
 25 specialized instructional support personnel, other ap-
 26 propriate school personnel, parents, private sector

1 employers, and entrepreneurs, that satisfies the re-
2 quirements of this section and that is coordinated
3 with other programs under this Act, the Individuals
4 with Disabilities Education Act, the Carl D. Perkins
5 Career and Technical Education Act of 2006, the
6 Head Start Act, the Adult Education and Family
7 Literacy Act, and the McKinney-Vento Homeless
8 Assistance Act.

9 “(2) CONSOLIDATED PLAN.—A State plan sub-
10 mitted under paragraph (1) may be submitted as
11 part of a consolidated plan under section 6302.

12 “(b) ACADEMIC STANDARDS, ACADEMIC ASSESS-
13 MENTS, AND STATE ACCOUNTABILITY.—

14 “(1) ACADEMIC STANDARDS.—

15 “(A) IN GENERAL.—Each State plan shall
16 demonstrate that the State has adopted aca-
17 demic content standards and academic achieve-
18 ment standards aligned with such content
19 standards that comply with the requirements of
20 this paragraph.

21 “(B) SUBJECTS.—The State shall have
22 such academic standards for mathematics, read-
23 ing or language arts, and science, and may have
24 such standards for any other subject deter-
25 mined by the State.

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

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

5 “(ii) with respect to academic achieve-
6 ment standards, include the same knowl-
7 edge, skills, and levels of achievement ex-
8 pected of all public school students in the
9 State.

10 “(D) ALTERNATE ACADEMIC ACHIEVE-
11 MENT STANDARDS.—Notwithstanding any other
12 provision of this paragraph, a State may,
13 through a documented and validated standards-
14 setting process, adopt alternate academic
15 achievement standards for students with the
16 most significant cognitive disabilities, if—

17 “(i) the determination about whether
18 the achievement of an individual student
19 should be measured against such standards
20 is made separately for each student; and

21 “(ii) such standards—

22 “(I) are aligned with the State
23 academic standards required under
24 subparagraph (A);

1 “(II) promote access to the gen-
2 eral curriculum; and

3 “(III) reflect professional judg-
4 ment as to the highest possible stand-
5 ards achievable by such students.

6 “(E) ENGLISH LANGUAGE PROFICIENCY
7 STANDARDS.—Each State plan shall describe
8 how the State educational agency will establish
9 English language proficiency standards that
10 are—

11 “(i) derived from the four recognized
12 domains of speaking, listening, reading,
13 and writing; and

14 “(ii) aligned with the State’s academic
15 content standards in reading or language
16 arts under subparagraph (A).

17 “(2) ACADEMIC ASSESSMENTS.—

18 “(A) IN GENERAL.—Each State plan shall
19 demonstrate that the State educational agency,
20 in consultation with local educational agencies,
21 has implemented a set of high-quality student
22 academic assessments in mathematics, reading
23 or language arts, and science. At the State’s
24 discretion, the State plan may also demonstrate

1 that the State has implemented such assess-
2 ments in any other subject chosen by the State.

3 “(B) REQUIREMENTS.—Such assessments
4 shall—

5 “(i) in the case of mathematics and
6 reading or language arts, be used in deter-
7 mining the performance of each local edu-
8 cational agency and public school in the
9 State in accordance with the State’s ac-
10 countability system under paragraph (3);

11 “(ii) be the same academic assess-
12 ments used to measure the academic
13 achievement of all public school students in
14 the State;

15 “(iii) be aligned with the State’s aca-
16 demic standards and provide coherent and
17 timely information about student attain-
18 ment of such standards;

19 “(iv) be used for purposes for which
20 such assessments are valid and reliable, be
21 of adequate technical quality for each pur-
22 pose required under this Act, and be con-
23 sistent with relevant, nationally recognized
24 professional and technical standards;

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

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

7 “(aa) grades 3 through 5;

8 “(bb) grades 6 through 9; and

9 “(cc) grades 10 through 12; and

10 “(III) in the case of any other subject
11 chosen by the State, be administered at the
12 discretion of the State;

13 “(vi) measure individual student aca-
14 demic proficiency and, at the State’s dis-
15 cretion, growth;

16 “(vii) at the State’s discretion—

17 “(I) be administered through a
18 single annual summative assessment;
19 or

20 “(II) be administered through
21 multiple assessments during the
22 course of the academic year that re-
23 sult in a single summative score that
24 provides valid, reliable, and trans-

1 parent information on student
2 achievement;

3 “(viii) include measures that assess
4 higher-order thinking skills and under-
5 standing;

6 “(ix) provide for—

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

9 “(II) the reasonable adaptations
10 and accommodations for students with
11 disabilities necessary to measure the
12 academic achievement of such stu-
13 dents relative to the State’s academic
14 standards; and

15 “(III) the inclusion of English
16 learners, who shall be assessed in a
17 valid and reliable manner and pro-
18 vided reasonable accommodations, in-
19 cluding, to the extent practicable, as-
20 sessments in the language and form
21 most likely to yield accurate and reli-
22 able information on what such stu-
23 dents know and can do in academic
24 content areas, until such students
25 have achieved English language pro-

1 ficiency, as assessed by the State
2 under subparagraph (D);

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

23 “(xi) produce individual student inter-
24 pretive, descriptive, and diagnostic reports
25 regarding achievement on such assess-

1 ments that allow parents, teachers, and
2 school leaders to understand and address
3 the specific academic needs of students,
4 and that are provided to parents, teachers,
5 and school leaders, as soon as is prac-
6 ticable after the assessment is given, in an
7 understandable and uniform format, and
8 to the extent practicable, in a language
9 that parents can understand;

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

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

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

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

17 “(i) establishes and monitors imple-
18 mentation of clear and appropriate guide-
19 lines for individualized education program
20 teams (as defined in section 614(d)(1)(B)
21 of the Individuals with Disabilities Edu-
22 cation Act) to apply when determining
23 when a child’s significant cognitive dis-
24 ability justifies assessment based on alter-
25 nate achievement standards;

1 “(ii) ensures that the parents of such
2 students are informed that—

3 “(I) their child’s academic
4 achievement will be measured against
5 such alternate standards; and

6 “(II) whether participation in
7 such assessments precludes the stu-
8 dent from completing the require-
9 ments for a regular high school di-
10 ploma;

11 “(iii) demonstrates that such students
12 are, to the extent practicable, included in
13 the general curriculum and that such alter-
14 nate assessments are aligned with such
15 curriculum;

16 “(iv) develops, disseminates informa-
17 tion about, and promotes the use of appro-
18 priate accommodations to increase the
19 number of students with disabilities who
20 are tested against academic achievement
21 standards for the grade in which a student
22 is enrolled; and

23 “(v) ensures that regular and special
24 education teachers and other appropriate
25 staff know how to administer the alternate

1 assessments, including making appropriate
2 use of accommodations for students with
3 disabilities.

4 “(D) ASSESSMENTS OF ENGLISH LAN-
5 GUAGE PROFICIENCY.—

6 “(i) IN GENERAL.—Each State plan
7 shall demonstrate that local educational
8 agencies in the State will provide for an
9 annual assessment of English proficiency
10 of all English learners in the schools
11 served by the State educational agency.

12 “(ii) ALIGNMENT.—The assessments
13 described in clause (i) shall be aligned with
14 the State’s English language proficiency
15 standards described in paragraph (1)(E).

16 “(E) LANGUAGE ASSESSMENTS.—Each
17 State plan shall identify the languages other
18 than English that are present in the partici-
19 pating student population and indicate the lan-
20 guages for which yearly student academic as-
21 sessments are not available and are needed.
22 The State shall make every effort to develop
23 such assessments and may request assistance
24 from the Secretary if linguistically accessible
25 academic assessment measures are needed.

1 Upon request, the Secretary shall assist with
2 the identification of appropriate academic as-
3 sessment measures in the needed languages, but
4 shall not mandate a specific academic assess-
5 ment or mode of instruction.

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

14 “(i) Notwithstanding subparagraph
15 (B)(iii), the assessment—

16 “(I) shall measure, at a min-
17 imum, each student’s academic pro-
18 ficiency against the State’s academic
19 standards for the student’s grade level
20 and growth toward such standards;
21 and

22 “(II) if the State chooses, may be
23 used to measure the student’s level of
24 academic proficiency and growth
25 using assessment items above or below

1 the student's grade level, including for
2 use as part of a State's accountability
3 system under paragraph (3).

4 “(ii) Subparagraph (B)(ii) shall not
5 be interpreted to require that all students
6 taking the computer adaptive assessment
7 be administered the same assessment
8 items.

9 “(3) STATE ACCOUNTABILITY SYSTEMS.—

10 “(A) IN GENERAL.—Each State plan shall
11 demonstrate that the State has developed and is
12 implementing a single, statewide accountability
13 system to ensure that all public school students
14 graduate from high school prepared for postsec-
15 ondary education or the workforce without the
16 need for remediation.

17 “(B) ELEMENTS.—Each State account-
18 ability system described in subparagraph (A)
19 shall at a minimum—

20 “(i) annually measure the academic
21 achievement of all public school students in
22 the State against the State's mathematics
23 and reading or language arts academic
24 standards adopted under paragraph (1),
25 which may include measures of student

1 growth toward such standards, using the
2 mathematics and reading or language arts
3 assessments described in paragraph (2)(B)
4 and other valid and reliable academic indi-
5 cators related to student achievement as
6 identified by the State;

7 “(ii) annually evaluate and identify
8 the academic performance of each public
9 school in the State based on—

10 “(I) student academic achieve-
11 ment as measured in accordance with
12 clause (i);

13 “(II) the overall performance,
14 and achievement gaps as compared to
15 all students in the school, for eco-
16 nomically disadvantaged students, stu-
17 dents from major racial and ethnic
18 groups, students with disabilities, and
19 English learners, except that
20 disaggregation of data under this sub-
21 clause shall not be required in a case
22 in which the number of students in a
23 category is insufficient to yield statis-
24 tically reliable information or the re-
25 sults would reveal personally identifi-

1 able information about an individual
2 student; and

3 “(III) other measures of school
4 success; and

5 “(iii) include a system for school im-
6 provement for low-performing public
7 schools receiving funds under this subpart
8 that—

9 “(I) implements interventions in
10 such schools that are designed to ad-
11 dress such schools’ weaknesses; and

12 “(II) is implemented by local
13 educational agencies serving such
14 schools.

15 “(C) PROHIBITION.—Nothing in this sec-
16 tion shall be construed to permit the Secretary
17 to establish any criteria that specifies, defines,
18 or prescribes any aspect of a State’s account-
19 ability system developed and implemented in ac-
20 cordance with this paragraph.

21 “(D) ACCOUNTABILITY FOR CHARTER
22 SCHOOLS.—The accountability provisions under
23 this Act shall be overseen for charter schools in
24 accordance with State charter school law.

1 “(4) REQUIREMENTS.—Each State plan shall
2 describe—

3 “(A) how the State educational agency will
4 assist each local educational agency and each
5 public school affected by the State plan to com-
6 ply with the requirements of this subpart, in-
7 cluding how the State educational agency will
8 work with local educational agencies to provide
9 technical assistance; and

10 “(B) how the State educational agency will
11 ensure that the results of the State assessments
12 described in paragraph (2), the other indicators
13 selected by the State under paragraph
14 (3)(B)(i), and the school evaluations described
15 in paragraph (3)(B)(ii), will be promptly pro-
16 vided to local educational agencies, schools,
17 teachers, and parents in a manner that is clear
18 and easy to understand, but not later than be-
19 fore the beginning of the school year following
20 the school year in which such assessments,
21 other indicators, or evaluations are taken or
22 completed.

23 “(5) TIMELINE FOR IMPLEMENTATION.—Each
24 State plan shall describe the process by which the
25 State will adopt and implement the State academic

1 standards, assessments, and accountability system
2 required under this section within 2 years of enact-
3 ment of the Student Success Act.

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

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

16 “(c) OTHER PROVISIONS TO SUPPORT TEACHING
17 AND LEARNING.—Each State plan shall contain assur-
18 ances that—

19 “(1) the State will notify local educational
20 agencies, schools, teachers, parents, and the public
21 of the academic standards, academic assessments,
22 and State accountability system developed and im-
23 plemented under this section;

24 “(2) the State will participate in biennial State
25 academic assessments of 4th and 8th grade reading

1 and mathematics under the National Assessment of
2 Educational Progress carried out under section
3 303(b)(2) of the National Assessment of Edu-
4 cational Progress Authorization Act if the Secretary
5 pays the costs of administering such assessments;

6 “(3) the State educational agency will notify
7 local educational agencies and the public of the au-
8 thority to operate schoolwide programs;

9 “(4) the State educational agency will provide
10 the least restrictive and burdensome regulations for
11 local educational agencies and individual schools par-
12 ticipating in a program assisted under this subpart;

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

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

22 “(7) the State educational agency will inform
23 local educational agencies in the State of the local
24 educational agency’s authority to transfer funds

1 under section 1002 and to obtain waivers under sec-
2 tion 6401.

3 “(d) PARENTAL INVOLVEMENT.—Each State plan
4 shall describe how the State educational agency will sup-
5 port the collection and dissemination to local educational
6 agencies and schools of effective parental involvement
7 practices. Such practices shall—

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

12 “(2) be geared toward lowering barriers to
13 greater participation by parents in school planning,
14 review, and improvement; and

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

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

18 “(1) ESTABLISHMENT.—Notwithstanding sec-
19 tion 6543, the Secretary shall—

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

22 “(B) appoint individuals to the peer-review
23 process who are representative of parents,
24 teachers, State educational agencies, local edu-
25 cational agencies, and private sector employers

(including representatives of entrepreneurial ventures), and who are familiar with educational standards, assessments, accountability, the needs of low-performing schools, and other educational needs of students, and ensure that 65 percent of such appointees are practitioners and 10 percent are representatives of private sector employers.

“(2) APPROVAL.—The Secretary shall—

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

“(B) disapprove of the State plan only if the Secretary demonstrates how the State plan fails to meet the requirements of this section and immediately notifies the State of such determination and the reasons for such determination;

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

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

“(ii) providing technical assistance in order to assist the State to meet the requirements of this section; and

“(iii) providing a hearing; and

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

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

13 “(4) PUBLIC REVIEW.—All communications,
14 feedback, and notifications under this subsection
15 shall be conducted in a manner that is immediately
16 made available to the public through the website of
17 the Department, including—

18 “(A) peer review guidance;

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

20 “(C) State plans submitted or resubmitted
21 by a State, including the current approved
22 plans;

23 “(D) peer review notes;

24 “(E) State plan determinations by the Sec-
25 retary, including approvals or disapprovals, and

1 any deviations from the peer reviewers' rec-
2 ommendations with an explanation of the devi-
3 ation; and

4 “(F) hearings.

5 “(5) PROHIBITION.—The Secretary, and the
6 Secretary's staff, may not attempt to participate in,
7 or influence, the peer review process. No Federal
8 employee may participate in, or attempt to influence
9 the peer review process, except to respond to ques-
10 tions of a technical nature, which shall be publicly
11 reported.

12 “(f) DURATION OF THE PLAN.—

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

14 “(A) remain in effect for the duration of
15 the State's participation under this subpart;
16 and

17 “(B) be periodically reviewed and revised
18 as necessary by the State educational agency to
19 reflect changes in the State's strategies and
20 programs under this subpart.

21 “(2) ADDITIONAL INFORMATION.—If a State
22 makes significant changes to its State plan, such as
23 the adoption of new State academic standards or
24 new academic assessments, or adopts a new State
25 accountability system, such information shall be sub-

1 mitted to the Secretary under subsection (e)(2) for
2 approval.

3 “(g) FAILURE TO MEET REQUIREMENTS.—If a
4 State fails to meet any of the requirements of this section
5 then the Secretary shall withhold funds for State adminis-
6 tration under this subpart until the Secretary determines
7 that the State has fulfilled those requirements.

8 “(h) REPORTS.—

9 “(1) ANNUAL STATE REPORT CARD.—

10 “(A) IN GENERAL.—A State that receives
11 assistance under this subpart shall prepare and
12 disseminate an annual State report card. Such
13 dissemination shall include, at a minimum, pub-
14 licly posting the report card on the home page
15 of the State educational agency’s website.

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

18 “(i) concise; and

19 “(ii) presented in an understandable
20 and uniform format that is developed in
21 consultation with parents and, to the ex-
22 tent practicable, provided in a language
23 that parents can understand.

1 “(C) REQUIRED INFORMATION.—The
2 State shall include in its annual State report
3 card information on—

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

16 “(ii) the participation rate on such as-
17 sessments, in the aggregate and
18 disaggregated in accordance with clause
19 (i);

20 “(iii) the performance of students, in
21 the aggregate and disaggregated in accord-
22 ance with clause (i), on other academic in-
23 dicators described in subsection
24 (b)(3)(B)(i);

1 “(iv) for each public high school in
2 the State, in the aggregate and
3 disaggregated in accordance with clause
4 (i)—

5 “(I) the four-year adjusted co-
6 hort graduation rate, and

7 “(II) if applicable, the extended-
8 year adjusted cohort graduation rate,
9 reported separately for students grad-
10 uating in 5 years or less, students
11 graduating in 6 years or less, and stu-
12 dents graduating in 7 or more years;

13 “(v) each public school’s evaluation
14 results as determined in accordance with
15 subsection (b)(3)(B)(ii);

16 “(vi) the acquisition of English pro-
17 ficiency by English learners;

18 “(vii) if appropriate, as determined by
19 the State, the number and percentage of
20 teachers in each category established under
21 section 2123(1), except that such informa-
22 tion shall not reveal personally identifiable
23 information about an individual teacher;
24 and

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

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

17 “(2) ANNUAL LOCAL EDUCATIONAL AGENCY
18 REPORT CARDS.—

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

23 “(B) MINIMUM REQUIREMENTS.—The
24 State educational agency shall ensure that each
25 local educational agency collects appropriate

1 data and includes in the local educational agen-
2 cy’s annual report the information described in
3 paragraph (1)(C) as applied to the local edu-
4 cational agency and each school served by the
5 local educational agency, and—

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

14 “(ii) in the case of a school, the
15 school’s evaluation under subsection
16 (b)(3)(B)(ii).

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

23 “(D) DATA.—A local educational agency
24 or school shall only include in its annual local
25 educational agency report card data that are

1 sufficient to yield statistically reliable informa-
2 tion, as determined by the State, and that do
3 not reveal personally identifiable information
4 about an individual student.

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

21 “(3) PREEXISTING REPORT CARDS.—A State
22 educational agency or local educational agency may
23 use public report cards on the performance of stu-
24 dents, schools, local educational agencies, or the
25 State, that were in effect prior to the enactment of

1 the Student Success Act for the purpose of this sub-
2 section, so long as any such report card is modified,
3 as may be needed, to contain the information re-
4 quired by this subsection.

5 “(4) PARENTS RIGHT-TO-KNOW.—

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

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

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

23 “(j) VOLUNTARY PARTNERSHIPS.—A State may
24 enter into a voluntary partnership with another State to
25 develop and implement the academic standards and as-

1 assessments required under this section, except that the Sec-
2 retary shall not, either directly or indirectly, attempt to
3 influence, incentivize, or coerce State—

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

9 “(2) participation in any such partnerships.

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

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

19 “(1) Each such school that is accredited by the
20 State in which it is operating shall use the assess-
21 ments and other academic indicators the State has
22 developed and implemented to meet the require-
23 ments of this section, or such other appropriate as-
24 sessment and academic indicators as approved by
25 the Secretary of the Interior.

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

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

16 **SEC. 113. LOCAL EDUCATIONAL AGENCY PLANS.**

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

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

20 “(a) PLANS REQUIRED.—

21 “(1) SUBGRANTS.—A local educational agency
 22 may receive a subgrant under this subpart for any
 23 fiscal year only if such agency has on file with the
 24 State educational agency a plan, approved by the
 25 State educational agency, that is coordinated with

1 other programs under this Act, the Individuals with
2 Disabilities Education Act, the Carl D. Perkins Ca-
3 reer and Technical Education Act of 2006, the
4 McKinney-Vento Homeless Assistance Act, and
5 other Acts, as appropriate.

6 “(2) CONSOLIDATED APPLICATION.—The plan
7 may be submitted as part of a consolidated applica-
8 tion under section 6305.

9 “(b) PLAN PROVISIONS.—Each local educational
10 agency plan shall describe—

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

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

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

23 “(4) how the local educational agency will im-
24 plement the school improvement system described in

1 section 1111(b)(3)(B)(iii) for any of the agency's
2 schools identified under such section;

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

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

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

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

22 “(9) how the local educational agency will en-
23 sure that migratory children who are eligible to re-
24 ceive services under this subpart are selected to re-
25 ceive such services on the same basis as other chil-

1 dren who are selected to receive services under this
2 subpart;

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

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

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

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

1 low-income and minority students and other stu-
2 dents being taught by ineffective teachers;

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

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

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

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

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

23 “(1) participate, if selected, in biennial State
24 academic assessments of 4th and 8th grade reading
25 and mathematics under the National Assessment of

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

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

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

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

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

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

24 “(7) ensure that the results of the academic as-
25 sessments required under section 1111(b)(2) will be

1 provided to parents and teachers as soon as is prac-
2 ticably possible after the test is taken, in an under-
3 standable and uniform format and, to the extent
4 practicable, provided in a language that the parents
5 can understand.

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

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

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

21 “(e) PLAN DEVELOPMENT AND DURATION.—

22 “(1) CONSULTATION.—Each local educational
23 agency plan shall be developed in consultation with
24 teachers, school leaders, public charter school rep-
25 resentatives, administrators, and other appropriate

1 school personnel, and with parents of children in
2 schools served under this subpart.

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

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

11 “(f) STATE APPROVAL.—

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

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

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

23 “(B) meets the requirements of this sec-
24 tion.

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

5 “(g) PARENTAL NOTIFICATION.—

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

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

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

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

1 goals, and the use of English and a native lan-
2 guage in instruction;

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

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

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

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

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

23 “(i) detailing—

24 “(I) the right that parents have
25 to have their child immediately re-

1 moved from such program upon their
2 request; and

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

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

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

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

1 educational program consistent with paragraphs (1)
2 and (2).

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

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

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

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

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

25 (2) in subsection (c)(4)—

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

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

7 **SEC. 115. SCHOOLWIDE PROGRAMS.**

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

9 (1) in subsection (a)—

10 (A) in paragraph (1)—

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

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

15 (B) in paragraph (2)—

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

18 (ii) in subparagraph (B)—

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

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

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

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

6 (A) in paragraph (1)—

7 (i) in subparagraph (A)—

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

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

15 (ii) in subparagraph (B)—

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

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

1 (III) in clause (iii)—

2 (aa) in subclause (I)—

3 (AA) by striking “stu-
4 dent academic achievement
5 standards” and inserting
6 “academic standards”; and

7 (BB) by striking
8 “schoolwide program,” and
9 all that follows through
10 “technical education pro-
11 grams; and” and inserting
12 “schoolwide programs; and”;
13 and

14 (bb) in subclause (II), by
15 striking “and”;

16 (IV) in clause (iv)—

17 (aa) by striking “the State
18 and local improvement plans”
19 and inserting “school improve-
20 ment strategies”; and

21 (bb) by striking the period
22 and inserting “; and”; and

23 (V) by adding at the end the fol-
24 lowing new clause:

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

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

9 (iv) in subparagraph (D)—

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

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

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

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

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

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

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

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

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

13 (i) in subparagraph (A)—

14 (I) in the matter preceding clause

15 (i)—

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

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

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

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

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

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

11 Section 1115 (20 U.S.C. 6315) is amended—
12 (1) in subsection (a)—
13 (A) by striking “are ineligible for a
14 schoolwide program under section 1114, or
15 that”;
16 (B) by striking “operate such” and insert-
17 ing “operate”; and
18 (C) by striking “part” and inserting “sub-
19 part”;
20 (2) in subsection (b)—
21 (A) in paragraph (1)(B), by striking “chal-
22 lenging student academic achievement” and in-
23 serting “academic”;
24 (B) in paragraph (2)—
25 (i) in subparagraph (A)—

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

4 (II) by striking “part” each place
5 it appears and inserting “subpart”;
6 (ii) in subparagraph (B)—

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

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

12 (III) by striking “part” and in-
13 serting “subpart”;
14 (iii) in subparagraph (C)—

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

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

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

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

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

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

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

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

10 (vii) in subparagraph (F)—

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

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

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

19 (viii) in subparagraph (H), by striking
20 “vocational” and inserting “career”; and
21 (B) in paragraph (2)—

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

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

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

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

9 (5) in subsection (e)—

10 (A) in paragraph (2)(B)—

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

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

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

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

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

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

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

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

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

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

10 (2) in subsection (a)—

11 (A) in paragraph (2)—

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

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

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

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

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

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

3 (5) in subsection (e)—

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

8 (B) in paragraph (3)—

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

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

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

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

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

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

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

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

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

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

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

13 “(a) GENERAL REQUIREMENT.—

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

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

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

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

12 “(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—

13 Such educational services or other benefits, including
14 materials and equipment, shall be secular, neutral,
15 and nonideological.

16 “(3) EQUITY.—

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

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

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

4 “(4) EXPENDITURES.—

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

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

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

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

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

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

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

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

20 “(b) CONSULTATION.—

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

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

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

10 “(B) what services will be offered;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 “(6) COMPLIANCE.—

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

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

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

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

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

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

15 “(ii) in a case in which—

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

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

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

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

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

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

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

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

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

1 “(2) COMPLAINT PROCESS.—Any dispute re-
 2 garding low-income data for private school students
 3 shall be subject to the complaint process authorized
 4 in section 6503.

5 “(d) PUBLIC CONTROL OF FUNDS.—

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

12 “(2) PROVISION OF SERVICES.—

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

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

16 or

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

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

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

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

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

13 “(2) arrange for the provision of services to
14 such children through arrangements that shall be
15 subject to the requirements of this section and sec-
16 tions 6503 and 6504; and

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

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

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

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

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

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

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

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

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

10 (3) in subsection (b)—

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

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

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

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

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

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

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

5 (2) in subsection (b)—

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

9 (B) in paragraph (3)—

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

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

17 (iii) by striking subparagraph (D);

18 and

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

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

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

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

25 “(a) RESERVATION.—

1 “(1) IN GENERAL.—From the amounts appro-
 2 priated under section 3(a)(1), the Secretary shall re-
 3 serve 91.44 percent of such amounts to carry out
 4 this chapter.

5 “(2) ALLOCATION FORMULA.—Of the amount
 6 reserved under paragraph (1) for each of fiscal years
 7 2016 to 2021 (referred to in this subsection as the
 8 current fiscal year)—

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

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

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

- 1 (2) in subsection (b)(1), by striking “subpart”
 2 and inserting “chapter”;
 3 (3) in subsection (c)(3), by striking “part” and
 4 inserting “subpart”; and
 5 (4) in subsection (d)(1), by striking “subpart”
 6 and inserting “chapter”.

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

- 9 Section 1124 (20 U.S.C. 6333) is amended—
 10 (1) in subsection (a)—
 11 (A) in paragraph (3)—
 12 (i) in subparagraph (B), by striking
 13 “subpart” and inserting “chapter”; and
 14 (ii) in subparagraph (C)(i), by strik-
 15 ing “subpart” and inserting “chapter”;
 16 and
 17 (B) in paragraph (4)(C), by striking “sub-
 18 part” each place it appears and inserting
 19 “chapter”; and
 20 (2) in subsection (c)—
 21 (A) in paragraph (1)(B), by striking “sub-
 22 part 1 of part D” and inserting “chapter A of
 23 subpart 3”; and
 24 (B) in paragraph (2), by striking “part”
 25 and inserting “subpart”.

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

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

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

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

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

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

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

22 (2) in subsection (b)(1)—

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

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

5 (3) by striking subsections (a), (e), and (f) and
 6 redesignating subsections (b), (c), (d), and (g) as
 7 subsections (a), (b), (c), and (d), respectively; and
 8 (4) in subsection (b), as redesignated, by redesi-
 9 gnating subparagraphs (A) and (B) as paragraphs
 10 (1) and (2), respectively.

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

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

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

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

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

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

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

3 “(b) ELIGIBLE CHILD.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 **“SEC. 1131. PROGRAM PURPOSES.**

13 “The purposes of this subpart are as follows:

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

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

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

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

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

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

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

12 “(a) IN GENERAL.—From the amounts appropriated
13 under section 3(a)(1), the Secretary shall reserve 2.45 per-
14 cent to carry out this subpart.

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

22 **“SEC. 1133. STATE ALLOCATIONS.**

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

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

3 “(1) the sum of—

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

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

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

18 “(b) HOLD HARMLESS.—Notwithstanding subsection
19 (a), for each of fiscal years 2016 through 2018, no State
20 shall receive less than 90 percent of the State’s allocation
21 under this section for the previous year.

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

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

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

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

12 “(d) RATABLE REDUCTIONS; REALLOCATIONS.—

13 “(1) IN GENERAL.—

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

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

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

3 “(2) SPECIAL RULE.—

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

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

20 “(e) CONSORTIUM ARRANGEMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(a) COMPREHENSIVE PLAN.—

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

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

9 “(B) may be submitted as a part of a con-
10 solidated application under section 6302, if—

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

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

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

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

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

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

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

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

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

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

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

25 “(b) AUTHORIZED ACTIVITIES.—

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

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

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

1 **“SEC. 1137. BYPASS.**

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

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

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

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

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

16 “(a) IMPROVEMENT OF COORDINATION.—

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

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

4 “(b) STUDENT RECORDS.—

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

10 “(2) INFORMATION SYSTEM.—

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

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

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

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

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

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

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

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

5 “(4) REPORT TO CONGRESS.—

6 “(A) IN GENERAL.—Not later than April
7 30, 2016, the Secretary shall report to the
8 Committee on Health, Education, Labor, and
9 Pensions of the Senate and the Committee on
10 Education and the Workforce of the House of
11 Representatives the Secretary’s findings and
12 recommendations regarding the maintenance
13 and transfer of health and educational informa-
14 tion for migratory students by the States.

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

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

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

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

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

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

8 **“SEC. 1139. DEFINITIONS.**

9 “As used in this subpart:

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

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

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

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

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

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

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

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

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

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

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

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

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

11 “(b) PROGRAM AUTHORIZED.—From amounts ap-
12 propriated under section 3(a)(1), the Secretary shall re-
13 serve 0.31 of one percent to carry out this subpart.

22 "SEC. 1142. PAYMENTS FOR PROGRAMS UNDER THIS SUB-
23 PART.

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

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

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

11 **“SEC. 1151. ELIGIBILITY.**

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

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

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

19 “(3) in adult correctional institutions.

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

21 “(a) SUBGRANTS TO STATE AGENCIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 “(a) STATE PLAN.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **“SEC. 1155. USE OF FUNDS.**

7 “(a) USES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 “(5) specifically describes how such funds will
8 be used;

9 “(6) describes the measures and procedures
10 that will be used to assess and improve student
11 achievement;

12 “(7) describes how the agency has planned, and
13 will implement and evaluate, the institution-wide or
14 program-wide project in consultation with personnel
15 providing direct instructional services and support
16 services in institutions or community day programs
17 for neglected or delinquent children and youth, and
18 with personnel from the State educational agency;
19 and

20 “(8) includes an assurance that the State agen-
21 cy has provided for appropriate training for teachers
22 and other instructional and administrative personnel
23 to enable such teachers and personnel to carry out
24 the project effectively.

1 **“SEC. 1157. THREE-YEAR PROGRAMS OR PROJECTS.**

2 “If a State agency operates a program or project
3 under this chapter in which individual children or youth
4 are likely to participate for more than one year, the State
5 educational agency may approve the State agency’s appli-
6 cation for a subgrant under this chapter for a period of
7 not more than 3 years.

8 **“SEC. 1158. TRANSITION SERVICES.**

9 “(a) TRANSITION SERVICES.—Each State agency
10 shall reserve not less than 15 percent and not more than
11 30 percent of the amount such agency receives under this
12 chapter for any fiscal year to support—

13 “(1) projects that facilitate the transition of
14 children and youth from State-operated institutions
15 to schools served by local educational agencies; or

16 “(2) the successful re-entry of youth offenders,
17 who are age 20 or younger and have received a reg-
18 ular high school diploma or its recognized equiva-
19 lent, into postsecondary education, or career and
20 technical training programs, through strategies de-
21 signed to expose the youth to, and prepare the youth
22 for, postsecondary education, or career and technical
23 training programs, such as—

24 “(A) preplacement programs that allow ad-
25 judicated or incarcerated youth to audit or at-
26 tend courses on college, university, or commu-

1 nity college campuses, or through programs
2 provided in institutional settings;

3 “(B) worksite schools, in which institutions
4 of higher education and private or public em-
5 ployers partner to create programs to help stu-
6 dents make a successful transition to postsec-
7 ondary education and employment; and

8 “(C) essential support services to ensure
9 the success of the youth, such as—

10 “(i) personal, career and technical,
11 and academic counseling;

12 “(ii) placement services designed to
13 place the youth in a university, college, or
14 junior college program;

15 “(iii) information concerning, and as-
16 sistance in obtaining, available student fi-
17 nancial aid;

18 “(iv) counseling services; and

19 “(v) job placement services.

20 “(b) CONDUCT OF PROJECTS.—A project supported
21 under this section may be conducted directly by the State
22 agency, or through a contract or other arrangement with
23 one or more local educational agencies, other public agen-
24 cies, or private organizations.

1 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
 2 tion shall be construed to prohibit a school that receives
 3 funds under subsection (a) from serving neglected and de-
 4 linquent children and youth simultaneously with students
 5 with similar educational needs, in the same educational
 6 settings where appropriate.

7 **“SEC. 1159. TECHNICAL ASSISTANCE.**

8 “The Secretary shall reserve not more than 1 percent
 9 of the amount reserved under section 1141 to provide
 10 technical assistance to and support State agency programs
 11 assisted under this chapter.

12 **“CHAPTER B—LOCAL AGENCY PROGRAMS**

13 **“SEC. 1161. PURPOSE.**

14 “The purpose of this chapter is to support the oper-
 15 ation of local educational agency programs that involve
 16 collaboration with locally operated correctional facilities—

17 “(1) to carry out high quality education pro-
 18 grams to prepare children and youth for secondary
 19 school completion, training, employment, or further
 20 education;

21 “(2) to provide activities to facilitate the transi-
 22 tion of such children and youth from the correctional
 23 program to further education or employment; and

24 “(3) to operate programs in local schools for
 25 children and youth returning from correctional facili-

1 ties, and programs which may serve at-risk children
2 and youth.

3 **“SEC. 1162. PROGRAMS OPERATED BY LOCAL EDU-**
4 **CATIONAL AGENCIES.**

5 “(a) LOCAL SUBGRANTS.—With funds made avail-
6 able under section 1142(b), the State educational agency
7 shall award subgrants to local educational agencies with
8 high numbers or percentages of children and youth resid-
9 ing in locally operated (including county operated) correc-
10 tional facilities for children and youth (including facilities
11 involved in community day programs).

12 “(b) SPECIAL RULE.—A local educational agency
13 that serves a school operated by a correctional facility is
14 not required to operate a program of support for children
15 and youth returning from such school to a school that is
16 not operated by a correctional agency but served by such
17 local educational agency, if more than 30 percent of the
18 children and youth attending the school operated by the
19 correctional facility will reside outside the boundaries
20 served by the local educational agency after leaving such
21 facility.

22 “(c) NOTIFICATION.—A State educational agency
23 shall notify local educational agencies within the State of
24 the eligibility of such agencies to receive a subgrant under
25 this chapter.

1 “(d) TRANSITIONAL AND ACADEMIC SERVICES.—
2 Transitional and supportive programs operated in local
3 educational agencies under this chapter shall be designed
4 primarily to meet the transitional and academic needs of
5 students returning to local educational agencies or alter-
6 native education programs from correctional facilities.
7 Services to students at-risk of dropping out of school shall
8 not have a negative impact on meeting the transitional and
9 academic needs of the students returning from correc-
10 tional facilities.

11 **“SEC. 1163. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

12 “Each local educational agency desiring assistance
13 under this chapter shall submit an application to the State
14 educational agency that contains such information as the
15 State educational agency may require. Each such applica-
16 tion shall include—

17 “(1) a description of the program to be as-
18 sisted;

19 “(2) a description of formal agreements, re-
20 garding the program to be assisted, between—

21 “(A) the local educational agency; and

22 “(B) correctional facilities and alternative
23 school programs serving children and youth in-
24 volved with the juvenile justice system;

1 “(3) as appropriate, a description of how par-
2 ticipating schools will coordinate with facilities work-
3 ing with delinquent children and youth to ensure
4 that such children and youth are participating in an
5 education program comparable to one operating in
6 the local school such youth would attend;

7 “(4) a description of the program operated by
8 participating schools for children and youth return-
9 ing from correctional facilities and, as appropriate,
10 the types of services that such schools will provide
11 such children and youth and other at-risk children
12 and youth;

13 “(5) a description of the characteristics (includ-
14 ing learning difficulties, substance abuse problems,
15 and other needs) of the children and youth who will
16 be returning from correctional facilities and, as ap-
17 propriate, other at-risk children and youth expected
18 to be served by the program, and a description of
19 how the school will coordinate existing educational
20 programs to meet the unique educational needs of
21 such children and youth;

22 “(6) as appropriate, a description of how
23 schools will coordinate with existing social, health,
24 and other services to meet the needs of students re-
25 turning from correctional facilities and at-risk chil-

1 dren or youth, including prenatal health care and
2 nutrition services related to the health of the parent
3 and the child or youth, parenting and child develop-
4 ment classes, child care, targeted reentry and out-
5 reach programs, referrals to community resources,
6 and scheduling flexibility;

7 “(7) as appropriate, a description of any part-
8 nerships with local businesses to develop training,
9 curriculum-based youth entrepreneurship education,
10 and mentoring services for participating students;

11 “(8) as appropriate, a description of how the
12 program will involve parents in efforts to improve
13 the educational achievement of their children, assist
14 in dropout prevention activities, and prevent the in-
15 volvement of their children in delinquent activities;

16 “(9) a description of how the program under
17 this chapter will be coordinated with other Federal,
18 State, and local programs, such as programs under
19 title I of Public Law 105–220 and career and tech-
20 nical education programs serving at-risk children
21 and youth;

22 “(10) a description of how the program will be
23 coordinated with programs operated under the Juve-
24 nile Justice and Delinquency Prevention Act of 1974
25 and other comparable programs, if applicable;

1 “(11) as appropriate, a description of how
2 schools will work with probation officers to assist in
3 meeting the needs of children and youth returning
4 from correctional facilities;

5 “(12) a description of the efforts participating
6 schools will make to ensure correctional facilities
7 working with children and youth are aware of a
8 child’s or youth’s existing individualized education
9 program; and

10 “(13) as appropriate, a description of the steps
11 participating schools will take to find alternative
12 placements for children and youth interested in con-
13 tinuing their education but unable to participate in
14 a traditional public school program.

15 **“SEC. 1164. USES OF FUNDS.**

16 “(a) IN GENERAL.—Funds provided to local edu-
17 cational agencies under this chapter may be used, as ap-
18 propriate, for—

19 “(1) programs that serve children and youth re-
20 turning to local schools from correctional facilities,
21 to assist in the transition of such children and youth
22 to the school environment and help them remain in
23 school in order to complete their education;

24 “(2) dropout prevention programs which serve
25 at-risk children and youth;

1 “(3) the coordination of health and social serv-
 2 ices for such individuals if there is a likelihood that
 3 the provision of such services, including day care,
 4 drug and alcohol counseling, and mental health serv-
 5 ices, will improve the likelihood such individuals will
 6 complete their education;

7 “(4) special programs to meet the unique aca-
 8 demic needs of participating children and youth, in-
 9 cluding career and technical education, special edu-
 10 cation, career counseling, curriculum-based youth
 11 entrepreneurship education, and assistance in secur-
 12 ing student loans or grants for postsecondary edu-
 13 cation; and

14 “(5) programs providing mentoring and peer
 15 mediation.

16 “(b) CONTRACTS AND GRANTS.—A local educational
 17 agency may use a grant received under this chapter to
 18 carry out the activities described under paragraphs (1)
 19 through (5) of subsection (a) directly or through grants,
 20 contracts, or cooperative agreements.

21 **“SEC. 1165. PROGRAM REQUIREMENTS FOR CORREC-**
 22 **TIONAL FACILITIES RECEIVING FUNDS**
 23 **UNDER THIS SECTION.**

24 “Each correctional facility entering into an agree-
 25 ment with a local educational agency under section

1 1163(2) to provide services to children and youth under
2 this chapter shall—

3 “(1) where feasible, ensure that educational
4 programs in the correctional facility are coordinated
5 with the student’s home school, particularly with re-
6 spect to a student with an individualized education
7 program under part B of the Individuals with Dis-
8 abilities Education Act;

9 “(2) if the child or youth is identified as in
10 need of special education services while in the cor-
11 rectional facility, notify the local school of the child
12 or youth of such need;

13 “(3) where feasible, provide transition assist-
14 ance to help the child or youth stay in school, in-
15 cluding coordination of services for the family, coun-
16 seling, assistance in accessing drug and alcohol
17 abuse prevention programs, tutoring, and family
18 counseling;

19 “(4) provide support programs that encourage
20 children and youth who have dropped out of school
21 to re-enter school and obtain a regular high school
22 diploma once their term at the correctional facility
23 has been completed, or provide such children and
24 youth with the skills necessary to gain employment

1 or seek a regular high school diploma or its recog-
2 nized equivalent;

3 “(5) work to ensure that the correctional facil-
4 ity is staffed with effective teachers and other quali-
5 fied staff who are trained to work with children and
6 youth with disabilities taking into consideration the
7 unique needs of such children and youth;

8 “(6) ensure that educational programs in the
9 correctional facility are related to assisting students
10 to meet the States’s academic standards;

11 “(7) to the extent possible, use technology to
12 assist in coordinating educational programs between
13 the correctional facility and the community school;

14 “(8) where feasible, involve parents in efforts to
15 improve the educational achievement of their chil-
16 dren and prevent the further involvement of such
17 children in delinquent activities;

18 “(9) coordinate funds received under this chap-
19 ter with other local, State, and Federal funds avail-
20 able to provide services to participating children and
21 youth, such as funds made available under title I of
22 Public Law 105–220, and career and technical edu-
23 cation funds;

24 “(10) coordinate programs operated under this
25 chapter with activities funded under the Juvenile

1 Justice and Delinquency Prevention Act of 1974 and
2 other comparable programs, if applicable;

3 “(11) if appropriate, work with local businesses
4 to develop training, curriculum-based youth entre-
5 preneurship education, and mentoring programs for
6 children and youth; and

7 “(12) consult with the local educational agency
8 for a period jointly determined necessary by the cor-
9 rectional facility and local educational agency upon
10 discharge from that facility to coordinate educational
11 services so as to minimize disruption to the child’s
12 or youth’s achievement.

13 **“SEC. 1166. ACCOUNTABILITY.**

14 “The State educational agency—

15 “(1) may require correctional facilities or insti-
16 tutions for neglected or delinquent children and
17 youth to demonstrate, after receiving assistance
18 under this chapter for 3 years, that there has been
19 an increase in the number of children and youth re-
20 turning to school, obtaining a regular high school di-
21 ploma or its recognized equivalent, or obtaining em-
22 ployment after such children and youth are released;
23 and

24 “(2) may reduce or terminate funding for
25 projects under this chapter if a local educational

1 agency does not show progress in the number of
2 children and youth obtaining a regular high school
3 diploma or its recognized equivalent.

4 **“CHAPTER C—GENERAL PROVISIONS**

5 **“SEC. 1171. PROGRAM EVALUATIONS.**

6 “(a) SCOPE OF EVALUATION.—Each State agency or
7 local educational agency that conducts a program under
8 chapter A or B shall evaluate the program, disaggregating
9 data on participation by gender, race, ethnicity, and age,
10 not less than once every 3 years, to determine the pro-
11 gram’s impact on the ability of participants—

12 “(1) to maintain and improve educational
13 achievement;

14 “(2) to accrue school credits that meet State re-
15 quirements for grade promotion and high school
16 graduation;

17 “(3) to make the transition to a regular pro-
18 gram or other education program operated by a local
19 educational agency;

20 “(4) to complete high school (or high school
21 equivalency requirements) and obtain employment
22 after leaving the correctional facility or institution
23 for neglected or delinquent children and youth; and

24 “(5) as appropriate, to participate in postsec-
25 ondary education and job training programs.

1 “(b) EXCEPTION.—The disaggregation required
2 under subsection (a) shall not be required in a case in
3 which the number of students in a category is insufficient
4 to yield statistically reliable information or the results
5 would reveal personally identifiable information about an
6 individual student.

7 “(c) EVALUATION MEASURES.—In conducting each
8 evaluation under subsection (a), a State agency or local
9 educational agency shall use multiple and appropriate
10 measures of student progress.

11 “(d) EVALUATION RESULTS.—Each State agency
12 and local educational agency shall—

13 “(1) submit evaluation results to the State edu-
14 cational agency and the Secretary; and

15 “(2) use the results of evaluations under this
16 section to plan and improve subsequent programs
17 for participating children and youth.

18 **“SEC. 1172. DEFINITIONS.**

19 “In this subpart:

20 “(1) ADULT CORRECTIONAL INSTITUTION.—

21 The term ‘adult correctional institution’ means a fa-
22 cility in which persons (including persons under 21
23 years of age) are confined as a result of a conviction
24 for a criminal offense.

1 “(2) AT-RISK.—The term ‘at-risk’, when used
2 with respect to a child, youth, or student, means a
3 school-aged individual who—

4 “(A) is at-risk of academic failure; and

5 “(B) has a drug or alcohol problem, is
6 pregnant or is a parent, has come into contact
7 with the juvenile justice system in the past, is
8 at least 1 year behind the expected grade level
9 for the age of the individual, is an English
10 learner, is a gang member, has dropped out of
11 school in the past, or has a high absenteeism
12 rate at school.

13 “(3) COMMUNITY DAY PROGRAM.—The term
14 ‘community day program’ means a regular program
15 of instruction provided by a State agency at a com-
16 munity day school operated specifically for neglected
17 or delinquent children and youth.

18 “(4) INSTITUTION FOR NEGLECTED OR DELIN-
19 QUENT CHILDREN AND YOUTH.—The term ‘institu-
20 tion for neglected or delinquent children and youth’
21 means—

22 “(A) a public or private residential facility,
23 other than a foster home, that is operated for
24 the care of children who have been committed
25 to the institution or voluntarily placed in the in-

1 stitution under applicable State law, due to
 2 abandonment, neglect, or death of their parents
 3 or guardians; or

4 “(B) a public or private residential facility
 5 for the care of children who have been adju-
 6 dicated to be delinquent or in need of super-
 7 vision.

8 **“Subpart 4—English Language Acquisition,**
 9 **Language Enhancement, and Academic Achievement**

10 **“SEC. 1181. PURPOSES.**

11 “The purposes of this subpart are—

12 “(1) to help ensure that English learners, in-
 13 cluding immigrant children and youth, attain
 14 English proficiency and develop high levels of aca-
 15 demic achievement in English;

16 “(2) to assist all English learners, including im-
 17 migrant children and youth, to achieve at high levels
 18 in the core academic subjects so that those children
 19 can meet the same State academic standards that all
 20 children are expected to meet, consistent with sec-
 21 tion 1111(b)(1);

22 “(3) to assist State educational agencies, local
 23 educational agencies, and schools in establishing, im-
 24 plementing, and sustaining high-quality, flexible, evi-
 25 dence-based language instruction educational pro-

1 grams designed to assist in teaching English learn-
 2 ers, including immigrant children and youth;

3 “(4) to assist State educational agencies and
 4 local educational agencies to develop and enhance
 5 their capacity to provide high-quality, evidence-based
 6 instructional programs designed to prepare English
 7 learners, including immigrant children and youth, to
 8 enter all-English instruction settings; and

9 “(5) to promote parental and community par-
 10 ticipation in language instruction educational pro-
 11 grams for the parents and communities of English
 12 learners.

13 **“CHAPTER A—GRANTS AND SUBGRANTS**
 14 **FOR ENGLISH LANGUAGE ACQUI-**
 15 **SION AND LANGUAGE ENHANCEMENT**

16 **“SEC. 1191. FORMULA GRANTS TO STATES.**

17 “(a) IN GENERAL.—In the case of each State edu-
 18 cational agency having a plan approved by the Secretary
 19 for a fiscal year under section 1192, the Secretary shall
 20 reserve 4.6 percent of funds appropriated under section
 21 3(a)(1) to make a grant for the year to the agency for
 22 the purposes specified in subsection (b). The grant shall
 23 consist of the allotment determined for the State edu-
 24 cational agency under subsection (c).

25 “(b) USE OF FUNDS.—

1 “(1) SUBGRANTS TO ELIGIBLE ENTITIES.—The
2 Secretary may make a grant under subsection (a)
3 only if the State educational agency involved agrees
4 to expend at least 95 percent of the State edu-
5 cational agency’s allotment under subsection (c) for
6 a fiscal year—

7 “(A) to award subgrants, from allocations
8 under section 1193, to eligible entities to carry
9 out the activities described in section 1194
10 (other than subsection (e)); and

11 “(B) to award subgrants under section
12 1193(d)(1) to eligible entities that are described
13 in that section to carry out the activities de-
14 scribed in section 1194(e).

15 “(2) STATE ACTIVITIES.—Subject to paragraph
16 (3), each State educational agency receiving a grant
17 under subsection (a) may reserve not more than 5
18 percent of the agency’s allotment under subsection
19 (c) to carry out the following activities:

20 “(A) Professional development activities,
21 and other activities, which may include assisting
22 personnel in—

23 “(i) meeting State and local certifi-
24 cation and licensing requirements for
25 teaching English learners; and

1 “(ii) improving teacher skills in meet-
2 ing the diverse needs of English learners,
3 including in how to implement evidence-
4 based programs and curricula on teaching
5 English learners.

6 “(B) Planning, evaluation, administration,
7 and interagency coordination related to the sub-
8 grants referred to in paragraph (1).

9 “(C) Providing technical assistance and
10 other forms of assistance to eligible entities that
11 are receiving subgrants from a State edu-
12 cational agency under this chapter, including
13 assistance in—

14 “(i) identifying and implementing evi-
15 dence-based language instruction edu-
16 cational programs and curricula for teach-
17 ing English learners;

18 “(ii) helping English learners meet
19 the same State academic standards that all
20 children are expected to meet;

21 “(iii) identifying or developing, and
22 implementing, measures of English pro-
23 ficiency; and

1 “(iv) strengthening and increasing
 2 parent, family, and community engage-
 3 ment.

4 “(D) Providing recognition, which may in-
 5 clude providing financial awards, to subgrantees
 6 that have significantly improved the achieve-
 7 ment and progress of English learners in—

8 “(i) reaching English language pro-
 9 ficiency, based on the State’s English lan-
 10 guage proficiency assessment under section
 11 1111(b)(2)(D); and

12 “(ii) meeting the State academic
 13 standards under section 1111(b)(1).

14 “(3) ADMINISTRATIVE EXPENSES.—From the
 15 amount reserved under paragraph (2), a State edu-
 16 cational agency may use not more than 40 percent
 17 of such amount or \$175,000, whichever is greater,
 18 for the planning and administrative costs of carrying
 19 out paragraphs (1) and (2).

20 “(c) RESERVATIONS AND ALLOTMENTS.—

21 “(1) RESERVATIONS.—From the amount re-
 22 served under section 1191(a) for each fiscal year,
 23 the Secretary shall reserve—

24 “(A) 0.5 percent of such amount for pay-
 25 ments to outlying areas, to be allotted in ac-

1 cordance with their respective needs for assist-
2 ance under this chapter, as determined by the
3 Secretary, for activities, approved by the Sec-
4 retary, consistent with this chapter; and

5 “(B) 6.5 percent of such amount for na-
6 tional activities under sections 1211 and 1222,
7 except that not more than \$2,000,000 of such
8 amount may be reserved for the National Clear-
9 inghouse for English Language Acquisition and
10 Language Instruction Educational Programs
11 described in section 1222.

12 “(2) STATE ALLOTMENTS.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), from the amount reserved
15 under section 1191(a) for each fiscal year that
16 remains after making the reservations under
17 paragraph (1), the Secretary shall allot to each
18 State educational agency having a plan ap-
19 proved under section 1192(c)—

20 “(i) an amount that bears the same
21 relationship to 80 percent of the remainder
22 as the number of English learners in the
23 State bears to the number of such children
24 in all States, as determined by data avail-
25 able from the American Community Survey

1 conducted by the Department of Commerce
2 or State-reported data; and

3 “(ii) an amount that bears the same
4 relationship to 20 percent of the remainder
5 as the number of immigrant children and
6 youth in the State bears to the number of
7 such children and youth in all States, as
8 determined based only on data available
9 from the American Community Survey
10 conducted by the Department of Com-
11 merce.

12 “(B) MINIMUM ALLOTMENTS.—No State
13 educational agency shall receive an allotment
14 under this paragraph that is less than
15 \$500,000.

16 “(C) REALLOTMENT.—If any State edu-
17 cational agency described in subparagraph (A)
18 does not submit a plan to the Secretary for a
19 fiscal year, or submits a plan (or any amend-
20 ment to a plan) that the Secretary, after rea-
21 sonable notice and opportunity for a hearing,
22 determines does not satisfy the requirements of
23 this chapter, the Secretary shall reallocate any por-
24 tion of such allotment to the remaining State

1 educational agencies in accordance with sub-
2 paragraph (A).

3 “(D) SPECIAL RULE FOR PUERTO RICO.—

4 The total amount allotted to Puerto Rico for
5 any fiscal year under subparagraph (A) shall
6 not exceed 0.5 percent of the total amount al-
7 lotted to all States for that fiscal year.

8 “(3) USE OF DATA FOR DETERMINATIONS.—In
9 making State allotments under paragraph (2) for
10 each fiscal year, the Secretary shall determine the
11 number of English learners in a State and in all
12 States, using the most accurate, up-to-date data,
13 which shall be—

14 “(A) data from the American Community
15 Survey conducted by the Department of Com-
16 merce, which may be multiyear estimates;

17 “(B) the number of students being as-
18 sessed for English language proficiency, based
19 on the State’s English language proficiency as-
20 sessment under section 1111(b)(2)(D), which
21 may be multiyear estimates; or

22 “(C) a combination of data available under
23 subparagraphs (A) and (B).

1 **“SEC. 1192. STATE EDUCATIONAL AGENCY PLANS.**

2 “(a) **PLAN REQUIRED.**—Each State educational
3 agency desiring a grant under this chapter shall submit
4 a plan to the Secretary at such time and in such manner
5 as the Secretary may require.

6 “(b) **CONTENTS.**—Each plan submitted under sub-
7 section (a) shall—

8 “(1) describe the process that the agency will
9 use in awarding subgrants to eligible entities under
10 section 1193(d)(1);

11 “(2) provide an assurance that—

12 “(A) the agency will ensure that eligible
13 entities receiving a subgrant under this chapter
14 comply with the requirement in section
15 1111(b)(2)(B)(x) to annually assess in English
16 learners who have been in the United States for
17 3 or more consecutive years;

18 “(B) the agency will ensure that eligible
19 entities receiving a subgrant under this chapter
20 annually assess the English proficiency of all
21 English learners participating in a program
22 funded under this chapter, consistent with sec-
23 tion 1111(b)(2)(D);

24 “(C) in awarding subgrants under section
25 1193, the agency will address the needs of
26 school systems of all sizes and in all geographic

1 areas, including school systems with rural and
2 urban schools;

3 “(D) subgrants to eligible entities under
4 section 1193(d)(1) will be of sufficient size and
5 scope to allow such entities to carry out high-
6 quality, evidence-based language instruction
7 educational programs for English learners;

8 “(E) the agency will require an eligible en-
9 tity receiving a subgrant under this chapter to
10 use the subgrant in ways that will build such
11 recipient’s capacity to continue to offer high-
12 quality evidence-based language instruction edu-
13 cational programs that assist English learners
14 in meeting State academic standards;

15 “(F) the agency will monitor the eligible
16 entity receiving a subgrant under this chapter
17 for compliance with applicable Federal fiscal re-
18 quirements; and

19 “(G) the plan has been developed in con-
20 sultation with local educational agencies, teach-
21 ers, administrators of programs implemented
22 under this chapter, parents, and other relevant
23 stakeholders;

24 “(3) describe how the agency will coordinate its
25 programs and activities under this chapter with

1 other programs and activities under this Act and
2 other Acts, as appropriate;

3 “(4) describe how eligible entities in the State
4 will be given the flexibility to teach English learn-
5 ers—

6 “(A) using a high-quality, evidence-based
7 language instruction curriculum for teaching
8 English learners; and

9 “(B) in the manner the eligible entities de-
10 termine to be the most effective; and

11 “(5) describe how the agency will assist eligible
12 entities in increasing the number of English learners
13 who acquire English proficiency.

14 “(c) APPROVAL.—The Secretary, after using a peer
15 review process, shall approve a plan submitted under sub-
16 section (a) if the plan meets the requirements of this sec-
17 tion.

18 “(d) DURATION OF PLAN.—

19 “(1) IN GENERAL.—Each plan submitted by a
20 State educational agency and approved under sub-
21 section (c) shall—

22 “(A) remain in effect for the duration of
23 the agency’s participation under this chapter;
24 and

1 “(B) be periodically reviewed and revised
2 by the agency, as necessary, to reflect changes
3 to the agency’s strategies and programs carried
4 out under this subpart.

5 “(2) ADDITIONAL INFORMATION.—

6 “(A) AMENDMENTS.—If the State edu-
7 cational agency amends the plan, the agency
8 shall submit such amendment to the Secretary.

9 “(B) APPROVAL.—The Secretary shall ap-
10 prove such amendment to an approved plan,
11 unless the Secretary determines that the
12 amendment will result in the agency not meet-
13 ing the requirements, or fulfilling the purposes,
14 of this subpart.

15 “(e) CONSOLIDATED PLAN.—A plan submitted under
16 subsection (a) may be submitted as part of a consolidated
17 plan under section 6302.

18 “(f) SECRETARY ASSISTANCE.—The Secretary shall
19 provide technical assistance, if requested, in the develop-
20 ment of English proficiency standards and assessments.

21 **“SEC. 1193. WITHIN-STATE ALLOCATIONS.**

22 “(a) IN GENERAL.—After making the reservation re-
23 quired under subsection (d)(1), each State educational
24 agency receiving a grant under section 1191(c)(2) shall
25 award subgrants for a fiscal year by allocating in a timely

1 manner to each eligible entity in the State having a plan
2 approved under section 1195 an amount that bears the
3 same relationship to the amount received under the grant
4 and remaining after making such reservation as the popu-
5 lation of English learners in schools served by the eligible
6 entity bears to the population of English learners in
7 schools served by all eligible entities in the State.

8 “(b) LIMITATION.—A State educational agency shall
9 not award a subgrant from an allocation made under sub-
10 section (a) if the amount of such subgrant would be less
11 than \$10,000.

12 “(c) REALLOCATION.—Whenever a State educational
13 agency determines that an amount from an allocation
14 made to an eligible entity under subsection (a) for a fiscal
15 year will not be used by the entity for the purpose for
16 which the allocation was made, the agency shall, in accord-
17 ance with such rules as it determines to be appropriate,
18 reallocate such amount, consistent with such subsection,
19 to other eligible entities in the State that the agency deter-
20 mines will use the amount to carry out that purpose.

21 “(d) REQUIRED RESERVATION.—A State educational
22 agency receiving a grant under this chapter for a fiscal
23 year—

24 “(1) shall reserve not more than 15 percent of
25 the agency’s allotment under section 1191(c)(2) to

1 award subgrants to eligible entities in the State that
 2 have experienced a significant increase, as compared
 3 to the average of the 2 preceding fiscal years, in the
 4 percentage or number of immigrant children and
 5 youth, who have enrolled, during the fiscal year pre-
 6 ceding the fiscal year for which the subgrant is
 7 made, in public and nonpublic elementary schools
 8 and secondary schools in the geographic areas under
 9 the jurisdiction of, or served by, such entities; and

10 “(2) in awarding subgrants under paragraph
 11 (1)—

12 “(A) shall equally consider eligible entities
 13 that satisfy the requirement of such paragraph
 14 but have limited or no experience in serving im-
 15 migrant children and youth; and

16 “(B) shall consider the quality of each
 17 local plan under section 1195 and ensure that
 18 each subgrant is of sufficient size and scope to
 19 meet the purposes of this subpart.

20 **“SEC. 1194. SUBGRANTS TO ELIGIBLE ENTITIES.**

21 “(a) PURPOSES OF SUBGRANTS.—A State edu-
 22 cational agency may make a subgrant to an eligible entity
 23 from funds received by the agency under this chapter only
 24 if the entity agrees to expend the funds to improve the
 25 education of English learners, by assisting the children to

1 learn English and meet State academic standards. In car-
2 rying out activities with such funds, the eligible entity
3 shall use evidence-based approaches and methodologies for
4 teaching English learners and immigrant children and
5 youth for the following purposes:

6 “(1) Developing and implementing new lan-
7 guage instruction educational programs and aca-
8 demic content instruction programs for English
9 learners and immigrant children and youth, includ-
10 ing programs of early childhood education, elemen-
11 tary school programs, and secondary school pro-
12 grams.

13 “(2) Carrying out highly focused, innovative, lo-
14 cally designed, evidence-based activities to expand or
15 enhance existing language instruction educational
16 programs and academic content instruction pro-
17 grams for English learners and immigrant children
18 and youth.

19 “(3) Implementing, within an individual school,
20 schoolwide programs for restructuring, reforming,
21 and upgrading all relevant programs, activities, and
22 operations relating to language instruction edu-
23 cational programs and academic content instruction
24 for English learners and immigrant children and
25 youth.

1 “(4) Implementing, within the entire jurisdic-
2 tion of a local educational agency, agencywide pro-
3 grams for restructuring, reforming, and upgrading
4 all relevant programs, activities, and operations re-
5 lating to language instruction educational programs
6 and academic content instruction for English learn-
7 ers and immigrant children and youth.

8 “(b) ADMINISTRATIVE EXPENSES.—Each eligible en-
9 tity receiving funds under section 1193(a) for a fiscal year
10 shall use not more than 2 percent of such funds for the
11 cost of administering this chapter.

12 “(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligi-
13 ble entity receiving funds under section 1193(a) shall use
14 the funds—

15 “(1) to increase the English language pro-
16 ficiency of English learners by providing high-qual-
17 ity, evidence-based language instruction educational
18 programs that meet the needs of English learners
19 and have demonstrated success in increasing—

20 “(A) English language proficiency; and

21 “(B) student academic achievement in the
22 core academic subjects;

23 “(2) to provide high-quality, evidence-based
24 professional development to classroom teachers (in-
25 cluding teachers in classroom settings that are not

1 the settings of language instruction educational pro-
2 grams), school leaders, administrators, and other
3 school or community-based organization personnel,
4 that is—

5 “(A) designed to improve the instruction
6 and assessment of English learners;

7 “(B) designed to enhance the ability of
8 teachers and school leaders to understand and
9 implement curricula, assessment practices and
10 measures, and instruction strategies for English
11 learners;

12 “(C) evidence-based in increasing chil-
13 dren’s English language proficiency or substan-
14 tially increasing the subject matter knowledge,
15 teaching knowledge, and teaching skills of
16 teachers; and

17 “(D) of sufficient intensity and duration
18 (which shall not include activities such as one-
19 day or short-term workshops and conferences)
20 to have a positive and lasting impact on the
21 teachers’ performance in the classroom, except
22 that this subparagraph shall not apply to an ac-
23 tivity that is one component of a long-term,
24 comprehensive professional development plan
25 established by a teacher and the teacher’s su-

1 pervisor based on an assessment of the needs of
2 the teacher, the supervisor, the students of the
3 teacher, and any local educational agency em-
4 ploying the teacher, as appropriate; and

5 “(3) to provide and implement other evidence-
6 based activities and strategies that enhance or sup-
7 plement language instruction educational programs
8 for English learners, including parental and commu-
9 nity engagement activities and strategies that serve
10 to coordinate and align related programs.

11 “(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Sub-
12 ject to subsection (c), an eligible entity receiving funds
13 under section 1193(a) may use the funds to achieve one
14 of the purposes described in subsection (a) by undertaking
15 one or more of the following activities:

16 “(1) Upgrading program objectives and effec-
17 tive instruction strategies.

18 “(2) Improving the instruction program for
19 English learners by identifying, acquiring, and up-
20 grading curricula, instruction materials, educational
21 software, and assessment procedures.

22 “(3) Providing to English learners—

23 “(A) tutorials and academic or career edu-
24 cation for English learners; and

25 “(B) intensified instruction.

1 “(4) Developing and implementing elementary
2 school or secondary school language instruction edu-
3 cational programs that are coordinated with other
4 relevant programs and services.

5 “(5) Improving the English language pro-
6 ficiency and academic achievement of English learn-
7 ers.

8 “(6) Providing community participation pro-
9 grams, family literacy services, and parent outreach
10 and training activities to English learners and their
11 families—

12 “(A) to improve the English language
13 skills of English learners; and

14 “(B) to assist parents in helping their chil-
15 dren to improve their academic achievement
16 and becoming active participants in the edu-
17 cation of their children.

18 “(7) Improving the instruction of English learn-
19 ers by providing for—

20 “(A) the acquisition or development of
21 educational technology or instructional mate-
22 rials;

23 “(B) access to, and participation in, elec-
24 tronic networks for materials, training, and
25 communication; and

1 “(C) incorporation of the resources de-
2 scribed in subparagraphs (A) and (B) into cur-
3 ricula and programs, such as those funded
4 under this chapter.

5 “(8) Carrying out other activities that are con-
6 sistent with the purposes of this section.

7 “(e) ACTIVITIES BY AGENCIES EXPERIENCING SUB-
8 STANTIAL INCREASES IN IMMIGRANT CHILDREN AND
9 YOUTH.—

10 “(1) IN GENERAL.—An eligible entity receiving
11 funds under section 1193(d)(1) shall use the funds
12 to pay for activities that provide enhanced instruc-
13 tional opportunities for immigrant children and
14 youth, which may include—

15 “(A) family literacy, parent outreach, and
16 training activities designed to assist parents to
17 become active participants in the education of
18 their children;

19 “(B) support for personnel, including para-
20 professionals who have been specifically trained,
21 or are being trained, to provide services to im-
22 migrant children and youth;

23 “(C) provision of tutorials, mentoring, and
24 academic or career counseling for immigrant
25 children and youth;

1 “(D) identification, development, and ac-
2 quisition of curricular materials, educational
3 software, and technologies to be used in the
4 program carried out with awarded funds;

5 “(E) basic instruction services that are di-
6 rectly attributable to the presence in the local
7 educational agency involved of immigrant chil-
8 dren and youth, including the payment of costs
9 of providing additional classroom supplies, costs
10 of transportation, or such other costs as are di-
11 rectly attributable to such additional basic in-
12 struction services;

13 “(F) other instruction services that are de-
14 signed to assist immigrant children and youth
15 to achieve in elementary schools and secondary
16 schools in the United States, such as programs
17 of introduction to the educational system and
18 civics education; and

19 “(G) activities, coordinated with commu-
20 nity-based organizations, institutions of higher
21 education, private sector entities, or other enti-
22 ties with expertise in working with immigrants,
23 to assist parents of immigrant children and
24 youth by offering comprehensive community
25 services.

1 “(2) DURATION OF SUBGRANTS.—The duration
2 of a subgrant made by a State educational agency
3 under section 1193(d)(1) shall be determined by the
4 agency in its discretion.

5 “(f) SELECTION OF METHOD OF INSTRUCTION.—

6 “(1) IN GENERAL.—To receive a subgrant from
7 a State educational agency under this chapter, an el-
8 igible entity shall select one or more methods or
9 forms of instruction to be used in the programs and
10 activities undertaken by the entity to assist English
11 learners to attain English language proficiency and
12 meet State academic standards.

13 “(2) CONSISTENCY.—Such selection shall be
14 consistent with sections 1204 through 1206.

15 “(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds
16 made available under this chapter shall be used so as to
17 supplement the level of Federal, State, and local public
18 funds that, in the absence of such availability, would have
19 been expended for programs for English learners and im-
20 migrant children and youth and in no case to supplant
21 such Federal, State, and local public funds.

22 **“SEC. 1195. LOCAL PLANS.**

23 “(a) PLAN REQUIRED.—Each eligible entity desiring
24 a subgrant from the State educational agency under sec-
25 tion 1193 shall submit a plan to the State educational

1 agency at such time, in such manner, and containing such
2 information as the State educational agency may require.

3 “(b) CONTENTS.—Each plan submitted under sub-
4 section (a) shall—

5 “(1) describe the evidence-based programs and
6 activities proposed to be developed, implemented,
7 and administered under the subgrant that will help
8 English learners increase their English language
9 proficiency and meet the State academic standards;

10 “(2) describe how the eligible entity will hold el-
11 ementary schools and secondary schools receiving
12 funds under this chapter accountable for annually
13 assessing the English language proficiency of all
14 children participating under this subpart, consistent
15 with section 1111(b);

16 “(3) describe how the eligible entity will pro-
17 mote parent and community engagement in the edu-
18 cation of English learners;

19 “(4) contain an assurance that the eligible enti-
20 ty consulted with teachers, researchers, school ad-
21 ministrators, parents and community members, pub-
22 lic or private organizations, and institutions of high-
23 er education, in developing and implementing such
24 plan;

1 “(5) describe how language instruction edu-
 2 cational programs carried out under the subgrant
 3 will ensure that English learners being served by the
 4 programs develop English language proficiency; and

5 “(6) contain assurances that—

6 “(A) each local educational agency that is
 7 included in the eligible entity is complying with
 8 section 1112(g) prior to, and throughout, each
 9 school year; and

10 “(B) the eligible entity is not in violation
 11 of any State law, including State constitutional
 12 law, regarding the education of English learn-
 13 ers, consistent with sections 1205 and 1206.

14 “(c) **TEACHER ENGLISH FLUENCY.**—Each eligible
 15 entity receiving a subgrant under section 1193 shall in-
 16 clude in its plan a certification that all teachers in any
 17 language instruction educational program for English
 18 learners that is, or will be, funded under this subpart are
 19 fluent in English and any other language used for instruc-
 20 tion, including having written and oral communications
 21 skills.

22 **“CHAPTER B—ADMINISTRATION**

23 **“SEC. 1201. REPORTING.**

24 “(a) **IN GENERAL.**—Each eligible entity that receives
 25 a subgrant from a State educational agency under chapter

1 A shall provide such agency, at the conclusion of every
2 second fiscal year during which the subgrant is received,
3 with a report, in a form prescribed by the agency, on the
4 activities conducted and students served under this sub-
5 part that includes—

6 “(1) a description of the programs and activi-
7 ties conducted by the entity with funds received
8 under chapter A during the two immediately pre-
9 ceding fiscal years, including how such programs
10 and activities supplemented programs funded pri-
11 marily with State or local funds;

12 “(2) a description of the progress made by
13 English learners in learning the English language
14 and in meeting State academic standards;

15 “(3) the number and percentage of English
16 learners in the programs and activities attaining
17 English language proficiency based on the State
18 English language proficiency standards established
19 under section 1111(b)(1)(E) by the end of each
20 school year, as determined by the State’s English
21 language proficiency assessment under section
22 1111(b)(2)(D);

23 “(4) the number of English learners who exit
24 the language instruction educational programs based
25 on their attainment of English language proficiency

1 and transitioned to classrooms not tailored for
2 English learners;

3 “(5) a description of the progress made by
4 English learners in meeting the State academic
5 standards for each of the 2 years after such children
6 are no longer receiving services under this subpart;

7 “(6) the number and percentage of English
8 learners who have not attained English language
9 proficiency within five years of initial classification
10 as an English learner and first enrollment in the
11 local educational agency; and

12 “(7) any such other information as the State
13 educational agency may require.

14 “(b) USE OF REPORT.—A report provided by an eli-
15 gible entity under subsection (a) shall be used by the enti-
16 ty and the State educational agency—

17 “(1) to determine the effectiveness of programs
18 and activities in assisting children who are English
19 learners—

20 “(A) to attain English language pro-
21 ficiency; and

22 “(B) to make progress in meeting State
23 academic standards under section 1111(b)(1);
24 and

1 “(2) upon determining the effectiveness of pro-
2 grams and activities based on the criteria in para-
3 graph (1), to decide how to improve programs.

4 **“SEC. 1202. ANNUAL REPORT.**

5 “(a) STATES.—Based upon the reports provided to
6 a State educational agency under section 1201, each such
7 agency that receives a grant under this subpart shall pre-
8 pare and submit annually to the Secretary a report on pro-
9 grams and activities carried out by the State educational
10 agency under this subpart and the effectiveness of such
11 programs and activities in improving the education pro-
12 vided to English learners.

13 “(b) SECRETARY.—Annually, the Secretary shall pre-
14 pare and submit to the Committee on Education and the
15 Workforce of the House of Representatives and the Com-
16 mittee on Health, Education, Labor, and Pensions of the
17 Senate a report—

18 “(1) on programs and activities carried out to
19 serve English learners under this subpart, and the
20 effectiveness of such programs and activities in im-
21 proving the academic achievement and English lan-
22 guage proficiency of English learners;

23 “(2) on the types of language instruction edu-
24 cational programs used by local educational agencies

1 or eligible entities receiving funding under this sub-
2 part to teach English learners;

3 “(3) containing a critical synthesis of data re-
4 ported by eligible entities to States under section
5 1201(a);

6 “(4) containing a description of technical assist-
7 ance and other assistance provided by State edu-
8 cational agencies under section 1191(b)(2)(C);

9 “(5) containing an estimate of the number of
10 effective teachers working in language instruction
11 educational programs and educating English learn-
12 ers, and an estimate of the number of such teachers
13 that will be needed for the succeeding 5 fiscal years;

14 “(6) containing the number of programs or ac-
15 tivities, if any, that were terminated because the en-
16 tities carrying out the programs or activities were
17 not able to reach program goals;

18 “(7) containing the number of English learners
19 served by eligible entities receiving funding under
20 this subpart who were transitioned out of language
21 instruction educational programs funded under this
22 subpart into classrooms where instruction is not tai-
23 lored for English learners; and

1 “(8) containing other information gathered
2 from other reports submitted to the Secretary under
3 this subpart when applicable.

4 **“SEC. 1203. COORDINATION WITH RELATED PROGRAMS.**

5 “‘In order to maximize Federal efforts aimed at serv-
6 ing the educational needs of English learners, the Sec-
7 retary shall coordinate and ensure close cooperation with
8 other entities carrying out programs serving language-mi-
9 nority and English learners that are administered by the
10 Department and other agencies.

11 **“SEC. 1204. RULES OF CONSTRUCTION.**

12 “‘Nothing in this subpart shall be construed—

13 “(1) to prohibit a local educational agency from
14 serving English learners simultaneously with chil-
15 dren with similar educational needs, in the same
16 educational settings where appropriate;

17 “(2) to require a State or a local educational
18 agency to establish, continue, or eliminate any par-
19 ticular type of instructional program for English
20 learners; or

21 “(3) to limit the preservation or use of Native
22 American languages.

23 **“SEC. 1205. LEGAL AUTHORITY UNDER STATE LAW.**

24 “‘Nothing in this subpart shall be construed to negate
25 or supersede State law, or the legal authority under State

1 law of any State agency, State entity, or State public offi-
2 cial, over programs that are under the jurisdiction of the
3 State agency, entity, or official.

4 **“SEC. 1206. CIVIL RIGHTS.**

5 “Nothing in this subpart shall be construed in a man-
6 ner inconsistent with any Federal law guaranteeing a civil
7 right.

8 **“SEC. 1207. PROHIBITION.**

9 “In carrying out this subpart, the Secretary shall nei-
10 ther mandate nor preclude the use of a particular cur-
11 ricular or pedagogical approach to educating English
12 learners.

13 **“SEC. 1208. PROGRAMS FOR NATIVE AMERICANS AND**
14 **PUERTO RICO.**

15 “Notwithstanding any other provision of this subpart,
16 programs authorized under this subpart that serve Native
17 American (including Native American Pacific Islander)
18 children and children in the Commonwealth of Puerto Rico
19 may include programs of instruction, teacher training,
20 curriculum development, evaluation, and assessment de-
21 signed for Native American children learning and studying
22 Native American languages and children of limited Span-
23 ish proficiency, except that an outcome of programs serv-
24 ing such children shall be increased English proficiency
25 among such children.

1 **“CHAPTER C—NATIONAL ACTIVITIES**

2 **“SEC. 1211. NATIONAL PROFESSIONAL DEVELOPMENT**
3 **PROJECT.**

4 “The Secretary shall use funds made available under
5 section 1191(c)(1)(B) to award grants on a competitive
6 basis, for a period of not more than 5 years, to institutions
7 of higher education or public or private organizations with
8 relevant experience and capacity (in consortia with State
9 educational agencies or local educational agencies) to pro-
10 vide for professional development activities that will im-
11 prove classroom instruction for English learners and assist
12 educational personnel working with such children to meet
13 high professional standards, including standards for cer-
14 tification and licensure as teachers who work in language
15 instruction educational programs or serve English learn-
16 ers. Grants awarded under this subsection may be used—

17 “(1) for preservice, evidence-based professional
18 development programs that will assist local schools
19 and institutions of higher education to upgrade the
20 qualifications and skills of educational personnel who
21 are not certified or licensed, especially educational
22 paraprofessionals;

23 “(2) for the development of curricula or other
24 instructional strategies appropriate to the needs of
25 the consortia participants involved;

1 “(3) to support strategies that strengthen and
 2 increase parent and community member engagement
 3 in the education of English learners; and

4 “(4) to share and disseminate evidence-based
 5 practices in the instruction of English learners and
 6 in increasing their student achievement.

7 **“CHAPTER D—GENERAL PROVISIONS**

8 **“SEC. 1221. DEFINITIONS.**

9 “Except as otherwise provided, in this subpart:

10 “(1) CHILD.—The term ‘child’ means any indi-
 11 vidual aged 3 through 21.

12 “(2) COMMUNITY-BASED ORGANIZATION.—The
 13 term ‘community-based organization’ means a pri-
 14 vate nonprofit organization of demonstrated effec-
 15 tiveness, Indian tribe, or tribally sanctioned edu-
 16 cational authority, that is representative of a com-
 17 munity or significant segments of a community and
 18 that provides educational or related services to indi-
 19 viduals in the community. Such term includes a Na-
 20 tive Hawaiian or Native American Pacific Islander
 21 native language educational organization.

22 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
 23 tity’ means—

24 “(A) one or more local educational agen-
 25 cies; or

1 “(B) one or more local educational agen-
2 cies, in consortia (or collaboration) with an in-
3 stitution of higher education, community-based
4 organization, or State educational agency.

5 “(4) IMMIGRANT CHILDREN AND YOUTH.—The
6 term ‘immigrant children and youth’ means individ-
7 uals who—

8 “(A) are age 3 through 21;

9 “(B) were not born in any State; and

10 “(C) have not been attending one or more
11 schools in any one or more States for more
12 than 3 full academic years.

13 “(5) INDIAN TRIBE.—The term ‘Indian tribe’
14 means any Indian tribe, band, nation, or other orga-
15 nized group or community, including any Native vil-
16 lage or Regional Corporation or Village Corporation
17 as defined in or established pursuant to the Alaska
18 Native Claims Settlement Act, that is recognized as
19 eligible for the special programs and services pro-
20 vided by the United States to Indians because of
21 their status as Indians.

22 “(6) LANGUAGE INSTRUCTION EDUCATIONAL
23 PROGRAM.—The term ‘language instruction edu-
24 cational program’ means an instruction course—

1 “(A) in which an English learner is placed
2 for the purpose of developing and attaining
3 English language proficiency, while meeting
4 State academic standards, as required by sec-
5 tion 1111(b)(1); and

6 “(B) that may make instructional use of
7 both English and a child’s native language to
8 enable the child to develop and attain English
9 language proficiency, and may include the par-
10 ticipation of English language proficient chil-
11 dren if such course is designed to enable all
12 participating children to become proficient in
13 English and a second language.

14 “(7) NATIVE LANGUAGE.—The term ‘native
15 language’, when used with reference to English
16 learner, means—

17 “(A) the language normally used by such
18 individual; or

19 “(B) in the case of a child or youth, the
20 language normally used by the parents of the
21 child or youth.

22 “(8) PARAPROFESSIONAL.—The term ‘para-
23 professional’ means an individual who is employed in
24 a preschool, elementary school, or secondary school
25 under the supervision of a certified or licensed teach-

1 er, including individuals employed in language in-
 2 struction educational programs, special education,
 3 and migratory education.

4 “(9) STATE.—The term ‘State’ means each of
 5 the 50 States, the District of Columbia, and the
 6 Commonwealth of Puerto Rico.

7 **“SEC. 1222. NATIONAL CLEARINGHOUSE.**

8 “The Secretary shall establish and support the oper-
 9 ation of a National Clearinghouse for English Language
 10 Acquisition and Language Instruction Educational Pro-
 11 grams, which shall collect, analyze, synthesize, and dis-
 12 seminate information about language instruction edu-
 13 cational programs for English learners, and related pro-
 14 grams. The National Clearinghouse shall—

15 “(1) be administered as an adjunct clearing-
 16 house of the Educational Resources Information
 17 Center Clearinghouses system supported by the In-
 18 stitute of Education Sciences;

19 “(2) coordinate activities with Federal data and
 20 information clearinghouses and entities operating
 21 Federal dissemination networks and systems;

22 “(3) develop a system for improving the oper-
 23 ation and effectiveness of federally funded language
 24 instruction educational programs;

25 “(4) collect and disseminate information on—

1 “(A) educational research and processes
 2 related to the education of English learners;
 3 and

4 “(B) accountability systems that monitor
 5 the academic progress of English learners in
 6 language instruction educational programs, in-
 7 cluding information on academic content and
 8 English language proficiency assessments for
 9 language instruction educational programs; and
 10 “(5) publish, on an annual basis, a list of grant
 11 recipients under this subpart.

12 **“SEC. 1223. REGULATIONS.**

13 “In developing regulations under this subpart, the
 14 Secretary shall consult with State educational agencies
 15 and local educational agencies, organizations representing
 16 English learners, and organizations representing teachers
 17 and other personnel involved in the education of English
 18 learners.

19 **“Subpart 5—Rural Education Achievement Program**

20 **“SEC. 1230. PURPOSE.**

21 “It is the purpose of this subpart to address the
 22 unique needs of rural school districts that frequently—
 23 “(1) lack the personnel and resources needed to
 24 compete effectively for Federal competitive grants;
 25 and

1 “(2) receive formula grant allocations in
2 amounts too small to be effective in meeting their in-
3 tended purposes.

4 **“CHAPTER A—SMALL, RURAL SCHOOL**
5 **ACHIEVEMENT PROGRAM**

6 **“SEC. 1231. GRANT PROGRAM AUTHORIZED.**

7 “(a) IN GENERAL.—From amounts appropriated
8 under section 3(a)(1) for a fiscal year, the Secretary shall
9 reserve 0.6 of one percent to award grants to eligible local
10 educational agencies to enable the local educational agen-
11 cies to carry out activities authorized under any of the
12 following provisions:

13 “(1) Part A of title I.

14 “(2) Title II.

15 “(3) Title III.

16 “(b) ALLOCATION.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (3), the Secretary shall award a grant under
19 subsection (a) to a local educational agency eligible
20 under subsection (d) for a fiscal year in an amount
21 equal to the initial amount determined under para-
22 graph (2) for the fiscal year minus the total amount
23 received by the agency in subpart 2 of part A of title
24 II for the preceding fiscal year.

1 “(2) DETERMINATION OF INITIAL AMOUNT.—

2 The initial amount referred to in paragraph (1) is
3 equal to \$100 multiplied by the total number of stu-
4 dents in excess of 50 students, in average daily at-
5 tendance at the schools served by the local edu-
6 cational agency, plus \$20,000, except that the initial
7 amount may not exceed \$60,000.

8 “(3) RATABLE ADJUSTMENT.—

9 “(A) IN GENERAL.—If the amount made
10 available to carry out this section for any fiscal
11 year is not sufficient to pay in full the amounts
12 that local educational agencies are eligible to re-
13 ceive under paragraph (1) for such year, the
14 Secretary shall ratably reduce such amounts for
15 such year.

16 “(B) ADDITIONAL AMOUNTS.—If addi-
17 tional funds become available for making pay-
18 ments under paragraph (1) for such fiscal year,
19 payments that were reduced under subpara-
20 graph (A) shall be increased on the same basis
21 as such payments were reduced.

22 “(c) DISBURSEMENT.—The Secretary shall disburse
23 the funds awarded to a local educational agency under this
24 section for a fiscal year not later than July 1 of that fiscal
25 year.

1 “(d) ELIGIBILITY.—

2 “(1) IN GENERAL.—A local educational agency
3 shall be eligible to use the applicable funding in ac-
4 cordance with subsection (a) if—

5 “(A)(i)(I) the total number of students in
6 average daily attendance at all of the schools
7 served by the local educational agency is fewer
8 than 600; or

9 “(II) each county in which a school served
10 by the local educational agency is located has a
11 total population density of fewer than 10 per-
12 sons per square mile; and

13 “(ii) all of the schools served by the local
14 educational agency are designated with a school
15 locale code of 41, 42, or 43, as determined by
16 the Secretary; or

17 “(B) the agency meets the criteria estab-
18 lished in subparagraph (A)(i) and the Sec-
19 retary, in accordance with paragraph (2),
20 grants the local educational agency’s request to
21 waive the criteria described in subparagraph
22 (A)(ii).

23 “(2) CERTIFICATION.—The Secretary shall de-
24 termine whether to waive the criteria described in
25 paragraph (1)(A)(ii) based on a demonstration by

1 the local educational agency, and concurrence by the
2 State educational agency, that the local educational
3 agency is located in an area defined as rural by a
4 governmental agency of the State.

5 “(3) HOLD HARMLESS.—For a local edu-
6 cational agency that is not eligible under this chap-
7 ter but met the eligibility requirements under this
8 subsection as it was in effect prior to the date of the
9 enactment of the Student Success Act, the agency
10 shall receive—

11 “(A) for fiscal year 2016, 75 percent of
12 the amount such agency received for fiscal year
13 2013;

14 “(B) for fiscal year 2017, 50 percent of
15 the amount such agency received for fiscal year
16 2013; and

17 “(C) for fiscal year 2018, 25 percent of
18 the amount such agency received for fiscal year
19 2013.

20 “(e) SPECIAL ELIGIBILITY RULE.—A local edu-
21 cational agency that receives a grant under this chapter
22 for a fiscal year is not eligible to receive funds for such
23 fiscal year under chapter B.

1 **“CHAPTER B—RURAL AND LOW-INCOME**
2 **SCHOOL PROGRAM**

3 **“SEC. 1235. PROGRAM AUTHORIZED.**

4 “(a) GRANTS TO STATES.—

5 “(1) IN GENERAL.—From amounts appro-
6 priated under section 3(a)(1) for a fiscal year, the
7 Secretary shall reserve 0.6 of one percent for this
8 chapter for a fiscal year that are not reserved under
9 subsection (c) to award grants (from allotments
10 made under paragraph (2)) for the fiscal year to
11 State educational agencies that have applications
12 submitted under section 1237 approved to enable the
13 State educational agencies to award grants to eligi-
14 ble local educational agencies for local authorized ac-
15 tivities described in section 1236(a).

16 “(2) ALLOTMENT.—From amounts described in
17 paragraph (1) for a fiscal year, the Secretary shall
18 allot to each State educational agency for that fiscal
19 year an amount that bears the same ratio to those
20 amounts as the number of students in average daily
21 attendance served by eligible local educational agen-
22 cies in the State for that fiscal year bears to the
23 number of all such students served by eligible local
24 educational agencies in all States for that fiscal
25 year.

1 “(3) SPECIALLY QUALIFIED AGENCIES.—

2 “(A) ELIGIBILITY AND APPLICATION.—If a
3 State educational agency elects not to partici-
4 pate in the program under this subpart or does
5 not have an application submitted under section
6 1237 approved, a specially qualified agency in
7 such State desiring a grant under this subpart
8 may submit an application under such section
9 directly to the Secretary to receive an award
10 under this subpart.

11 “(B) DIRECT AWARDS.—The Secretary
12 may award, on a competitive basis or by for-
13 mula, the amount the State educational agency
14 is eligible to receive under paragraph (2) di-
15 rectly to a specially qualified agency in the
16 State that has submitted an application in ac-
17 cordance with subparagraph (A) and obtained
18 approval of the application.

19 “(C) SPECIALLY QUALIFIED AGENCY DE-
20 FINED.—In this subpart, the term ‘specially
21 qualified agency’ means an eligible local edu-
22 cational agency served by a State educational
23 agency that does not participate in a program
24 under this subpart in a fiscal year, that may

1 apply directly to the Secretary for a grant in
2 such year under this subsection.

3 “(b) LOCAL AWARDS.—

4 “(1) ELIGIBILITY.—A local educational agency
5 shall be eligible to receive a grant under this subpart
6 if—

7 “(A) 20 percent or more of the children
8 ages 5 through 17 years served by the local
9 educational agency are from families with in-
10 comes below the poverty line; and

11 “(B) all of the schools served by the agen-
12 cy are designated with a school locale code of
13 32, 33, 41, 42, 43, as determined by the Sec-
14 retary.

15 “(2) AWARD BASIS.—A State educational agen-
16 cy shall award grants to eligible local educational
17 agencies—

18 “(A) on a competitive basis;

19 “(B) according to a formula based on the
20 number of students in average daily attendance
21 served by the eligible local educational agencies
22 or schools in the State; or

23 “(C) according to an alternative formula,
24 if, prior to awarding the grants, the State edu-
25 cational agency demonstrates, to the satisfac-

1 tion of the Secretary, that the alternative for-
2 mula enables the State educational agency to
3 allot the grant funds in a manner that serves
4 equal or greater concentrations of children from
5 families with incomes below the poverty line,
6 relative to the concentrations that would be
7 served if the State educational agency used the
8 formula described in subparagraph (B).

9 “(c) RESERVATIONS.—From amounts reserved under
10 section 1235(a)(1) for this chapter for a fiscal year, the
11 Secretary shall reserve—

12 “(1) one-half of 1 percent to make awards to el-
13 ementary schools or secondary schools operated or
14 supported by the Bureau of Indian Education, to
15 carry out the activities authorized under this chap-
16 ter; and

17 “(2) one-half of 1 percent to make awards to
18 the outlying areas in accordance with their respec-
19 tive needs, to carry out the activities authorized
20 under this chapter.

21 **“SEC. 1236. USES OF FUNDS.**

22 “(a) LOCAL AWARDS.—Grant funds awarded to local
23 educational agencies under this chapter shall be used for
24 activities authorized under any of the following:

25 “(1) Part A of title I.

1 “(2) Title II.

2 “(3) Title III.

3 “(b) ADMINISTRATIVE COSTS.—A State educational
4 agency receiving a grant under this chapter may not use
5 more than 5 percent of the amount of the grant for State
6 administrative costs and to provide technical assistance to
7 eligible local educational agencies.

8 **“SEC. 1237. APPLICATIONS.**

9 “(a) IN GENERAL.—Each State educational agency
10 or specially qualified agency desiring to receive a grant
11 under this chapter shall submit an application to the Sec-
12 retary at such time and in such manner as the Secretary
13 may require.

14 “(b) CONTENTS.—Each application submitted under
15 subsection (a) shall include—

16 “(1) a description of how the State educational
17 agency or specially qualified agency will ensure eligi-
18 ble local educational agencies receiving a grant
19 under this chapter will use such funds to help stu-
20 dents meet the State academic standards under sec-
21 tion 1111(b)(1);

22 “(2) if the State educational agency or specially
23 qualified agency will competitively award grants to
24 eligible local educational agencies, as described in

1 section 1235(b)(2)(A), the application under the sec-
2 tion shall include—

3 “(A) the methods and criteria the State
4 educational agency or specially qualified agency
5 will use for reviewing applications and awarding
6 funds to local educational agencies on a com-
7 petitive basis; and

8 “(B) how the State educational agency or
9 specially qualified agency will notify eligible
10 local educational agencies of the grant competi-
11 tion; and

12 “(3) a description of how the State educational
13 agency or specially qualified agency will provide
14 technical assistance to eligible local educational
15 agencies to help such agencies implement the activi-
16 ties described in section 1236(a).

17 **“SEC. 1238. ACCOUNTABILITY.**

18 “Each State educational agency or specially qualified
19 agency that receives a grant under this chapter shall pre-
20 pare and submit an annual report to the Secretary. The
21 report shall describe—

22 “(1) the methods and criteria the State edu-
23 cational agency or specially qualified agency used to
24 award grants to eligible local educational agencies,

1 and to provide assistance to schools, under this
2 chapter;

3 “(2) how local educational agencies and schools
4 used funds provided under this chapter; and

5 “(3) the degree to which progress has been
6 made toward having all students meet the State aca-
7 demic standards under section 1111(b)(1).

8 **“SEC. 1239. CHOICE OF PARTICIPATION.**

9 “(a) IN GENERAL.—If a local educational agency is
10 eligible for funding under chapters A and B of this sub-
11 part, such local educational agency may receive funds
12 under either chapter A or chapter B for a fiscal year, but
13 may not receive funds under both chapters.

14 “(b) NOTIFICATION.—A local educational agency eli-
15 gible for both chapters A and B of this subpart shall notify
16 the Secretary and the State educational agency under
17 which of such chapters such local educational agency in-
18 tends to receive funds for a fiscal year by a date that is
19 established by the Secretary for the notification.

20 **“CHAPTER C—GENERAL PROVISIONS**

21 **“SEC. 1241. ANNUAL AVERAGE DAILY ATTENDANCE DETER-**
22 **MINATION.**

23 “(a) CENSUS DETERMINATION.—Each local edu-
24 cational agency desiring a grant under section 1231 and

1 each local educational agency or specially qualified agency
2 desiring a grant under chapter B shall—

3 “(1) not later than December 1 of each year,
4 conduct a census to determine the number of stu-
5 dents in average daily attendance in kindergarten
6 through grade 12 at the schools served by the agen-
7 cy; and

8 “(2) not later than March 1 of each year, sub-
9 mit the number described in paragraph (1) to the
10 Secretary (and to the State educational agency, in
11 the case of a local educational agency seeking a
12 grant under subpart 2).

13 “(b) PENALTY.—If the Secretary determines that a
14 local educational agency or specially qualified agency has
15 knowingly submitted false information under subsection
16 (a) for the purpose of gaining additional funds under sec-
17 tion 1231 or chapter B, then the agency shall be fined
18 an amount equal to twice the difference between the
19 amount the agency received under this section and the cor-
20 rect amount the agency would have received under section
21 1231 or chapter B if the agency had submitted accurate
22 information under subsection (a).

1 **“SEC. 1242. SUPPLEMENT, NOT SUPPLANT.**

2 “Funds made available under chapter A or chapter
3 B shall be used to supplement, and not supplant, any
4 other Federal, State, or local education funds.

5 **“SEC. 1243. RULE OF CONSTRUCTION.**

6 “Nothing in this subpart shall be construed to pro-
7 hibit a local educational agency that enters into coopera-
8 tive arrangements with other local educational agencies for
9 the provision of special, compensatory, or other education
10 services, pursuant to State law or a written agreement,
11 from entering into similar arrangements for the use, or
12 the coordination of the use, of the funds made available
13 under this subpart.”.

14 (b) STRIKE.—The Act is amended by striking title
15 VII (20 U.S.C. 7401 et seq.).

16 **Subtitle D—National Assessment**

17 **SEC. 141. NATIONAL ASSESSMENT OF TITLE I.**

18 (a) IN GENERAL.—Part E of title I (20 U.S.C. 6491
19 et seq.) is redesignated as part B of title I.

20 (b) REPEALS.—Sections 1502 and 1504 (20 U.S.C.
21 6492; 6494) are repealed.

22 (c) REDESIGNATIONS.—Sections 1501 and 1503 (20
23 U.S.C. 6491; 6493) are redesignated as sections 1301 and
24 1302, respectively.

25 (d) AMENDMENTS TO SECTION 1301.—Section 1301
26 (20 U.S.C. 6491), as so redesignated, is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1), by inserting “, act-
3 ing through the Director of the Institute of
4 Education Sciences (in this section and section
5 1302 referred to as the ‘Director’),” after “The
6 Secretary”;

7 (B) in paragraph (2)—

8 (i) by striking “Secretary” and insert-
9 ing “Director”;

10 (ii) in subparagraph (A), by striking
11 “reaching the proficient level” and all that
12 follows and inserting “graduating high
13 school prepared for postsecondary edu-
14 cation or the workforce.”;

15 (iii) in subparagraph (B), by striking
16 “reach the proficient” and all that follows
17 and inserting “meet State academic stand-
18 ards.”;

19 (iv) by striking subparagraphs (D)
20 and (G) and redesignating subparagraphs
21 (E), (F), and (H) through (O) as subpara-
22 graphs (D) through (M), respectively;

23 (v) in subparagraph (D)(v) (as so re-
24 designated), by striking “help schools in
25 which” and all that follows and inserting

1 “address disparities in the percentages of
2 effective teachers teaching in low-income
3 schools.”;

4 (vi) in subparagraph (G) (as so redes-
5 ignated)—

6 (I) by striking “section 1116”
7 and inserting “section
8 1111(b)(3)(B)(iii)”; and

9 (II) by striking “, including the
10 following” and all that follows and in-
11 serting a period;

12 (vii) in subparagraph (I) (as so redes-
13 ignated), by striking “qualifications” and
14 inserting “effectiveness”;

15 (viii) in subparagraph (J) (as so re-
16 designated), by striking “, including funds
17 under section 1002,”;

18 (ix) in subparagraph (L) (as so redes-
19 ignated), by striking “section
20 1111(b)(2)(C)(v)(II)” and inserting “sec-
21 tion 1111(b)(3)(B)(ii)(II)”; and

22 (x) in subparagraph (M) (as so redes-
23 ignated), by striking “Secretary” and in-
24 serting “Director”;

1 (C) in paragraph (3), by striking “Sec-
2 retary” and inserting “Director”;

3 (D) in paragraph (4), by striking “Sec-
4 retary” and inserting “Director”;

5 (E) in paragraph (5), by striking “Sec-
6 retary” and inserting “Director”; and

7 (F) in paragraph (6)—

8 (i) by striking “No Child Left Behind
9 Act of 2001” each place it appears and in-
10 serting “Student Success Act”; and

11 (ii) by striking “Secretary” each place
12 it appears and inserting “Director”;

13 (2) in subsection (b), by striking “Secretary”
14 each place it appears and inserting “Director”;

15 (3) in subsection (c)—

16 (A) in paragraph (1)—

17 (i) by striking “Secretary” and insert-
18 ing “Director”; and

19 (ii) by striking “part A” and inserting
20 “subpart 1 of part A”;

21 (B) in paragraph (2)—

22 (i) by striking “Secretary” and insert-
23 ing “Director”;

24 (ii) in subparagraph (B), by striking
25 “challenging academic achievement stand-

1 ards” and inserting “State academic
2 standards”;

3 (iii) in subparagraph (E), by striking
4 “effects of the availability” and all that
5 follows and inserting “extent to which ac-
6 tions authorized under section
7 1111(b)(3)(B)(iii) improve the academic
8 achievement of disadvantaged students and
9 low-performing schools.”; and

10 (iv) in subparagraph (F), by striking
11 “Secretary” and inserting “Director”; and
12 (C) in paragraph (3)—

13 (i) by striking “Secretary” and insert-
14 ing “Director”; and

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

17 “(C) analyzes varying models or strategies
18 for delivering school services, including
19 schoolwide and targeted services.”; and

20 (4) in subsection (d), by striking “Secretary”
21 each place it appears and inserting “Director”.

22 (e) AMENDMENTS TO SECTION 1302.—Section 1302
23 (20 U.S.C. 6493), as so redesignated, is amended—

24 (1) in subsection (a)—

1 (A) by striking “Secretary” and inserting
2 “Director”; and

3 (B) by striking “and for making decisions
4 about the promotion and graduation of stu-
5 dents”;

6 (2) in subsection (b)—

7 (A) by striking “Secretary” the first place
8 it appears and inserting “Director”;

9 (B) by striking “process,” and inserting
10 “process consistent with section 1111(e)(1),”;
11 and

12 (C) by striking “Assistant Secretary of
13 Educational Research and Improvement” and
14 inserting “Director”;

15 (3) in subsection (d)—

16 (A) in paragraph (1)—

17 (i) in subparagraph (A), by striking
18 “to the State-defined level of proficiency”
19 and inserting “toward meeting the State
20 academic standards”; and

21 (ii) in subparagraph (C), by striking
22 “pupil-services” and inserting “specialized
23 instructional support services”;

24 (B) in paragraph (3), by striking “limited
25 and nonlimited English proficient students”

1 and inserting “English learners and non-
2 English learners”; and

3 (C) in paragraph (6), by striking “Sec-
4 retary” and inserting “Director”; and
5 (4) in subsection (f)—

6 (A) by striking “Secretary” and inserting
7 “Director”; and

8 (B) by striking “authorized to be appro-
9 priated for this part” and inserting “appro-
10 priated under section 3(a)(2)”.

11 **Subtitle E—Title I General** 12 **Provisions**

13 **SEC. 151. GENERAL PROVISIONS FOR TITLE I.**

14 Part I of title I (20 U.S.C. 6571 et seq.)—

15 (1) is transferred to appear after part B (as re-
16 designated); and

17 (2) is amended to read as follows:

18 **“PART C—GENERAL PROVISIONS**

19 **“SEC. 1401. FEDERAL REGULATIONS.**

20 “(a) IN GENERAL.—The Secretary may, in accord-
21 ance with subsections (b) through (d), issue such regula-
22 tions as are necessary to reasonably ensure there is com-
23 pliance with this title.

24 “(b) NEGOTIATED RULEMAKING PROCESS.—

1 “(1) IN GENERAL.—Before publishing in the
2 Federal Register proposed regulations to carry out
3 this title, the Secretary shall obtain the advice and
4 recommendations of representatives of Federal,
5 State, and local administrators, parents, teachers,
6 and members of local school boards and other orga-
7 nizations involved with the implementation and oper-
8 ation of programs under this title, including those
9 representatives and members nominated by local and
10 national stakeholder representatives.

11 “(2) MEETINGS AND ELECTRONIC EX-
12 CHANGE.—Such advice and recommendations may
13 be obtained through such mechanisms as regional
14 meetings and electronic exchanges of information.
15 Such regional meetings and electronic exchanges of
16 information shall be public and notice of such meet-
17 ings and exchanges shall be provided to interested
18 stakeholders.

19 “(3) PROPOSED REGULATIONS.—After obtain-
20 ing such advice and recommendations, and before
21 publishing proposed regulations, the Secretary
22 shall—

23 “(A) establish a negotiated rulemaking
24 process;

1 “(B) select individuals to participate in
2 such process from among individuals or groups
3 that provided advice and recommendations, in-
4 cluding representation from all geographic re-
5 gions of the United States, in such numbers as
6 will provide an equitable balance between rep-
7 resentatives of parents and students and rep-
8 resentatives of educators and education offi-
9 cials; and

10 “(C) prepare a draft of proposed policy op-
11 tions that shall be provided to the individuals
12 selected by the Secretary under subparagraph
13 (B) not less than 15 days before the first meet-
14 ing under such process.

15 “(c) PROPOSED RULEMAKING.—If the Secretary de-
16 termines that a negotiated rulemaking process is unneces-
17 sary or the individuals selected to participate in the proc-
18 ess under paragraph (3)(B) fail to reach unanimous agree-
19 ment, the Secretary may propose regulations under the
20 following procedure:

21 “(1) Not less than 30 days prior to beginning
22 a rulemaking process, the Secretary shall provide to
23 Congress, including the Committee on Education
24 and the Workforce of the House of Representatives
25 and the Committee on Health, Education, Labor,

1 and Pensions of the Senate, notice that shall in-
2 clude—

3 “(A) a copy of the proposed regulations;

4 “(B) the need to issue regulations;

5 “(C) the anticipated burden, including the
6 time, cost, and paperwork burden, the regula-
7 tions will have on State educational agencies,
8 local educational agencies, schools, and other
9 entities that may be impacted by the regula-
10 tions; and

11 “(D) any regulations that will be repealed
12 when the new regulations are issued.

13 “(2) 30 days after giving notice of the proposed
14 rule to Congress, the Secretary may proceed with
15 the rulemaking process after all comments received
16 from the Congress have been addressed and pub-
17 lishing how such comments are addressed with the
18 proposed rule.

19 “(3) The comment and review period for any
20 proposed regulation shall be 90 days unless an emer-
21 gency requires a shorter period, in which case such
22 period shall be not less than 45 days and the Sec-
23 retary shall—

24 “(A) designate the proposed regulation as
25 an emergency with an explanation of the emer-

1 agency in the notice and report to Congress
2 under paragraph (1); and

3 “(B) publish the length of the comment
4 and review period in such notice and in the
5 Federal Register.

6 “(4) No regulation shall be made final after the
7 comment and review period until the Secretary has
8 published in the Federal Register an independent as-
9 sessment (which shall include a representative sam-
10 pling of local educational agencies based on local
11 educational agency enrollment, urban, suburban, or
12 rural character, and other factors impacted by the
13 proposed regulation) of—

14 “(A) the burden, including the time, cost,
15 and paperwork burden, the regulation will im-
16 pose on State educational agencies, local edu-
17 cational agencies, schools and other entities
18 that may be impacted by the regulation;

19 “(B) an explanation of how the entities de-
20 scribed in subparagraph (A) may cover the cost
21 of the burden assessed under subparagraph (A);
22 and

23 “(C) the proposed regulation, which thor-
24 oughly addresses, based on the comments re-
25 ceived during the comment and review period

1 under paragraph (3), whether the rule is finan-
2 cially, operationally, and educationally viable at
3 the local level.

4 “(d) LIMITATION.—Regulations to carry out this title
5 may not require local programs to follow a particular in-
6 structional model, such as the provision of services outside
7 the regular classroom or school program.

8 **“SEC. 1402. AGREEMENTS AND RECORDS.**

9 “(a) AGREEMENTS.—In the case in which a nego-
10 tiated rule making process is established under subsection
11 (b) of section 1401, all published proposed regulations
12 shall conform to agreements that result from the rule-
13 making described in section 1401 unless the Secretary re-
14 opens the negotiated rulemaking process.

15 “(b) RECORDS.—The Secretary shall ensure that an
16 accurate and reliable record of agreements reached during
17 the negotiations process is maintained.

18 **“SEC. 1403. STATE ADMINISTRATION.**

19 “(a) RULEMAKING.—

20 “(1) IN GENERAL.—Each State that receives
21 funds under this title shall—

22 “(A) ensure that any State rules, regula-
23 tions, and policies relating to this title conform
24 to the purposes of this title and provide any
25 such proposed rules, regulations, and policies to

1 the committee of practitioners created under
2 subsection (b) for review and comment;

3 “(B) minimize such rules, regulations, and
4 policies to which the State’s local educational
5 agencies and schools are subject;

6 “(C) eliminate or modify State and local
7 fiscal accounting requirements in order to facili-
8 tate the ability of schools to consolidate funds
9 under schoolwide programs;

10 “(D) identify any such rule, regulation, or
11 policy as a State-imposed requirement; and

12 “(E)(i) identify any duplicative or con-
13 trasting requirements between the State and
14 Federal rules or regulations;

15 “(ii) eliminate the rules and regulations
16 that are duplicative of Federal requirements;
17 and

18 “(iii) report any conflicting requirements
19 to the Secretary and determine which Federal
20 or State rule or regulation shall be followed.

21 “(2) SUPPORT AND FACILITATION.—State
22 rules, regulations, and policies under this title shall
23 support and facilitate local educational agency and
24 school-level systemic reform designed to enable all
25 children to meet the State academic standards.

1 “(b) COMMITTEE OF PRACTITIONERS.—

2 “(1) IN GENERAL.—Each State educational
3 agency that receives funds under this title shall cre-
4 ate a State committee of practitioners to advise the
5 State in carrying out its responsibilities under this
6 title.

7 “(2) MEMBERSHIP.—Each such committee
8 shall include—

9 “(A) as a majority of its members, rep-
10 resentatives from local educational agencies;

11 “(B) administrators, including the admin-
12 istrators of programs described in other parts
13 of this title;

14 “(C) teachers from public charter schools,
15 traditional public schools, and career and tech-
16 nical educators;

17 “(D) parents;

18 “(E) members of local school boards;

19 “(F) representatives of public charter
20 school authorizers;

21 “(G) public charter school leaders;

22 “(H) representatives of private school chil-
23 dren; and

24 “(I) specialized instructional support per-
25 sonnel.

1 “(3) DUTIES.—The duties of such committee
 2 shall include a review, before publication, of any pro-
 3 posed or final State rule or regulation pursuant to
 4 this title. In an emergency situation where such rule
 5 or regulation must be issued within a very limited
 6 time to assist local educational agencies with the op-
 7 eration of the program under this title, the State
 8 educational agency may issue a regulation without
 9 prior consultation, but shall immediately thereafter
 10 convene the State committee of practitioners to re-
 11 view the emergency regulation before issuance in
 12 final form.

13 **“SEC. 1404. RULE OF CONSTRUCTION ON EQUALIZED**
 14 **SPENDING.**

15 “Nothing in this title shall be construed to mandate
 16 equalized spending per pupil for a State, local educational
 17 agency, or school.”.

18 **TITLE II—TEACHER PREPARA-**
 19 **TION AND EFFECTIVENESS**

20 **SEC. 201. TEACHER PREPARATION AND EFFECTIVENESS.**

21 (a) HEADING.—The title heading for title II (20
 22 U.S.C. 6601 et seq.) is amended to read as follows:

1 **“TITLE II—TEACHER PREPARA-**
 2 **TION AND EFFECTIVENESS”.**

3 (b) PART A.—Part A of title II (20 U.S.C. 6601 et
 4 seq.) is amended to read as follows:

5 **“PART A—SUPPORTING EFFECTIVE**
 6 **INSTRUCTION**

7 **“SEC. 2101. PURPOSE.**

8 “The purpose of this part is to provide grants to
 9 State educational agencies and subgrants to local edu-
 10 cational agencies to—

11 “(1) increase student achievement consistent
 12 with State academic standards under section
 13 1111(b)(1);

14 “(2) improve teacher and school leader effec-
 15 tiveness in classrooms and schools, respectively;

16 “(3) provide evidence-based, job-embedded, con-
 17 tinuous professional development; and

18 “(4) if a State educational agency or local edu-
 19 cational agency so chooses, develop and implement
 20 teacher evaluation systems that use, in part, student
 21 achievement data to determine teacher effectiveness.

22 **“Subpart 1—Grants to States**

23 **“SEC. 2111. ALLOTMENTS TO STATES.**

24 “(a) IN GENERAL.—Of the amounts appropriated
 25 under section 3(b), the Secretary shall reserve 75 percent

1 to make grants to States with applications approved under
2 section 2112 to pay for the Federal share of the cost of
3 carrying out the activities specified in section 2113. Each
4 grant shall consist of the allotment determined for a State
5 under subsection (b).

6 “(b) DETERMINATION OF ALLOTMENTS.—

7 “(1) RESERVATION OF FUNDS.—Of the amount
8 reserved under subsection (a) for a fiscal year, the
9 Secretary shall reserve—

10 “(A) not more than 1 percent to carry out
11 national activities under section 2132;

12 “(B) one-half of 1 percent for allotments
13 to outlying areas on the basis of their relative
14 need, as determined by the Secretary, in ac-
15 cordance with the purpose of this part; and

16 “(C) one-half of 1 percent for the Sec-
17 retary of the Interior for programs under this
18 part in schools operated or funded by the Bu-
19 reau of Indian Education.

20 “(2) STATE ALLOTMENTS.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graph (B), from the funds reserved under sub-
23 section (a) for any fiscal year and not reserved
24 under paragraph (1), the Secretary shall allot
25 to each State the sum of—

1 “(i) an amount that bears the same
2 relationship to 50 percent of the funds as
3 the number of individuals age 5 through
4 17 in the State, as determined by the Sec-
5 retary on the basis of the most recent sat-
6 isfactory data, bears to the number of
7 those individuals in all such States, as so
8 determined; and

9 “(ii) an amount that bears the same
10 relationship to 50 percent of the funds as
11 the number of individuals age 5 through
12 17 from families with incomes below the
13 poverty line in the State, as determined by
14 the Secretary on the basis of the most re-
15 cent satisfactory data, bears to the number
16 of those individuals in all such States, as
17 so determined.

18 “(B) SMALL STATE MINIMUM.—No State
19 receiving an allotment under subparagraph (A)
20 may receive less than one-half of 1 percent of
21 the total amount of funds allotted under such
22 subparagraph for a fiscal year.

23 “(C) APPLICABILITY.—

24 “(i) IN GENERAL.—Subparagraph (A)
25 shall not apply with respect to a fiscal year

1 unless the Secretary certifies in writing to
2 Congress for that fiscal year that the
3 amount of funds allotted under subpara-
4 graph (A) to local educational agencies
5 that serve a high percentage of students
6 from families with incomes below the pov-
7 erty line is not less than the amount allot-
8 ted to such local educational agencies for
9 fiscal year 2013.

10 “(ii) SPECIAL RULE.—For a fiscal
11 year for which subparagraph (A) does not
12 apply, the Secretary shall allocate to each
13 State the funds described in subparagraph
14 (A) according to the formula set forth in
15 subsection (b)(2)(B)(i) of this section as in
16 effect on the day before the date of enact-
17 ment of the Student Success Act.

18 “(c) REALLOTMENT.—If a State does not apply for
19 an allotment under this section for any fiscal year or only
20 a portion of the State’s allotment is allotted under sub-
21 section (c), the Secretary shall reallocate the State’s entire
22 allotment or the remaining portion of its allotment, as the
23 case may be, to the remaining States in accordance with
24 subsection (b).

1 **“SEC. 2112. STATE APPLICATION.**

2 “(a) IN GENERAL.—For a State to be eligible to re-
3 ceive a grant under this subpart, the State educational
4 agency shall submit an application to the Secretary at
5 such time and in such a manner as the Secretary may
6 reasonably require, which shall include the following:

7 “(1) A description of how the State educational
8 agency will meet the requirements of this subpart.

9 “(2) A description of how the State educational
10 agency will use a grant received under section 2111,
11 including the grant funds the State will reserve for
12 State-level activities under section 2113(a)(2).

13 “(3) A description of how the State educational
14 agency will facilitate the sharing of evidence-based
15 and other effective strategies among local edu-
16 cational agencies.

17 “(4) A description of how, and under what
18 timeline, the State educational agency will allocate
19 subgrants under subpart 2 to local educational agen-
20 cies.

21 “(5) If applicable, a description of how the
22 State educational agency will work with local edu-
23 cational agencies in the State to develop or imple-
24 ment a teacher or school leader evaluation system.

1 “(6) An assurance that the State educational
2 agency will comply with section 6501 (regarding par-
3 ticipation by private school children and teachers).

4 “(b) DEEMED APPROVAL.—An application submitted
5 by a State educational agency under subsection (a) shall
6 be deemed to be approved by the Secretary unless the Sec-
7 retary makes a written determination, prior to the expira-
8 tion of the 120-day period beginning on the date on which
9 the Secretary received the application, that the application
10 is not in compliance with this subpart.

11 “(c) DISAPPROVAL.—The Secretary shall not finally
12 disapprove an application, except after giving the State
13 educational agency notice and an opportunity for a hear-
14 ing.

15 “(d) NOTIFICATION.—If the Secretary finds that an
16 application is not in compliance, in whole or in part, with
17 this subpart, the Secretary shall—

18 “(1) give the State educational agency notice
19 and an opportunity for a hearing; and

20 “(2) notify the State educational agency of the
21 finding of noncompliance and, in such notification,
22 shall—

23 “(A) cite the specific provisions in the ap-
24 plication that are not in compliance; and

1 “(B) request additional information, only
2 as to the noncompliant provisions, needed to
3 make the application compliant.

4 “(e) RESPONSE.—If a State educational agency re-
5 sponds to a notification from the Secretary under sub-
6 section (d)(2) during the 45-day period beginning on the
7 date on which the agency received the notification, and
8 resubmits the application with the requested information
9 described in subsection (d)(2)(B), the Secretary shall ap-
10 prove or disapprove such application prior to the later of—

11 “(1) the expiration of the 45-day period begin-
12 ning on the date on which the application is resub-
13 mitted; or

14 “(2) the expiration of the 120-day period de-
15 scribed in subsection (b).

16 “(f) FAILURE TO RESPOND.—If a State educational
17 agency does not respond to a notification from the Sec-
18 retary under subsection (d)(2) during the 45-day period
19 beginning on the date on which the agency received the
20 notification, such application shall be deemed to be dis-
21 approved.

22 **“SEC. 2113. STATE USE OF FUNDS.**

23 “(a) IN GENERAL.—A State educational agency that
24 receives a grant under section 2111 shall—

1 “(1) reserve 95 percent of the grant funds to
2 make subgrants to local educational agencies under
3 subpart 2; and

4 “(2) use the remainder of the funds, after re-
5 serving funds under paragraph (1), for the State ac-
6 tivities described in subsection (b), except that the
7 State may reserve not more than 1 percent of the
8 grant funds for planning and administration related
9 to carrying out activities described in subsection (b).

10 “(b) STATE-LEVEL ACTIVITIES.—A State edu-
11 cational agency that receives a grant under section 2111—

12 “(1) shall use the amount described in sub-
13 section (a)(2) to fulfill the State educational agen-
14 cy’s responsibilities with respect to the proper and
15 efficient administration of the subgrant program
16 carried out under this part; and

17 “(2) may use the amount described in sub-
18 section (a)(2) to—

19 “(A) provide training and technical assist-
20 ance to local educational agencies on—

21 “(i) in the case of a State educational
22 agency not implementing a statewide
23 teacher evaluation system—

1 “(I) the development and imple-
2 mentation of a teacher evaluation sys-
3 tem; and

4 “(II) training school leaders in
5 using such evaluation system; or

6 “(ii) in the case of a State educational
7 agency implementing a statewide teacher
8 evaluation system, implementing such eval-
9 uation system;

10 “(B) disseminate and share evidence-based
11 and other effective practices, including practices
12 consistent with the principles of effectiveness
13 described in section 2222(b), related to teacher
14 and school leader effectiveness and professional
15 development;

16 “(C) provide professional development for
17 teachers and school leaders in the State con-
18 sistent with section 2123(6); and

19 “(D) provide training and technical assist-
20 ance to local educational agencies on—

21 “(i) in the case of a State educational
22 agency not implementing a statewide
23 school leader evaluation system, the devel-
24 opment and implementation of a school
25 leader evaluation system; and

1 “(ii) in the case of a State educational
2 agency implementing a statewide school
3 leader evaluation system, implementing
4 such evaluation system.

5 **“Subpart 2—Subgrants to Local Educational**
6 **Agencies**

7 **“SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGEN-**
8 **CIES.**

9 “(a) IN GENERAL.—Each State receiving a grant
10 under section 2111 shall use the funds reserved under sec-
11 tion 2113(a)(1) to award subgrants to local educational
12 agencies under this section.

13 “(b) ALLOCATION OF FUNDS.—From the funds re-
14 served by a State under section 2113(a)(1), the State edu-
15 cational agency shall allocate to each local educational
16 agency in the State the sum of—

17 “(1) an amount that bears the same relation-
18 ship to 50 percent of the funds as the number of in-
19 dividuals age 5 through 17 in the geographic area
20 served by the local educational agency, as deter-
21 mined by the State on the basis of the most recent
22 satisfactory data, bears to the number of those indi-
23 viduals in the geographic areas served by all the
24 local educational agencies in the State, as so deter-
25 mined; and

1 “(2) an amount that bears the same relation-
2 ship to 50 percent of the funds as the number of in-
3 dividuals age 5 through 17 from families with in-
4 comes below the poverty line in the geographic area
5 served by the local educational agency, as deter-
6 mined by the State on the basis of the most recent
7 satisfactory data, bears to the number of those indi-
8 viduals in the geographic areas served by all the
9 local educational agencies in the State, as so deter-
10 mined.

11 **“SEC. 2122. LOCAL APPLICATIONS.**

12 “To be eligible to receive a subgrant under this sub-
13 part, a local educational agency shall submit an applica-
14 tion to the State educational agency involved at such time,
15 in such a manner, and containing such information as the
16 State educational agency may reasonably require that, at
17 a minimum, shall include the following:

18 “(1) A description of—

19 “(A) how the local educational agency will
20 meet the requirements of this subpart;

21 “(B) how the activities to be carried out by
22 the local educational agency under this subpart
23 will be evidence-based, improve student aca-
24 demic achievement, and improve teacher and
25 school leader effectiveness; and

1 “(C) if applicable, how, the local edu-
2 cational agency will work with parents, teach-
3 ers, school leaders, and other staff of the
4 schools served by the local educational agency
5 in developing and implementing a teacher eval-
6 uation system.

7 “(2) If applicable, a description of how the local
8 educational agency will develop and implement a
9 teacher or school leader evaluation system.

10 “(3) An assurance that the local educational
11 agency will comply with section 6501 (regarding par-
12 ticipation by private school children and teachers).

13 **“SEC. 2123. LOCAL USE OF FUNDS.**

14 “A local educational agency receiving a subgrant
15 under this subpart may use such funds for—

16 “(1) the development and implementation of a
17 teacher evaluation system that may—

18 “(A) use student achievement data derived
19 from a variety of sources as a significant factor
20 in determining a teacher’s evaluation, with the
21 weight given to such data defined by the local
22 educational agency;

23 “(B) use multiple measures of evaluation
24 for evaluating teachers;

1 “(C) have more than 2 categories for rat-
2 ing the performance of teachers;

3 “(D) be used to make personnel decisions,
4 as determined by the local educational agency;
5 and

6 “(E) be based on input from parents,
7 school leaders, teachers, and other staff of
8 schools served by the local educational agency;

9 “(2) in the case of a local educational agency
10 located in a State implementing a statewide teacher
11 evaluation system, implementing such evaluation
12 system;

13 “(3) the training of school leaders or other indi-
14 viduals for the purpose of evaluating teachers or
15 school leaders under a teacher or school leader eval-
16 uation system, as appropriate;

17 “(4) in the case of a local educational agency
18 located in a State implementing a statewide school
19 leader evaluation system, to implement such evalua-
20 tion system;

21 “(5) in the case of a local educational agency
22 located in a State not implementing a statewide
23 school leader evaluation system, the development
24 and implementation of a school leader evaluation
25 system;

1 “(6) professional development for teachers and
2 school leaders that is evidence-based, job-embedded,
3 and continuous, such as—

4 “(A) subject-based professional develop-
5 ment for teachers, including for teachers of
6 civic education, including for teachers of com-
7 puter science and other science, technology, en-
8 gineering, and mathematics subjects;

9 “(B) professional development aligned with
10 the State’s academic standards;

11 “(C) professional development to assist
12 teachers in meeting the needs of students with
13 different learning styles, particularly students
14 with disabilities, English learners, and gifted
15 and talented students;

16 “(D) professional development for teachers
17 or school leaders identified as in need of addi-
18 tional support through data provided by a
19 teacher or school leader evaluation system, as
20 appropriate;

21 “(E) professional development based on
22 the current science of learning, which includes
23 research on positive brain change and cognitive
24 skill development;

1 “(F) professional development for school
2 leaders, including evidence-based mentorship
3 programs for such leaders;

4 “(G) professional development on inte-
5 grated, interdisciplinary, and project-based
6 teaching strategies, including for career and
7 technical education teachers and teachers of
8 computer science and other science, technology,
9 engineering, and mathematics subjects; or

10 “(H) professional development on teaching
11 dual credit, dual enrollment, Advanced Place-
12 ment, or International Baccalaureate postsec-
13 ondary-level courses to secondary school stu-
14 dents;

15 “(7) partnering with a public or private organi-
16 zation or a consortium of such organizations to de-
17 velop and implement a teacher evaluation system de-
18 scribed in subparagraph (A) or (B) of paragraph
19 (1), or to administer professional development, as
20 appropriate;

21 “(8) any activities authorized under section
22 2222(a); or

23 “(9) class size reduction, except that the local
24 educational agency may use not more than 10 per-
25 cent of such funds for this purpose.

“Subpart 3—General Provisions

“SEC. 2131. REPORTING REQUIREMENTS.

“(a) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency receiving a subgrant under subpart 2 shall submit to the State educational agency involved, on an annual basis until the last year in which the local educational agency receives such subgrant funds, a report on—

“(1) how the local educational agency is meeting the purposes of this part described in section 2101;

“(2) how the local educational agency is using such subgrant funds;

“(3) in the case of a local educational agency implementing a teacher or school leader evaluation system, the results of such evaluation system, except that such report shall not reveal personally identifiable information about an individual teacher or school leader; and

“(4) any such other information as the State educational agency may require.

“(b) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under subpart 1 shall submit to the Secretary a report, on an annual basis until the last year in which the State educational agency receives such grant funds, on—

1 “(1) how the State educational agency is meet-
2 ing the purposes of this part described in section
3 2101; and

4 “(2) how the State educational agency is using
5 such grant funds.

6 **“SEC. 2132. NATIONAL ACTIVITIES.**

7 “From the funds reserved by the Secretary under sec-
8 tion 2111(b)(1)(A), the Secretary shall, directly or
9 through grants and contracts—

10 “(1) provide technical assistance to States and
11 local educational agencies in carrying out activities
12 under this part; and

13 “(2) acting through the Institute of Education
14 Sciences, conduct national evaluations of activities
15 carried out by State educational agencies and local
16 educational agencies under this part.

17 **“SEC. 2133. STATE DEFINED.**

18 “‘In this part, the term ‘State’ means each of the 50
19 States, the District of Columbia, and the Commonwealth
20 of Puerto Rico.’”.

21 (c) PART B.—Part B of title II (20 U.S.C. 6661 et
22 seq.) is amended to read as follows:

1 **“PART B—TEACHER AND SCHOOL LEADER**

2 **FLEXIBLE GRANT**

3 **“SEC. 2201. PURPOSE.**

4 “The purpose of this part is to improve student aca-
5 demic achievement by—

6 “(1) supporting all State educational agencies,
7 local educational agencies, schools, teachers, and
8 school leaders to pursue innovative and evidence-
9 based practices to help all students meet the State’s
10 academic standards; and

11 “(2) increasing the number of teachers and
12 school leaders who are effective in increasing student
13 academic achievement.

14 **“Subpart 1—Formula Grants to States**

15 **“SEC. 2211. STATE ALLOTMENTS.**

16 “(a) RESERVATIONS.—From the amount appro-
17 priated under section 3(b) for any fiscal year, the Sec-
18 retary—

19 “(1) shall reserve 25 percent to award grants to
20 States under this subpart; and

21 “(2) of the amount reserved under paragraph
22 (1), shall reserve—

23 “(A) not more than 1 percent for national
24 activities described in section 2233;

25 “(B) one-half of 1 percent for allotments
26 to outlying areas on the basis of their relative

1 need, as determined by the Secretary, in ac-
2 cordance with the purpose of this part; and

3 “(C) one-half of 1 percent for the Sec-
4 retary of the Interior for programs under this
5 part in schools operated or funded by the Bu-
6 reau of Indian Education.

7 “(b) STATE ALLOTMENTS.—

8 “(1) IN GENERAL.—From the total amount re-
9 served under subsection (a)(1) for each fiscal year
10 and not reserved under subparagraphs (A) through
11 (C) of subsection (a)(2), the Secretary shall allot,
12 and make available in accordance with this section,
13 to each State an amount that bears the same ratio
14 to such sums as the school-age population of the
15 State bears to the school-age population of all
16 States.

17 “(2) SMALL STATE MINIMUM.—No State receiv-
18 ing an allotment under paragraph (1) may receive
19 less than one-half of 1 percent of the total amount
20 allotted under such paragraph.

21 “(3) REALLOTMENT.—If a State does not re-
22 ceive an allotment under this subpart for a fiscal
23 year, the Secretary shall realLOT the amount of the
24 State’s allotment to the remaining States in accord-
25 ance with this section.

1 “(c) STATE APPLICATION.—In order to receive an al-
2 lotment under this section for any fiscal year, a State shall
3 submit an application to the Secretary, at such time and
4 in such manner as the Secretary may reasonably require.
5 Such application shall—

6 “(1) designate the State educational agency as
7 the agency responsible for the administration and
8 supervision of programs assisted under this part;

9 “(2) describe how the State educational agency
10 will use funds received under this section for State
11 level activities described in subsection (d)(3);

12 “(3) describe the procedures and criteria the
13 State educational agency will use for reviewing appli-
14 cations and awarding subgrants in a timely manner
15 to eligible entities under section 2221 on a competi-
16 tive basis;

17 “(4) describe how the State educational agency
18 will ensure that subgrants made under section 2221
19 are of sufficient size and scope to support effective
20 programs that will help increase academic achieve-
21 ment in the classroom and are consistent with the
22 purposes of this part;

23 “(5) describe the steps the State educational
24 agency will take to ensure that eligible entities use
25 subgrants received under section 2221 to carry out

1 programs that implement effective strategies, includ-
2 ing by providing ongoing technical assistance and
3 training, and disseminating evidence-based and other
4 effective strategies to such eligible entities;

5 “(6) describe how programs under this part will
6 be coordinated with other programs under this Act;
7 and

8 “(7) include an assurance that, other than pro-
9 viding technical and advisory assistance and moni-
10 toring compliance with this part, the State edu-
11 cational agency has not exercised, and will not exer-
12 cise, any influence in the decisionmaking processes
13 of eligible entities as to the expenditure of funds
14 made pursuant to an application submitted under
15 section 2221(b).

16 “(d) STATE USE OF FUNDS.—

17 “(1) IN GENERAL.—Each State that receives an
18 allotment under this section shall reserve not less
19 than 92 percent of the amount allotted to such State
20 under subsection (b), for each fiscal year, for sub-
21 grants to eligible entities under subpart 2.

22 “(2) STATE ADMINISTRATION.—A State edu-
23 cational agency may reserve not more than 1 percent
24 of the amount made available to the State under
25 subsection (b) for the administrative costs of car-

1 rying out such State educational agency’s respon-
2 sibilities under this subpart.

3 “(3) STATE-LEVEL ACTIVITIES.—

4 “(A) INNOVATIVE TEACHER AND SCHOOL
5 LEADER ACTIVITIES.—A State educational
6 agency shall reserve not more than 4 percent of
7 the amount made available to the State under
8 subsection (b) to carry out, solely, or in part-
9 nership with State agencies of higher education,
10 1 or more of the following activities:

11 “(i) Reforming teacher and school
12 leader certification, recertification, licens-
13 ing, and tenure systems to ensure that
14 such systems are rigorous and that—

15 “(I) each teacher has the subject
16 matter knowledge and teaching skills
17 necessary to help students meet the
18 State’s academic standards; and

19 “(II) school leaders have the in-
20 structional leadership skills to help
21 teachers instruct and students learn.

22 “(ii) Improving the quality of teacher
23 preparation programs within the State, in-
24 cluding through the use of appropriate stu-
25 dent achievement data and other factors to

1 evaluate the quality of teacher preparation
2 programs within the State.

3 “(iii) Carrying out programs that es-
4 tablish, expand, or improve alternative
5 routes for State certification or licensure of
6 teachers and school leaders, including such
7 programs for—

8 “(I) mid-career professionals
9 from other occupations, including
10 computer science and other science,
11 technology, engineering, and math
12 fields;

13 “(II) former military personnel;
14 and

15 “(III) recent graduates of an in-
16 stitution of higher education, with a
17 record of academic distinction, who
18 demonstrate the potential to become
19 effective teachers or school leaders.

20 “(iv) Developing, or assisting eligible
21 entities in developing—

22 “(I) performance-based pay sys-
23 tems for teachers and school leaders;

1 “(II) strategies that provide dif-
2 ferential, incentive, or bonus pay for
3 teachers and school leaders; or

4 “(III) teacher and school leader
5 advancement initiatives that promote
6 professional growth and emphasize
7 multiple career paths and pay dif-
8 ferentiation.

9 “(v) Developing, or assisting eligible
10 entities in developing, new, evidence-based
11 teacher and school leader induction and
12 mentoring programs that are designed
13 to—

14 “(I) improve instruction and stu-
15 dent academic achievement; and

16 “(II) increase the retention of ef-
17 fective teachers and school leaders.

18 “(vi) Providing professional develop-
19 ment for teachers and school leaders that
20 is focused on improving teaching and stu-
21 dent academic achievement, including for
22 students with different learning styles, par-
23 ticularly students with disabilities, English
24 learners, gifted and talented students, and
25 other special populations.

1 “(vii) Providing training and technical
2 assistance to eligible entities that receive a
3 subgrant under section 2221.

4 “(viii) Other activities identified by
5 the State educational agency that meet the
6 purposes of this part, including those ac-
7 tivities authorized under subparagraph
8 (B).

9 “(B) TEACHER OR SCHOOL LEADER PREP-
10 ARATION ACADEMIES.—

11 “(i) IN GENERAL.—In the case of a
12 State in which teacher or school leader
13 preparation academies are allowable under
14 State law, a State educational agency may
15 reserve not more than 3 percent of the
16 amount made available to the State under
17 subsection (b) to support the establishment
18 or expansion of one or more teacher or
19 school leader preparation academies and,
20 subject to the limitation under clause (iii),
21 to support State authorizers for such acad-
22 emies.

23 “(ii) MATCHING REQUIREMENT.—A
24 State educational agency shall not provide
25 funds under this subparagraph to support

1 the establishment or expansion of a teach-
2 er or school leader preparation academy
3 unless the academy agrees to provide, ei-
4 ther directly or through private contribu-
5 tions, non-Federal matching funds equal to
6 not less than 10 percent of the amount of
7 the funds the academy will receive under
8 this subparagraph.

9 “(iii) FUNDING FOR STATE AUTHOR-
10 IZERS.—Not more than 5 percent of funds
11 provided to a teacher or school leader prep-
12 aration academy under this subparagraph
13 may be used to support activities of State
14 authorizers for such academy.

15 **“SEC. 2212. APPROVAL AND DISAPPROVAL OF STATE APPLI-**
16 **CATIONS.**

17 “(a) DEEMED APPROVAL.—An application submitted
18 by a State pursuant to section 2211(c) shall be deemed
19 to be approved by the Secretary unless the Secretary
20 makes a written determination, prior to the expiration of
21 the 120-day period beginning on the date on which the
22 Secretary received the application, that the application is
23 not in compliance with section 2211(c).

24 “(b) DISAPPROVAL PROCESS.—

1 “(1) IN GENERAL.—The Secretary shall not fi-
2 nally disapprove an application submitted under sec-
3 tion 2211(c), except after giving the State edu-
4 cational agency notice and an opportunity for a
5 hearing.

6 “(2) NOTIFICATION.—If the Secretary finds
7 that an application is not in compliance, in whole or
8 in part, with section 2211(c) the Secretary shall—

9 “(A) give the State educational agency no-
10 tice and an opportunity for a hearing; and

11 “(B) notify the State educational agency of
12 the finding of noncompliance and, in such noti-
13 fication, shall—

14 “(i) cite the specific provisions in the
15 application that are not in compliance; and

16 “(ii) request additional information,
17 only as to the noncompliant provisions,
18 needed to make the application compliant.

19 “(3) RESPONSE.—If a State educational agency
20 responds to a notification from the Secretary under
21 paragraph (2)(B) during the 45-day period begin-
22 ning on the date on which the State educational
23 agency received the notification, and resubmits the
24 application with the requested information described

1 in paragraph (2)(B)(ii), the Secretary shall approve
 2 or disapprove such application prior to the later of—

3 “(A) the expiration of the 45-day period
 4 beginning on the date on which the application
 5 is resubmitted; or

6 “(B) the expiration of the 120-day period
 7 described in subsection (a).

8 “(4) FAILURE TO RESPOND.—If the State edu-
 9 cational agency does not respond to a notification
 10 from the Secretary under paragraph (2)(B) during
 11 the 45-day period beginning on the date on which
 12 the State educational agency received the notifica-
 13 tion, such application shall be deemed to be dis-
 14 approved.

15 **“Subpart 2—Local Competitive Grant Program**

16 **“SEC. 2221. LOCAL COMPETITIVE GRANT PROGRAM.**

17 “(a) IN GENERAL.—A State that receives an allot-
 18 ment under section 2211(b) for a fiscal year shall use the
 19 amount reserved under section 2211(d)(1) to award sub-
 20 grants, on a competitive basis, to eligible entities in ac-
 21 cordance with this section to enable such entities to carry
 22 out the programs and activities described in section 2222.

23 “(b) APPLICATION.—

24 “(1) IN GENERAL.—To be eligible to receive a
 25 subgrant under this section, an eligible entity shall

1 submit an application to the State educational agen-
2 cy at such time, in such manner, and including such
3 information as the State educational agency may
4 reasonably require.

5 “(2) CONTENTS.—Each application submitted
6 under paragraph (1) shall include—

7 “(A) a description of the programs and ac-
8 tivities to be funded and how they are con-
9 sistent with the purposes of this part; and

10 “(B) an assurance that the eligible entity
11 will comply with section 6501 (regarding par-
12 ticipation by private school children and teach-
13 ers).

14 “(c) PEER REVIEW.—In reviewing applications under
15 this section, a State educational agency shall use a peer
16 review process or other methods of assuring the quality
17 of such applications but the review shall only judge the
18 likelihood of the activity to increase student academic
19 achievement. The reviewers shall not make a determina-
20 tion based on the policy of the proposed activity.

21 “(d) GEOGRAPHIC DIVERSITY.—A State educational
22 agency shall distribute funds under this section equitably
23 among geographic areas within the State, including rural,
24 suburban, and urban communities.

1 “(e) DURATION OF AWARDS.—A State educational
2 agency may award subgrants under this section for a pe-
3 riod of not more than 5 years.

4 “(f) MATCHING.—An eligible entity receiving a
5 subgrant under this section shall provide, either directly
6 or through private contributions, non-Federal matching
7 funds equal to not less than 10 percent of the amount
8 of the subgrant.

9 **“SEC. 2222. LOCAL AUTHORIZED ACTIVITIES.**

10 “(a) IN GENERAL.—Each eligible entity receiving a
11 subgrant under section 2221 shall use such subgrant
12 funds to develop, implement, and evaluate comprehensive
13 programs and activities, that are in accordance with the
14 purpose of this part and—

15 “(1) are consistent with the principles of effec-
16 tiveness described in subsection (b); and

17 “(2) may include, among other programs and
18 activities—

19 “(A) developing and implementing initia-
20 tives to assist in recruiting, hiring, and retain-
21 ing highly effective teachers and school leaders,
22 including initiatives that provide—

23 “(i) differential, incentive, or bonus
24 pay for teachers and school leaders;

1 “(ii) performance-based pay systems
2 for teachers and school leaders;

3 “(iii) teacher and school leader ad-
4 vancement initiatives that promote profes-
5 sional growth and emphasize multiple ca-
6 reer paths and pay differentiation;

7 “(iv) new teacher and school leader
8 induction and mentoring programs that
9 are designed to improve instruction, stu-
10 dent academic achievement, and to in-
11 crease teacher and school leader retention;
12 and

13 “(v) teacher residency programs, and
14 school leader residency programs, designed
15 to develop and support new teachers or
16 new school leaders, respectively;

17 “(B) supporting the establishment or ex-
18 pansion of teacher or school leader preparation
19 academies under section 2211(d)(3)(B);

20 “(C) recruiting qualified individuals from
21 other fields, including individuals from com-
22 puter science and other science, technology, en-
23 gineering, and math fields, mid-career profes-
24 sionals from other occupations, and former mili-
25 tary personnel;

1 “(D) establishing, improving, or expanding
2 model instructional programs to ensure that all
3 children meet the State’s academic standards;

4 “(E) providing evidence-based, job embed-
5 ded, continuous professional development for
6 teachers and school leaders focused on improv-
7 ing teaching and student academic achievement;

8 “(F) implementing programs based on the
9 current science of learning, which includes re-
10 search on positive brain change and cognitive
11 skill development;

12 “(G) recruiting and training teachers to
13 teach dual credit, dual enrollment, Advanced
14 Placement, or International Baccalaureate post-
15 secondary-level courses to secondary school stu-
16 dents; and

17 “(H) other activities and programs identi-
18 fied as necessary by the local educational agen-
19 cy that meet the purpose of this part.

20 “(b) PRINCIPLES OF EFFECTIVENESS.—For a pro-
21 gram or activity developed pursuant to this section to meet
22 the principles of effectiveness, such program or activity
23 shall—

24 “(1) be based upon an assessment of objective
25 data regarding the need for programs and activities

1 in the elementary schools and secondary schools
2 served to increase the number of teachers and school
3 leaders who are effective in improving student aca-
4 demic achievement;

5 “(2) reflect evidence-based research, or in the
6 absence of a strong research base, reflect effective
7 strategies in the field, that provide evidence that the
8 program or activity will improve student academic
9 achievement; and

10 “(3) include meaningful and ongoing consulta-
11 tion with, and input from, teachers, school leaders,
12 and parents, in the development of the application
13 and administration of the program or activity.

14 **“Subpart 3—General Provisions**

15 **“SEC. 2231. PERIODIC EVALUATION.**

16 “(a) IN GENERAL.—Each eligible entity and each
17 teacher or school leader preparation academy that receives
18 funds under this part shall undergo a periodic evaluation
19 by the State educational agency involved to assess such
20 entity’s or such academy’s progress toward achieving the
21 purposes of this part.

22 “(b) USE OF RESULTS.—The results of an evaluation
23 described in subsection (a) of an eligible entity or academy
24 shall be—

1 “(1) used to refine, improve, and strengthen
2 such eligible entity or such academy, respectively;
3 and

4 “(2) made available to the public upon request,
5 with public notice of such availability provided.

6 **“SEC. 2232. REPORTING REQUIREMENTS.**

7 “(a) ELIGIBLE ENTITIES AND ACADEMIES.—Each
8 eligible entity and each teacher or school leader prepara-
9 tion academy that receives funds from a State educational
10 agency under this part shall prepare and submit annually
11 to such State educational agency a report that includes—

12 “(1) a description of the progress of the eligible
13 entity or teacher or school leader preparation acad-
14 emy, respectively, in meeting the purposes of this
15 part;

16 “(2) a description of the programs and activi-
17 ties conducted by the eligible entity or teacher or
18 school leader preparation academy, respectively, with
19 funds received under this part;

20 “(3) how the eligible entity or teacher or school
21 leader preparation academy, respectively, is using
22 such funds; and

23 “(4) any such other information as the State
24 educational agency may require.

1 “(b) STATE EDUCATIONAL AGENCIES.—Each State
2 educational agency that receives a grant under this part
3 shall prepare and submit, annually, to the Secretary a re-
4 port that includes—

5 “(1) a description of the programs and activi-
6 ties conducted by the State educational agency with
7 grant funds received under this part;

8 “(2) a description of the progress of the State
9 educational agency in meeting the purposes of this
10 part described in section 2201;

11 “(3) how the State educational agency is using
12 grant funds received under this part;

13 “(4) the methods and criteria the State edu-
14 cational agency used to award subgrants in a timely
15 manner to eligible entities under section 2221 and,
16 if applicable, funds in a timely manner to teacher or
17 school leader academies under section
18 2211(d)(3)(B); and

19 “(5) the results of the periodic evaluations con-
20 ducted under section 2231.

21 **“SEC. 2233. NATIONAL ACTIVITIES.**

22 “From the funds reserved by the Secretary under sec-
23 tion 2211(a)(2)(A), the Secretary shall, directly or
24 through grants and contracts—

1 “(1) provide technical assistance to States and
2 eligible entities in carrying out activities under this
3 part; and

4 “(2) acting through the Institute of Education
5 Sciences, conduct national evaluations of activities
6 carried out by States and eligible entities under this
7 part.

8 **“SEC. 2234. DEFINITIONS.**

9 “In this part:

10 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
11 tity’ means—

12 “(A) a local educational agency or consor-
13 tium of local educational agencies;

14 “(B) an institution of higher education or
15 consortium of such institutions in partnership
16 with a local educational agency or consortium
17 of local educational agencies;

18 “(C) a for-profit organization, a nonprofit
19 organization, or a consortium of for-profit or
20 nonprofit organizations in partnership with a
21 local educational agency or consortium of local
22 educational agencies; or

23 “(D) a consortium of the entities described
24 in subparagraphs (B) and (C).

1 “(2) STATE.—The term ‘State’ means each of
2 the 50 States, the District of Columbia, and the
3 Commonwealth of Puerto Rico.

4 “(3) STATE AUTHORIZER.—The term ‘State au-
5 thorizer’ means an entity designated by the Gov-
6 ernor of a State to authorize teacher or school leader
7 preparation academies within the State that—

8 “(A) enters into an agreement with a
9 teacher or school leader preparation academy
10 that—

11 “(i) specifies the goals expected of the
12 academy, which, at a minimum, include the
13 goals described in paragraph (4); and

14 “(ii) does not reauthorize the academy
15 if such goals are not met; and

16 “(B) may be a nonprofit organization, a
17 State educational agency, or other public entity,
18 or consortium of such entities (including a con-
19 sortium of State educational agencies).

20 “(4) TEACHER OR SCHOOL LEADER PREPARA-
21 TION ACADEMY.—The term ‘teacher or school leader
22 preparation academy’ means a public or private enti-
23 ty, or a nonprofit or for-profit organization, which
24 may be an institution of higher education or an or-
25 ganization affiliated with an institution of higher

1 education, that will prepare teachers or school lead-
2 ers to serve in schools, and that—

3 “(A) enters into an agreement with a State
4 authorizer that specifies the goals expected of
5 the academy, including—

6 “(i) a requirement that prospective
7 teachers or school leaders who are enrolled
8 in a teacher or school leader preparation
9 academy receive a significant part of their
10 training through clinical preparation that
11 partners the prospective candidate with an
12 effective teacher or school leader, respec-
13 tively, with a demonstrated record of in-
14 creasing student achievement, while also
15 receiving concurrent instruction from the
16 academy in the content area (or areas) in
17 which the prospective teacher or school
18 leader will become certified or licensed;

19 “(ii) the number of effective teachers
20 or school leaders, respectively, who will
21 demonstrate success in increasing student
22 achievement that the academy will
23 produce; and

24 “(iii) a requirement that a teacher or
25 school leader preparation academy will only

1 award a certificate of completion after the
2 graduate demonstrates that the graduate is
3 an effective teacher or school leader, re-
4 spectively, with a demonstrated record of
5 increasing student achievement, except
6 that an academy may award a provisional
7 certificate for the period necessary to allow
8 the graduate to demonstrate such effective-
9 ness;

10 “(B) does not have restrictions on the
11 methods the academy will use to train prospec-
12 tive teacher or school leader candidates, includ-
13 ing—

14 “(i) obligating (or prohibiting) the
15 academy’s faculty to hold advanced degrees
16 or conduct academic research;

17 “(ii) restrictions related to the acad-
18 emy’s physical infrastructure;

19 “(iii) restrictions related to the num-
20 ber of course credits required as part of
21 the program of study;

22 “(iv) restrictions related to the under-
23 graduate coursework completed by teachers
24 teaching or working on alternative certifi-
25 cates, licenses, or credentials, as long as

1 such teachers have successfully passed all
2 relevant State-approved content area ex-
3 aminations; or

4 “(v) restrictions related to obtaining
5 accreditation from an accrediting body for
6 purposes of becoming an academy;

7 “(C) limits admission to its program to
8 prospective teacher or school leader candidates
9 who demonstrate strong potential to improve
10 student achievement, based on a rigorous selec-
11 tion process that reviews a candidate’s prior
12 academic achievement or record of professional
13 accomplishment; and

14 “(D) results in a certificate of completion
15 that the State may recognize as at least the
16 equivalent of a master’s degree in education for
17 the purposes of hiring, retention, compensation,
18 and promotion in the State.

19 “(5) TEACHER RESIDENCY PROGRAM.—The
20 term ‘teacher residency program’ means a school-
21 based teacher preparation program in which a pro-
22 spective teacher—

23 “(A) for one academic year, teaches along-
24 side an effective teacher, as determined by a

teacher evaluation system implemented under part A, who is the teacher of record;

“(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution (as defined in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021)), which courses may be taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed; and

“(C) acquires effective teaching skills.”.

(d) PART C.—Part C of title II (20 U.S.C. 6671 et seq.) is amended—

(1) by striking subparts 1 through 4;

(2) by striking the heading relating to subpart 5;

(3) by striking sections 2361 and 2368;

(4) in section 2362, by striking “principals” and inserting “school leaders”;

(5) in section 2363(6)(A), by striking “principal” and inserting “school leader”;

(6) in section 2366(b), by striking “ate law” and inserting “(3) A State law”;

1 (7) by redesignating section 2362 as section
2 2361;

3 (8) by redesignating sections 2364 through
4 2367 as sections 2362 through 2365, respectively;
5 and

6 (9) by redesignating section 2363 as section
7 2366 and transferring such section to appear after
8 section 2365 (as so redesignated).

9 (e) PART D.—Part D of title II (20 U.S.C. 6751 et
10 seq.) is amended to read as follows:

11 **“PART D—GENERAL PROVISIONS**

12 **“SEC. 2401. INCLUSION OF CHARTER SCHOOLS.**

13 “In this title, the term ‘local educational agency’ in-
14 cludes a charter school (as defined in section 6101) that,
15 in the absence of this section, would not have received
16 funds under this title.

17 **“SEC. 2402. PARENTS’ RIGHT TO KNOW.**

18 “At the beginning of each school year, a local edu-
19 cational agency that receives funds under this title shall
20 notify the parents of each student attending any school
21 receiving funds under this title that the parents may re-
22 quest, and the agency will provide the parents on request
23 (and in a timely manner), information regarding the pro-
24 fessional qualifications of the student’s classroom teach-
25 ers.

1 **“SEC. 2403. SUPPLEMENT, NOT SUPPLANT.**

2 “Funds received under this title shall be used to sup-
3 plement, and not supplant, non-Federal funds that would
4 otherwise be used for activities authorized under this
5 title.”.

6 **SEC. 202. CONFORMING REPEALS.**

7 (a) CONFORMING REPEALS.—Title II of the Higher
8 Education Act of 1965 (20 U.S.C. 1021 et seq.) is amend-
9 ed by repealing sections 201 through 204.

10 (b) EFFECTIVE DATE.—The repeals made by sub-
11 section (a) shall take effect October 1, 2015.

12 **TITLE III—PARENTAL ENGAGE-**
13 **MENT AND LOCAL FLEXI-**
14 **BILITY**

15 **SEC. 301. PARENTAL ENGAGEMENT AND LOCAL FLEXI-**
16 **BILITY.**

17 Title III (20 U.S.C. 6801 et seq.) is amended to read
18 as follows:

1 **“TITLE III—PARENTAL ENGAGE-**
2 **MENT AND LOCAL FLEXI-**
3 **BILITY**

4 **“PART A—PARENTAL ENGAGEMENT**

5 **“Subpart 1—Charter School Program**

6 **“SEC. 3101. PURPOSE.**

7 “It is the purpose of this subpart to—

8 “(1) improve the United States education sys-
9 tem and education opportunities for all Americans
10 by supporting innovation in public education in pub-
11 lic school settings that prepare students to compete
12 and contribute to the global economy;

13 “(2) provide financial assistance for the plan-
14 ning, program design, and initial implementation of
15 charter schools;

16 “(3) expand the number of high-quality charter
17 schools available to students across the Nation;

18 “(4) evaluate the impact of such schools on stu-
19 dent achievement, families, and communities, and
20 share best practices between charter schools and
21 other public schools;

22 “(5) encourage States to provide support to
23 charter schools for facilities financing in an amount
24 more nearly commensurate to the amount the States
25 have typically provided for traditional public schools;

1 “(6) improve student services to increase oppor-
2 tunities for students with disabilities, English learn-
3 ers, and other traditionally underserved students to
4 attend charter schools and meet challenging State
5 academic achievement standards;

6 “(7) support efforts to strengthen the charter
7 school authorizing process to improve performance
8 management, including transparency, oversight,
9 monitoring, and evaluation of such schools; and

10 “(8) support quality accountability and trans-
11 parency in the operational performance of all au-
12 thorized public chartering agencies, which include
13 State educational agencies, local educational agen-
14 cies, and other authorizing entities.

15 **“SEC. 3102. PROGRAM AUTHORIZED.**

16 “(a) IN GENERAL.—This subpart authorizes the Sec-
17 retary to carry out a charter school program that supports
18 charter schools that serve elementary school and sec-
19 ondary school students by—

20 “(1) supporting the startup of charter schools,
21 and the replication and expansion of high-quality
22 charter schools;

23 “(2) assisting charter schools in accessing cred-
24 it to acquire and renovate facilities for school use;
25 and

1 “(3) carrying out national activities to sup-
2 port—

3 “(A) charter school development;

4 “(B) the dissemination of best practices of
5 charter schools for all schools;

6 “(C) the evaluation of the impact of the
7 program on schools participating in the pro-
8 gram; and

9 “(D) stronger charter school authorizing.

10 “(b) FUNDING ALLOTMENT.—From the amount
11 made available under section 3(c)(1)(A) for a fiscal year,
12 the Secretary shall—

13 “(1) reserve 12.5 percent to support charter
14 school facilities assistance under section 3104;

15 “(2) reserve not more than 10 percent to carry
16 out national activities under section 3105; and

17 “(3) use the remaining amount after the Sec-
18 retary reserves funds under paragraphs (1) and (2)
19 to carry out section 3103.

20 “(c) PRIOR GRANTS AND SUBGRANTS.—The recipi-
21 ent of a grant or subgrant under this subpart or subpart
22 2, as such subpart was in effect on the day before the
23 date of enactment of the Student Success Act, shall con-
24 tinue to receive funds in accordance with the terms and
25 conditions of such grant or subgrant.

1 “(d) GAO REPORT.—Not later than 3 years after the
2 date of enactment of the Student Success Act, the Comp-
3 troller General of the United States shall submit a report
4 to the Secretary and Congress that—

5 “(1) examines whether the funds authorized to
6 be reserved by State entities for administrative costs
7 under section 3103(b)(1)(C) is appropriate; and

8 “(2) if such reservation of funds is determined
9 not to be appropriate, makes recommendations on
10 the appropriate reservation of funding for such ad-
11 ministrative costs.

12 **“SEC. 3103. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**
13 **SCHOOLS.**

14 “(a) IN GENERAL.—From the amount reserved
15 under section 3102(b)(3), the Secretary shall award
16 grants to State entities having applications approved pur-
17 suant to subsection (f) to enable such entities to—

18 “(1) award subgrants to eligible applicants for
19 opening and preparing to operate—

20 “(A) new charter schools;

21 “(B) replicated, high-quality charter school
22 models; or

23 “(C) expanded, high-quality charter
24 schools; and

1 “(2) provide technical assistance to eligible ap-
2 plicants and authorized public chartering agencies in
3 carrying out the activities described in paragraph (1)
4 and work with authorized public chartering agencies
5 in the State to improve authorizing quality.

6 “(b) STATE USES OF FUNDS.—

7 “(1) IN GENERAL.—A State entity receiving a
8 grant under this section shall—

9 “(A) use not less than 90 percent of the
10 grant funds to award subgrants to eligible ap-
11 plicants, in accordance with the quality charter
12 school program described in the State entity’s
13 application approved pursuant to subsection (f),
14 for the purposes described in subparagraphs
15 (A) through (C) of subsection (a)(1);

16 “(B) reserve not less than 7 percent of
17 such funds to carry out the activities described
18 in subsection (a)(2); and

19 “(C) reserve not more than 3 percent of
20 such funds for administrative costs which may
21 include technical assistance.

22 “(2) CONTRACTS AND GRANTS.—A State entity
23 may use a grant received under this section to carry
24 out the activities described in subparagraphs (A)

1 and (B) of paragraph (1) directly or through grants,
2 contracts, or cooperative agreements.

3 “(3) RULE OF CONSTRUCTION.—Nothing in
4 this Act shall prohibit the Secretary from awarding
5 grants to States that use a weighted lottery to give
6 slightly better chances for admission to all, or a sub-
7 set of, educationally disadvantaged students if—

8 “(A) the use of weighted lotteries in favor
9 of such students is not prohibited by State law,
10 and such State law is consistent with laws de-
11 scribed in section 6101(3)(G); and

12 “(B) such weighted lotteries are not used
13 for the purpose of creating schools exclusively
14 to serve a particular subset of students.

15 “(c) PROGRAM PERIODS; PEER REVIEW; GRANT
16 NUMBER AND AMOUNT; DIVERSITY OF PROJECTS; WAIV-
17 ERS.—

18 “(1) PROGRAM PERIODS.—

19 “(A) GRANTS.—A grant awarded by the
20 Secretary to a State entity under this section
21 shall be for a period of not more than 5 years.

22 “(B) SUBGRANTS.—A subgrant awarded
23 by a State entity under this section shall be for
24 a period of not more than 5 years, of which an

1 eligible applicant may use not more than 18
2 months for planning and program design.

3 “(2) PEER REVIEW.—The Secretary, and each
4 State entity receiving a grant under this section,
5 shall use a peer review process to review applications
6 for assistance under this section.

7 “(3) GRANT AWARDS.—The Secretary shall—

8 “(A) for each fiscal year for which funds
9 are appropriated under section 3(c)(1)(A)—

10 “(i) award not less than 3 grants
11 under this section;

12 “(ii) wholly fund each grant awarded
13 under this section, without making con-
14 tinuation awards; and

15 “(iii) fully obligate the funds appro-
16 priated for the purpose of awarding grants
17 under this section in the fiscal year for
18 which such grants are awarded; and

19 “(B) prior to the start of the final year of
20 the grant period of each grant awarded under
21 this section to a State entity, review whether
22 the State entity is using the grant funds for the
23 agreed upon uses of funds and whether the full
24 amount of the grant will be needed for the re-
25 mainder of the grant period and may, as deter-

1 mined necessary based on that review, termi-
2 nate or reduce the amount of the grant and re-
3 allocate the remaining grant funds to other
4 State entities during the succeeding grant com-
5 petition under this section.

6 “(4) DIVERSITY OF PROJECTS.—Each State en-
7 tity receiving a grant under this section shall award
8 subgrants under this section in a manner that, to
9 the extent possible, ensures that such subgrants—

10 “(A) are distributed throughout different
11 areas, including urban, suburban, and rural
12 areas; and

13 “(B) will assist charter schools rep-
14 resenting a variety of educational approaches.

15 “(5) WAIVERS.—The Secretary may waive any
16 statutory or regulatory requirement over which the
17 Secretary exercises administrative authority, except
18 for any such requirement relating to the elements of
19 a charter school described in section 6101(3), if—

20 “(A) the waiver is requested in an ap-
21 proved application under this section; and

22 “(B) the Secretary determines that grant-
23 ing such a waiver will promote the purposes of
24 this subpart.

25 “(d) LIMITATIONS.—

1 “(1) GRANTS.—The Secretary shall not award
2 a grant to a State entity under this section in a case
3 in which such award would result in more than 1
4 grant awarded under this section being carried out
5 in a State at the same time.

6 “(2) SUBGRANTS.—An eligible applicant may
7 not receive more than 1 subgrant under this section
8 per individual charter school for a 5-year period, un-
9 less the eligible applicant demonstrates to the State
10 entity not less than 3 years of improved educational
11 results in the areas described in subparagraphs (A)
12 and (D) of section 3110(7) for students enrolled in
13 such charter school.

14 “(e) APPLICATIONS.—A State entity desiring to re-
15 ceive a grant under this section shall submit an application
16 to the Secretary at such time and in such manner as the
17 Secretary may require. The application shall include the
18 following:

19 “(1) DESCRIPTION OF PROGRAM.—A descrip-
20 tion of the State entity’s objectives under this sec-
21 tion and how the objectives of the State entity’s
22 quality charter school program will be carried out,
23 including a description—

24 “(A) of how the State entity—

1 “(i) will support the opening of new
2 charter schools, replicated, high-quality
3 charter school models, or expanded, high-
4 quality charter schools, and a description
5 of the proposed number of each type of
6 charter school or model, if applicable, to be
7 opened under the State entity’s program;

8 “(ii) will inform eligible charter
9 schools, developers, and authorized public
10 chartering agencies of the availability of
11 funds under the program;

12 “(iii) will work with eligible applicants
13 to ensure that the eligible applicants access
14 all Federal funds that they are eligible to
15 receive, and help the charter schools sup-
16 ported by the applicants and the students
17 attending the charter schools—

18 “(I) participate in the Federal
19 programs in which the schools and
20 students are eligible to participate;

21 “(II) receive the commensurate
22 share of Federal funds the schools
23 and students are eligible to receive
24 under such programs; and

1 “(III) meet the needs of students
2 served under such programs, including
3 students with disabilities and English
4 learners;

5 “(iv) will have clear plans and proce-
6 dures to assist students enrolled in a char-
7 ter school that closes or loses its charter to
8 attend other high-quality schools;

9 “(v) in the case in which the State en-
10 tity is not a State educational agency—

11 “(I) will work with the State edu-
12 cational agency and the charter
13 schools in the State to maximize char-
14 ter school participation in Federal and
15 State programs for charter schools;
16 and

17 “(II) will work with the State
18 educational agency to adequately op-
19 erate the State entity’s program
20 under this section, where applicable;

21 “(vi) will ensure each eligible appli-
22 cant that receives a subgrant under the
23 State entity’s program to open and prepare
24 to operate a new charter school, a rep-
25 licated, high-quality charter school model,

1 or an expanded, high-quality charter
2 school—

3 “(I) will ensure such school or
4 model meets the requirements under
5 section 6101(3); and

6 “(II) is prepared to continue to
7 operate such school or model, in a
8 manner consistent with the eligible
9 applicant’s application, after the
10 subgrant funds have expired;

11 “(vii) will support charter schools in
12 local educational agencies with large num-
13 bers of schools identified by the State for
14 improvement, including supporting the use
15 of charter schools to improve, or in turning
16 around, struggling schools;

17 “(viii) will work with charter schools
18 to promote inclusion of all students, in-
19 cluding eliminating any barriers to enroll-
20 ment for foster youth or unaccompanied
21 homeless youth, and support all students
22 once they are enrolled to promote retention
23 including through the use of fair discipli-
24 nary practice;

1 “(ix) will work with charter schools on
2 recruitment practices, including efforts to
3 engage groups that may otherwise have
4 limited opportunities to participate in char-
5 ter schools, and to ensure such schools do
6 not have in effect policies or procedures
7 that may create barriers to enrollment of
8 students, including educationally disadvan-
9 tagged students, and are in compliance with
10 all Federal and State laws on enrollment
11 practices;

12 “(x) will share best and promising
13 practices between charter schools and
14 other public schools, including, where ap-
15 propriate, instruction and professional de-
16 velopment in core academic subjects, and
17 science, technology, engineering, and math
18 education, including computer science;

19 “(xi) will ensure the charter schools
20 receiving funds under the State entity’s
21 program meet the educational needs of
22 their students, including students with dis-
23 abilities and English learners;

24 “(xii) will support efforts to increase
25 quality initiatives, including meeting the

1 quality authorizing elements described in
2 paragraph (2)(E);

3 “(xiii) in the case of a State entity
4 not described in clause (xiv), will provide
5 oversight of authorizing activity, including
6 how the State will approve, actively mon-
7 itor, and re-approve or revoke the author-
8 ity of an authorized public chartering
9 agency based on the performance of the
10 charter schools authorized by such agency
11 in the areas of student achievement, stu-
12 dent safety, financial management, and
13 compliance with all applicable statutes and
14 regulations;

15 “(xiv) in the case of a State entity de-
16 fined in subsection (i)(4), will work with
17 the State to provide assistance to and over-
18 sight of authorized public chartering agen-
19 cies for authorizing activity described in
20 clause (xiii); and

21 “(xv) will work with eligible applicants
22 receiving a subgrant under the State enti-
23 ty’s program to support the opening of
24 charter schools or charter school models

1 described in clause (i) that are secondary
2 schools;

3 “(B) of the extent to which the State enti-
4 ty—

5 “(i) is able to meet and carry out the
6 priorities listed in subsection (f)(2); and

7 “(ii) is working to develop or
8 strengthen a cohesive statewide system to
9 support the opening of new charter
10 schools, replicated, high-quality charter
11 school models, or expanded, high-quality
12 charter schools;

13 “(C) of how the State entity will carry out
14 the subgrant competition, including—

15 “(i) a description of the application
16 each eligible applicant desiring to receive a
17 subgrant will submit, including—

18 “(I) a description of the roles
19 and responsibilities of the eligible ap-
20 plicant, partner organizations, and
21 management organizations, including
22 the administrative and contractual
23 roles and responsibilities;

24 “(II) a description of the quality
25 controls agreed to between the eligible

1 applicant and the authorized public
2 chartering agency involved, such as a
3 contract or performance agreement,
4 how a school's performance in the
5 State's academic accountability sys-
6 tem will be a primary factor for re-
7 newal or revocation of the school's
8 charter, and how the State entity and
9 the authorized public chartering agen-
10 cy involved will reserve the right to re-
11 voke or not renew a school's charter
12 based on financial, structural, or oper-
13 ational factors involving the manage-
14 ment of the school;

15 “(III) a description of how the el-
16 igible applicant will solicit and con-
17 sider input from parents and other
18 members of the community on the im-
19 plementation and operation of each
20 charter school that will receive funds
21 under the State entity's program; and

22 “(IV) a description of the
23 planned activities and expenditures
24 for the subgrant funds for purposes of
25 opening and preparing to operate a

1 new charter school, a replicated, high-
2 quality charter school model, or an ex-
3 panded, high-quality charter school,
4 and how the school or model will
5 maintain financial sustainability after
6 the end of the subgrant period; and

7 “(ii) a description of how the State
8 entity will review applications;

9 “(D) in the case of a State entity that
10 partners with an outside organization to carry
11 out the State entity’s quality charter school
12 program, in whole or in part, of the roles and
13 responsibilities of this partner;

14 “(E) of how the State entity will help the
15 charter schools receiving funds under the State
16 entity’s program consider the transportation
17 needs of the schools’ students; and

18 “(F) of how the State entity will support
19 diverse charter school models, including models
20 that serve rural communities.

21 “(2) ASSURANCES.—Assurances, including a
22 description of how the assurances will be met,
23 that—

24 “(A) each charter school receiving funds
25 under the State entity’s program will have a

1 high degree of autonomy over budget and oper-
2 ations;

3 “(B) the State entity will support charter
4 schools in meeting the educational needs of
5 their students as described in paragraph
6 (1)(A)(xi);

7 “(C) the State entity will ensure that the
8 authorized public chartering agency of any
9 charter school that receives funds under the
10 State entity’s program—

11 “(i) adequately monitors each such
12 charter school in recruiting, enrolling, and
13 meeting the needs of all students, includ-
14 ing students with disabilities and English
15 learners; and

16 “(ii) ensures that each such charter
17 school solicits and considers input from
18 parents and other members of the commu-
19 nity on the implementation and operation
20 of the school;

21 “(D) the State entity will provide adequate
22 technical assistance to eligible applicants to—

23 “(i) meet the objectives described in
24 clauses (viii) and (ix) of paragraph (1)(A)

1 and subparagraph (B) of this paragraph;
2 and

3 “(ii) recruit, enroll, and retain tradi-
4 tionally underserved students, including
5 students with disabilities and English
6 learners, at rates similar to traditional
7 public schools;

8 “(E) the State entity will promote quality
9 authorizing, such as through providing technical
10 assistance and supporting all authorized public
11 chartering agencies in the State to improve the
12 oversight of their charter schools, including
13 by—

14 “(i) assessing annual performance
15 data of the schools, including, as appro-
16 priate, graduation rates, student academic
17 growth, and rates of student attrition;

18 “(ii) reviewing the schools’ inde-
19 pendent, annual audits of financial state-
20 ments conducted in accordance with gen-
21 erally accepted accounting principles, and
22 ensuring any such audits are publically re-
23 ported; and

24 “(iii) holding charter schools account-
25 able to the academic, financial, and oper-

1 ational quality controls agreed to between
2 the charter school and the authorized pub-
3 lic chartering agency involved, such as
4 through renewal, non-renewal, or revoca-
5 tion of the school’s charter;

6 “(F) the State entity will work to ensure
7 that charter schools are included with the tradi-
8 tional public schools in decisionmaking about
9 the public school system in the State; and

10 “(G) The State entity will ensure that each
11 charter school receiving funds under the State
12 entity’s program makes publicly available, con-
13 sistent with the dissemination requirements of
14 the annual State report card, information to
15 help parents make informed decisions about the
16 education options available to their children, in-
17 cluding information for each school on—

18 “(i) the educational program;

19 “(ii) student support services;

20 “(iii) annual performance and enroll-
21 ment data, disaggregated by the groups of
22 students described in section
23 1111(b)(3)(B)(ii)(II), except that such
24 disaggregation shall not be required in a
25 case in which the number of students in a

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

5 “(iv) any other information the State
6 requires all other public schools to report
7 for purposes of section 1111(h)(1)(D).

8 “(3) REQUESTS FOR WAIVERS.—A request and
9 justification for waivers of any Federal statutory or
10 regulatory provisions that the State entity believes
11 are necessary for the successful operation of the
12 charter schools that will receive funds under the
13 State entity’s program under this section or, in the
14 case of a State entity defined in subsection (i)(4), a
15 description of how the State entity will work with
16 the State to request such necessary waivers, where
17 applicable, and a description of any State or local
18 rules, generally applicable to public schools, that will
19 be waived, or otherwise not apply to such schools.

20 “(f) SELECTION CRITERIA; PRIORITY.—

21 “(1) SELECTION CRITERIA.—The Secretary
22 shall award grants to State entities under this sec-
23 tion on the basis of the quality of the applications
24 submitted under subsection (e), after taking into
25 consideration—

1 “(A) the degree of flexibility afforded by
2 the State’s public charter school law and how
3 the State entity will work to maximize the flexi-
4 bility provided to charter schools under the law;

5 “(B) the ambitiousness of the State enti-
6 ty’s objectives for the quality charter school
7 program carried out under this section;

8 “(C) the quality of the strategy for assess-
9 ing achievement of those objectives;

10 “(D) the likelihood that the eligible appli-
11 cants receiving subgrants under the program
12 will meet those objectives and improve edu-
13 cational results for students;

14 “(E) the State entity’s plan to—

15 “(i) adequately monitor the eligible
16 applicants receiving subgrants under the
17 State entity’s program;

18 “(ii) work with the authorized public
19 chartering agencies involved to avoid dupli-
20 cation of work for the charter schools and
21 authorized public chartering agencies; and

22 “(iii) provide adequate technical as-
23 sistance and support for—

1 “(I) the charter schools receiving
2 funds under the State entity’s pro-
3 gram; and

4 “(II) quality authorizing efforts
5 in the State; and

6 “(F) the State entity’s plan to solicit and
7 consider input from parents and other members
8 of the community on the implementation and
9 operation of the charter schools in the State.

10 “(2) PRIORITY.—In awarding grants under this
11 section, the Secretary shall give priority to State en-
12 tities to the extent that they meet the following cri-
13 teria:

14 “(A) In the case of a State entity located
15 in a State that allows an entity other than a
16 local educational agency to be an authorized
17 public chartering agency, the State has a qual-
18 ity authorized public chartering agency that is
19 an entity other than a local educational agency.

20 “(B) The State entity is located in a State
21 that does not impose any limitation on the
22 number or percentage of charter schools that
23 may exist or the number or percentage of stu-
24 dents that may attend charter schools in the
25 State.

1 “(C) The State entity is located in a State
2 that ensures equitable financing, as compared
3 to traditional public schools, for charter schools
4 and students in a prompt manner.

5 “(D) The State entity is located in a State
6 that uses charter schools and best practices
7 from charter schools to help improve struggling
8 schools and local educational agencies.

9 “(E) The State entity partners with an or-
10 ganization that has a demonstrated record of
11 success in developing management organiza-
12 tions to support the development of charter
13 schools in the State.

14 “(F) The State entity supports charter
15 schools that support at-risk students through
16 activities such as dropout prevention, dropout
17 recovery, or comprehensive career counseling
18 practices.

19 “(G) The State entity authorizes all char-
20 ter schools in the State to serve as school food
21 authorities.

22 “(H) The State entity has taken steps to
23 ensure that all authorizing public chartering
24 agencies implement best practices for charter
25 school authorizing.

1 “(g) LOCAL USES OF FUNDS.—An eligible applicant
2 receiving a subgrant under this section shall use such
3 funds to carry out activities related to opening and pre-
4 paring to operate a new charter school, a replicated, high-
5 quality charter school model, or an expanded, high-quality
6 charter school, such as—

7 “(1) preparing teachers and school leaders, in-
8 cluding through professional development;

9 “(2) acquiring equipment, educational mate-
10 rials, and supplies; and

11 “(3) carrying out necessary renovations and
12 minor facilities repairs (excluding construction).

13 “(h) REPORTING REQUIREMENTS.—Each State enti-
14 ty receiving a grant under this section shall submit to the
15 Secretary, at the end of the third year of the 5-year grant
16 period and at the end of such grant period, a report on—

17 “(1) the number of students served by each
18 subgrant awarded under this section and, if applica-
19 ble, how many new students were served during each
20 year of the subgrant period;

21 “(2) the progress the State entity made toward
22 meeting the priorities described in subsection (f)(2),
23 as applicable;

24 “(3) how the State entity met the objectives of
25 the quality charter school program described in the

1 State entity’s application under subsection (e), in-
2 cluding how the State entity met the objective of
3 sharing best and promising practices described in
4 subsection (e)(1)(A)(x) in areas such as instruction,
5 professional development, curricula development, and
6 operations between charter schools and other public
7 schools, and the extent to which, if known, such
8 practices were adopted and implemented by such
9 other public schools;

10 “(4) how the State entity complied with, and
11 ensured that eligible applicants complied with, the
12 assurances described in the State entity’s applica-
13 tion;

14 “(5) how the State entity worked with author-
15 ized public chartering agencies, including how the
16 agencies worked with the management company or
17 leadership of the schools that received subgrants
18 under this section;

19 “(6) the number of subgrants awarded under
20 this section to carry out each of the following:

21 “(A) the opening of new charter schools;

22 “(B) the opening of replicated, high-quality
23 charter school models; and

24 “(C) the opening of expanded, high-quality
25 charter schools; and

1 “(7) how the State entity has worked with char-
 2 ter schools receiving funds under the State entity’s
 3 program to foster community involvement in the
 4 planning for and opening of such schools.

5 “(i) STATE ENTITY DEFINED.—For purposes of this
 6 section, the term ‘State entity’ means—

7 “(1) a State educational agency;

8 “(2) a State charter school board;

9 “(3) a Governor of a State; or

10 “(4) a charter school support organization.

11 **“SEC. 3104. FACILITIES FINANCING ASSISTANCE.**

12 “(a) GRANTS TO ELIGIBLE ENTITIES.—

13 “(1) IN GENERAL.—From the amount reserved
 14 under section 3102(b)(1), the Secretary shall not
 15 use less than 50 percent to award grants to eligible
 16 entities that have the highest-quality applications
 17 approved under subsection (d), after considering the
 18 diversity of such applications, to demonstrate inno-
 19 vative methods of assisting charter schools to ad-
 20 dress the cost of acquiring, constructing, and ren-
 21 ovating facilities by enhancing the availability of
 22 loans or bond financing.

23 “(2) ELIGIBLE ENTITY DEFINED.—For pur-
 24 poses of this section, the term ‘eligible entity’
 25 means—

1 “(A) a public entity, such as a State or
2 local governmental entity;

3 “(B) a private nonprofit entity; or

4 “(C) a consortium of entities described in
5 subparagraphs (A) and (B).

6 “(b) GRANTEE SELECTION.—The Secretary shall
7 evaluate each application submitted under subsection (d),
8 and shall determine whether the application is sufficient
9 to merit approval.

10 “(c) GRANT CHARACTERISTICS.—Grants under sub-
11 section (a) shall be of a sufficient size, scope, and quality
12 so as to ensure an effective demonstration of an innovative
13 means of enhancing credit for the financing of charter
14 school acquisition, construction, or renovation.

15 “(d) APPLICATIONS.—

16 “(1) IN GENERAL.—To receive a grant under
17 subsection (a), an eligible entity shall submit to the
18 Secretary an application in such form as the Sec-
19 retary may reasonably require.

20 “(2) CONTENTS.—An application submitted
21 under paragraph (1) shall contain—

22 “(A) a statement identifying the activities
23 proposed to be undertaken with funds received
24 under subsection (a), including how the eligible
25 entity will determine which charter schools will

1 receive assistance, and how much and what
2 types of assistance charter schools will receive;

3 “(B) a description of the involvement of
4 charter schools in the application’s development
5 and the design of the proposed activities;

6 “(C) a description of the eligible entity’s
7 expertise in capital market financing;

8 “(D) a description of how the proposed ac-
9 tivities will leverage the maximum amount of
10 private-sector financing capital relative to the
11 amount of public funding used and otherwise
12 enhance credit available to charter schools, in-
13 cluding how the eligible entity will offer a com-
14 bination of rates and terms more favorable than
15 the rates and terms that a charter school could
16 receive without assistance from the eligible enti-
17 ty under subsection (a);

18 “(E) a description of how the eligible enti-
19 ty possesses sufficient expertise in education to
20 evaluate the likelihood of success of a charter
21 school program for which facilities financing is
22 sought; and

23 “(F) in the case of an application sub-
24 mitted by a State governmental entity, a de-
25 scription of the actions that the entity has

1 taken, or will take, to ensure that charter
2 schools within the State receive the funding the
3 charter schools need to have adequate facilities.

4 “(e) CHARTER SCHOOL OBJECTIVES.—An eligible
5 entity receiving a grant under subsection (a) shall use the
6 funds deposited in the reserve account established under
7 subsection (f) to assist one or more charter schools to ac-
8 cess private sector capital to accomplish one or more of
9 the following objectives:

10 “(1) The acquisition (by purchase, lease, dona-
11 tion, or otherwise) of an interest (including an inter-
12 est held by a third party for the benefit of a charter
13 school) in improved or unimproved real property
14 that is necessary to commence or continue the oper-
15 ation of a charter school.

16 “(2) The construction of new facilities, or the
17 renovation, repair, or alteration of existing facilities,
18 necessary to commence or continue the operation of
19 a charter school.

20 “(3) The predevelopment costs required to as-
21 sess sites for purposes of paragraph (1) or (2) and
22 which are necessary to commence or continue the
23 operation of a charter school.

24 “(f) RESERVE ACCOUNT.—

1 “(1) USE OF FUNDS.—To assist charter schools
2 to accomplish the objectives described in subsection
3 (e), an eligible entity receiving a grant under sub-
4 section (a) shall, in accordance with State and local
5 law, directly or indirectly, alone or in collaboration
6 with others, deposit the funds received under sub-
7 section (a) (other than funds used for administrative
8 costs in accordance with subsection (g)) in a reserve
9 account established and maintained by the eligible
10 entity for this purpose. Amounts deposited in such
11 account shall be used by the eligible entity for one
12 or more of the following purposes:

13 “(A) Guaranteeing, insuring, and rein-
14 suring bonds, notes, evidences of debt, loans,
15 and interests therein, the proceeds of which are
16 used for an objective described in subsection
17 (e).

18 “(B) Guaranteeing and insuring leases of
19 personal and real property for an objective de-
20 scribed in subsection (e).

21 “(C) Facilitating financing by identifying
22 potential lending sources, encouraging private
23 lending, and other similar activities that di-
24 rectly promote lending to, or for the benefit of,
25 charter schools.

1 “(D) Facilitating the issuance of bonds by
2 charter schools, or by other public entities for
3 the benefit of charter schools, by providing
4 technical, administrative, and other appropriate
5 assistance (including the recruitment of bond
6 counsel, underwriters, and potential investors
7 and the consolidation of multiple charter school
8 projects within a single bond issue).

9 “(2) INVESTMENT.—Funds received under sub-
10 section (a) and deposited in the reserve account es-
11 tablished under paragraph (1) shall be invested in
12 obligations issued or guaranteed by the United
13 States or a State, or in other similarly low-risk secu-
14 rities.

15 “(3) REINVESTMENT OF EARNINGS.—Any earn-
16 ings on funds received under subsection (a) shall be
17 deposited in the reserve account established under
18 paragraph (1) and used in accordance with such
19 paragraph.

20 “(g) LIMITATION ON ADMINISTRATIVE COSTS.—An
21 eligible entity may use not more than 2.5 percent of the
22 funds received under subsection (a) for the administrative
23 costs of carrying out its responsibilities under this section
24 (excluding subsection (k)).

25 “(h) AUDITS AND REPORTS.—

1 “(1) FINANCIAL RECORD MAINTENANCE AND
2 AUDIT.—The financial records of each eligible entity
3 receiving a grant under subsection (a) shall be main-
4 tained in accordance with generally accepted ac-
5 counting principles and shall be subject to an annual
6 audit by an independent public accountant.

7 “(2) REPORTS.—

8 “(A) GRANTEE ANNUAL REPORTS.—Each
9 eligible entity receiving a grant under sub-
10 section (a) annually shall submit to the Sec-
11 retary a report of its operations and activities
12 under this section (excluding subsection (k)).

13 “(B) CONTENTS.—Each annual report
14 submitted under subparagraph (A) shall in-
15 clude—

16 “(i) a copy of the most recent finan-
17 cial statements, and any accompanying
18 opinion on such statements, prepared by
19 the independent public accountant review-
20 ing the financial records of the eligible en-
21 tity;

22 “(ii) a copy of any report made on an
23 audit of the financial records of the eligible
24 entity that was conducted under paragraph
25 (1) during the reporting period;

1 “(iii) an evaluation by the eligible en-
2 tity of the effectiveness of its use of the
3 Federal funds provided under subsection
4 (a) in leveraging private funds;

5 “(iv) a listing and description of the
6 charter schools served during the reporting
7 period, including the amount of funds used
8 by each school, the type of project facili-
9 tated by the grant, and the type of assist-
10 ance provided to the charter schools;

11 “(v) a description of the activities car-
12 ried out by the eligible entity to assist
13 charter schools in meeting the objectives
14 set forth in subsection (e); and

15 “(vi) a description of the characteris-
16 tics of lenders and other financial institu-
17 tions participating in the activities under-
18 taken by the eligible entity under this sec-
19 tion (excluding subsection (k)) during the
20 reporting period.

21 “(C) SECRETARIAL REPORT.—The Sec-
22 retary shall review the reports submitted under
23 subparagraph (A) and shall provide a com-
24 prehensive annual report to Congress on the ac-

1 tivities conducted under this section (excluding
2 subsection (k)).

3 “(i) NO FULL FAITH AND CREDIT FOR GRANTEE
4 OBLIGATION.—No financial obligation of an eligible entity
5 entered into pursuant to this section (such as an obliga-
6 tion under a guarantee, bond, note, evidence of debt, or
7 loan) shall be an obligation of, or guaranteed in any re-
8 spect by, the United States. The full faith and credit of
9 the United States is not pledged to the payment of funds
10 which may be required to be paid under any obligation
11 made by an eligible entity pursuant to any provision of
12 this section.

13 “(j) RECOVERY OF FUNDS.—

14 “(1) IN GENERAL.—The Secretary, in accord-
15 ance with chapter 37 of title 31, United States
16 Code, shall collect—

17 “(A) all of the funds in a reserve account
18 established by an eligible entity under sub-
19 section (f)(1) if the Secretary determines, not
20 earlier than 2 years after the date on which the
21 eligible entity first received funds under sub-
22 section (a), that the eligible entity has failed to
23 make substantial progress in carrying out the
24 purposes described in subsection (f)(1); or

1 “(B) all or a portion of the funds in a re-
2 serve account established by an eligible entity
3 under subsection (f)(1) if the Secretary deter-
4 mines that the eligible entity has permanently
5 ceased to use all or a portion of the funds in
6 such account to accomplish any purpose de-
7 scribed in subsection (f)(1).

8 “(2) EXERCISE OF AUTHORITY.—The Secretary
9 shall not exercise the authority provided in para-
10 graph (1) to collect from any eligible entity any
11 funds that are being properly used to achieve one or
12 more of the purposes described in subsection (f)(1).

13 “(3) PROCEDURES.—The provisions of sections
14 451, 452, and 458 of the General Education Provi-
15 sions Act (20 U.S.C. 124, 1234a, 1234g) shall apply
16 to the recovery of funds under paragraph (1).

17 “(4) CONSTRUCTION.—This subsection shall
18 not be construed to impair or affect the authority of
19 the Secretary to recover funds under part D of the
20 General Education Provisions Act (20 U.S.C. 1234
21 et seq.).

22 “(k) PER-PUPIL FACILITIES AID PROGRAM.—

23 “(1) DEFINITION OF PER-PUPIL FACILITIES AID
24 PROGRAM.—In this subsection, the term ‘per-pupil
25 facilities aid program’ means a program in which a

1 State makes payments, on a per-pupil basis, to char-
2 ter schools to provide the schools with financing—

3 “(A) that is dedicated solely for funding
4 charter school facilities; or

5 “(B) a portion of which is dedicated for
6 funding charter school facilities.

7 “(2) GRANTS.—

8 “(A) IN GENERAL.—From the amount
9 under section 3102(b)(1) remaining after the
10 Secretary makes grants under subsection (a),
11 the Secretary shall make grants, on a competi-
12 tive basis, to States to pay for the Federal
13 share of the cost of establishing or enhancing,
14 and administering per-pupil facilities aid pro-
15 grams.

16 “(B) PERIOD.—The Secretary shall award
17 grants under this subsection for periods of not
18 more than 5 years.

19 “(C) FEDERAL SHARE.—The Federal
20 share of the cost described in subparagraph (A)
21 for a per-pupil facilities aid program shall be
22 not more than—

23 “(i) 90 percent of the cost, for the
24 first fiscal year for which the program re-
25 ceives assistance under this subsection;

1 “(ii) 80 percent in the second such
2 year;

3 “(iii) 60 percent in the third such
4 year;

5 “(iv) 40 percent in the fourth such
6 year; and

7 “(v) 20 percent in the fifth such year.

8 “(D) STATE SHARE.—A State receiving a
9 grant under this subsection may partner with 1
10 or more organizations to provide up to 50 per-
11 cent of the State share of the cost of estab-
12 lishing or enhancing, and administering the per-
13 pupil facilities aid program.

14 “(E) MULTIPLE GRANTS.—A State may
15 receive more than 1 grant under this sub-
16 section, so long as the amount of such funds
17 provided to charter schools increases with each
18 successive grant.

19 “(3) USE OF FUNDS.—

20 “(A) IN GENERAL.—A State that receives
21 a grant under this subsection shall use the
22 funds made available through the grant to es-
23 tablish or enhance, and administer, a per-pupil
24 facilities aid program for charter schools in the
25 State of the applicant.

1 “(B) EVALUATIONS; TECHNICAL ASSIST-
2 ANCE; DISSEMINATION.—From the amount
3 made available to a State through a grant
4 under this subsection for a fiscal year, the State
5 may reserve not more than 5 percent to carry
6 out evaluations, to provide technical assistance,
7 and to disseminate information.

8 “(C) SUPPLEMENT, NOT SUPPLANT.—
9 Funds made available under this subsection
10 shall be used to supplement, and not supplant,
11 State and local public funds expended to pro-
12 vide per pupil facilities aid programs, oper-
13 ations financing programs, or other programs,
14 for charter schools.

15 “(4) REQUIREMENTS.—

16 “(A) VOLUNTARY PARTICIPATION.—No
17 State may be required to participate in a pro-
18 gram carried out under this subsection.

19 “(B) STATE LAW.—

20 “(i) IN GENERAL.—Except as pro-
21 vided in clause (ii), to be eligible to receive
22 a grant under this subsection, a State shall
23 establish or enhance, and administer, a
24 per-pupil facilities aid program for charter
25 schools in the State, that—

1 “(I) is specified in State law; and

2 “(II) provides annual financing,
3 on a per-pupil basis, for charter
4 school facilities.

5 “(ii) SPECIAL RULE.—Notwith-
6 standing clause (i), a State that is required
7 under State law to provide its charter
8 schools with access to adequate facility
9 space, but which does not have a per-pupil
10 facilities aid program for charter schools
11 specified in State law, may be eligible to
12 receive a grant under this subsection if the
13 State agrees to use the funds to develop a
14 per-pupil facilities aid program consistent
15 with the requirements of this subsection.

16 “(5) APPLICATIONS.—To be eligible to receive a
17 grant under this subsection, a State shall submit an
18 application to the Secretary at such time, in such
19 manner, and containing such information as the Sec-
20 retary may require.

21 **“SEC. 3105. NATIONAL ACTIVITIES.**

22 “(a) IN GENERAL.—Of the amount reserved under
23 section 3102(b)(2), the Secretary shall—

1 “(1) use not less than 75 percent of such
2 amount to award grants in accordance with sub-
3 section (b); and

4 “(2) use not more than 25 percent of such
5 amount to—

6 “(A) provide technical assistance to State
7 entities in awarding subgrants under section
8 3103, and eligible entities and States receiving
9 grants under section 3104;

10 “(B) disseminate best practices; and

11 “(C) evaluate the impact of the charter
12 school program, including the impact on stu-
13 dent achievement, carried out under this sub-
14 part.

15 “(b) GRANTS.—

16 “(1) IN GENERAL.—The Secretary shall make
17 grants, on a competitive basis, to eligible applicants
18 for the purpose of carrying out the activities de-
19 scribed in section 3102(a)(1), subparagraphs (A)
20 through (C) of section 3103(a)(1), and section
21 3103(g).

22 “(2) TERMS AND CONDITIONS.—Except as oth-
23 erwise provided in this subsection, grants awarded
24 under this subsection shall have the same terms and

1 conditions as grants awarded to State entities under
2 section 3103.

3 “(3) CHARTER MANAGEMENT ORGANIZA-
4 TIONS.—The Secretary shall—

5 “(A) of the amount described in subsection
6 (a)(1), use not less than 75 percent to make
7 grants, on a competitive basis, to eligible appli-
8 cants described in paragraph (4)(B); and

9 “(B) notwithstanding paragraphs (1)(A)
10 and (2) of section 3103(f)—

11 “(i) award grants to eligible appli-
12 cants on the basis of the quality of the ap-
13 plications submitted under this subsection;
14 and

15 “(ii) in awarding grants to eligible ap-
16 plicants described in paragraph (4)(B) of
17 this subsection, take into consideration
18 whether such an eligible applicant—

19 “(I) demonstrates a high propor-
20 tion of high-quality charter schools
21 within the network of the eligible ap-
22 plicant;

23 “(II) demonstrates success in
24 serving students who are educationally
25 disadvantaged;

1 “(III) does not have a significant
2 proportion of charter schools that
3 have been closed, had their charter re-
4 voked for compliance issues, or had
5 their affiliation with such eligible ap-
6 plicant revoked;

7 “(IV) has sufficient procedures in
8 effect to ensure timely closure of low-
9 performing or financially mismanaged
10 charter schools and clear plans and
11 procedures in effect for the students
12 in such schools to attend other high-
13 quality schools; and

14 “(V) demonstrates success in
15 working with schools identified for im-
16 provement by the State.

17 “(4) ELIGIBLE APPLICANT DEFINED.—For pur-
18 poses of this subsection, the term ‘eligible applicant’
19 means an eligible applicant (as defined in section
20 3110) that—

21 “(A) desires to open a charter school in—

22 “(i) a State that did not apply for a
23 grant under section 3103; or

24 “(ii) a State that did not receive a
25 grant under section 3103; or

1 “(B) is a charter management organiza-
2 tion.

3 “(c) CONTRACTS AND GRANTS.—The Secretary may
4 carry out any of the activities described in this section di-
5 rectly or through grants, contracts, or cooperative agree-
6 ments.

7 **“SEC. 3106. FEDERAL FORMULA ALLOCATION DURING**
8 **FIRST YEAR AND FOR SUCCESSIVE ENROLL-**
9 **MENT EXPANSIONS.**

10 “(a) IN GENERAL.—For purposes of the allocation
11 to schools by the States or their agencies of funds under
12 part A of title I, and any other Federal funds which the
13 Secretary allocates to States on a formula basis, the Sec-
14 retary and each State educational agency shall take such
15 measures as are necessary to ensure that every charter
16 school receives the Federal funding for which the charter
17 school is eligible not later than 5 months after the charter
18 school first opens, notwithstanding the fact that the iden-
19 tity and characteristics of the students enrolling in that
20 charter school are not fully and completely determined
21 until that charter school actually opens. The measures
22 similarly shall ensure that every charter school expanding
23 its enrollment in any subsequent year of operation receives
24 the Federal funding for which the charter school is eligible
25 not later than 5 months after such expansion.

1 “(b) ADJUSTMENT AND LATE OPENINGS.—

2 “(1) IN GENERAL.—The measures described in
3 subsection (a) shall include provision for appropriate
4 adjustments, through recovery of funds or reduction
5 of payments for the succeeding year, in cases where
6 payments made to a charter school on the basis of
7 estimated or projected enrollment data exceed the
8 amounts that the school is eligible to receive on the
9 basis of actual or final enrollment data.

10 “(2) RULE.—For charter schools that first
11 open after November 1 of any academic year, the
12 State, in accordance with guidance provided by the
13 Secretary and applicable Federal statutes and regu-
14 lations, shall ensure that such charter schools that
15 are eligible for the funds described in subsection (a)
16 for such academic year have a full and fair oppor-
17 tunity to receive those funds during the charter
18 schools’ first year of operation.

19 **“SEC. 3107. SOLICITATION OF INPUT FROM CHARTER**
20 **SCHOOL OPERATORS.**

21 “To the extent practicable, the Secretary shall ensure
22 that administrators, teachers, and other individuals di-
23 rectly involved in the operation of charter schools are con-
24 sulted in the development of any rules or regulations re-
25 quired to implement this subpart, as well as in the devel-

1 opment of any rules or regulations relevant to charter
2 schools that are required to implement part A of title I,
3 the Individuals with Disabilities Education Act, or any
4 other program administered by the Secretary that provides
5 education funds to charter schools or regulates the activi-
6 ties of charter schools.

7 **“SEC. 3108. RECORDS TRANSFER.**

8 “State educational agencies and local educational
9 agencies, as quickly as possible and to the extent prac-
10 ticable, shall ensure that a student’s records and, if appli-
11 cable, a student’s individualized education program as de-
12 fined in section 602(14) of the Individuals with Disabil-
13 ities Education Act, are transferred to a charter school
14 upon the transfer of the student to the charter school, and
15 to another public school upon the transfer of the student
16 from a charter school to another public school, in accord-
17 ance with applicable State law.

18 **“SEC. 3109. PAPERWORK REDUCTION.**

19 “To the extent practicable, the Secretary and each
20 authorized public chartering agency shall ensure that im-
21 plementation of this subpart results in a minimum of pa-
22 perwork for any eligible applicant or charter school.

23 **“SEC. 3110. DEFINITIONS.**

24 “In this subpart:

1 “(1) CHARTER MANAGEMENT ORGANIZATION.—

2 The term ‘charter management organization’ means
3 a nonprofit organization that manages a network of
4 charter schools linked by centralized support, oper-
5 ations, and oversight.

6 “(2) CHARTER SCHOOL SUPPORT ORGANIZA-

7 TION.—The term ‘charter school support organiza-
8 tion’ means a nonprofit, nongovernmental entity that
9 is not an authorized public chartering agency, which
10 provides on a statewide basis—

11 “(A) assistance to developers during the
12 planning, program design, and initial implemen-
13 tation of a charter school; and

14 “(B) technical assistance to charter schools
15 to operate such schools.

16 “(3) DEVELOPER.—The term ‘developer’ means
17 an individual or group of individuals (including a
18 public or private nonprofit organization), which may
19 include teachers, administrators and other school
20 staff, parents, or other members of the local commu-
21 nity in which a charter school project will be carried
22 out.

23 “(4) ELIGIBLE APPLICANT.—The term ‘eligible
24 applicant’ means a developer that has—

1 “(A) applied to an authorized public char-
2 tering authority to operate a charter school;
3 and

4 “(B) provided adequate and timely notice
5 to that authority.

6 “(5) AUTHORIZED PUBLIC CHARTERING AGEN-
7 CY.—The term ‘authorized public chartering agency’
8 means a State educational agency, local educational
9 agency, or other public entity that has the authority
10 pursuant to State law and approved by the Sec-
11 retary to authorize or approve a charter school.

12 “(6) EXPANDED, HIGH-QUALITY CHARTER
13 SCHOOL.—The term ‘expanded, high-quality charter
14 school’ means a high-quality charter school that has
15 either significantly increased its enrollment or added
16 one or more grades to its school.

17 “(7) HIGH-QUALITY CHARTER SCHOOL.—The
18 term ‘high-quality charter school’ means a charter
19 school that—

20 “(A) shows evidence of strong academic re-
21 sults, which may include strong academic
22 growth as determined by a State;

23 “(B) has no significant issues in the areas
24 of student safety, operational and financial

1 management, or statutory or regulatory compli-
2 ance;

3 “(C) has demonstrated success in signifi-
4 cantly increasing student academic achieve-
5 ment, including graduation rates where applica-
6 ble, consistent with the requirements under title
7 I, for all students served by the charter school;
8 and

9 “(D) has demonstrated success in increas-
10 ing student academic achievement, including
11 graduation rates where applicable, for the
12 groups of students described in section
13 1111(b)(3)(B)(ii)(II), except that such dem-
14 onstration is not required in a case in which the
15 number of students in a group is insufficient to
16 yield statistically reliable information or the re-
17 sults would reveal personally identifiable infor-
18 mation about an individual student.

19 “(8) REPLICATED, HIGH-QUALITY CHARTER
20 SCHOOL MODEL.—The term ‘replicated, high-quality
21 charter school model’ means a high-quality charter
22 school that has opened a new campus under an ex-
23 isting charter or an additional charter if required or
24 permitted by State law.

1 **“Subpart 2—Magnet School Assistance**

2 **“SEC. 3121. PURPOSE.**

3 “The purpose of this subpart is to assist in the deseg-
4 regation of schools served by local educational agencies by
5 providing financial assistance to eligible local educational
6 agencies for—

7 “(1) the elimination, reduction, or prevention of
8 minority group isolation in elementary schools and
9 secondary schools with substantial proportions of mi-
10 nority students, which shall include assisting in the
11 efforts of the United States to achieve voluntary de-
12 segregation in public schools;

13 “(2) the development and implementation of
14 magnet school programs that will assist local edu-
15 cational agencies in achieving systemic reforms and
16 providing all students the opportunity to meet State
17 academic standards;

18 “(3) the development and design of innovative
19 educational methods and practices that promote di-
20 versity and increase choices in public elementary
21 schools and public secondary schools and public edu-
22 cational programs;

23 “(4) courses of instruction within magnet
24 schools that will substantially strengthen the knowl-
25 edge of academic subjects and the attainment of tan-

1 gible and marketable career, technical, and profes-
2 sional skills of students attending such schools;

3 “(5) improving the ability of local educational
4 agencies, including through professional develop-
5 ment, to continue operating magnet schools at a
6 high performance level after Federal funding for the
7 magnet schools is terminated; and

8 “(6) ensuring that students enrolled in the
9 magnet school programs have equitable access to a
10 quality education that will enable the students to
11 succeed academically and continue with postsec-
12 ondary education or employment.

13 **“SEC. 3122. DEFINITION.**

14 “For the purpose of this subpart, the term ‘magnet
15 school’ means a public elementary school, public secondary
16 school, public elementary education center, or public sec-
17 ondary education center that offers a special curriculum
18 capable of attracting substantial numbers of students of
19 different racial backgrounds.

20 **“SEC. 3123. PROGRAM AUTHORIZED.**

21 “From the amount appropriated under section
22 3(c)(1)(B), the Secretary, in accordance with this subpart,
23 is authorized to award grants to eligible local educational
24 agencies, and consortia of such agencies where appro-

1 piate, to carry out the purpose of this subpart for magnet
2 schools that are—

3 “(1) part of an approved desegregation plan;
4 and

5 “(2) designed to bring students from different
6 social, economic, ethnic, and racial backgrounds to-
7 gether.

8 **“SEC. 3124. ELIGIBILITY.**

9 “A local educational agency, or consortium of such
10 agencies where appropriate, is eligible to receive a grant
11 under this subpart to carry out the purpose of this subpart
12 if such agency or consortium—

13 “(1) is implementing a plan undertaken pursu-
14 ant to a final order issued by a court of the United
15 States, or a court of any State, or any other State
16 agency or official of competent jurisdiction, that re-
17 quires the desegregation of minority-group-seg-
18 regated children or faculty in the elementary schools
19 and secondary schools of such agency; or

20 “(2) without having been required to do so, has
21 adopted and is implementing, or will, if a grant is
22 awarded to such local educational agency, or consor-
23 tium of such agencies, under this subpart, adopt and
24 implement a plan that has been approved by the
25 Secretary as adequate under title VI of the Civil

1 Rights Act of 1964 for the desegregation of minor-
2 ity-group-segregated children or faculty in such
3 schools.

4 **“SEC. 3125. APPLICATIONS AND REQUIREMENTS.**

5 “(a) APPLICATIONS.—An eligible local educational
6 agency, or consortium of such agencies, desiring to receive
7 a grant under this subpart shall submit an application to
8 the Secretary at such time and in such manner as the
9 Secretary may reasonably require.

10 “(b) INFORMATION AND ASSURANCES.—Each appli-
11 cation submitted under subsection (a) shall include—

12 “(1) a description of—

13 “(A) how a grant awarded under this sub-
14 part will be used to promote desegregation, in-
15 cluding how the proposed magnet school pro-
16 grams will increase interaction among students
17 of different social, economic, ethnic, and racial
18 backgrounds;

19 “(B) the manner and extent to which the
20 magnet school program will increase student
21 academic achievement in the instructional area
22 or areas offered by the school;

23 “(C) how the applicant will continue the
24 magnet school program after assistance under
25 this subpart is no longer available, and, if appli-

1 cable, an explanation of why magnet schools es-
2 tablished or supported by the applicant with
3 grant funds under this subpart cannot be con-
4 tinued without the use of grant funds under
5 this subpart;

6 “(D) how grant funds under this subpart
7 will be used—

8 “(i) to improve student academic
9 achievement for all students attending the
10 magnet school programs; and

11 “(ii) to implement services and activi-
12 ties that are consistent with other pro-
13 grams under this Act, and other Acts, as
14 appropriate; and

15 “(E) the criteria to be used in selecting
16 students to attend the proposed magnet school
17 program; and

18 “(2) assurances that the applicant will—

19 “(A) use grant funds under this subpart
20 for the purposes specified in section 3121;

21 “(B) employ effective teachers in the
22 courses of instruction assisted under this sub-
23 part;

1 “(C) not engage in discrimination based on
2 race, religion, color, national origin, sex, or dis-
3 ability in—

4 “(i) the hiring, promotion, or assign-
5 ment of employees of the applicant or
6 other personnel for whom the applicant has
7 any administrative responsibility;

8 “(ii) the assignment of students to
9 schools, or to courses of instruction within
10 the schools, of such applicant, except to
11 carry out the approved plan; and

12 “(iii) designing or operating extra-
13 curricular activities for students;

14 “(D) carry out a quality education pro-
15 gram that will encourage greater parental deci-
16 sionmaking and involvement; and

17 “(E) give students residing in the local at-
18 tendance area of the proposed magnet school
19 program equitable consideration for placement
20 in the program, consistent with desegregation
21 guidelines and the capacity of the applicant to
22 accommodate the students.

23 “(c) SPECIAL RULE.—No grant shall be awarded
24 under this subpart unless the Assistant Secretary of Edu-

1 cation for Civil Rights determines that the assurances de-
2 scribed in subsection (b)(2)(C) will be met.

3 **“SEC. 3126. PRIORITY.**

4 “In awarding grants under this subpart, the Sec-
5 retary shall give priority to applicants that—

6 “(1) demonstrate the greatest need for assist-
7 ance, based on the expense or difficulty of effectively
8 carrying out approved desegregation plans and the
9 magnet school program for which the grant is
10 sought;

11 “(2) propose to carry out new magnet school
12 programs, or significantly revise existing magnet
13 school programs;

14 “(3) propose to select students to attend mag-
15 net school programs by methods such as lottery,
16 rather than through academic examination; and

17 “(4) propose to serve the entire student popu-
18 lation of a school.

19 **“SEC. 3127. USE OF FUNDS.**

20 “(a) IN GENERAL.—Grant funds made available
21 under this subpart may be used by an eligible local edu-
22 cational agency, or consortium of such agencies—

23 “(1) for planning and promotional activities di-
24 rectly related to the development, expansion, con-

1 tinuation, or enhancement of academic programs
2 and services offered at magnet schools;

3 “(2) for the acquisition of books, materials, and
4 equipment, including computers and the mainte-
5 nance and operation of materials, equipment, and
6 computers, necessary to conduct programs in mag-
7 net schools;

8 “(3) for the compensation, or subsidization of
9 the compensation, of elementary school and sec-
10 ondary school teachers, and instructional staff where
11 applicable, who are necessary to conduct programs
12 in magnet schools;

13 “(4) with respect to a magnet school program
14 offered to less than the entire student population of
15 a school, for instructional activities that—

16 “(A) are designed to make available the
17 special curriculum that is offered by the magnet
18 school program to students who are enrolled in
19 the school but who are not enrolled in the mag-
20 net school program; and

21 “(B) further the purpose of this subpart;

22 “(5) for activities, which may include profes-
23 sional development, that will build the recipient’s ca-
24 pacity to operate magnet school programs once the
25 grant period has ended;

1 “(6) to enable the local educational agency, or
2 consortium of such agencies, to have more flexibility
3 in the administration of a magnet school program in
4 order to serve students attending a school who are
5 not enrolled in a magnet school program; and

6 “(7) to enable the local educational agency, or
7 consortium of such agencies, to have flexibility in de-
8 signing magnet schools for students in all grades.

9 “(b) SPECIAL RULE.—Grant funds under this sub-
10 part may be used for activities described in paragraphs
11 (2) and (3) of subsection (a) only if the activities are di-
12 rectly related to improving student academic achievement
13 based on the State’s academic standards or directly re-
14 lated to improving student reading skills or knowledge of
15 mathematics, science, history, geography, English, foreign
16 languages, art, or music, or to improving career, technical,
17 and professional skills.

18 **“SEC. 3128. LIMITATIONS.**

19 “(a) DURATION OF AWARDS.—A grant under this
20 subpart shall be awarded for a period that shall not exceed
21 3 fiscal years.

22 “(b) LIMITATION ON PLANNING FUNDS.—A local
23 educational agency, or consortium of such agencies, may
24 expend for planning (professional development shall not
25 be considered to be planning for purposes of this sub-

1 section) not more than 50 percent of the grant funds re-
2 ceived under this subpart for the first year of the program
3 and not more than 15 percent of such funds for each of
4 the second and third such years.

5 “(c) AMOUNT.—No local educational agency, or con-
6 sortium of such agencies, awarded a grant under this sub-
7 part shall receive more than \$4,000,000 under this sub-
8 part for any 1 fiscal year.

9 “(d) TIMING.—To the extent practicable, the Sec-
10 retary shall award grants for any fiscal year under this
11 subpart not later than July 1 of the applicable fiscal year.

12 **“SEC. 3129. EVALUATIONS.**

13 “(a) RESERVATION.—The Secretary may reserve not
14 more than 2 percent of the funds appropriated under sec-
15 tion 3(c)(1)(B) for any fiscal year to carry out evaluations,
16 provide technical assistance, and carry out dissemination
17 projects with respect to magnet school programs assisted
18 under this subpart.

19 “(b) CONTENTS.—Each evaluation described in sub-
20 section (a), at a minimum, shall address—

21 “(1) how and the extent to which magnet school
22 programs lead to educational quality and academic
23 improvement;

24 “(2) the extent to which magnet school pro-
25 grams enhance student access to a quality education;

10 “(c) DISSEMINATION.—The Secretary shall collect
11 and disseminate to the general public information on suc-
12 cessful magnet school programs.

“In any fiscal year for which the amount appropriated under section 3(c)(1)(B) exceeds \$75,000,000, the Secretary shall give priority in using such amounts in excess of \$75,000,000 to awarding grants to local educational agencies or consortia of such agencies that did not receive a grant under this subpart in the preceding fiscal year.

24 “The purposes of this subpart are the following:

1 “(1) To provide financial support to organiza-
2 tions to provide technical assistance and training to
3 State and local educational agencies in the imple-
4 mentation and enhancement of systemic and effec-
5 tive family engagement policies, programs, and ac-
6 tivities that lead to improvements in student devel-
7 opment and academic achievement.

8 “(2) To assist State educational agencies, local
9 educational agencies, community-based organiza-
10 tions, schools, and educators in strengthening part-
11 nerships among parents, teachers, school leaders, ad-
12 ministrators, and other school personnel in meeting
13 the educational needs of children and fostering
14 greater parental engagement.

15 “(3) To support State educational agencies,
16 local educational agencies, schools, educators, and
17 parents in developing and strengthening the relation-
18 ship between parents and their children’s school in
19 order to further the developmental progress of chil-
20 dren.

21 “(4) To coordinate activities funded under this
22 subpart with parent involvement initiatives funded
23 under section 1118 and other provisions of this Act.

24 “(5) To assist the Secretary, State educational
25 agencies, and local educational agencies in the co-

1 ordination and integration of Federal, State, and
2 local services and programs to engage families in
3 education.

4 **“SEC. 3142. GRANTS AUTHORIZED.**

5 “(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—
6 From the amount appropriated under section 3(c)(1)(C),
7 the Secretary is authorized to award grants for each fiscal
8 year to statewide organizations (or consortia of such orga-
9 nizations), to establish Statewide Family Engagement
10 Centers that provide comprehensive training and technical
11 assistance to State educational agencies, local educational
12 agencies, schools identified by State educational agencies
13 and local educational agencies, organizations that support
14 family-school partnerships, and other organizations that
15 carry out, or carry out directly, parent education and fam-
16 ily engagement in education programs.

17 “(b) MINIMUM AWARD.—In awarding grants under
18 this section, the Secretary shall, to the extent practicable,
19 ensure that a grant is awarded for a Statewide Family
20 Engagement Center in an amount not less than \$500,000.

21 **“SEC. 3143. APPLICATIONS.**

22 “(a) SUBMISSIONS.—Each statewide organization, or
23 a consortium of such organizations, that desires a grant
24 under this subpart shall submit an application to the Sec-

1 retary at such time, in such manner, and including the
2 information described in subsection (b).

3 “(b) CONTENTS.—Each application submitted under
4 subsection (a) shall include, at a minimum, the following:

5 “(1) A description of the applicant’s approach
6 to family engagement in education.

7 “(2) A description of the support that the
8 Statewide Family Engagement Center that will be
9 operated by the applicant will have from the State
10 educational agency and any partner organization
11 outlining the commitment to work with the center.

12 “(3) A description of the applicant’s plan for
13 building a statewide infrastructure for family en-
14 gagement in education, that includes—

15 “(A) management and governance;

16 “(B) statewide leadership; or

17 “(C) systemic services for family engage-
18 ment in education.

19 “(4) A description of the applicant’s dem-
20 onstrated experience in providing training, informa-
21 tion, and support to State educational agencies, local
22 educational agencies, schools, educators, parents,
23 and organizations on family engagement in edu-
24 cation policies and practices that are effective for
25 parents (including low-income parents) and families,

1 English learners, minorities, parents of students
2 with disabilities, parents of homeless students, foster
3 parents and students, and parents of migratory stu-
4 dents, including evaluation results, reporting, or
5 other data exhibiting such demonstrated experience.

6 “(5) A description of the steps the applicant
7 will take to target services to low-income students
8 and parents.

9 “(6) An assurance that the applicant will—

10 “(A) establish a special advisory com-
11 mittee, the membership of which includes—

12 “(i) parents, who shall constitute a
13 majority of the members of the special ad-
14 visory committee;

15 “(ii) representatives of education pro-
16 fessionals with expertise in improving serv-
17 ices for disadvantaged children;

18 “(iii) representatives of local elemen-
19 tary schools and secondary schools, includ-
20 ing students;

21 “(iv) representatives of the business
22 community; and

23 “(v) representatives of State edu-
24 cational agencies and local educational
25 agencies;

1 “(B) use not less than 65 percent of the
2 funds received under this subpart in each fiscal
3 year to serve local educational agencies, schools,
4 and community-based organizations that serve
5 high concentrations of disadvantaged students,
6 including English learners, minorities, parents
7 of students with disabilities, parents of home-
8 less students, foster parents and students, and
9 parents of migratory students;

10 “(C) operate a Statewide Family Engage-
11 ment Center of sufficient size, scope, and qual-
12 ity to ensure that the Center is adequate to
13 serve the State educational agency, local edu-
14 cational agencies, and community-based organi-
15 zations;

16 “(D) ensure that the Center will retain
17 staff with the requisite training and experience
18 to serve parents in the State;

19 “(E) serve urban, suburban, and rural
20 local educational agencies and schools;

21 “(F) work with—

22 “(i) other Statewide Family Engage-
23 ment Centers assisted under this subpart;
24 and

1 “(ii) parent training and information
2 centers and community parent resource
3 centers assisted under sections 671 and
4 672 of the Individuals with Disabilities
5 Education Act;

6 “(G) use not less than 30 percent of the
7 funds received under this subpart for each fiscal
8 year to establish or expand technical assistance
9 for evidence-based parent education programs;

10 “(H) provide assistance to State edu-
11 cational agencies and local educational agencies
12 and community-based organizations that sup-
13 port family members in supporting student aca-
14 demic achievement;

15 “(I) work with State educational agencies,
16 local educational agencies, schools, educators,
17 and parents to determine parental needs and
18 the best means for delivery of services to ad-
19 dress such needs;

20 “(J) conduct sufficient outreach to assist
21 parents, including parents who the applicant
22 may have a difficult time engaging with a
23 school or local educational agency; and

24 “(K) conduct outreach to low-income stu-
25 dents and parents, including low-income stu-

1 dents and parents who are not proficient in
2 English.

3 **“SEC. 3144. USES OF FUNDS.**

4 “(a) IN GENERAL.—Grantees shall use grant funds
5 received under this subpart, based on the needs deter-
6 mined under section 3143(b)(6)(I), to provide training
7 and technical assistance to State educational agencies,
8 local educational agencies, and organizations that support
9 family-school partnerships, and activities, services, and
10 training for local educational agencies, school leaders, edu-
11 cators, and parents—

12 “(1) to assist parents in participating effectively
13 in their children’s education and to help their chil-
14 dren meet State standards, such as assisting par-
15 ents—

16 “(A) to engage in activities that will im-
17 prove student academic achievement, including
18 understanding how they can support learning in
19 the classroom with activities at home and in
20 afterschool and extracurricular programs;

21 “(B) to communicate effectively with their
22 children, teachers, school leaders, counselors,
23 administrators, and other school personnel;

24 “(C) to become active participants in the
25 development, implementation, and review of

1 school-parent compacts, family engagement in
2 education policies, and school planning and im-
3 provement;

4 “(D) to participate in the design and pro-
5 vision of assistance to students who are not
6 making academic progress;

7 “(E) to participate in State and local deci-
8 sionmaking;

9 “(F) to train other parents; and

10 “(G) to help the parents learn and use
11 technology applied in their children’s education;

12 “(2) to develop and implement, in partnership
13 with the State educational agency, statewide family
14 engagement in education policy and systemic initia-
15 tives that will provide for a continuum of services to
16 remove barriers for family engagement in education
17 and support school reform efforts; and

18 “(3) to develop and implement parental involve-
19 ment policies under this Act.

20 “(b) MATCHING FUNDS FOR GRANT RENEWAL.—

21 For each fiscal year after the first fiscal year for which
22 an organization or consortium receives assistance under
23 this section, the organization or consortium shall dem-
24 onstrate in the application that a portion of the services
25 provided by the organization or consortium is supported

1 through non-Federal contributions, which may be in cash
2 or in-kind.

3 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
4 reserve not more than 2 percent of the funds appropriated
5 under section 3(c)(1)(C) to carry out this subpart to pro-
6 vide technical assistance, by competitive grant or contract,
7 for the establishment, development, and coordination of
8 Statewide Family Engagement Centers.

9 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion shall be construed to prohibit a Statewide Family En-
11 gagement Center from—

12 “(1) having its employees or agents meet with
13 a parent at a site that is not on school grounds; or

14 “(2) working with another agency that serves
15 children.

16 “(e) PARENTAL RIGHTS.—Notwithstanding any
17 other provision of this section—

18 “(1) no person (including a parent who edu-
19 cates a child at home, a public school parent, or a
20 private school parent) shall be required to partici-
21 pate in any program of parent education or develop-
22 mental screening under this section; and

23 “(2) no program or center assisted under this
24 section shall take any action that infringes in any

1 manner on the right of a parent to direct the edu-
2 cation of their children.

3 **“SEC. 3145. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.**

4 “The Secretary of the Interior, in consultation with
5 the Secretary of Education, shall establish, or enter into
6 contracts and cooperative agreements with local Indian
7 nonprofit parent organizations to establish and operate
8 Family Engagement Centers.

9 **“PART B—LOCAL ACADEMIC FLEXIBLE GRANT**

10 **“SEC. 3201. PURPOSE.**

11 “The purpose of this part is to—

12 “(1) provide local educational agencies with the
13 opportunity to access funds to support the initiatives
14 important to their schools and students to improve
15 academic achievement, including protecting student
16 safety; and

17 “(2) provide nonprofit and for-profit entities
18 the opportunity to work with students to improve
19 academic achievement, including student safety.

20 **“SEC. 3202. ALLOTMENTS TO STATES.**

21 “(a) RESERVATIONS.—From the funds appropriated
22 under section 3(c)(2) for any fiscal year, the Secretary
23 shall reserve—

24 “(1) not more than one-half of 1 percent for
25 national activities to provide technical assistance to

1 eligible entities in carrying out programs under this
2 part; and

3 “(2) not more than one-half of 1 percent for
4 payments to the outlying areas and the Bureau of
5 Indian Education, to be allotted in accordance with
6 their respective needs for assistance under this part,
7 as determined by the Secretary, to enable the out-
8 lying areas and the Bureau to carry out the purpose
9 of this part.

10 “(b) STATE ALLOTMENTS.—

11 “(1) DETERMINATION.—From the funds appro-
12 priated under section 3(c)(2) for any fiscal year and
13 remaining after the Secretary makes reservations
14 under subsection (a), the Secretary shall allot to
15 each State for the fiscal year an amount that bears
16 the same relationship to the remainder as the
17 amount the State received under chapter B of sub-
18 part 1 of part A of title I for the preceding fiscal
19 year bears to the amount all States received under
20 that chapter for the preceding fiscal year, except
21 that no State shall receive less than an amount
22 equal to one-half of 1 percent of the total amount
23 made available to all States under this subsection.

24 “(2) REALLOTMENT OF UNUSED FUNDS.—If a
25 State does not receive an allotment under this part

1 for a fiscal year, the Secretary shall reallocate the
2 amount of the State's allotment to the remaining
3 States in accordance with this section.

4 “(c) STATE USE OF FUNDS.—

5 “(1) IN GENERAL.—Each State that receives an
6 allotment under this part shall reserve not less than
7 75 percent of the amount allotted to the State under
8 subsection (b) for each fiscal year for awards to eli-
9 gible entities under section 3204.

10 “(2) AWARDS TO NONGOVERNMENTAL ENTI-
11 TIES TO IMPROVE STUDENT ACADEMIC ACHIEVE-
12 MENT.—Each State that receives an allotment under
13 subsection (b) for each fiscal year shall reserve not
14 less than 10 percent of the amount allotted to the
15 State for awards to nongovernmental entities under
16 section 3205.

17 “(3) STATE ACTIVITIES AND STATE ADMINIS-
18 TRATION.—A State educational agency may reserve
19 not more than 15 percent of the amount allotted to
20 the State under subsection (b) for each fiscal year
21 for the following:

22 “(A) Enabling the State educational agen-
23 cy—

24 “(i) to pay the costs of developing the
25 State assessments and standards required

1 under section 1111(b), which may include
2 the costs of working, at the sole discretion
3 of the State, in voluntary partnerships
4 with other States to develop such assess-
5 ments and standards; or

6 “(ii) if the State has developed the as-
7 sessments and standards required under
8 section 1111(b), to administer those as-
9 sessments or carry out other activities re-
10 lated to ensuring that the State’s schools
11 and local educational agencies are helping
12 students meet the State’s academic stand-
13 ards under such section.

14 “(B) The administrative costs of carrying
15 out its responsibilities under this part, except
16 that not more than 5 percent of the reserved
17 amount may be used for this purpose.

18 “(C) Monitoring and evaluation of pro-
19 grams and activities assisted under this part.

20 “(D) Providing training and technical as-
21 sistance under this part.

22 “(E) Statewide academic focused pro-
23 grams.

24 “(F) Sharing evidence-based and other ef-
25 fective strategies with eligible entities.

1 **“SEC. 3203. STATE APPLICATION.**

2 “(a) IN GENERAL.—In order to receive an allotment
3 under section 3202 for any fiscal year, a State educational
4 agency shall submit to the Secretary, at such time as the
5 Secretary may require, an application that—

6 “(1) describes how the State educational agency
7 will use funds reserved for State-level activities, in-
8 cluding how, if any, of the funds will be used to sup-
9 port student safety;

10 “(2) describes the procedures and criteria the
11 State educational agency will use for reviewing appli-
12 cations and awarding funds to eligible entities on a
13 competitive basis, which shall include reviewing how
14 the proposed project will help increase student aca-
15 demic achievement;

16 “(3) describes how the State educational agency
17 will ensure that awards made under this part are—

18 “(A) of sufficient size and scope to support
19 high-quality, effective programs that are con-
20 sistent with the purpose of this part; and

21 “(B) in amounts that are consistent with
22 section 3204(f);

23 “(4) describes the steps the State educational
24 agency will take to ensure that programs implement
25 effective strategies, including providing ongoing

1 technical assistance and training, and dissemination
2 of evidence-based and other effective strategies;

3 “(5) describes how the State educational agency
4 will consider students across all grades when making
5 these awards;

6 “(6) an assurance that, other than providing
7 technical and advisory assistance and monitoring
8 compliance with this part, the State educational
9 agency has not exercised and will not exercise any
10 influence in the decisionmaking process of eligible
11 entities as to the expenditure of funds received by
12 the eligible entities under this part;

13 “(7) describes how programs under this part
14 will be coordinated with programs under this Act,
15 and other programs as appropriate;

16 “(8) contains an assurance that the State edu-
17 cational agency—

18 “(A) will make awards for programs for a
19 period of not more than 5 years; and

20 “(B) will require each eligible entity seek-
21 ing such an award to submit a plan describing
22 how the project to be funded through the award
23 will continue after funding under this part
24 ends, if applicable;

1 “(9) contains an assurance that funds appro-
2 priated to carry out this part will be used to supple-
3 ment, and not supplant, State and local public funds
4 expended to provide programs and activities author-
5 ized under this part and other similar programs; and

6 “(10) an assurance that the State will support
7 projects from each of the categories listed in section
8 3204(b)(1)(D) in awarding subgrants to local edu-
9 cational agencies.

10 “(b) DEEMED APPROVAL.—An application submitted
11 by a State educational agency pursuant to subsection (a)
12 shall be deemed to be approved by the Secretary unless
13 the Secretary makes a written determination, prior to the
14 expiration of the 120-day period beginning on the date on
15 which the Secretary received the application, that the ap-
16 plication is not in compliance with this part.

17 “(c) DISAPPROVAL.—The Secretary shall not finally
18 disapprove the application, except after giving the State
19 educational agency notice and an opportunity for a hear-
20 ing.

21 “(d) NOTIFICATION.—If the Secretary finds that the
22 application is not in compliance, in whole or in part, with
23 this part, the Secretary shall—

24 “(1) give the State educational agency notice
25 and an opportunity for a hearing; and

1 “(2) notify the State educational agency of the
2 finding of noncompliance, and, in such notification,
3 shall—

4 “(A) cite the specific provisions in the ap-
5 plication that are not in compliance; and

6 “(B) request additional information, only
7 as to the noncompliant provisions, needed to
8 make the application compliant.

9 “(e) RESPONSE.—If the State educational agency re-
10 sponds to the Secretary’s notification described in sub-
11 section (d)(2) during the 45-day period beginning on the
12 date on which the agency received the notification, and
13 resubmits the application with the requested information
14 described in subsection (d)(2)(B), the Secretary shall ap-
15 prove or disapprove such application prior to the later of—

16 “(1) the expiration of the 45-day period begin-
17 ning on the date on which the application is resub-
18 mitted; or

19 “(2) the expiration of the 120-day period de-
20 scribed in subsection (b).

21 “(f) FAILURE TO RESPOND.—If the State edu-
22 cational agency does not respond to the Secretary’s notifi-
23 cation described in subsection (d)(2) during the 45-day pe-
24 riod beginning on the date on which the agency received

1 the notification, such application shall be deemed to be
2 disapproved.

3 “(g) RULE OF CONSTRUCTION.—An application sub-
4 mitted by a State educational agency pursuant to sub-
5 section (a) shall not be approved or disapproved based
6 upon the activities for which the agency may make funds
7 available to eligible entities under section 3204 if the agen-
8 cy’s use of funds is consistent with section 3204(b).

9 **“SEC. 3204. LOCAL COMPETITIVE GRANT PROGRAM.**

10 “(a) IN GENERAL.—A State that receives funds
11 under this part for a fiscal year shall provide the amount
12 made available under section 3202(c)(1) to eligible entities
13 in accordance with this section.

14 “(b) USE OF FUNDS.—

15 “(1) IN GENERAL.—An eligible entity that re-
16 ceives an award under this part shall use the funds
17 for activities that—

18 “(A) are evidence-based;

19 “(B) will improve student academic
20 achievement;

21 “(C) are allowable under State law; and

22 “(D) focus on one or more projects from
23 the following two categories:

24 “(i) Supplemental student support ac-
25 tivities such as before, after, or summer

1 school activities, tutoring, and expanded
2 learning time, but not including athletics
3 or in-school learning activities.

4 “(ii) Activities designed to support
5 students, such as academic subject specific
6 programs including computer science and
7 other science, technology, engineering, and
8 mathematics programs, civic education, ad-
9 junct teacher, extended-learning-time, and
10 dual enrollment programs, and parent en-
11 gagement, but not including activities to—

12 “(I) support smaller class sizes
13 or construction; or

14 “(II) provide compensation or
15 benefits to teachers, school leaders,
16 other school officials, or local edu-
17 cational agency staff.

18 “(2) PARTICIPATION OF CHILDREN ENROLLED
19 IN PRIVATE SCHOOLS.—An eligible entity that re-
20 ceives an award under this part shall ensure compli-
21 ance with section 6501 (relating to participation of
22 children enrolled in private schools).

23 “(c) APPLICATION.—

24 “(1) IN GENERAL.—To be eligible to receive an
25 award under this part, an eligible entity shall submit

1 an application to the State educational agency at
2 such time, in such manner, and including such infor-
3 mation as the State educational agency may reason-
4 ably require, including the contents required by
5 paragraph (2).

6 “(2) CONTENTS.—Each application submitted
7 under paragraph (1) shall include—

8 “(A) a description of the activities to be
9 funded and how they are consistent with sub-
10 section (b), including any activities that will in-
11 crease student safety;

12 “(B) an assurance that funds under this
13 part will be used to increase the level of State,
14 local, and other non-Federal funds that would,
15 in the absence of funds under this part, be
16 made available for programs and activities au-
17 thorized under this part, and in no case sup-
18 plant State, local, or non-Federal funds;

19 “(C) an assurance that the community will
20 be given notice of an intent to submit an appli-
21 cation with an opportunity for comment, and
22 that the application will be available for public
23 review after submission of the application; and

24 “(D) an assurance that students who ben-
25 efit from any activity funded under this part

1 shall continue to maintain enrollment in a pub-
2 lic elementary or secondary school.

3 “(d) REVIEW.—In reviewing local applications under
4 this section, a State educational agency shall use a peer
5 review process or other methods of assuring the quality
6 of such applications but the review shall be limited to the
7 likelihood that the project will increase student academic
8 achievement.

9 “(e) GEOGRAPHIC DIVERSITY.—A State educational
10 agency shall distribute funds under this part equitably
11 among geographic areas within the State, including rural,
12 suburban, and urban communities.

13 “(f) AWARD.—A grant shall be awarded to all eligible
14 entities that submit an application that meets the require-
15 ments of this section in an amount that is not less than
16 \$10,000, but there shall be only one annual award granted
17 to any one local educational agency, but such award may
18 be for multiple projects or programs with the local edu-
19 cational agency.

20 “(g) DURATION OF AWARDS.—Grants under this
21 part may be awarded for a period of not more than 5
22 years.

23 “(h) ELIGIBLE ENTITY DEFINED.—In this section,
24 the term ‘eligible entity’ means—

1 “(1) a local educational agency in partnership
2 with a community-based organization, business enti-
3 ty, or nongovernmental entity;

4 “(2) a consortium of local educational agencies
5 working in partnership with a community-based or-
6 ganization, business entity, or nongovernmental enti-
7 ty;

8 “(3) a community-based organization in part-
9 nership with a local educational agency and, if appli-
10 cable, a business entity or nongovernmental entity;
11 or

12 “(4) a business entity in partnership with a
13 local educational agency and, if applicable, a commu-
14 nity-based organization or nongovernmental entity.

15 **“SEC. 3205. AWARDS TO NONGOVERNMENTAL ENTITIES TO**
16 **IMPROVE ACADEMIC ACHIEVEMENT.**

17 “(a) IN GENERAL.—From the amount reserved
18 under section 3202(c)(2), a State educational agency shall
19 award grants to nongovernmental entities, including pub-
20 lic or private organizations, community-based or faith-
21 based organizations, and business entities for a program
22 or project to increase the academic achievement of public
23 school students attending public elementary or secondary
24 schools (or both) in compliance with the requirements in
25 this section. Subject to the availability of funds, the State

1 educational agency shall award a grant to each eligible ap-
2 plicant that meets the requirements in a sufficient size and
3 scope to support the program.

4 “(b) APPLICATION.—The State educational agency
5 shall require an application that includes the following in-
6 formation:

7 “(1) A description of the program or project
8 the applicant will use the funds to support.

9 “(2) A description of how the applicant is using
10 or will use other State, local, or private funding to
11 support the program or project.

12 “(3) A description of how the program or
13 project will help increase student academic achieve-
14 ment, including the evidence to support this claim.

15 “(4) A description of the student population the
16 program or project is targeting to impact, and if the
17 program will prioritize students in high-need local
18 educational agencies.

19 “(5) A description of how the applicant will
20 conduct sufficient outreach to ensure students can
21 participate in the program or project.

22 “(6) A description of any partnerships the ap-
23 plicant has entered into with local educational agen-
24 cies or other entities the applicant will work with, if
25 applicable.

1 “(7) A description of how the applicant will
2 work to share evidence-based and other effective
3 strategies from the program or project with local
4 educational agencies and other entities working with
5 students to increase academic achievement.

6 “(8) An assurance that students who benefit
7 from any program or project funded under this sec-
8 tion shall continue to maintain enrollment in a pub-
9 lic elementary or secondary school.

10 “(c) MATCHING CONTRIBUTION.—An eligible appli-
11 cant receiving a grant under this section shall provide, ei-
12 ther directly or through private contributions, non-Federal
13 matching funds equal to not less than 50 percent of the
14 amount of the grant.

15 “(d) REVIEW.—The State educational agency shall
16 review the application to ensure that—

17 “(1) the applicant is an eligible applicant;

18 “(2) the application clearly describes the re-
19 quired elements in subsection (b);

20 “(3) the entity meets the matching requirement
21 described in subsection (c); and

22 “(4) the program is allowable and complies with
23 Federal, State, and local laws.

24 “(e) DISTRIBUTION OF FUNDS.—If the application
25 requests exceed the funds available, the State educational

1 agency shall prioritize projects that support students in
 2 high-need local educational agencies and ensure geo-
 3 graphic diversity, including serving rural, suburban, and
 4 urban areas.

5 “(f) ADMINISTRATIVE COSTS.—Not more than 1 per-
 6 cent of a grant awarded under this section may be used
 7 for administrative costs.

8 **“SEC. 3206. REPORT.**

9 “Each recipient of a grant under section 3204 or
 10 3205 shall report to the State educational agency on—

11 “(1) the success of the program in reaching the
 12 goals of the program;

13 “(2) a description of the students served by the
 14 program and how the students’ academic achieve-
 15 ment improved; and

16 “(3) the results of any evaluation conducted on
 17 the success of the program.”.

18 **TITLE IV—IMPACT AID**

19 **SEC. 401. PURPOSE.**

20 Section 8001 (20 U.S.C. 7701) is amended by strik-
 21 ing “challenging State standards” and inserting “State
 22 academic standards”.

23 **SEC. 402. PAYMENTS RELATING TO FEDERAL ACQUISITION**
 24 **OF REAL PROPERTY.**

25 Section 8002 (20 U.S.C. 7702) is amended—

1 (1) in subsection (a)(1)(C), by amending the
2 matter preceding clause (i) to read as follows:

3 “(C) had an assessed value according to
4 original records (including facsimiles or other
5 reproductions of those records) documenting
6 the assessed value of such property (determined
7 as of the time or times when so acquired) pre-
8 pared by the local officials referred to in sub-
9 section (b)(3) or, when such original records
10 are not available due to unintentional destruc-
11 tion (such as natural disaster, fire, flooding,
12 pest infestation, or deterioration due to age),
13 other records, including Federal agency records,
14 local historical records, or other records that
15 the Secretary determines to be appropriate and
16 reliable, aggregating 10 percent or more of the
17 assessed value of—”;

18 (2) in subsection (b)(1)(B), by striking “section
19 8014(a)” and inserting “section 3(d)(1)”;

20 (3) by amending subsection (f) to read as fol-
21 lows:

22 “(f) SPECIAL RULE.—Beginning with fiscal year
23 2014, a local educational agency shall be deemed to meet
24 the requirements of subsection (a)(1)(C) if records to de-
25 termine eligibility under such subsection were destroyed

1 prior to fiscal year 2000 and the agency received funds
2 under subsection (b) in the previous year.”;

3 (4) by amending subsection (g) to read as fol-
4 lows:

5 “(g) FORMER DISTRICTS.—

6 “(1) CONSOLIDATIONS.—For fiscal year 2006
7 and each succeeding fiscal year, if a local edu-
8 cational agency described in subsection (b) is formed
9 at any time after 1938 by the consolidation of 2 or
10 more former school districts, the local educational
11 agency may elect to have the Secretary determine its
12 eligibility for any fiscal year on the basis of 1 or
13 more of those former districts, as designated by the
14 local educational agency.

15 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
16 CIES.—A local educational agency referred to in sub-
17 section (a) is—

18 “(A) any local educational agency that, for
19 fiscal year 1994 or any preceding fiscal year,
20 applied, and was determined to be eligible
21 under, section 2(c) of the Act of September 30,
22 1950 (Public Law 874, 81st Congress) as that
23 section was in effect for that fiscal year; or

24 “(B) a local educational agency formed by
25 the consolidation of 2 or more districts, at least

1 of which was eligible for assistance under this
2 section for the fiscal year preceding the year of
3 the consolidation, if—

4 “(i) for fiscal years 2006 through
5 2013 the local educational agency notified
6 the Secretary not later than 30 days after
7 the date of enactment of this Act; and

8 “(ii) for fiscal year 2014 the local
9 educational agency includes the designa-
10 tion in its application under section 8005
11 or any timely amendment to such applica-
12 tion.

13 “(3) AMOUNT.—A local educational agency eli-
14 gible under subsection (b) shall receive a foundation
15 payment as provided for under subparagraphs (A)
16 and (B) of subsection (h)(1), except that the founda-
17 tion payment shall be calculated based on the most
18 recent payment received by the local educational
19 based on its former common status.”;

20 (5) in subsection (h)—

21 (A) in paragraph (2)—

22 (i) in subparagraph (C)(ii), by strik-
23 ing “section 8014(a)” and inserting “sec-
24 tion 3(d)(1)”; and

1 (ii) in subparagraph (D), by striking
 2 “section 8014(a)” and inserting “section
 3 3(d)(1)”; and
 4 (B) in paragraph (4), by striking “Impact
 5 Aid Improvement Act of 2012” and inserting
 6 “Student Success Act”;
 7 (6) by repealing subsections (k) and (m);
 8 (7) by redesignating subsection (l) as subsection
 9 (j);
 10 (8) by amending subsection (j) (as so redesign-
 11 ated) by striking “(h)(4)(B)” and inserting
 12 “(h)(2)”; and
 13 (9) by redesignating subsection (n) as sub-
 14 section (k).

15 **SEC. 403. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
 16 **NECTED CHILDREN.**

17 (a) COMPUTATION OF PAYMENT.—Section 8003(a)
 18 (20 U.S.C. 7703(a)) is amended—

19 (1) in the matter preceding subparagraph (A)
 20 of paragraph (1), by inserting after “schools of such
 21 agency” the following: “(including those children en-
 22 rolled in such agency as a result of the open enroll-
 23 ment policy of the State in which the agency is lo-
 24 cated, but not including children who are enrolled in
 25 a distance education program at such agency and

1 who are not residing within the geographic bound-
2 aries of such agency)”; and

3 (2) in paragraph (5)(A), by striking “1984”
4 and all that follows through “situated” and inserting
5 “1984, or under lease of off-base property under
6 subchapter IV of chapter 169 of title 10, United
7 States Code, to be children described under para-
8 graph (1)(B) if the property described is within the
9 fenced security perimeter of the military facility or
10 attached to and under any type of force protection
11 agreement with the military installation upon which
12 such housing is situated”.

13 (b) BASIC SUPPORT PAYMENTS FOR HEAVILY IM-
14 PACTED LOCAL EDUCATIONAL AGENCIES.—Section
15 8003(b) (20 U.S.C. 7703(b)) is amended—

16 (1) by striking “section 8014(b)” each place it
17 appears and inserting “section 3(d)(2)”;

18 (2) in paragraph (1), by repealing subpara-
19 graph (E);

20 (3) in paragraph (2)—

21 (A) in subparagraph (B)—

22 (i) by striking “CONTINUING” in the
23 heading;

24 (ii) by amending clause (i) to read as
25 follows:

1 “(i) IN GENERAL.—A heavily im-
2 pacted local educational agency is eligible
3 to receive a basic support payment under
4 subparagraph (A) with respect to a num-
5 ber of children determined under sub-
6 section (a)(1) if the agency—

7 “(I) is a local educational agen-
8 cy—

9 “(aa) whose boundaries are
10 the same as a Federal military
11 installation or an island property
12 designated by the Secretary of
13 the Interior to be property that is
14 held in trust by the Federal Gov-
15 ernment; and

16 “(bb) that has no taxing au-
17 thority;

18 “(II) is a local educational agen-
19 cy that—

20 “(aa) has an enrollment of
21 children described in subsection
22 (a)(1) that constitutes a percent-
23 age of the total student enroll-
24 ment of the agency that is not
25 less than 45 percent;

1 “(bb) has a per-pupil ex-
2 penditure that is less than—

3 “(AA) for an agency
4 that has a total student en-
5 rollment of 500 or more stu-
6 dents, 125 percent of the av-
7 erage per-pupil expenditure
8 of the State in which the
9 agency is located; or

10 “(BB) for any agency
11 that has a total student en-
12 rollment less than 500, 150
13 percent of the average per-
14 pupil expenditure of the
15 State in which the agency is
16 located or the average per-
17 pupil expenditure of 3 or
18 more comparable local edu-
19 cational agencies in the
20 State in which the agency is
21 located; and

22 “(cc) is an agency that—

23 “(AA) has a tax rate
24 for general fund purposes
25 that is not less than 95 per-

1 cent of the average tax rate
2 for general fund purposes of
3 comparable local educational
4 agencies in the State; or

5 “(BB) was eligible to
6 receive a payment under this
7 subsection for fiscal year
8 2013 and is located in a
9 State that by State law has
10 eliminated ad valorem tax as
11 a revenue for local edu-
12 cational agencies;

13 “(III) is a local educational agen-
14 cy that—

15 “(aa) has an enrollment of
16 children described in subsection
17 (a)(1) that constitutes a percent-
18 age of the total student enroll-
19 ment of the agency that is not
20 less than 20 percent;

21 “(bb) for the 3 fiscal years
22 preceding the fiscal year for
23 which the determination is made,
24 the average enrollment of chil-
25 dren who are not described in

1 subsection (a)(1) and who are eli-
2 gible for a free or reduced price
3 lunch under the Richard B. Rus-
4 sell National School Lunch Act
5 constitutes a percentage of the
6 total student enrollment of the
7 agency that is not less than 65
8 percent; and

9 “(cc) has a tax rate for gen-
10 eral fund purposes which is not
11 less than 125 percent of the aver-
12 age tax rate for general fund
13 purposes for comparable local
14 educational agencies in the State;

15 “(IV) is a local educational agen-
16 cy that has a total student enrollment
17 of not less than 25,000 students, of
18 which—

19 “(aa) not less than 50 per-
20 cent are children described in
21 subsection (a)(1); and

22 “(bb) not less than 5,500 of
23 such children are children de-
24 scribed in subparagraphs (A) and
25 (B) of subsection (a)(1); or

1 “(V) is a local educational agency
2 that—

3 “(aa) has an enrollment of
4 children described in subsection
5 (a)(1) including, for purposes of
6 determining eligibility, those chil-
7 dren described in subparagraphs
8 (F) and (G) of such subsection,
9 that is not less than 35 percent
10 of the total student enrollment of
11 the agency; and

12 “(bb) was eligible to receive
13 assistance under subparagraph
14 (A) for fiscal year 2001.”; and

15 (iii) in clause (ii)—

16 (I) by striking “A heavily” and
17 inserting the following:

18 “(I) IN GENERAL.—Subject to
19 subclause (II), a heavily”; and

20 (II) by adding at the end the fol-
21 lowing:

22 “(II) LOSS OF ELIGIBILITY DUE
23 TO FALLING BELOW 95 PERCENT OF
24 THE AVERAGE TAX RATE FOR GEN-
25 ERAL FUND PURPOSES.—In a case of

1 a heavily impacted local educational
2 agency that is eligible to receive a
3 basic support payment under subpara-
4 graph (A), but that has had, for 2
5 consecutive fiscal years, a tax rate for
6 general fund purposes that falls below
7 95 percent of the average tax rate for
8 general fund purposes of comparable
9 local educational agencies in the
10 State, such agency shall be deter-
11 mined to be ineligible under clause (i)
12 and ineligible to receive a basic sup-
13 port payment under subparagraph (A)
14 for each fiscal year succeeding such 2
15 consecutive fiscal years for which the
16 agency has such a tax rate for general
17 fund purposes, and until the fiscal
18 year for which the agency resumes
19 such eligibility in accordance with
20 clause (iii).”;

21 (B) by striking subparagraph (C);

22 (C) by redesignating subparagraphs (D)
23 through (H) as subparagraphs (C) through (G),
24 respectively;

1 (D) in subparagraph (C) (as so redesign-
2 nated)—

3 (i) in the heading, by striking “REG-
4 ULAR”;

5 (ii) by striking “Except as provided in
6 subparagraph (E)” and inserting “Except
7 as provided in subparagraph (D)”;

8 (iii) by amending subclause (I) of
9 clause (ii) to read as follows: “ (I)(aa) For
10 a local educational agency with respect to
11 which 35 percent or more of the total stu-
12 dent enrollment of the schools of the agen-
13 cy are children described in subparagraph
14 (D) or (E) (or a combination thereof) of
15 subsection (a)(1), and that has an enroll-
16 ment of children described in subpara-
17 graph (A), (B), or (C) of such subsection
18 equal to at least 10 percent of the agency’s
19 total enrollment, the Secretary shall cal-
20 culate the weighted student units of those
21 children described in subparagraph (D) or
22 (E) of such subsection by multiplying the
23 number of such children by a factor of
24 0.55.

1 “(bb) Notwithstanding subitem (aa), a
 2 local educational agency that received a
 3 payment under this paragraph for fiscal
 4 year 2013 shall not be required to have an
 5 enrollment of children described in sub-
 6 paragraph (A), (B), or (C) of subsection
 7 (a)(1) equal to at least 10 percent of the
 8 agency’s total enrollment.”; and

9 (iv) by amending subclause (III) of
 10 clause (ii) by striking “(B)(i)(II)(aa)” and
 11 inserting “subparagraph (B)(i)(I”;

12 (E) in subparagraph (D)(i)(II) (as so re-
 13 designated), by striking “6,000” and inserting
 14 “5,500”;

15 (F) in subparagraph (E) (as so redesign-
 16 nated)—

17 (i) by striking “Secretary” and all
 18 that follows through “shall use” and in-
 19 serting “Secretary shall use”;

20 (ii) by striking “; and” and inserting
 21 a period; and

22 (iii) by striking clause (ii);

23 (G) in subparagraph (F) (as so redesign-
 24 nated), by striking “subparagraph

1 (C)(i)(II)(bb)” and inserting “subparagraph
2 (B)(i)(II)(bb)(BB)”;

3 (H) in subparagraph (G) (as so redesign-
4 nated)—

5 (i) in clause (i)—

6 (I) by striking “subparagraph
7 (B), (C), (D), or (E)” and inserting
8 “subparagraph (B), (C), or (D)”;

9 (II) by striking “by reason of”
10 and inserting “due to”;

11 (III) by inserting after “clause
12 (iii)” the following “, or as the direct
13 result of base realignment and closure
14 or modularization as determined by
15 the Secretary of Defense and force
16 structure change or force relocation”;

17 and

18 (IV) by inserting before the pe-
19 riod, the following: “or during such
20 time as activities associated with base
21 closure and realignment,
22 modularization, force structure
23 change, or force relocation are ongoing”;
24 and

1 (ii) in clause (ii), by striking “(D) or
2 (E)” each place it appears and inserting
3 “(C) or (D)”;

4 (4) in paragraph (3)—

5 (A) in subparagraph (B)—

6 (i) by amending clause (iii) to read as
7 follows:

8 “(iii) In the case of a local educational
9 agency providing a free public education to stu-
10 dents enrolled in kindergarten through grade
11 12, but which enrolls students described in sub-
12 paragraphs (A), (B), and (D) of subsection
13 (a)(1) only in grades 9 through 12, and which
14 received a final payment in fiscal year 2009 cal-
15 culated under this paragraph (as this para-
16 graph was in effect on the day before the date
17 of enactment of the Student Success Act) for
18 students in grades 9 through 12, the Secretary
19 shall, in calculating the agency’s payment, con-
20 sider only that portion of such agency’s total
21 enrollment of students in grades 9 through 12
22 when calculating the percentage under clause
23 (i)(I) and only that portion of the total current
24 expenditures attributed to the operation of
25 grades 9 through 12 in such agency when cal-

1 culating the percentage under clause (i)(II).”;
2 and

3 (ii) by adding at the end the fol-
4 lowing:

5 “(v) In the case of a local educational
6 agency that is providing a program of distance
7 education to children not residing within the ge-
8 ographic boundaries of the agency, the Sec-
9 retary shall—

10 “(I) for purposes of the calculation
11 under clause (i)(I), disregard such children
12 from the total number of children in aver-
13 age daily attendance at the schools served
14 by such agency; and

15 “(II) for purposes of the calculation
16 under clause (i)(II), disregard any funds
17 received for such children from the total
18 current expenditures for such agency.”;

19 (B) in subparagraph (C), by striking “sub-
20 paragraph (D) or (E) of paragraph (2), as the
21 case may be” and inserting “paragraph
22 (2)(D)”;

23 (C) by amending subparagraph (D) to read
24 as follows:

1 “(D) RATABLE DISTRIBUTION.—For any
2 fiscal year described in subparagraph (A) for
3 which the sums available exceed the amount re-
4 quired to pay each local educational agency 100
5 percent of its threshold payment, the Secretary
6 shall distribute the excess sums to each eligible
7 local educational agency that has not received
8 its full amount computed under paragraph (1)
9 or (2) (as the case may be) by multiplying—

10 “(i) a percentage, the denominator of
11 which is the difference between the full
12 amount computed under paragraph (1) or
13 (2) (as the case may be) for all local edu-
14 cational agencies and the amount of the
15 threshold payment (as calculated under
16 subparagraphs (B) and (C)) of all local
17 educational agencies, and the numerator of
18 which is the aggregate of the excess sums,
19 by

20 “(ii) the difference between the full
21 amount computed under paragraph (1) or
22 (2) (as the case may be) for the agency
23 and the amount of the threshold payment
24 as calculated under subparagraphs (B) and
25 (C) of the agency.”; and

1 (D) by inserting at the end the following
2 new subparagraphs:

3 “(E) INSUFFICIENT PAYMENTS.—For each
4 fiscal year described in subparagraph (A) for
5 which the sums appropriated under section
6 3(d)(2) are insufficient to pay each local edu-
7 cational agency all of the local educational
8 agency’s threshold payment described in sub-
9 paragraph (D), the Secretary shall ratably re-
10 duce the payment to each local educational
11 agency under this paragraph.

12 “(F) INCREASES.—If the sums appro-
13 priated under section 3(d)(2) are sufficient to
14 increase the threshold payment above the 100
15 percent threshold payment described in sub-
16 paragraph (D), then the Secretary shall in-
17 crease payments on the same basis as such pay-
18 ments were reduced, except no local educational
19 agency may receive a payment amount greater
20 than 100 percent of the maximum payment cal-
21 culated under this subsection.”; and

22 (5) in paragraph (4)—

23 (A) in subparagraph (A), by striking
24 “through (D)” and inserting “and (C)”; and

1 (B) in subparagraph (B), by striking “sub-
2 paragraph (D) or (E)” and inserting “subpara-
3 graph (C) or (D)”.

4 (c) PRIOR YEAR DATA.—Paragraph (2) of section
5 8003(c) (20 U.S.C. 7703(c)) is amended to read as fol-
6 lows:

7 “(2) EXCEPTION.—Calculation of payments for
8 a local educational agency shall be based on data
9 from the fiscal year for which the agency is making
10 an application for payment if such agency—

11 “(A) is newly established by a State, for
12 the first year of operation of such agency only;

13 “(B) was eligible to receive a payment
14 under this section for the previous fiscal year
15 and has had an overall increase in enrollment
16 (as determined by the Secretary in consultation
17 with the Secretary of Defense, the Secretary of
18 the Interior, or the heads of other Federal
19 agencies)—

20 “(i) of not less than 10 percent, or
21 100 students, of children described in—

22 “(I) subparagraph (A), (B), (C),
23 or (D) of subsection (a)(1); or

24 “(II) subparagraphs (F) and (G)
25 of subsection (a)(1), but only to the

1 extent such children are civilian de-
2 pendants of employees of the Depart-
3 ment of Defense or the Department of
4 the Interior; and

5 “(ii) that is the direct result of closure
6 or realignment of military installations
7 under the base closure process or the relo-
8 cation of members of the Armed Forces
9 and civilian employees of the Department
10 of Defense as part of the force structure
11 changes or movements of units or per-
12 sonnel between military installations or be-
13 cause of actions initiated by the Secretary
14 of the Interior or the head of another Fed-
15 eral agency; or

16 “(C) was eligible to receive a payment
17 under this section for the previous fiscal year
18 and has had an increase in enrollment (as de-
19 termined by the Secretary)—

20 “(i) of not less than 10 percent of
21 children described in subsection (a)(1) or
22 not less than 100 of such children; and

23 “(ii) that is the direct result of the
24 closure of a local educational agency that

1 received a payment under subsection (b)(1)
2 or (b)(2) in the previous fiscal year.”.

3 (d) CHILDREN WITH DISABILITIES.—Section
4 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking
5 “section 8014(c)” and inserting “section 3(d)(3)”.

6 (e) HOLD-HARMLESS.—Section 8003(e) (20 U.S.C.
7 7703(e)) is amended—

8 (1) by amending paragraph (1) to read as fol-
9 lows:

10 “(1) IN GENERAL.—Subject to paragraph (2),
11 the total amount the Secretary shall pay a local edu-
12 cational agency under subsection (b)—

13 “(A) for fiscal year 2016, shall not be less
14 than 90 percent of the total amount that the
15 local educational agency received under sub-
16 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
17 year 2013;

18 “(B) for fiscal year 2017, shall not be less
19 than 85 percent of the total amount that the
20 local educational agency received under sub-
21 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
22 year 2013; and

23 “(C) for fiscal year 2018, shall not be less
24 than 80 percent of the total amount that the
25 local educational agency received under sub-

1 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
 2 year 2013.”; and

3 (2) by amending paragraph (2) to read as fol-
 4 lows:

5 “(2) MAXIMUM AMOUNT.—The total amount
 6 provided to a local educational agency under sub-
 7 paragraph (A), (B), or (C) of paragraph (1) for a
 8 fiscal year shall not exceed the maximum basic sup-
 9 port payment amount for such agency determined
 10 under paragraph (1) or (2) of subsection (b), as the
 11 case may be, for such fiscal year.”.

12 (f) MAINTENANCE OF EFFORT.—Section 8003 (20
 13 U.S.C. 7703) is amended by striking subsection (g).

14 **SEC. 404. POLICIES AND PROCEDURES RELATING TO CHIL-**
 15 **DREN RESIDING ON INDIAN LANDS.**

16 Section 8004(e)(9) is amended by striking “Bureau
 17 of Indian Affairs” and inserting “Bureau of Indian Edu-
 18 cation”.

19 **SEC. 405. APPLICATION FOR PAYMENTS UNDER SECTIONS**
 20 **8002 AND 8003.**

21 Section 8005(b) (20 U.S.C. 7705(b)) is amended in
 22 the matter preceding paragraph (1) by striking “and shall
 23 contain such information,”.

24 **SEC. 406. CONSTRUCTION.**

25 Section 8007 (20 U.S.C. 7707) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1), by striking “section
3 8014(e)” and inserting “section 3(d)(4)”;

4 (B) in paragraph (2), by adding at the end
5 the following:

6 “(C) The agency is eligible under section
7 4003(b)(2) or is receiving basic support pay-
8 ments under circumstances described in section
9 4003(b)(2)(B)(ii).”; and

10 (C) in paragraph (3), by striking “section
11 8014(e)” each place it appears and inserting
12 “section 3(d)(4)”;

13 (2) in subsection (b)—

14 (A) in paragraph (1), by striking “section
15 8014(e)” and inserting “section 3(d)(4)”;

16 (B) in paragraph (3)—

17 (i) in subparagraph (C)(i)(I), by add-
18 ing at the end the following:

19 “(cc) At least 10 percent of the
20 property in the agency is exempt from
21 State and local taxation under Fed-
22 eral law.”; and

23 (ii) by adding at the end the fol-
24 lowing:

1 “(F) LIMITATIONS ON ELIGIBILITY RE-
2 QUIREMENTS.—The Secretary shall not limit
3 eligibility—

4 “(i) under subparagraph (C)(i)(I)(aa),
5 to those local educational agencies in which
6 the number of children determined under
7 section 8003(a)(1)(C) for each such agency
8 for the preceding school year constituted
9 more than 40 percent of the total student
10 enrollment in the schools of each such
11 agency during the preceding school year;
12 and

13 “(ii) under subparagraph (C)(i)(I)(cc),
14 to those local educational agencies in which
15 more than 10 percent of the property in
16 each such agency is exempt from State and
17 local taxation under Federal law.”;

18 (C) in paragraph (6)—

19 (i) in the matter preceding subpara-
20 graph (A), by striking “in such manner,
21 and accompanied by such information”
22 and inserting “and in such manner”; and

23 (ii) by striking subparagraph (F); and
24 (D) by striking paragraph (7).

1 **SEC. 407. FACILITIES.**

2 Section 8008 (20 U.S.C. 7708) is amended in sub-
3 section (a), by striking “section 8014(f)” and inserting
4 “section 3(d)(5)”.

5 **SEC. 408. STATE CONSIDERATION OF PAYMENTS PRO-**
6 **VIDING STATE AID.**

7 Section 8009(c)(1)(B) (20 U.S.C. 7709(c)(1)(B)) is
8 amended by striking “and contain the information”.

9 **SEC. 409. FEDERAL ADMINISTRATION.**

10 Section 8010(d)(2) (20 U.S.C. 7710(d)(2)) is amend-
11 ed, by striking “section 8014” and inserting “section
12 3(d)”.

13 **SEC. 410. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**
14 **VIEW.**

15 Section 8011(a) (20 U.S.C. 7711(a)) is amended by
16 striking “or under the Act” and all that follows through
17 “1994)”.

18 **SEC. 411. DEFINITIONS.**

19 Section 8013 (20 U.S.C. 7713) is amended—

20 (1) in paragraph (1), by striking “and Marine
21 Corps” and inserting “Marine Corps, and Coast
22 Guard”;

23 (2) in paragraph (4), by striking “and title VI”;

24 (3) in paragraph (5)(A)(iii)—

25 (A) in subclause (II), by striking “Stewart
26 B. McKinney Homeless Assistance Act” and in-

1 serting “McKinney-Vento Homeless Assistance
2 Act (42 U.S.C. 11411)”;

3 (B) in subclause (III), by inserting before
4 the semicolon “(25 U.S.C. 4101 et seq.)”; and
5 (4) in paragraph (8)(A), by striking “and
6 verified by” and inserting “, and verified by,”.

7 **SEC. 412. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 8014 (20 U.S.C. 7801) is repealed.

9 **SEC. 413. CONFORMING AMENDMENTS.**

10 (a) **IMPACT AID IMPROVEMENT ACT OF 2012.**—Sub-
11 section (c) of the Impact Aid Improvement Act of 2012
12 (20 U.S.C. 6301 note; Public Law 112–239; 126 Stat.
13 1748), as amended by section 563 of division A of Public
14 Law 113–291, is amended—

15 (1) by striking paragraphs (1) and (4); and

16 (2) by redesignating paragraphs (2) and (3), as
17 paragraphs (1) and (2), respectively.

18 (b) **REPEALS.**—

19 (1) **TITLE IV.**—Title IV (20 U.S.C. 7101 et
20 seq.), as amended by section 601(b)(2) of this Act,
21 is repealed.

22 (2) **PL 113–76.**—Section 309 of division H of
23 the Consolidated Appropriations Act, 2014 (Public
24 Law 113–76; 20 U.S.C. 7702) is repealed.

1 (c) TRANSFER AND REDESIGNATION.—Title VIII (20
2 U.S.C. 7701 et seq.), as amended by this title, is redesign-
3 nated as title IV (20 U.S.C. 7101 et seq.), and transferred
4 and inserted after title III (as amended by this Act).

5 (d) TITLE VIII REFERENCES.—The Act (20 U.S.C.
6 6301 et seq.) is amended—

7 (1) by redesignating sections 8001 through
8 8005 as sections 4001 through 4005, respectively;

9 (2) by redesignating sections 8007 through
10 8013 as sections 4007 through 4013, respectively;

11 (3) by striking “section 8002” each place it ap-
12 pears and inserting “section 4002”;

13 (4) by striking “section 8002(b)” each place it
14 appears and inserting “section 4002(b)”;

15 (5) by striking “section 8003” each place it ap-
16 pears and inserting “section 4003”, respectively;

17 (6) by striking “section 8003(a)” each place it
18 appears and inserting “section 4003(a)”;

19 (7) by striking “section 8003(a)(1)” each place
20 it appears and inserting “section 4003(a)(1)”;

21 (8) by striking “section 8003(a)(1)(C)” each
22 place it appears and inserting “section
23 4003(a)(1)(C)”;

24 (9) by striking “section 8002(a)(2)” each place
25 it appears and inserting “section 4002(a)(2)”;

1 (10) by striking “section 8003(b)” each place it
2 appears and inserting “section 4003(b)”;

3 (11) by striking “section 8003(b)(1)” each
4 place it appears and inserting “section 4003(b)(1)”;

5 (12) in section 4002(b)(1)(C) (as so redesign-
6 nated), by striking “section 8003(b)(1)(C)” and in-
7 serting “section 4003(b)(1)(C)”;

8 (13) in section 4002(k)(1) (as so redesignated),
9 by striking “section 8013(5)(C)(iii)” and inserting
10 “section 4013(5)(C)(iii)”;

11 (14) in section 4005 (as so redesignated)—

12 (A) in the section heading, by striking
13 “**8002 AND 8003**” and inserting “**4002 AND**
14 **4003**”;

15 (B) by striking “or 8003” each place it ap-
16 pears and inserting “or 4003”;

17 (C) in subsection (b)(2), by striking “sec-
18 tion 8004” and inserting “section 4004”; and

19 (D) in subsection (d)(2), by striking “sec-
20 tion 8003(e)” and inserting “section 4003(e)”;

21 (15) in section 4007(a)(3)(A)(i)(II) (as so re-
22 designated), by striking “section 8008(a)” and in-
23 serting “section 4008(a)”;

1 (16) in section 4007(a)(4) (as so redesignated),
2 by striking “section 8013(3)” and inserting “section
3 4013(3)”;

4 (17) in section 4009 (as so redesignated)—

5 (A) in subsection (b)(1)—

6 (i) by striking “or 8003(b)” and in-
7 serting “or 4003(b)”;

8 (ii) by striking “section
9 8003(a)(2)(B)” and inserting “section
10 4003(a)(2)(B)”;

11 (iii) by striking “section 8003(b)(2)”
12 each place it appears and inserting “sec-
13 tion 4003(b)(2)”;

14 (B) by striking “section 8011(a)” each
15 place it appears and inserting “section
16 4011(a)”;

17 (18) in section 4010(c)(2)(D) (as so redesign-
18 nated) by striking “section 8009(b)” and inserting
19 “section 4009(b)”.

1 **TITLE V—THE FEDERAL GOV-**
 2 **ERNMENT’S TRUST RESPON-**
 3 **SIBILITY TO AMERICAN IN-**
 4 **DIAN, ALASKA NATIVE, AND**
 5 **NATIVE HAWAIIAN EDU-**
 6 **CATION**

7 **SEC. 501. THE FEDERAL GOVERNMENT’S TRUST RESPONSI-**
 8 **BILITY TO AMERICAN INDIAN, ALASKA NA-**
 9 **TIVE, AND NATIVE HAWAIIAN EDUCATION.**

10 Title V of the Act (20 U.S.C. 7201 et seq.) is amend-
 11 ed to read as follows:

12 **“TITLE V—THE FEDERAL GOV-**
 13 **ERNMENT’S TRUST RESPON-**
 14 **SIBILITY TO AMERICAN IN-**
 15 **DIAN, ALASKA NATIVE, AND**
 16 **NATIVE HAWAIIAN EDU-**
 17 **CATION**

18 **“PART A—INDIAN EDUCATION**

19 **“SEC. 5101. STATEMENT OF POLICY.**

20 “It is the policy of the United States to fulfill the
 21 Federal Government’s unique and continuing trust rela-
 22 tionship with, and responsibility to, the Indian people for
 23 the education of Indian children. The Federal Government
 24 will continue to work with local educational agencies, In-
 25 dian tribes and organizations, postsecondary institutions,

1 and other entities toward the goal of ensuring that pro-
2 grams that serve Indian children are of the highest quality
3 and provide for not only the basic elementary and sec-
4 ondary educational needs, but also the unique educational
5 and culturally related academic needs of these children.

6 **“SEC. 5102. PURPOSE.**

7 “It is the purpose of this part to support the efforts
8 of local educational agencies, Indian tribes and organiza-
9 tions, postsecondary institutions, and other entities—

10 “(1) to meet the unique educational and cul-
11 turally related academic needs of American Indian
12 and Alaska Native students, so that such students
13 can meet State student academic achievement stand-
14 ards;

15 “(2) to ensure that Indian and Alaskan Native
16 students gain knowledge and understanding of Na-
17 tive communities, languages, tribal histories, tradi-
18 tions, and cultures; and

19 “(3) to ensure that school leaders, teachers, and
20 other staff who serve Indian and Alaska Native stu-
21 dents have the ability to provide culturally appro-
22 priate and effective instruction to such students.

1 **“Subpart 1—Formula Grants to Local Educational**
2 **Agencies**

3 **“SEC. 5111. PURPOSE.**

4 “It is the purpose of this subpart to support the ef-
5 forts of local educational agencies, Indian tribes and orga-
6 nizations, and other entities to improve the academic
7 achievement of American Indian and Alaska Native stu-
8 dents by providing for their unique cultural, language, and
9 educational needs and ensuring that they are prepared to
10 meet State academic standards.

11 **“SEC. 5112. GRANTS TO LOCAL EDUCATIONAL AGENCIES**
12 **AND TRIBES.**

13 “(a) IN GENERAL.—In accordance with this section
14 and section 5113, the Secretary may make grants from
15 allocations made under section 5113, to—

16 “(1) local educational agencies;

17 “(2) Indian tribes;

18 “(3) Indian organizations; and

19 “(4) Alaska Native Organizations.

20 “(b) LOCAL EDUCATIONAL AGENCIES.—

21 “(1) ENROLLMENT REQUIREMENTS.—A local
22 educational agency shall be eligible for a grant under
23 this subpart for any fiscal year if the number of In-
24 dian children eligible under section 5117 who were
25 enrolled in the schools of the agency, and to whom

1 the agency provided free public education, during
2 the preceding fiscal year—

3 “(A) was at least 10; or

4 “(B) constituted not less than 25 percent
5 of the total number of individuals enrolled in
6 the schools of such agency.

7 “(2) EXCLUSION.—The requirement of para-
8 graph (1) shall not apply in Alaska, California, or
9 Oklahoma, or with respect to any local educational
10 agency located on, or in proximity to, an Indian res-
11 ervation.

12 “(c) INDIAN TRIBES, INDIAN ORGANIZATIONS, ALAS-
13 KA NATIVE ORGANIZATIONS, AND CONSORTIA.—

14 “(1) IN GENERAL.—If a local educational agen-
15 cy that is otherwise eligible for a grant under this
16 subpart does not establish a committee under section
17 5114(c)(4) for such grant, an Indian tribe, Indian
18 organization, Alaska Native Organization, or consor-
19 tium of such entities that represents not less than
20 one-third of the eligible Indian or Alaska Native
21 children who are served by such local educational
22 agency may apply for such grant.

23 “(2) SPECIAL RULE.—

24 “(A) IN GENERAL.—The Secretary shall
25 treat each Indian tribe, Indian organization,

1 Alaska Native Organization, or consortium of
2 such entities applying for a grant pursuant to
3 paragraph (1) as if such applicant were a local
4 educational agency for purposes of this subpart.

5 “(B) EXCEPTIONS.—Notwithstanding sub-
6 paragraph (A), such Indian tribe, Indian orga-
7 nization, Alaska Native Organization, or con-
8 sortium of such entities shall not be subject to
9 the requirements of section 5114(c)(5) or 5119.

10 “(3) ELIGIBILITY.—If more than 1 applicant
11 qualifies to apply for a grant under paragraph (1),
12 the entity that represents the most eligible Indian
13 and Alaska Native children who are served by the
14 local educational agency shall be eligible to receive
15 the grant or the applicants may apply in consortium
16 and jointly operate a program.

17 “(d) INDIAN AND ALASKA NATIVE COMMUNITY-
18 BASED ORGANIZATIONS.—

19 “(1) IN GENERAL.—If no local educational
20 agency pursuant to subsection (b), and no Indian
21 tribe, tribal organization, Alaska Native Organiza-
22 tion, or consortium pursuant to subsection (c), ap-
23 plies for a grant under this subpart, Indian and
24 Alaska Native community-based organizations serv-

1 ing the community of the local educational agency
2 may apply for the grant.

3 “(2) APPLICABILITY OF SPECIAL RULE.—The
4 Secretary shall apply the special rule in subsection
5 (c)(2) to a community-based organization applying
6 or receiving a grant under paragraph (1) in the
7 same manner as such rule applies to an Indian tribe,
8 Indian organization, Alaska Native Organization, or
9 consortium.

10 “(3) DEFINITION OF INDIAN AND ALASKA NA-
11 TIVE COMMUNITY-BASED ORGANIZATIONS.—In this
12 subsection, the term ‘Indian and Alaska Native com-
13 munity-based organizations’ means any organiza-
14 tions that—

15 “(A) are composed primarily of the family
16 members of Indian or Alaska Native students,
17 Indian or Alaska Native community members,
18 tribal government education officials, and tribal
19 members from a specific community;

20 “(B) assist in the social, cultural, and edu-
21 cational development of Indians or Alaska Na-
22 tives in such community;

23 “(C) meet the unique cultural, language,
24 and academic needs of Indian or Alaska Native
25 students; and

1 “(D) demonstrate organizational and ad-
2 ministrative capacity to effectively manage the
3 grant.

4 **“SEC. 5113. AMOUNT OF GRANTS.**

5 “(a) AMOUNT OF GRANT AWARDS.—

6 “(1) IN GENERAL.—Except as provided in sub-
7 section (b) and paragraph (2), the Secretary shall
8 allocate to each local educational agency that has an
9 approved application under this subpart an amount
10 equal to the product of—

11 “(A) the number of Indian children who
12 are eligible under section 5117 and served by
13 such agency; and

14 “(B) the greater of—

15 “(i) the average per pupil expenditure
16 of the State in which such agency is lo-
17 cated; or

18 “(ii) 80 percent of the average per
19 pupil expenditure of all the States.

20 “(2) REDUCTION.—The Secretary shall reduce
21 the amount of each allocation otherwise determined
22 under this section in accordance with subsection (e).

23 “(b) MINIMUM GRANT.—

24 “(1) IN GENERAL.—Notwithstanding subsection
25 (e), an entity that is eligible for a grant under sec-

1 tion 5112, and a school that is operated or sup-
2 ported by the Bureau of Indian Education that is el-
3 igible for a grant under subsection (d), that submits
4 an application that is approved by the Secretary,
5 shall, subject to appropriations, receive a grant
6 under this subpart in an amount that is not less
7 than \$3,000.

8 “(2) CONSORTIA.—Local educational agencies
9 may form a consortium for the purpose of obtaining
10 grants under this subpart.

11 “(3) INCREASE.—The Secretary may increase
12 the minimum grant under paragraph (1) to not
13 more than \$4,000 for all grantees if the Secretary
14 determines such increase is necessary to ensure the
15 quality of the programs provided.

16 “(c) DEFINITION.—For the purpose of this section,
17 the term ‘average per pupil expenditure’, used with respect
18 to a State, means an amount equal to—

19 “(1) the sum of the aggregate current expendi-
20 tures of all the local educational agencies in the
21 State, plus any direct current expenditures by the
22 State for the operation of such agencies, without re-
23 gard to the sources of funds from which such local
24 or State expenditures were made, during the second

1 fiscal year preceding the fiscal year for which the
2 computation is made; divided by

3 “(2) the aggregate number of children who
4 were included in average daily attendance for whom
5 such agencies provided free public education during
6 such preceding fiscal year.

7 “(d) SCHOOLS OPERATED OR SUPPORTED BY THE
8 BUREAU OF INDIAN EDUCATION.—

9 “(1) IN GENERAL.—Subject to subsection (e),
10 in addition to the grants awarded under subsection
11 (a), the Secretary shall allocate to the Secretary of
12 the Interior an amount equal to the product of—

13 “(A) the total number of Indian children
14 enrolled in schools that are operated by—

15 “(i) the Bureau of Indian Education;

16 or

17 “(ii) an Indian tribe, or an organiza-
18 tion controlled or sanctioned by an Indian
19 tribal government, for the children of that
20 tribe under a contract with, or grant from,
21 the Department of the Interior under the
22 Indian Self-Determination Act or the Trib-
23 ally Controlled Schools Act of 1988; and

24 “(B) the greater of—

1 “(i) the average per pupil expenditure
2 of the State in which the school is located;
3 or

4 “(ii) 80 percent of the average per
5 pupil expenditure of all the States.

6 “(2) SPECIAL RULE.—Any school described in
7 paragraph (1)(A) that wishes to receive an allocation
8 under this subpart shall submit an application in ac-
9 cordance with section 5114, and shall otherwise be
10 treated as a local educational agency for the purpose
11 of this subpart, except that such school shall not be
12 subject to section 5114(c)(5) or section 5119.

13 “(e) RATABLE REDUCTIONS.—If the sums appro-
14 priated for any fiscal year to carry out this subpart are
15 insufficient to pay in full the amounts determined for local
16 educational agencies under subsection (a)(1) and for the
17 Secretary of the Interior under subsection (d), each of
18 those amounts shall be ratably reduced.

19 **“SEC. 5114. APPLICATIONS.**

20 “(a) APPLICATION REQUIRED.—Each local edu-
21 cational agency that desires to receive a grant under this
22 subpart shall submit an application to the Secretary at
23 such time, in such manner, and containing such informa-
24 tion as the Secretary may reasonably require.

1 “(b) COMPREHENSIVE PROGRAM REQUIRED.—Each
2 application submitted under subsection (a) shall include
3 a description of a comprehensive program for meeting the
4 needs of Indian and Alaska Native children served by the
5 local educational agency, including the language and cul-
6 tural needs of the children, that—

7 “(1) describes how the comprehensive program
8 will offer programs and activities to meet the cul-
9 turally related academic needs of American Indian
10 and Alaska Native students;

11 “(2)(A) is consistent with the State, tribal, and
12 local plans submitted under other provisions of this
13 Act; and

14 “(B) includes academic content and student
15 academic achievement goals for such children, and
16 benchmarks for attaining such goals, that are based
17 on State academic content and student academic
18 achievement standards adopted under title I for all
19 children;

20 “(3) explains how the local educational agency
21 will use the funds made available under this subpart
22 to supplement other Federal, State, and local pro-
23 grams that serve such students;

1 “(4) demonstrates how funds made available
2 under this subpart will be used for activities de-
3 scribed in section 5115;

4 “(5) describes the professional development op-
5 portunities that will be provided, as needed, to en-
6 sure that—

7 “(A) teachers and other school profes-
8 sionals who are new to the Indian or Alaska
9 Native community are prepared to work with
10 Indian and Alaska Native children;

11 “(B) all teachers who will be involved in
12 programs assisted under this subpart have been
13 properly trained to carry out such programs;
14 and

15 “(C) those family members of Indian and
16 Alaska Native children and representatives of
17 tribes who are on the committee described in
18 (c)(5) will participate in the planning of profes-
19 sional development materials;

20 “(6) describes how the local educational agen-
21 cy—

22 “(A) will periodically assess the progress of
23 all Indian children enrolled in the schools of the
24 local educational agency, including Indian chil-
25 dren who do not participate in programs as-

1 sisted under this subpart, in meeting the goals
2 described in paragraph (2);

3 “(B) will provide the results of each as-
4 sessment referred to in subparagraph (A) to—

5 “(i) the committee described in sub-
6 section (c)(5);

7 “(ii) the community served by the
8 local educational agency; and

9 “(iii) the tribes whose children are
10 served by the local educational agency; and

11 “(C) is responding to findings of any pre-
12 vious assessments that are similar to the as-
13 sessments described in subparagraph (A); and

14 “(7) explicitly delineates—

15 “(A) a formal, collaborative process that
16 the local educational agency used to directly in-
17 volve tribes, Indian organizations, or Alaska
18 Native Organizations in the development of the
19 comprehensive programs and the results of such
20 process; and

21 “(B) how the local educational agency
22 plans to ensure that tribes, Indian organiza-
23 tions, or Alaska Native Organizations will play
24 an active, meaningful, and ongoing role in the
25 functioning of the comprehensive programs.

1 “(c) ASSURANCES.—Each application submitted
2 under subsection (a) shall include assurances that—

3 “(1) the local educational agency will use funds
4 received under this subpart only to supplement the
5 funds that, in the absence of the Federal funds
6 made available under this subpart, such agency
7 would make available for services described in this
8 subsection, and not to supplant such funds;

9 “(2) the local educational agency will use funds
10 received under this subpart only for activities de-
11 scribed and authorized under this subpart;

12 “(3) the local educational agency will prepare
13 and submit to the Secretary such reports, in such
14 form and containing such information, as the Sec-
15 retary may require to—

16 “(A) carry out the functions of the Sec-
17 retary under this subpart;

18 “(B) determine the extent to which activi-
19 ties carried out with funds provided to the local
20 educational agency under this subpart are effec-
21 tive in improving the educational achievement
22 of Indian and Alaska Native students served by
23 such agency; and

1 “(C) determine the extent to which such
2 activities address the unique cultural, language,
3 and educational needs of Indian students;

4 “(4) the program for which assistance is
5 sought—

6 “(A) is based on a comprehensive local as-
7 sessment and prioritization of the unique edu-
8 cational and culturally related academic needs
9 of the American Indian and Alaska Native stu-
10 dents for whom the local educational agency is
11 providing an education;

12 “(B) will use the best available talents and
13 resources, including individuals from the Indian
14 or Alaska Native community; and

15 “(C) was developed by such agency in open
16 consultation with the families of Indian or Alas-
17 ka Native children, Indian or Alaska Native
18 teachers, Indian or Alaska Native students
19 from secondary schools, and representatives of
20 tribes, Indian organizations, or Alaska Native
21 Organizations in the community including
22 through public hearings held by such agency to
23 provide to the individuals described in this sub-
24 paragraph a full opportunity to understand the

1 program and to offer recommendations regard-
2 ing the program;

3 “(5) the local educational agency developed the
4 program with the participation and written approval
5 of a committee—

6 “(A) that is composed of, and selected
7 by—

8 “(i) family members of Indian and
9 Alaska Native children that are attending
10 the local educational agency’s schools;

11 “(ii) teachers in the schools; and

12 “(iii) Indian and Alaska Native stu-
13 dents attending secondary schools of the
14 agency;

15 “(B) a majority of whose members are
16 family members of Indian and Alaska Native
17 children that are attending the local educational
18 agency’s schools;

19 “(C) that has set forth such policies and
20 procedures, including policies and procedures
21 relating to the hiring of personnel, as will en-
22 sure that the program for which assistance is
23 sought will be operated and evaluated in con-
24 sultation with, and with the involvement of,

1 parents of the children, and representatives of
2 the area, to be served;

3 “(D) with respect to an application de-
4 scribing a schoolwide program in accordance
5 with section 5115(c), that has—

6 “(i) reviewed in a timely fashion the
7 program;

8 “(ii) determined that the program will
9 not diminish the availability of culturally
10 related activities for American Indian and
11 Alaska Native students; and

12 “(iii) will directly enhance the edu-
13 cational experience of American Indian and
14 Alaska Native students; and

15 “(E) that has adopted reasonable bylaws
16 for the conduct of the activities of the com-
17 mittee and abides by such bylaws; and

18 “(6) the local educational agency conducted
19 adequate outreach to family members to meet the
20 requirements under subsection (c)(5).

21 **“SEC. 5115. AUTHORIZED SERVICES AND ACTIVITIES.**

22 “(a) GENERAL REQUIREMENTS.—Each local edu-
23 cational agency that receives a grant under this subpart
24 shall use the grant funds, in a manner consistent with the

1 purpose specified in section 5111, for services and activi-
2 ties that—

3 “(1) are designed to carry out the comprehen-
4 sive program of the local educational agency for In-
5 dian students, and described in the application of
6 the local educational agency submitted to the Sec-
7 retary under section 5114(a) solely for the services
8 and activities described in such application;

9 “(2) are designed with special regard for the
10 language and cultural needs of the Indian students;
11 and

12 “(3) supplement and enrich the regular school
13 program of such agency.

14 “(b) PARTICULAR ACTIVITIES.—The services and ac-
15 tivities referred to in subsection (a) may include—

16 “(1) activities that support Native American
17 language immersion programs and Native American
18 language restoration programs, which may be taught
19 by traditional leaders;

20 “(2) culturally related activities that support
21 the program described in the application submitted
22 by the local educational agency;

23 “(3) early childhood and family programs that
24 emphasize school readiness;

1 “(4) enrichment programs that focus on prob-
2 lem solving and cognitive skills development and di-
3 rectly support the attainment of challenging State
4 academic content and student academic achievement
5 standards;

6 “(5) integrated educational services in combina-
7 tion with other programs including programs that
8 enhance student achievement by promoting increased
9 involvement of parents and families in school activi-
10 ties;

11 “(6) career preparation activities to enable In-
12 dian students to participate in programs such as the
13 programs supported by the Carl D. Perkins Career
14 and Technical Education Improvement Act of 2006,
15 including programs for tech-prep education, men-
16 toring, and apprenticeship;

17 “(7) activities to educate individuals so as to
18 prevent violence, suicide, and substance abuse;

19 “(8) the acquisition of equipment, but only if
20 the acquisition of the equipment is essential to
21 achieve the purpose described in section 5111;

22 “(9) activities that promote the incorporation of
23 culturally responsive teaching and learning strategies
24 into the educational program of the local educational
25 agency;

1 “(10) activities that incorporate culturally and
2 linguistically relevant curriculum content into class-
3 room instruction that is responsive to the unique
4 learning styles of Indian and Alaska Native children
5 and ensures that children are better able to meet
6 State standards;

7 “(11) family literacy services;

8 “(12) activities that recognize and support the
9 unique cultural and educational needs of Indian chil-
10 dren, and incorporate appropriately qualified tribal
11 elders and seniors;

12 “(13) dropout prevention strategies for Indian
13 and Alaska Native students; and

14 “(14) strategies to meet the educational needs
15 of at-risk Indian students in correctional facilities,
16 including such strategies that support Indian and
17 Alaska Native students who are transitioning from
18 such facilities to schools served by local educational
19 agencies.

20 “(c) SCHOOLWIDE PROGRAMS.—Notwithstanding
21 any other provision of law, a local educational agency may
22 use funds made available to such agency under this sub-
23 part to support a schoolwide program under section 1114
24 if—

1 “(1) the committee established pursuant to sec-
2 tion 5114(c)(5) approves the use of the funds for
3 the schoolwide program;

4 “(2) the schoolwide program is consistent with
5 the purpose described in section 5111; and

6 “(3) the local educational agency identifies in
7 its application how the use of such funds in a
8 schoolwide program will produce benefits to the
9 American Indian and Alaska Native students that
10 would not be achieved if the funds were not used in
11 a schoolwide program.

12 “(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not
13 more than 5 percent of the funds provided to a grantee
14 under this subpart for any fiscal year may be used for
15 administrative purposes.

16 “(e) LIMITATION ON THE USE OF FUNDS.—Funds
17 provided to a grantee under this subpart may not be used
18 for long-distance travel expenses for training activities
19 available locally or regionally.

20 **“SEC. 5116. INTEGRATION OF SERVICES AUTHORIZED.**

21 “(a) PLAN.—An entity receiving funds under this
22 subpart may submit a plan to the Secretary for the inte-
23 gration of education and related services provided to In-
24 dian students.

1 “(b) CONSOLIDATION OF PROGRAMS.—Upon the re-
2 ceipt of an acceptable plan under subsection (a), the Sec-
3 retary, in cooperation with each Federal agency providing
4 grants for the provision of education and related services
5 to the entity, shall authorize the entity to consolidate, in
6 accordance with such plan, the federally funded education
7 and related services programs of the entity and the Fed-
8 eral programs, or portions of the programs, serving Indian
9 students in a manner that integrates the program services
10 involved into a single, coordinated, comprehensive pro-
11 gram and reduces administrative costs by consolidating
12 administrative functions.

13 “(c) PROGRAMS AFFECTED.—The funds that may be
14 consolidated in a demonstration project under any such
15 plan referred to in subsection (a) shall include funds for
16 any Federal program exclusively serving Indian children,
17 or the funds reserved under any Federal program to exclu-
18 sively serve Indian children, under which the entity is eligi-
19 ble for receipt of funds under a statutory or administrative
20 formula for the purposes of providing education and re-
21 lated services that would be used to serve Indian students.

22 “(d) PLAN REQUIREMENTS.—For a plan to be ac-
23 ceptable pursuant to subsection (b), the plan shall—

24 “(1) identify the programs or funding sources
25 to be consolidated;

1 “(2) be consistent with the objectives of this
2 section concerning authorizing the services to be in-
3 tegrated in a demonstration project;

4 “(3) describe a comprehensive strategy that
5 identifies the full range of potential educational op-
6 portunities and related services to be provided to as-
7 sist Indian students to achieve the objectives set
8 forth in this subpart;

9 “(4) describe the way in which services are to
10 be integrated and delivered and the results expected
11 from the plan;

12 “(5) identify the projected expenditures under
13 the plan in a single budget;

14 “(6) identify the State, tribal, or local agency
15 or agencies to be involved in the delivery of the serv-
16 ices integrated under the plan;

17 “(7) identify any statutory provisions, regula-
18 tions, policies, or procedures that the entity believes
19 need to be waived in order to implement the plan;

20 “(8) set forth measures for academic content
21 and student academic achievement goals designed to
22 be met within a specific period of time; and

23 “(9) be approved by a committee formed in ac-
24 cordance with section 5114(c)(5), if such a com-
25 mittee exists.

1 “(e) PLAN REVIEW.—Upon receipt of the plan from
2 an eligible entity, the Secretary shall consult with the Sec-
3 retary of each Federal department providing funds to be
4 used to implement the plan, and with the entity submit-
5 ting the plan. The parties so consulting shall identify any
6 waivers of statutory requirements or of Federal depart-
7 mental regulations, policies, or procedures necessary to en-
8 able the entity to implement the plan. Notwithstanding
9 any other provision of law, the Secretary of the affected
10 department shall have the authority to waive any regula-
11 tion, policy, or procedure promulgated by that department
12 that has been so identified by the entity or department,
13 unless the Secretary of the affected department deter-
14 mines that such a waiver is inconsistent with the objectives
15 of this subpart or those provisions of the statute from
16 which the program involved derives authority that are spe-
17 cifically applicable to Indian students.

18 “(f) PLAN APPROVAL.—Within 90 days after the re-
19 ceipt of an entity’s plan by the Secretary, the Secretary
20 shall inform the entity, in writing, of the Secretary’s ap-
21 proval or disapproval of the plan. If the plan is dis-
22 approved, the entity shall be informed, in writing, of the
23 reasons for the disapproval and shall be given an oppor-
24 tunity to amend the plan or to petition the Secretary to
25 reconsider such disapproval.

1 “(g) RESPONSIBILITIES OF DEPARTMENT OF EDU-
2 CATION.—Not later than 180 days after the date of enact-
3 ment of the Student Success Act, the Secretary of Edu-
4 cation, the Secretary of the Interior, the Secretary of the
5 Department of Health and Human Services, and the head
6 of any other Federal department or agency identified by
7 the Secretary of Education, shall enter into an inter-
8 departmental memorandum of agreement providing for
9 the implementation and coordination of the demonstration
10 projects authorized under this section. The lead agency
11 head for a demonstration project under this section shall
12 be—

13 “(1) the Secretary of the Interior, in the case
14 of an entity meeting the definition of a contract or
15 grant school under title XI of the Education Amend-
16 ments of 1978; or

17 “(2) the Secretary of Education, in the case of
18 any other entity.

19 “(h) RESPONSIBILITIES OF LEAD AGENCY.—The re-
20 sponsibilities of the lead agency shall include—

21 “(1) the use of a single report format related
22 to the plan for the individual project, which shall be
23 used by an eligible entity to report on the activities
24 undertaken under the project;

1 “(2) the use of a single report format related
2 to the projected expenditures for the individual
3 project which shall be used by an eligible entity to
4 report on all project expenditures;

5 “(3) the development of a single system of Fed-
6 eral oversight for the project, which shall be imple-
7 mented by the lead agency; and

8 “(4) the provision of technical assistance to an
9 eligible entity appropriate to the project, except that
10 an eligible entity shall have the authority to accept
11 or reject the plan for providing such technical assist-
12 ance and the technical assistance provider.

13 “(i) REPORT REQUIREMENTS.—A single report for-
14 mat shall be developed by the Secretary, consistent with
15 the requirements of this section. Such report format shall
16 require that reports described in subsection (h), together
17 with records maintained on the consolidated program at
18 the local level, shall contain such information as will allow
19 a determination that the eligible entity has complied with
20 the requirements incorporated in its approved plan, in-
21 cluding making a demonstration of student academic
22 achievement, and will provide assurances to each Sec-
23 retary that the eligible entity has complied with all directly
24 applicable statutory requirements and with those directly

1 applicable regulatory requirements that have not been
2 waived.

3 “(j) NO REDUCTION IN AMOUNTS.—In no case shall
4 the amount of Federal funds available to an eligible entity
5 involved in any demonstration project be reduced as a re-
6 sult of the enactment of this section.

7 “(k) INTERAGENCY FUND TRANSFERS AUTHOR-
8 IZED.—The Secretary is authorized to take such action
9 as may be necessary to provide for an interagency transfer
10 of funds otherwise available to an eligible entity in order
11 to further the objectives of this section.

12 “(l) ADMINISTRATION OF FUNDS.—

13 “(1) IN GENERAL.—Program funds for the con-
14 solidated programs shall be administered in such a
15 manner as to allow for a determination that funds
16 from a specific program are spent on allowable ac-
17 tivities authorized under such program, except that
18 the eligible entity shall determine the proportion of
19 the funds granted that shall be allocated to such
20 program.

21 “(2) SEPARATE RECORDS NOT REQUIRED.—
22 Nothing in this section shall be construed as requir-
23 ing the eligible entity to maintain separate records
24 tracing any services or activities conducted under
25 the approved plan to the individual programs under

1 which funds were authorized for the services or ac-
2 tivities, nor shall the eligible entity be required to al-
3 locate expenditures among such individual programs.

4 “(m) OVERAGE.—The eligible entity may commingle
5 all administrative funds from the consolidated programs
6 and shall be entitled to the full amount of such funds
7 (under each program’s or agency’s regulations). The over-
8 age (defined as the difference between the amount of the
9 commingled funds and the actual administrative cost of
10 the programs) shall be considered to be properly spent for
11 Federal audit purposes, if the overage is used for the pur-
12 poses provided for under this section.

13 “(n) FISCAL ACCOUNTABILITY.—Nothing in this
14 part shall be construed so as to interfere with the ability
15 of the Secretary or the lead agency to fulfill the respon-
16 sibilities for the safeguarding of Federal funds pursuant
17 to chapter 75 of title 31, United States Code.

18 “(o) REPORT ON STATUTORY OBSTACLES TO PRO-
19 GRAM INTEGRATION.—

20 “(1) PRELIMINARY REPORT.—Not later than 2
21 years after the date of enactment of the Student
22 Success Act, the Secretary of Education shall submit
23 a preliminary report to the Committee on Education
24 and the Workforce and the Committee on Natural
25 Resources of the House of Representatives and the

1 Committee on Health, Education, Labor, and Pen-
2 sions and the Committee on Indian Affairs of the
3 Senate on the status of the implementation of the
4 demonstration projects authorized under this sec-
5 tion.

6 “(2) FINAL REPORT.—Not later than 5 years
7 after the date of enactment of the Student Success
8 Act, the Secretary of Education shall submit a re-
9 port to the Committee on Education and the Work-
10 force and the Committee on Natural Resources of
11 the House of Representatives and the Committee on
12 Health, Education, Labor, and Pensions and the
13 Committee on Indian Affairs of the Senate on the
14 results of the implementation of the demonstration
15 projects authorized under this section. Such report
16 shall identify statutory barriers to the ability of par-
17 ticipants to integrate more effectively their education
18 and related services to Indian students in a manner
19 consistent with the objectives of this section.

20 “(p) DEFINITIONS.—For the purposes of this section,
21 the term ‘Secretary’ means—

22 “(1) the Secretary of the Interior, in the case
23 of an entity meeting the definition of a contract or
24 grant school under title XI of the Education Amend-
25 ments of 1978; or

1 “(2) the Secretary of Education, in the case of
2 any other entity.

3 **“SEC. 5117. STUDENT ELIGIBILITY FORMS.**

4 “(a) IN GENERAL.—The Secretary shall require that,
5 as part of an application for a grant under this subpart,
6 each applicant shall maintain a file, with respect to each
7 Indian child for whom the local educational agency pro-
8 vides a free public education, that contains a form that
9 sets forth information establishing the status of the child
10 as an Indian child eligible for assistance under this sub-
11 part, and that otherwise meets the requirements of sub-
12 section (b).

13 “(b) FORMS.—The form described in subsection (a)
14 shall include—

15 “(1) either—

16 “(A)(i) the name of the tribe or band of
17 Indians (as defined in section 5151) with re-
18 spect to which the child claims membership;

19 “(ii) the enrollment or membership number
20 establishing the membership of the child (if
21 readily available); and

22 “(iii) the name and address of the organi-
23 zation that maintains updated and accurate
24 membership data for such tribe or band of Indi-
25 ans; or

1 “(B) the name, the enrollment or member-
2 ship number (if readily available), and the name
3 and address of the organization responsible for
4 maintaining updated and accurate membership
5 data, of any parent or grandparent of the child
6 from whom the child claims eligibility under
7 this subpart, if the child is not a member of the
8 tribe or band of Indians (as so defined);

9 “(2) a statement of whether the tribe or band
10 of Indians (as so defined), with respect to which the
11 child, or parent or grandparent of the child, claims
12 membership, is federally recognized;

13 “(3) the name and address of the parent or
14 legal guardian of the child;

15 “(4) a signature of the parent or legal guardian
16 of the child that verifies the accuracy of the informa-
17 tion supplied; and

18 “(5) any other information that the Secretary
19 considers necessary to provide an accurate program
20 profile.

21 “(c) STATUTORY CONSTRUCTION.—Nothing in this
22 section shall be construed to affect a definition contained
23 in section 5151.

24 “(d) DOCUMENTATION AND TYPES OF PROOF.—

1 “(1) TYPES OF PROOF.—For purposes of deter-
2 mining whether a child is eligible to be counted for
3 the purpose of computing the amount of a grant
4 award under section 5113, the membership of the
5 child, or any parent or grandparent of the child, in
6 a tribe or band of Indians (as so defined) may be
7 established by proof other than an enrollment num-
8 ber, notwithstanding the availability of an enroll-
9 ment number for a member of such tribe or band.
10 Nothing in subsection (b) shall be construed to re-
11 quire the furnishing of an enrollment number.

12 “(2) NO NEW OR DUPLICATIVE DETERMINA-
13 TIONS.—Once a child is determined to be an Indian
14 eligible to be counted for such grant award, the local
15 education agency shall maintain a record of such de-
16 termination and shall not require a new or duplicate
17 determination to be made for such child for a subse-
18 quent application for a grant under this subpart.

19 “(3) PREVIOUSLY FILED FORMS.—An Indian
20 student eligibility form that was on file as required
21 by this section on the day before the date of enact-
22 ment of the Student Success Act and that met the
23 requirements of this section, as this section was in
24 effect on the day before the date of enactment of
25 such Act, shall remain valid for such Indian student.

1 “(e) MONITORING AND EVALUATION REVIEW.—

2 “(1) IN GENERAL.—

3 “(A) REVIEW.—For each fiscal year, in
4 order to provide such information as is nec-
5 essary to carry out the responsibility of the Sec-
6 retary to provide technical assistance under this
7 subpart, the Secretary shall conduct a moni-
8 toring and evaluation review of a sampling of
9 the recipients of grants under this subpart. The
10 sampling conducted under this subparagraph
11 shall take into account the size of and the geo-
12 graphic location of each local educational agen-
13 cy.

14 “(B) EXCEPTION.—A local educational
15 agency may not be held liable to the United
16 States or be subject to any penalty, by reason
17 of the findings of an audit that relates to the
18 date of completion, or the date of submission,
19 of any forms used to establish, before April 28,
20 1988, the eligibility of a child for an entitle-
21 ment under the Indian Elementary and Sec-
22 ondary School Assistance Act.

23 “(2) FALSE INFORMATION.—Any local edu-
24 cational agency that provides false information in an
25 application for a grant under this subpart shall—

1 “(A) be ineligible to apply for any other
2 grant under this subpart; and

3 “(B) be liable to the United States for any
4 funds from the grant that have not been ex-
5 pended.

6 “(3) EXCLUDED CHILDREN.—A student who
7 provides false information for the form required
8 under subsection (a) shall not be counted for the
9 purpose of computing the amount of a grant under
10 section 5113.

11 “(f) TRIBAL GRANT AND CONTRACT SCHOOLS.—
12 Notwithstanding any other provision of this section, in cal-
13 culating the amount of a grant under this subpart to a
14 tribal school that receives a grant or contract from the
15 Bureau of Indian Education, the Secretary shall use only
16 one of the following, as selected by the school:

17 “(1) A count of the number of students in the
18 schools certified by the Bureau.

19 “(2) A count of the number of students for
20 whom the school has eligibility forms that comply
21 with this section.

22 “(g) TIMING OF CHILD COUNTS.—For purposes of
23 determining the number of children to be counted in calcu-
24 lating the amount of a local educational agency’s grant

1 under this subpart (other than in the case described in
2 subsection (f)(1)), the local educational agency shall—

3 “(1) establish a date on, or a period not longer
4 than 31 consecutive days during, which the agency
5 counts those children, if that date or period occurs
6 before the deadline established by the Secretary for
7 submitting an application under section 5114; and

8 “(2) determine that each such child was en-
9 rolled, and receiving a free public education, in a
10 school of the agency on that date or during that pe-
11 riod, as the case may be.

12 **“SEC. 5118. PAYMENTS.**

13 “(a) IN GENERAL.—Subject to subsection (b), the
14 Secretary shall pay to each local educational agency that
15 submits an application that is approved by the Secretary
16 under this subpart the amount determined under section
17 5113. The Secretary shall notify the local educational
18 agency of the amount of the payment not later than June
19 1 of the year for which the Secretary makes the payment.

20 “(b) PAYMENTS TAKEN INTO ACCOUNT BY THE
21 STATE.—The Secretary may not make a grant under this
22 subpart to a local educational agency for a fiscal year if,
23 for such fiscal year, the State in which the local edu-
24 cational agency is located takes into consideration pay-
25 ments made under this chapter in determining the eligi-

1 bility of the local educational agency for State aid, or the
2 amount of the State aid, with respect to the free public
3 education of children during such fiscal year or the pre-
4 ceding fiscal year.

5 “(c) REALLOCATIONS.—The Secretary may reallo-
6 cate, in a manner that the Secretary determines will best
7 carry out the purpose of this subpart, any amounts that—

8 “(1) based on estimates made by local edu-
9 cational agencies or other information, the Secretary
10 determines will not be needed by such agencies to
11 carry out approved programs under this subpart; or

12 “(2) otherwise become available for reallocation
13 under this subpart.

14 **“SEC. 5119. STATE EDUCATIONAL AGENCY REVIEW.**

15 “Before submitting an application to the Secretary
16 under section 5114, a local educational agency shall sub-
17 mit the application to the State educational agency, which
18 may comment on such application. If the State educational
19 agency comments on the application, the agency shall com-
20 ment on all applications submitted by local educational
21 agencies in the State and shall provide those comments
22 to the respective local educational agencies, with an oppor-
23 tunity to respond.

1 **“Subpart 2—Special Programs and Projects To Im-**
2 **prove Educational Opportunities for Indian**
3 **Children and Youth**

4 **“SEC. 5121. SPECIAL PROGRAMS AND PROJECTS TO IM-**
5 **PROVE EDUCATIONAL OPPORTUNITIES FOR**
6 **INDIAN CHILDREN AND YOUTH.**

7 “(a) PURPOSE.—

8 “(1) IN GENERAL.—It is the purpose of this
9 section to support projects to develop, test, and dem-
10 onstrate the effectiveness of services and programs
11 to improve educational opportunities and achieve-
12 ment of Indian children and youth.

13 “(2) COORDINATION.—The Secretary shall take
14 the necessary actions to achieve the coordination of
15 activities assisted under this subpart with—

16 “(A) other programs funded under this
17 Act; and

18 “(B) other Federal programs operated for
19 the benefit of American Indian and Alaska Na-
20 tive children and youth.

21 “(b) ELIGIBLE ENTITIES.—In this section, the term
22 ‘eligible entity’ means a State educational agency, local
23 educational agency, Indian tribe, Indian organization, fed-
24 erally supported elementary school or secondary school for
25 Indian students, Indian institution (including an Indian

1 institution of higher education), Alaska Native Organiza-
2 tion, or a consortium of such entities.

3 “(c) GRANTS AUTHORIZED.—

4 “(1) IN GENERAL.—The Secretary shall award
5 grants to eligible entities to enable such entities to
6 carry out activities that meet the purpose of this
7 section, including—

8 “(A) innovative programs related to the
9 educational needs of educationally disadvan-
10 taged children and youth;

11 “(B) educational services that are not
12 available to such children and youth in suffi-
13 cient quantity or quality, including remedial in-
14 struction, to raise the achievement of Indian
15 and Alaska Native children in one or more of
16 the core academic subjects of English, mathe-
17 matics, science, foreign languages, art, history,
18 and geography;

19 “(C) bilingual and bicultural programs and
20 projects;

21 “(D) special health and nutrition services,
22 and other related activities, that address the
23 special health, social, emotional, and psycho-
24 logical problems of Indian children;

1 “(E) special compensatory and other pro-
2 grams and projects designed to assist and en-
3 courage Indian children to enter, remain in, or
4 reenter school, and to increase the rate of high
5 school graduation for Indian children;

6 “(F) comprehensive guidance, counseling,
7 and testing services;

8 “(G) high quality early childhood education
9 programs that are effective in preparing young
10 children to make sufficient academic growth by
11 the end of grade 3, including kindergarten and
12 pre-kindergarten programs, family-based pre-
13 school programs that emphasize school readi-
14 ness, screening and referral, and the provision
15 of services to Indian children and youth with
16 disabilities;

17 “(H) partnership projects between local
18 educational agencies and institutions of higher
19 education that allow secondary school students
20 to enroll in courses at the postsecondary level to
21 aid such students in the transition from sec-
22 ondary to postsecondary education;

23 “(I) partnership projects between schools
24 and local businesses for career preparation pro-
25 grams designed to provide Indian youth with

1 the knowledge and skills such youth need to
2 make an effective transition from school to a
3 high-skill, high-wage career;

4 “(J) programs designed to encourage and
5 assist Indian students to work toward, and gain
6 entrance into, an institution of higher edu-
7 cation;

8 “(K) family literacy services;

9 “(L) activities that recognize and support
10 the unique cultural and educational needs of In-
11 dian children, and incorporate appropriately
12 qualified tribal elders and seniors;

13 “(M) high quality professional development
14 of teaching professionals and paraprofessionals;
15 or

16 “(N) other services that meet the purpose
17 described in this section.

18 “(d) GRANT REQUIREMENTS AND APPLICATIONS.—

19 “(1) GRANT REQUIREMENTS.—

20 “(A) IN GENERAL.—The Secretary may
21 make multiyear grants under subsection (c) for
22 the planning, development, pilot operation, or
23 demonstration of any activity described in sub-
24 section (c) for a period not to exceed 5 years.

1 “(B) PRIORITY.—In making multiyear
2 grants described in this paragraph, the Sec-
3 retary shall give priority to entities submitting
4 applications that present a plan for combining
5 two or more of the activities described in sub-
6 section (c) over a period of more than 1 year.

7 “(C) PROGRESS.—The Secretary shall
8 make a grant payment for a grant described in
9 this paragraph to an eligible entity after the
10 initial year of the multiyear grant only if the
11 Secretary determines that the eligible entity has
12 made substantial progress in carrying out the
13 activities assisted under the grant in accordance
14 with the application submitted under paragraph
15 (3) and any subsequent modifications to such
16 application.

17 “(2) DISSEMINATION GRANTS.—

18 “(A) IN GENERAL.—In addition to award-
19 ing the multiyear grants described in paragraph
20 (1), the Secretary may award grants under sub-
21 section (c) to eligible entities for the dissemina-
22 tion of exemplary materials or programs as-
23 sisted under this section.

24 “(B) DETERMINATION.—The Secretary
25 may award a dissemination grant described in

1 this paragraph if, prior to awarding the grant,
2 the Secretary determines that the material or
3 program to be disseminated—

4 “(i) has been adequately reviewed;

5 “(ii) has demonstrated educational
6 merit; and

7 “(iii) can be replicated.

8 “(3) APPLICATION.—

9 “(A) IN GENERAL.—Any eligible entity
10 that desires to receive a grant under this sec-
11 tion shall submit an application to the Sec-
12 retary at such time and in such manner as the
13 Secretary may reasonably require.

14 “(B) CONTENTS.—Each application sub-
15 mitted to the Secretary under subparagraph
16 (A), other than an application for a dissemina-
17 tion grant under paragraph (2), shall contain—

18 “(i) a description of how parents of
19 Indian children and representatives of In-
20 dian tribes have been, and will be, involved
21 in developing and implementing the activi-
22 ties for which assistance is sought;

23 “(ii) assurances that the applicant will
24 participate, at the request of the Secretary,

1 in any national evaluation of activities as-
2 sisted under this section;

3 “(iii) information demonstrating that
4 the proposed program for the activities is
5 a scientifically based research program,
6 where applicable, which may include a pro-
7 gram that has been modified to be cul-
8 turally appropriate for students who will be
9 served;

10 “(iv) a description of how the appli-
11 cant will incorporate the proposed activities
12 into the ongoing school program involved
13 once the grant period is over; and

14 “(v) such other assurances and infor-
15 mation as the Secretary may reasonably
16 require.

17 “(e) ADMINISTRATIVE COSTS.—Not more than 5 per-
18 cent of the funds provided to a grantee under this subpart
19 for any fiscal year may be used for administrative pur-
20 poses.

21 **“SEC. 5122. PROFESSIONAL DEVELOPMENT FOR TEACHERS**
22 **AND EDUCATION PROFESSIONALS.**

23 “(a) PURPOSES.—The purposes of this section are—

1 “(1) to increase the number of qualified Indian
2 and Alaska Native teachers and administrators serv-
3 ing Indian and Alaska Native students;

4 “(2) to provide training to qualified Indian and
5 Alaska Native individuals to become educators and
6 education support service professionals; and

7 “(3) to improve the skills of qualified Indian in-
8 dividuals who serve in the capacities described in
9 paragraph (2).

10 “(b) ELIGIBLE ENTITIES.—For the purpose of this
11 section, the term ‘eligible entity’ means—

12 “(1) an institution of higher education, includ-
13 ing an Indian institution of higher education;

14 “(2) a State educational agency or local edu-
15 cational agency, in consortium with an institution of
16 higher education;

17 “(3) an Indian tribe or organization, in consor-
18 tium with an institution of higher education; and

19 “(4) a Bureau-funded school (as defined in sec-
20 tion 1146 of the Education Amendments of 1978).

21 “(c) PROGRAM AUTHORIZED.—The Secretary is au-
22 thorized to award grants to eligible entities having applica-
23 tions approved under this section to enable those entities
24 to carry out the activities described in subsection (d).

25 “(d) AUTHORIZED ACTIVITIES.—

1 “(1) IN GENERAL.—Grant funds under this sec-
2 tion shall be used for activities to provide support
3 and training for Indian individuals in a manner con-
4 sistent with the purposes of this section. Such activi-
5 ties may include continuing programs, symposia,
6 workshops, conferences, and direct financial support,
7 and may include programs designed to train tribal
8 elders and seniors.

9 “(2) SPECIAL RULES.—

10 “(A) TYPE OF TRAINING.—For education
11 personnel, the training received pursuant to a
12 grant under this section may be inservice or
13 preservice training.

14 “(B) PROGRAM.—For individuals who are
15 being trained to enter any field other than
16 teaching, the training received pursuant to a
17 grant under this section shall be in a program
18 that results in a graduate degree.

19 “(e) APPLICATION.—Each eligible entity desiring a
20 grant under this section shall submit an application to the
21 Secretary at such time, in such manner, and accompanied
22 by such information, as the Secretary may reasonably re-
23 quire.

24 “(f) SPECIAL RULE.—In awarding grants under this
25 section, the Secretary—

1 “(1) shall consider the prior performance of the
2 eligible entity; and

3 “(2) may not limit eligibility to receive a grant
4 under this section on the basis of—

5 “(A) the number of previous grants the
6 Secretary has awarded such entity; or

7 “(B) the length of any period during which
8 such entity received such grants.

9 “(g) GRANT PERIOD.—Each grant under this section
10 shall be awarded for a period of not more than 5 years.

11 “(h) SERVICE OBLIGATION.—

12 “(1) IN GENERAL.—The Secretary shall re-
13 quire, by regulation, that an individual who receives
14 training pursuant to a grant made under this sec-
15 tion—

16 “(A) perform work—

17 “(i) related to the training received
18 under this section; and

19 “(ii) that benefits Indian people; or

20 “(B) repay all or a prorated part of the as-
21 sistance received.

22 “(2) REPORTING.—The Secretary shall estab-
23 lish, by regulation, a reporting procedure under
24 which a grant recipient under this section shall, not
25 later than 12 months after the date of completion of

1 the training, and periodically thereafter, provide in-
2 formation concerning compliance with the work re-
3 quirement under paragraph (1).

4 **“SEC. 5123. TRIBAL EDUCATION AGENCIES COOPERATIVE**
5 **AGREEMENTS.**

6 “(a) PURPOSE.—Tribes may enter into written coop-
7 erative agreements with the State educational agency and
8 the local educational agencies operating a school or schools
9 within Indian lands. For purposes of this section, the term
10 ‘Indian land’ has the meaning given that term in section
11 8013.

12 “(b) COOPERATIVE AGREEMENT.—If requested by
13 the Indian tribe, the State educational agency or the local
14 educational agency may enter into a cooperative agree-
15 ment with the Indian tribe. Such cooperative agreement—

16 “(1) may authorize the tribe or such tribe’s re-
17 spective tribal education agency to plan, conduct,
18 consolidate, and administer programs, services, func-
19 tions, and activities, or portions thereof, adminis-
20 tered by the State educational agency or the local
21 educational agency;

22 “(2) may authorize the tribe or such tribe’s re-
23 spective tribal education agency to reallocate funds
24 for such programs, services, functions, and activities,
25 or portions thereof as necessary; and

1 “(3) shall—

2 “(A) only confer the tribe or such tribe’s
3 respective tribal education agency with respon-
4 sibilities to conduct activities described in para-
5 graph (1) such that the burden assumed by the
6 tribe or the tribal education agency for con-
7 ducting such is commensurate with the benefit
8 that doing so conveys to all parties of the agree-
9 ment; and

10 “(B) be based solely on terms of the writ-
11 ten agreement decided upon by the Indian tribe
12 and the State educational agency or local edu-
13 cation agency.

14 “(c) DISAGREEMENT.—Agreements shall only be
15 valid if the Indian tribe and State educational agency or
16 local educational agency agree fully in writing to all of
17 the terms of the written cooperative agreement.

18 “(d) COMPLIANCE WITH APPLICABLE LAW.—Noth-
19 ing in this section shall be construed to relieve any party
20 to a cooperative agreement from complying with all appli-
21 cable Federal, State, local laws. State and local edu-
22 cational agencies are still the ultimate responsible, liable
23 parties for complying with all laws and funding require-
24 ments for any functions that are conveyed to tribes and

1 tribal education agencies through the cooperative agree-
2 ments.

3 “(e) DEFINITION.—For the purposes of this subpart,
4 the term ‘Indian Tribe’ means any tribe or band that is
5 officially recognized by the Secretary of the Interior.

6 **“Subpart 3—National Activities**

7 **“SEC. 5131. NATIONAL RESEARCH ACTIVITIES.**

8 “(a) AUTHORIZED ACTIVITIES.—The Secretary may
9 use funds made available to carry out this subpart for each
10 fiscal year to—

11 “(1) conduct research related to effective ap-
12 proaches for improving the academic achievement
13 and development of Indian and Alaska Native chil-
14 dren and adults;

15 “(2) collect and analyze data on the educational
16 status and needs of Indian and Alaska Native stu-
17 dents; and

18 “(3) carry out other activities that are con-
19 sistent with the purpose of this part.

20 “(b) ELIGIBILITY.—The Secretary may carry out any
21 of the activities described in subsection (a) directly or
22 through grants to, or contracts or cooperative agreements
23 with, Indian tribes, Indian organizations, State edu-
24 cational agencies, local educational agencies, institutions
25 of higher education, including Indian institutions of higher

1 education, and other public and private agencies and insti-
 2 tutions.

3 “(c) COORDINATION.—Research activities supported
 4 under this section—

5 “(1) shall be coordinated with appropriate of-
 6 fices within the Department; and

7 “(2) may include collaborative research activi-
 8 ties that are jointly funded and carried out by the
 9 Office of Indian Education Programs, the Office of
 10 Educational Research and Improvement, the Bureau
 11 of Indian Education, and the Institute of Education
 12 Sciences.

13 **“SEC. 5132. IMPROVEMENT OF ACADEMIC SUCCESS FOR**
 14 **STUDENTS THROUGH NATIVE AMERICAN**
 15 **LANGUAGE.**

16 “(a) PURPOSE.—It is the purpose of this section to
 17 improve educational opportunities and academic achieve-
 18 ment of Indian and Alaska Native students through Na-
 19 tive American language programs and to foster the acqui-
 20 sition of Native American language.

21 “(b) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
 22 tion, the term ‘eligible entity’ means a State educational
 23 agency, local educational agency, Indian tribe, Indian or-
 24 ganization, federally supported elementary school or sec-
 25 ondary school for Indian students, Indian institution (in-

cluding an Indian institution of higher education), or a consortium of such entities.

“(c) GRANTS AUTHORIZED.—The Secretary shall award grants to eligible entities to enable such entities to carry out the following activities:

“(1) Native American language programs that—

“(A) provide instruction through the use of a Native American language for not less than 10 children for an average of not less than 500 hours per year per student;

“(B) provide for the involvement of parents, caregivers, and families of students enrolled in the program;

“(C) utilize, and may include the development of, instructional courses and materials for learning Native American languages and for instruction through the use of Native American languages;

“(D) provide support for professional development activities; and

“(E) include a goal of all students achieving—

“(i) fluency in a Native American language; and

1 “(ii) academic proficiency in mathe-
2 matics, English, reading or language arts,
3 and science.

4 “(2) Native American language restoration pro-
5 grams that—

6 “(A) provide instruction in not less than 1
7 Native American language;

8 “(B) provide support for professional de-
9 velopment activities for teachers of Native
10 American languages;

11 “(C) develop instructional materials for the
12 programs; and

13 “(D) include the goal of increasing pro-
14 ficiency and fluency in not less than 1 Native
15 American language.

16 “(d) APPLICATION.—

17 “(1) IN GENERAL.—An eligible entity that de-
18 sires to receive a grant under this section shall sub-
19 mit an application to the Secretary at such time, in
20 such manner, and accompanied by such information
21 as the Secretary may require.

22 “(2) CERTIFICATION.—An eligible entity that
23 submits an application for a grant to carry out the
24 activity specified in subsection (c)(1), shall include
25 in such application a certification that assures that

1 such entity has experience and a demonstrated
2 record of effectiveness in operating and admin-
3 istering a Native American language program or any
4 other educational program in which instruction is
5 conducted in a Native American language.

6 “(e) GRANT DURATION.—The Secretary shall make
7 grants under this section only on a multi-year basis. Each
8 such grant shall be for a period not to exceed 5 years.

9 “(f) DEFINITION.—In this section, the term ‘average’
10 means the aggregate number of hours of instruction
11 through the use of a Native American language to all stu-
12 dents enrolled in a Native American language program
13 during a school year divided by the total number of stu-
14 dents enrolled in the program.

15 “(g) ADMINISTRATIVE COSTS.—

16 “(1) IN GENERAL.—Except as provided in para-
17 graph (2), not more than 5 percent of the funds pro-
18 vided to a grantee under this section for any fiscal
19 year may be used for administrative purposes.

20 “(2) EXCEPTION.—An elementary school or
21 secondary school for Indian students that receives
22 funds from a recipient of a grant under subsection
23 (c) for any fiscal year may use not more than 10
24 percent of the funds for administrative purposes.

1 **“SEC. 5133. GRANTS TO TRIBES FOR EDUCATION ADMINIS-**
2 **TRATIVE PLANNING AND DEVELOPMENT.**

3 “(a) IN GENERAL.—The Secretary may make grants
4 to Indian tribes, and tribal organizations approved by In-
5 dian tribes, to plan and develop a centralized tribal admin-
6 istrative entity to—

7 “(1) coordinate all education programs operated
8 by the tribe or within the territorial jurisdiction of
9 the tribe;

10 “(2) develop education codes for schools within
11 the territorial jurisdiction of the tribe;

12 “(3) provide support services and technical as-
13 sistance to schools serving children of the tribe; and

14 “(4) perform child-find screening services for
15 the preschool-aged children of the tribe to—

16 “(A) ensure placement in appropriate edu-
17 cational facilities; and

18 “(B) coordinate the provision of any need-
19 ed special services for conditions such as dis-
20 abilities and English language skill deficiencies.

21 “(b) PERIOD OF GRANT.—Each grant awarded under
22 this section may be awarded for a period of not more than
23 3 years. Such grant may be renewed upon the termination
24 of the initial period of the grant if the grant recipient dem-
25 onstrates to the satisfaction of the Secretary that renew-
26 ing the grant for an additional 3-year period is necessary

1 to carry out the objectives of the grant described in sub-
2 section (c)(2)(A).

3 “(c) APPLICATION FOR GRANT.—

4 “(1) IN GENERAL.—Each Indian tribe and trib-
5 al organization desiring a grant under this section
6 shall submit an application to the Secretary at such
7 time, in such manner, containing such information,
8 and consistent with such criteria, as the Secretary
9 may prescribe in regulations.

10 “(2) CONTENTS.—Each application described in
11 paragraph (1) shall contain—

12 “(A) a statement describing the activities
13 to be conducted, and the objectives to be
14 achieved, under the grant; and

15 “(B) a description of the method to be
16 used for evaluating the effectiveness of the ac-
17 tivities for which assistance is sought and for
18 determining whether such objectives are
19 achieved.

20 “(3) APPROVAL.—The Secretary may approve
21 an application submitted by a tribe or tribal organi-
22 zation pursuant to this section only if the Secretary
23 is satisfied that such application, including any doc-
24 umentation submitted with the application—

1 “(A) demonstrates that the applicant has
2 consulted with other education entities, if any,
3 within the territorial jurisdiction of the appli-
4 cant who will be affected by the activities to be
5 conducted under the grant;

6 “(B) provides for consultation with such
7 other education entities in the operation and
8 evaluation of the activities conducted under the
9 grant; and

10 “(C) demonstrates that there will be ade-
11 quate resources provided under this section or
12 from other sources to complete the activities for
13 which assistance is sought, except that the
14 availability of such other resources shall not be
15 a basis for disapproval of such application.

16 “(d) RESTRICTION.—A tribe may not receive funds
17 under this section if such tribe receives funds under sec-
18 tion 1144 of the Education Amendments of 1978.

19 **“Subpart 4—Federal Administration**

20 **“SEC. 5141. NATIONAL ADVISORY COUNCIL ON INDIAN EDU-**
21 **CATION.**

22 “(a) MEMBERSHIP.—There is established a National
23 Advisory Council on Indian Education (hereafter in this
24 section referred to as the ‘Council’), which shall—

1 “(1) consist of 15 Indian members, who shall
2 be appointed by the President from lists of nominees
3 furnished, from time to time, by Indian tribes and
4 organizations; and

5 “(2) represent different geographic areas of the
6 United States.

7 “(b) DUTIES.—The Council shall—

8 “(1) advise the Secretary concerning the fund-
9 ing and administration (including the development of
10 regulations and administrative policies and prac-
11 tices) of any program, including any program estab-
12 lished under this part—

13 “(A) with respect to which the Secretary
14 has jurisdiction; and

15 “(B)(i) that includes Indian children or
16 adults as participants; or

17 “(ii) that may benefit Indian children or
18 adults;

19 “(2) make recommendations to the Secretary
20 for filling the position of Director of Indian Edu-
21 cation whenever a vacancy occurs; and

22 “(3) submit to Congress, not later than June
23 30 of each year, a report on the activities of the
24 Council, including—

1 “(A) any recommendations that the Coun-
2 cil considers appropriate for the improvement of
3 Federal education programs that include Indian
4 children or adults as participants, or that may
5 benefit Indian children or adults; and

6 “(B) recommendations concerning the
7 funding of any program described in subpara-
8 graph (A).

9 **“SEC. 5142. PEER REVIEW.**

10 “The Secretary may use a peer review process to re-
11 view applications submitted to the Secretary under sub-
12 part 2 or subpart 3.

13 **“SEC. 5143. PREFERENCE FOR INDIAN APPLICANTS.**

14 “In making grants and entering into contracts or co-
15 operative agreements under subpart 2 or subpart 3, the
16 Secretary shall give a preference to Indian tribes, organi-
17 zations, and institutions of higher education under any
18 program with respect to which Indian tribes, organiza-
19 tions, and institutions are eligible to apply for grants, con-
20 tracts, or cooperative agreements.

21 **“SEC. 5144. MINIMUM GRANT CRITERIA.**

22 “The Secretary may not approve an application for
23 a grant, contract, or cooperative agreement under subpart
24 2 or subpart 3 unless the application is for a grant, con-
25 tract, or cooperative agreement that is—

1 “(1) of sufficient size, scope, and quality to
2 achieve the purpose or objectives of such grant, con-
3 tract, or cooperative agreement; and

4 “(2) based on relevant research findings.

5 **“Subpart 5—Definitions; Authorizations of**
6 **Appropriations**

7 **“SEC. 5151. DEFINITIONS.**

8 “For the purposes of this part:

9 “(1) ADULT.—The term ‘adult’ means an indi-
10 vidual who—

11 “(A) has attained the age of 16 years; or

12 “(B) has attained an age that is greater
13 than the age of compulsory school attendance
14 under an applicable State law.

15 “(2) FREE PUBLIC EDUCATION.—The term
16 ‘free public education’ means education that is—

17 “(A) provided at public expense, under
18 public supervision and direction, and without
19 tuition charge; and

20 “(B) provided as elementary or secondary
21 education in the applicable State or to preschool
22 children.

23 “(3) INDIAN.—The term ‘Indian’ means an in-
24 dividual who is—

1 “(A) a member of an Indian tribe or band,
2 as membership is defined by the tribe or band,
3 including—

4 “(i) any tribe or band terminated
5 since 1940; and

6 “(ii) any tribe or band recognized by
7 the State in which the tribe or band re-
8 sides;

9 “(B) a descendant, in the first or second
10 degree, of an individual described in subpara-
11 graph (A);

12 “(C) considered by the Secretary of the In-
13 terior to be an Indian for any purpose;

14 “(D) an Alaska Native, as defined in sec-
15 tion 5206(1); or

16 “(E) a member of an organized Indian
17 group that received a grant under the Indian
18 Education Act of 1988 as in effect the day pre-
19 ceding the date of enactment of the Improving
20 America’s Schools Act of 1994.

21 “(4) ALASKA NATIVE ORGANIZATION.—The
22 term ‘Alaska Native Organization’ has the same
23 meaning as defined in section 5206(2).

1 **“SEC. 5152. AUTHORIZATIONS OF APPROPRIATIONS.**

2 “(a) SUBPART 1.—For the purpose of carrying out
3 subpart 1, there are authorized to be appropriated
4 \$105,921,000 for each of fiscal years 2016 through 2021.

5 “(b) SUBPARTS 2 AND 3.—For the purpose of car-
6 rying out subparts 2 and 3, there are authorized to be
7 appropriated \$24,858,000 for each of fiscal years 2016
8 through 2021.

9 **“PART B—ALASKA NATIVE EDUCATION**

10 **“SEC. 5201. SHORT TITLE.**

11 “‘This part may be cited as the ‘Alaska Native Edu-
12 cational Equity, Support, and Assistance Act’.

13 **“SEC. 5202. FINDINGS.**

14 “Congress finds and declares the following:

15 “(1) The preservation of culture and language
16 is critical to the attainment of educational success,
17 to the betterment of the conditions, and to the long-
18 term well-being, of Alaska Natives. Alaska Native
19 students must be afforded a culturally relevant edu-
20 cation.

21 “(2) It is the policy of the Federal Government
22 to maximize the leadership of and participation by
23 Alaska Natives in the planning and the management
24 of Alaska Native education programs and to support
25 efforts developed by and undertaken within the Alas-

1 ka Native community to improve educational oppor-
2 tunity for all students.

3 “(3) Many Alaska Native children enter and
4 exit school with serious educational disadvantages.

5 “(4) Overcoming the magnitude of the geo-
6 graphic challenges, historical inequities, and other
7 barriers to successfully improving educational out-
8 comes for Alaska Native students in rural, village,
9 and urban settings is challenging. Significant dis-
10 parities between academic achievement of Alaska
11 Native students and non-Native students continues,
12 including lower graduation rates, increased school
13 dropout rates, and lower achievement scores on
14 standardized tests.

15 “(5) The preservation of Alaska Native cultures
16 and languages and the integration of Alaska Native
17 cultures and languages into education, positive iden-
18 tity development for Alaska Native students, and
19 local, place-based, and culture-based programming
20 are critical to the attainment of educational success
21 and the long-term well-being of Alaska Native stu-
22 dents.

23 “(6) Improving educational outcomes for Alaska
24 Native students increases access to employment op-
25 portunities.

1 “(7) The programs and activities authorized
2 under this part give priority to Alaska Native orga-
3 nizations as a means of increasing Alaska Native
4 parents’ and community involvement in the pro-
5 motion of academic success of Alaska Native stu-
6 dents.

7 “(8) The Federal Government should lend sup-
8 port to efforts developed by and undertaken within
9 the Alaska Native community to improve educational
10 opportunity for Alaska Native students. In 1983,
11 pursuant to Public Law 98–63, Alaska ceased to re-
12 ceive educational funding from the Bureau of Indian
13 Affairs. The Bureau of Indian Education does not
14 operate any schools in Alaska, nor operate or fund
15 Alaska Native education programs. The program
16 under this part supports the Federal trust responsi-
17 bility of the United States to Alaska Natives.

18 **“SEC. 5203. PURPOSES.**

19 “The purposes of this part are as follows:

20 “(1) To recognize and address the unique edu-
21 cational needs of Alaska Natives.

22 “(2) To recognize the role of Alaska Native lan-
23 guages and cultures in the educational success and
24 long-term well-being of Alaska Native students.

1 “(3) To integrate Alaska Native cultures and
2 languages into education, develop Alaska Native stu-
3 dents’ positive identity, and support local place-
4 based and culture-based curriculum and program-
5 ming.

6 “(4) To authorize the development, manage-
7 ment, and expansion of effective supplemental edu-
8 cational programs to benefit Alaska Natives.

9 “(5) To provide direction and guidance to ap-
10 propriate Federal, State, and local agencies to focus
11 resources, including resources made available under
12 this part, on meeting the educational needs of Alas-
13 ka Natives.

14 “(6) To ensure the maximum participation by
15 Alaska Native educators and leaders in the planning,
16 development, management, and evaluation of pro-
17 grams designed to serve Alaska Natives students,
18 and to ensure Alaska Native organizations play a
19 meaningful role in supplemental educational services
20 provided to Alaska Native students.

21 **“SEC. 5204. PROGRAM AUTHORIZED.**

22 “(a) GENERAL AUTHORITY.—

23 “(1) GRANTS AND CONTRACTS.—The Secretary
24 is authorized to make grants to, or enter into con-
25 tracts with, Alaska Native organizations, State edu-

1 cational agencies, local educational agencies, edu-
2 cational entities with experience in developing or op-
3 erating Alaska Native educational programs or pro-
4 grams of instruction conducted in Alaska Native lan-
5 guages, cultural and community-based organizations
6 with experience in developing or operating programs
7 to benefit the educational needs of Alaska Natives,
8 and consortia of organizations and entities described
9 in this paragraph, to carry out programs that meet
10 the purposes of this part.

11 “(2) ADDITIONAL REQUIREMENT.—A State
12 educational agency, local educational agency, edu-
13 cational entity with experience in developing or oper-
14 ating Alaska Native educational programs or pro-
15 grams of instruction conducted in Alaska Native lan-
16 guages, cultural and community-based organization
17 with experience in developing or operating programs
18 to benefit the educational needs of Alaska Natives,
19 or consortium of such organizations and entities is
20 eligible for an award under this part only as part of
21 a partnership involving an Alaska Native organiza-
22 tion.

23 “(3) MANDATORY ACTIVITIES.—Activities pro-
24 vided through the programs carried out under this
25 part shall include the following which shall only be

1 provided specifically in the context of elementary
2 and secondary education:

3 “(A) The development and implementation
4 of plans, methods, and strategies to improve the
5 education of Alaska Natives.

6 “(B) The collection of data to assist in the
7 evaluation of the programs carried out under
8 this part.

9 “(4) PERMISSIBLE ACTIVITIES.—Activities pro-
10 vided through programs carried out under this part
11 may include the following which shall only be pro-
12 vided specifically in the context of elementary and
13 secondary education:

14 “(A) The development of curricula and
15 programs that address the educational needs of
16 Alaska Native students, including the following:

17 “(i) Curriculum materials that reflect
18 the cultural diversity, languages, history,
19 or the contributions of Alaska Natives.

20 “(ii) Instructional programs that
21 make use of Alaska Native languages and
22 cultures.

23 “(iii) Networks that develop, test, and
24 disseminate best practices and introduce
25 successful programs, materials, and tech-

1 niques to meet the educational needs of
2 Alaska Native students in urban and rural
3 schools.

4 “(B) Training and professional develop-
5 ment activities for educators, including the fol-
6 lowing:

7 “(i) Pre-service and in-service training
8 and professional development programs to
9 prepare teachers to develop appreciation
10 for and understanding of Alaska Native
11 cultures, values, ways of knowing and
12 learning in order to effectively address the
13 cultural diversity and unique needs of
14 Alaska Native students.

15 “(ii) Recruitment and preparation of
16 teachers who are Alaska Native.

17 “(iii) Programs that will lead to the
18 certification and licensing of Alaska Native
19 teachers, principals, and superintendents.

20 “(C) The development and operation of
21 student enrichment programs, including those
22 in science, technology, engineering, and mathe-
23 matics that—

24 “(i) are designed to prepare Alaska
25 Native students to excel in such subjects;

1 “(ii) provide appropriate support serv-
2 ices to the families of such students that
3 are needed to enable such students to ben-
4 efit from the programs; and

5 “(iii) include activities that recognize
6 and support the unique cultural and edu-
7 cational needs of Alaska Native children,
8 and incorporate appropriately qualified
9 Alaska Native elders and other tradition
10 bearers.

11 “(D) Research and data collection activi-
12 ties to determine the educational status and
13 needs of Alaska Native children.

14 “(E) Other research and evaluation activi-
15 ties related to programs carried out under this
16 part.

17 “(F) Remedial and enrichment programs
18 to assist Alaska Native students to be college or
19 career ready upon graduation from high school.

20 “(G) Culturally based education programs
21 designed and provided by an entity with dem-
22 onstrated experience in—

23 “(i) providing programs of study, both
24 on site and in local schools, to share the
25 rich and diverse cultures of Alaska Native

1 peoples among youth, elders, teachers, and
2 the larger community;

3 “(ii) instructing Alaska Native youth
4 in leadership, communication, Native cul-
5 ture, arts, and languages;

6 “(iii) increasing the high school grad-
7 uation rate of Alaska Native students who
8 are served;

9 “(iv) providing instruction in Alaska
10 Native history and ways of living to stu-
11 dents and teachers in the local school dis-
12 trict;

13 “(v) providing intergenerational learn-
14 ing and internship opportunities to Alaska
15 Native youth and young adults; and

16 “(vi) providing cultural immersion ac-
17 tivities aimed at Alaska Native cultural
18 preservation.

19 “(H) Statewide on-site exchange programs,
20 for both students and teachers, that work to fa-
21 cilitate cultural relationships between urban and
22 rural Alaskans to build mutual respect and un-
23 derstanding, and foster a statewide sense of
24 common identity through host family, school,
25 and community cross-cultural immersion.

1 “(I) Education programs for at-risk urban
2 Alaska Native students in kindergarten through
3 grade 12 that work to increase graduation rates
4 among such students and that—

5 “(i) include culturally informed cur-
6 riculum intended to preserve and promote
7 Alaska Native culture;

8 “(ii) partner effectively with the local
9 school district by providing a school-within-
10 a school program model;

11 “(iii) provide high-quality academic
12 instruction, small classroom sizes, and so-
13 cial-emotional support for students from
14 elementary school through high school, in-
15 cluding residential support;

16 “(iv) work with parents to increase
17 parental involvement in their students’
18 education;

19 “(v) work to improve academic pro-
20 ficiency and increase graduation rates;

21 “(vi) provide college preparation and
22 career planning; and

23 “(vii) incorporate a strong data collec-
24 tion and continuous evaluation component
25 at all levels of the program.

1 “(J) Statewide programs that provide tech-
2 nical assistance and support to schools and
3 communities to engage adults in promoting the
4 academic progress and overall well-being of
5 Alaska Native people through child and youth
6 development, positive youth-adult relationships,
7 improved conditions for learning (school cli-
8 mate, student connection to school and commu-
9 nity), and increased connections between
10 schools and families.

11 “(K) Career preparation activities to en-
12 able Alaska Native children and adults to pre-
13 pare for meaningful employment, including pro-
14 grams providing tech-prep, mentoring, training,
15 and apprenticeship activities.

16 “(L) Support for the development and
17 operational activities of regional vocational
18 schools in rural areas of Alaska to provide stu-
19 dents with necessary resources to prepare for
20 skilled employment opportunities.

21 “(M) Other activities, consistent with the
22 purposes of this part, to meet the educational
23 needs of Alaska Native children and adults.

24 “(N) Regional leadership academies that
25 demonstrate effectiveness in building respect,

1 understanding, and fostering a sense of Alaska
2 Native identity to promote their pursuit of and
3 success in completing higher education or ca-
4 reer training.

5 “(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not
6 more than 5 percent of funds provided to an award recipi-
7 ent under this part for any fiscal year may be used for
8 administrative purposes.

9 “(c) PRIORITIES.—In awarding grants or contracts
10 to carry out activities described in this subpart, the Sec-
11 retary shall give priority to applications from Alaska Na-
12 tive Organizations. Such priority shall be explicitly delin-
13 eated in the Secretary’s process for evaluating applications
14 and applied consistently and transparently to all applica-
15 tions from Alaska Native Organizations.

16 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out this part
18 \$33,185,000 for each of fiscal years 2016 through 2021.

19 **“SEC. 5205. ADMINISTRATIVE PROVISIONS.**

20 “(a) APPLICATION REQUIRED.—

21 “(1) IN GENERAL.—No grant may be made
22 under this part, and no contract may be entered into
23 under this part, unless the Alaska Native organiza-
24 tion or entity seeking the grant or contract submits
25 an application to the Secretary in such form, in such

1 manner, and containing such information as the Sec-
2 retary may determine necessary to carry out the pro-
3 visions of this part.

4 “(2) REQUIREMENT FOR CERTAIN APPLI-
5 CANTS.—An applicant described in section
6 5204(a)(2) shall, in the application submitted under
7 this paragraph—

8 “(A) demonstrate that an Alaska Native
9 organization was directly involved in the devel-
10 opment of the program for which the applica-
11 tion seeks funds and explicitly delineate the
12 meaningful role that the Alaska Native organi-
13 zation will play in the implementation and eval-
14 uation of the program for which funding is
15 sought; and

16 “(B) provide a copy of the Alaska Native
17 organization’s governing document.

18 “(b) CONSULTATION REQUIRED.—Each applicant for
19 an award under this part shall provide for ongoing advice
20 from and consultation with representatives of the Alaska
21 Native community.

22 “(c) LOCAL EDUCATIONAL AGENCY COORDINA-
23 TION.—Each applicant for an award under this part shall
24 inform each local educational agency serving students who

1 would participate in the program to be carried out under
2 the grant or contract about the application.

3 “(d) CONTINUATION AWARDS.—An applicant de-
4 scribed in section 5204(a)(2) that receives funding under
5 this part shall periodically demonstrate to the Secretary,
6 during the term of the award, that the applicant is con-
7 tinuing to meet the requirements of subsection (a)(2)(A).

8 **“SEC. 5206. DEFINITIONS.**

9 “In this part:

10 “(1) ALASKA NATIVE.—The term ‘Alaska Na-
11 tive’ has the same meaning as the term ‘Native’ has
12 in section 3(b) of the Alaska Native Claims Settle-
13 ment Act and their descendants.

14 “(2) ALASKA NATIVE ORGANIZATION.—The
15 term ‘Alaska Native organization’ means a federally
16 recognized tribe, consortium of tribes, regional non-
17 profit Native association, and an organization,
18 that—

19 “(A) has or commits to acquire expertise
20 in the education of Alaska Natives; and

21 “(B) has Alaska Natives in substantive
22 and policymaking positions within the organiza-
23 tion.

1 **“PART C—NATIVE HAWAIIAN EDUCATION**

2 **“SEC. 5301. FINDINGS.**

3 “Congress finds the following:

4 “(1) Native Hawaiians are a distinct and
5 unique indigenous people with a historical continuity
6 to the original inhabitants of the Hawaiian archi-
7 pelago, whose society was organized as a nation and
8 internationally recognized as a nation by the United
9 States, and many other countries.

10 “(2) Native Hawaiians have a cultural, historic,
11 and land-based link to the indigenous people who ex-
12 ercised sovereignty over the Hawaiian Islands.

13 “(3) The political status of Native Hawaiians is
14 comparable to that of American Indians and Alaska
15 Natives.

16 “(4) The political relationship between the
17 United States and the Native Hawaiian people has
18 been recognized and reaffirmed by the United
19 States, as evidenced by the inclusion of Native Ha-
20 waiians in many Federal statutes, including—

21 “(A) the Native American Programs Act of
22 1974 (42 U.S.C. 2991 et seq.);

23 “(B) Public Law 95–341 (commonly
24 known as the ‘American Indian Religious Free-
25 dom Act’ (42 U.S.C. 1996));

1 “(C) the National Museum of the Amer-
2 ican Indian Act (20 U.S.C. 80q et seq.);

3 “(D) the Native American Graves Protec-
4 tion and Repatriation Act (25 U.S.C. 3001 et
5 seq.);

6 “(E) the National Historic Preservation
7 Act (16 U.S.C. 470 et seq.);

8 “(F) the Native American Languages Act
9 (25 U.S.C. 2901 et seq.);

10 “(G) the American Indian, Alaska Native,
11 and Native Hawaiian Culture and Art Develop-
12 ment Act (20 U.S.C. 4401 et seq.);

13 “(H) the Workforce Investment Act of
14 1998 (29 U.S.C. 2801 et seq.); and

15 “(I) the Older Americans Act of 1965 (42
16 U.S.C. 3001 et seq.).

17 “(5) Many Native Hawaiian students lag be-
18 hind other students in terms of—

19 “(A) school readiness factors;

20 “(B) scoring below national norms on edu-
21 cation achievement tests at all grade levels;

22 “(C) underrepresentation in the uppermost
23 achievement levels and in gifted and talented
24 programs;

1 “(D) overrepresentation among students
2 qualifying for special education programs;

3 “(E) underrepresentation in institutions of
4 higher education and among adults who have
5 completed 4 or more years of college.

6 “(6) The percentage of Native Hawaiian stu-
7 dents served by the State of Hawaii Department of
8 Education rose 30 percent from 1980 to 2008, and
9 there are and will continue to be geographically
10 rural, isolated areas with a high Native Hawaiian
11 population density.

12 “(7) The Native Hawaiian people are deter-
13 mined to preserve, develop, and transmit to future
14 generations their ancestral territory and their cul-
15 tural identity in accordance with their own spiritual
16 and traditional beliefs, customs, practices, language,
17 and social institutions.

18 **“SEC. 5302. PURPOSES.**

19 “The purposes of this part are—

20 “(1) to authorize, develop, implement, assess,
21 and evaluate innovative educational programs, Na-
22 tive Hawaiian language medium programs, Native
23 Hawaiian culture-based education programs, and
24 other education programs to improve the academic
25 achievement of Native Hawaiian students by meet-

1 ing their unique cultural and language needs in
 2 order to help such students meet challenging State
 3 student academic achievement standards;

4 “(2) to provide guidance to appropriate Fed-
 5 eral, State, and local agencies to more effectively
 6 and efficiently focus resources, including resources
 7 made available under this part, on the development
 8 and implementation of—

9 “(A) innovative educational programs for
 10 Native Hawaiians;

11 “(B) rigorous and substantive Native Ha-
 12 waiian language programs; and

13 “(C) Native Hawaiian culture-based edu-
 14 cational programs; and

15 “(3) to create a system by which information
 16 from programs funded under this part will be col-
 17 lected, analyzed, evaluated, reported, and used in de-
 18 cisionmaking activities regarding the types of grants
 19 awarded under this part.

20 **“SEC. 5303. NATIVE HAWAIIAN EDUCATION COUNCIL**
 21 **GRANT.**

22 “(a) GRANT AUTHORIZED.—In order to better effec-
 23 tuate the purposes of this part through the coordination
 24 of educational and related services and programs available
 25 to Native Hawaiians, including those programs that re-

1 ceive funding under this part, the Secretary shall award
2 a grant to an education council, as described under sub-
3 section (b).

4 “(b) EDUCATION COUNCIL.—

5 “(1) ELIGIBILITY.—To be eligible to receive the
6 grant under subsection (a), the council shall be an
7 education council (referred to in this section as the
8 ‘Education Council’) that meets the requirements of
9 this subsection.

10 “(2) COMPOSITION.—The Education Council
11 shall consist of 15 members of whom—

12 “(A) one shall be the President of the Uni-
13 versity of Hawaii (or a designee);

14 “(B) one shall be the Governor of the
15 State of Hawaii (or a designee);

16 “(C) one shall be the Superintendent of
17 the State of Hawaii Department of Education
18 (or a designee);

19 “(D) one shall be the chairperson of the
20 Office of Hawaiian Affairs (or a designee);

21 “(E) one shall be the executive director of
22 Hawaii’s Charter School Network (or a des-
23 ignee);

24 “(F) one shall be the chief executive officer
25 of the Kamehameha Schools (or a designee);

1 “(G) one shall be the Chief Executive Offi-
2 cer of the Queen Liliuokalani Trust (or a des-
3 ignee);

4 “(H) one shall be a member, selected by
5 the other members of the Education Council,
6 who represents a private grant-making entity;

7 “(I) one shall be the Mayor of the County
8 of Hawaii (or a designee);

9 “(J) one shall be the Mayor of Maui Coun-
10 ty (or a designee from the Island of Maui);

11 “(K) one shall be the Mayor of the County
12 of Kauai (or a designee);

13 “(L) one shall be appointed by the Mayor
14 of Maui County from the Island of either
15 Molokai or Lanai;

16 “(M) one shall be the Mayor of the City
17 and County of Honolulu (or a designee);

18 “(N) one shall be the chairperson of the
19 Hawaiian Homes Commission (or a designee);
20 and

21 “(O) one shall be the chairperson of the
22 Hawaii Workforce Development Council (or a
23 designee representing the private sector).

24 “(3) REQUIREMENTS.—Any designee serving on
25 the Education Council shall demonstrate, as deter-

1 mined by the individual who appointed such designee
2 with input from the Native Hawaiian community,
3 not less than 5 years of experience as a consumer
4 or provider of Native Hawaiian education or cultural
5 activities, with traditional cultural experience given
6 due consideration.

7 “(4) LIMITATION.—A member (including a des-
8 ignee), while serving on the Education Council, shall
9 not be a recipient of grant funds that are awarded
10 under this part.

11 “(5) TERM OF MEMBERS.—A member who is a
12 designee shall serve for a term of not more than 4
13 years.

14 “(6) CHAIR, VICE CHAIR.—

15 “(A) SELECTION.—The Education Council
16 shall select a Chair and a Vice Chair from
17 among the members of the Education Council.

18 “(B) TERM LIMITS.—The Chair and Vice
19 Chair shall each serve for a 2-year term.

20 “(7) ADMINISTRATIVE PROVISIONS RELATING
21 TO EDUCATION COUNCIL.—The Education Council
22 shall meet at the call of the Chair of the Council,
23 or upon request by a majority of the members of the
24 Education Council, but in any event not less often
25 than every 120 days.

1 “(8) NO COMPENSATION.—None of the funds
2 made available through the grant may be used to
3 provide compensation to any member of the Edu-
4 cation Council or member of a working group estab-
5 lished by the Education Council, for functions de-
6 scribed in this section.

7 “(c) USE OF FUNDS FOR COORDINATION ACTIVI-
8 TIES.—The Education Council shall use funds made avail-
9 able through the grant to carry out each of the following
10 activities:

11 “(1) Providing advice about the coordination,
12 and serving as a clearinghouse for, the educational
13 and related services and programs available to Na-
14 tive Hawaiians, including the programs assisted
15 under this part.

16 “(2) Assessing the extent to which such services
17 and programs meet the needs of Native Hawaiians,
18 and collecting data on the status of Native Hawaiian
19 education.

20 “(3) Providing direction and guidance, through
21 the issuance of reports and recommendations, to ap-
22 propriate Federal, State, and local agencies in order
23 to focus and improve the use of resources, including
24 resources made available under this part, relating to

1 Native Hawaiian education, and serving, where ap-
2 propriate, in an advisory capacity.

3 “(4) Awarding grants, if such grants enable the
4 Education Council to carry out the activities de-
5 scribed in paragraphs (1) through (3).

6 “(5) Hiring an executive director who shall as-
7 sist in executing the duties and powers of the Edu-
8 cation Council, as described in subsection (d).

9 “(d) USE OF FUNDS FOR TECHNICAL ASSIST-
10 ANCE.—The Education Council shall use funds made
11 available through the grant to—

12 “(1) provide technical assistance to Native Ha-
13 waiian organizations that are grantees or potential
14 grantees under this part;

15 “(2) obtain from such grantees information and
16 data regarding grants awarded under this part, in-
17 cluding information and data about—

18 “(A) the effectiveness of such grantees in
19 meeting the educational priorities established by
20 the Education Council, as described in para-
21 graph (6)(D), using metrics related to these
22 priorities; and

23 “(B) the effectiveness of such grantees in
24 carrying out any of the activities described in
25 section 5304(c) that are related to the specific

1 goals and purposes of each grantee’s grant
2 project, using metrics related to these priorities;

3 “(3) assess and define the educational needs of
4 Native Hawaiians;

5 “(4) assess the programs and services available
6 to address the educational needs of Native Hawai-
7 ians;

8 “(5) assess and evaluate the individual and ag-
9 gregate impact achieved by grantees under this part
10 in improving Native Hawaiian educational perform-
11 ance and meeting the goals of this part, using
12 metrics related to these goals; and

13 “(6) prepare and submit to the Secretary, at
14 the end of each calendar year, an annual report that
15 contains—

16 “(A) a description of the activities of the
17 Education Council during the calendar year;

18 “(B) a description of significant barriers to
19 achieving the goals of this part;

20 “(C) a summary of each community con-
21 sultation session described in subsection (e);
22 and

23 “(D) recommendations to establish prior-
24 ities for funding under this part, based on an
25 assessment of—

1 “(i) the educational needs of Native
2 Hawaiians;

3 “(ii) programs and services available
4 to address such needs;

5 “(iii) the effectiveness of programs in
6 improving the educational performance of
7 Native Hawaiian students to help such stu-
8 dents meet challenging State student aca-
9 demic achievement standards; and

10 “(iv) priorities for funding in specific
11 geographic communities.

12 “(e) USE OF FUNDS FOR COMMUNITY CONSULTA-
13 TIONS.—The Education Council shall use funds made
14 available through the grant under subsection (a) to hold
15 not less than one community consultation each year on
16 each of the islands of Hawaii, Maui, Molokai, Lanai,
17 Oahu, and Kauai, at which—

18 “(1) not less than three members of the Edu-
19 cation Council shall be in attendance;

20 “(2) the Education Council shall gather com-
21 munity input regarding—

22 “(A) current grantees under this part, as
23 of the date of the consultation;

24 “(B) priorities and needs of Native Hawai-
25 ians; and

1 “(C) other Native Hawaiian education
2 issues; and

3 “(3) the Education Council shall report to the
4 community on the outcomes of the activities sup-
5 ported by grants awarded under this part.

6 “(f) FUNDING.—For each fiscal year, the Secretary
7 shall use the amount described in section 5305(d)(2), to
8 make a payment under the grant. Funds made available
9 through the grant shall remain available until expended.

10 “(g) REPORT.—Beginning not later than 2 years
11 after the date of enactment of the Student Success Act,
12 and for each subsequent year, the Secretary shall prepare
13 and submit to the Committee on Education and the Work-
14 force of the House of Representatives, and the Committee
15 on Indian Affairs and the Committee on Health, Edu-
16 cation, Labor, and Pensions of the Senate, a report that—

17 “(1) summarizes the annual reports of the Edu-
18 cation Council;

19 “(2) describes the allocation and use of funds
20 under this part and the information gathered since
21 the first annual report submitted by the Education
22 Council to the Secretary under this section; and

23 “(3) contains recommendations for changes in
24 Federal, State, and local policy to advance the pur-
25 poses of this part.

1 **“SEC. 5304. GRANT PROGRAM AUTHORIZED.**

2 “(a) GRANTS AND CONTRACTS.—In order to carry
3 out programs that meet the purposes of this part, the Sec-
4 retary is authorized to award grants to, or enter into con-
5 tracts with—

6 “(1) Native Hawaiian educational organiza-
7 tions;

8 “(2) Native Hawaiian community-based organi-
9 zations;

10 “(3) public and private nonprofit organizations,
11 agencies, and institutions with experience in devel-
12 oping or operating Native Hawaiian education and
13 workforce development programs or programs of in-
14 struction in the Native Hawaiian language;

15 “(4) charter schools; and

16 “(5) consortia of the organizations, agencies,
17 and institutions described in paragraphs (1) through
18 (4).

19 “(b) PRIORITY.—In awarding grants and entering
20 into contracts under this part, the Secretary shall give pri-
21 ority to—

22 “(1) programs that meet the educational pri-
23 ority recommendations of the Education Council, as
24 described under section 5303(d)(6)(D);

1 “(2) the repair and renovation of public schools
2 that serve high concentrations of Native Hawaiian
3 students;

4 “(3) programs designed to improve the aca-
5 demic achievement of Native Hawaiian students by
6 meeting their unique cultural and language needs in
7 order to help such students meet challenging State
8 student academic achievement standards, including
9 activities relating to—

10 “(A) achieving competence in reading, lit-
11 eracy, mathematics, and science for students in
12 preschool through grade 3;

13 “(B) the educational needs of at-risk chil-
14 dren and youth;

15 “(C) professional development for teachers
16 and administrators;

17 “(D) the use of Native Hawaiian language
18 and preservation or reclamation of Native Ha-
19 waiian culture-based educational practices; and

20 “(E) other programs relating to the activi-
21 ties described in this part; and

22 “(4) programs in which a local educational
23 agency, institution of higher education, or a State
24 educational agency in partnership with a nonprofit
25 entity serving underserved communities within the

1 Native Hawaiian population apply for a grant or
2 contract under this part as part of a partnership or
3 consortium.

4 “(c) AUTHORIZED ACTIVITIES.—Activities provided
5 through programs carried out under this part may in-
6 clude—

7 “(1) the development and maintenance of a
8 statewide Native Hawaiian early education and care
9 system to provide a continuum of high-quality early
10 learning services for Native Hawaiian children from
11 the prenatal period through the age of kindergarten
12 entry;

13 “(2) the operation of family-based education
14 centers that provide such services as—

15 “(A) early care and education programs
16 for Native Hawaiians; and

17 “(B) research on, and development and as-
18 sessment of, family-based, early childhood, and
19 preschool programs for Native Hawaiians;

20 “(3) activities that enhance beginning reading
21 and literacy in either the Hawaiian or the English
22 language among Native Hawaiian students in kin-
23 dergarten through grade 3 and assistance in ad-
24 dressing the distinct features of combined English

1 and Hawaiian literacy for Hawaiian speakers in
2 grades 5 and 6;

3 “(4) activities to meet the special needs of Na-
4 tive Hawaiian students with disabilities, including—

5 “(A) the identification of such students
6 and their needs;

7 “(B) the provision of support services to
8 the families of such students; and

9 “(C) other activities consistent with the re-
10 quirements of the Individuals with Disabilities
11 Education Act;

12 “(5) activities that address the special needs of
13 Native Hawaiian students who are gifted and tal-
14 ented, including—

15 “(A) educational, psychological, and devel-
16 opmental activities designed to assist in the
17 educational progress of such students; and

18 “(B) activities that involve the parents of
19 such students in a manner designed to assist in
20 the educational progress of such students;

21 “(6) the development of academic and voca-
22 tional curricula to address the needs of Native Ha-
23 waiian students, including curricula materials in the
24 Hawaiian language and mathematics and science

1 curricula that incorporate Native Hawaiian tradition
2 and culture;

3 “(7) professional development activities for edu-
4 cators, including—

5 “(A) the development of programs to pre-
6 pare prospective teachers to address the unique
7 needs of Native Hawaiian students within the
8 context of Native Hawaiian culture, language,
9 and traditions;

10 “(B) in-service programs to improve the
11 ability of teachers who teach in schools with
12 high concentrations of Native Hawaiian stu-
13 dents to meet the unique needs of such stu-
14 dents; and

15 “(C) the recruitment and preparation of
16 Native Hawaiians, and other individuals who
17 live in communities with a high concentration of
18 Native Hawaiians, to become teachers;

19 “(8) the operation of community-based learning
20 centers that address the needs of Native Hawaiian
21 students, parents, families, and communities
22 through the coordination of public and private pro-
23 grams and services, including—

24 “(A) early education programs;

1 “(B) before, after, and Summer school
2 programs, expanded learning time, or weekend
3 academies;

4 “(C) career and technical education pro-
5 grams; and

6 “(D) programs that recognize and support
7 the unique cultural and educational needs of
8 Native Hawaiian children, and incorporate ap-
9 propriately qualified Native Hawaiian elders
10 and seniors;

11 “(9) activities, including program co-location,
12 that ensure Native Hawaiian students graduate col-
13 lege and career ready including—

14 “(A) family literacy services;

15 “(B) counseling, guidance, and support
16 services for students; and

17 “(C) professional development activities de-
18 signed to help educators improve the college
19 and career readiness of Native Hawaiian stu-
20 dents;

21 “(10) research and data collection activities to
22 determine the educational status and needs of Na-
23 tive Hawaiian children and adults;

24 “(11) other research and evaluation activities
25 related to programs carried out under this part; and

1 “(12) other activities, consistent with the pur-
2 poses of this part, to meet the educational needs of
3 Native Hawaiian children and adults.

4 “(d) ADDITIONAL ACTIVITIES.—Notwithstanding
5 any other provision of this part, funds made available to
6 carry out this section as of the day before the date of en-
7 actment of the Student Success Act shall remain available
8 until expended. The Secretary shall use such funds to sup-
9 port the following:

10 “(1) The repair and renovation of public
11 schools that serve high concentrations of Native Ha-
12 waiian students.

13 “(2) The perpetuation of, and expansion of ac-
14 cess to, Hawaiian culture and history through digital
15 archives.

16 “(3) Informal education programs that connect
17 traditional Hawaiian knowledge, science, astronomy,
18 and the environment through State museums or
19 learning centers.

20 “(4) Public charter schools serving high con-
21 centrations of Native Hawaiian students.

22 “(e) ADMINISTRATIVE COSTS.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), not more than 5 percent of funds pro-
25 vided to a recipient of a grant or contract under this

1 section for any fiscal year may be used for adminis-
2 trative purposes.

3 “(2) EXCEPTION.—The Secretary may waive
4 the requirement of paragraph (1) for a nonprofit en-
5 tity that receives funding under this section and
6 allow not more than 10 percent of funds provided to
7 such nonprofit entity under this section for any fis-
8 cal year to be used for administrative purposes.

9 **“SEC. 5305. ADMINISTRATIVE PROVISIONS.**

10 “(a) APPLICATION REQUIRED.—No grant may be
11 made under this part, and no contract may be entered into
12 under this part, unless the entity seeking the grant or con-
13 tract submits an application to the Secretary at such time,
14 in such manner, and containing such information as the
15 Secretary may determine to be necessary to carry out the
16 provisions of this part.

17 “(b) DIRECT GRANT APPLICATIONS.—The Secretary
18 shall provide a copy of all direct grant applications to the
19 Education Council.

20 “(c) SUPPLEMENT NOT SUPPLANT.—

21 “(1) IN GENERAL.—Except as provided in para-
22 graph (2), funds made available under this part
23 shall be used to supplement, and not supplant, any
24 State or local funds used to achieve the purposes of
25 this part.

1 “(2) EXCEPTION.—Paragraph (1) shall not
 2 apply to any nonprofit entity or Native Hawaiian
 3 community-based organization that receives a grant
 4 or other funds under this part.

5 “(d) AUTHORIZATION OF APPROPRIATIONS.—

6 “(1) IN GENERAL.—There are authorized to be
 7 appropriated to carry out this part \$34,181,000 for
 8 each of fiscal years 2016 through 2021.

9 “(2) RESERVATION.—Of the funds appro-
 10 priated under this subsection, the Secretary shall re-
 11 serve, for each fiscal year after the date of enact-
 12 ment of the Student Success Act not less than
 13 \$500,000 for the grant to the Education Council
 14 under section 5303.

15 “(3) AVAILABILITY.—Funds appropriated
 16 under this subsection shall remain available until ex-
 17 pended.”.

18 **TITLE VI—GENERAL** 19 **PROVISIONS FOR THE ACT**

20 **SEC. 601. GENERAL PROVISIONS FOR THE ACT.**

21 (a) AMENDING TITLE VI.—Title VI (20 U.S.C. 7301
 22 et seq.) is amended to read as follows:

**“TITLE VI—GENERAL
PROVISIONS**

“PART A—DEFINITIONS

“SEC. 6101. DEFINITIONS.

“Except as otherwise provided, in this Act:

“(1) AVERAGE DAILY ATTENDANCE.—

“(A) IN GENERAL.—Except as provided otherwise by State law or this paragraph, the term ‘average daily attendance’ means—

“(i) the aggregate number of days of attendance of all students during a school year; divided by

“(ii) the number of days school is in session during that year.

“(B) CONVERSION.—The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership (or other similar data).

“(C) SPECIAL RULE.—If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in an-

1 other school district, the Secretary shall, for the
2 purpose of this Act—

3 “(i) consider the child to be in attend-
4 ance at a school of the agency making the
5 payment; and

6 “(ii) not consider the child to be in at-
7 tendance at a school of the agency receiv-
8 ing the payment.

9 “(D) CHILDREN WITH DISABILITIES.—If a
10 local educational agency makes a tuition pay-
11 ment to a private school or to a public school
12 of another local educational agency for a child
13 with a disability, as defined in section 602 of
14 the Individuals with Disabilities Education Act,
15 the Secretary shall, for the purpose of this Act,
16 consider the child to be in attendance at a
17 school of the agency making the payment.

18 “(2) AVERAGE PER-PUPIL EXPENDITURE.—The
19 term ‘average per-pupil expenditure’ means, in the
20 case of a State or of the United States—

21 “(A) without regard to the source of
22 funds—

23 “(i) the aggregate current expendi-
24 tures, during the third fiscal year pre-
25 ceding the fiscal year for which the deter-

1 mination is made (or, if satisfactory data
2 for that year are not available, during the
3 most recent preceding fiscal year for which
4 satisfactory data are available) of all local
5 educational agencies in the State or, in the
6 case of the United States, for all States
7 (which, for the purpose of this paragraph,
8 means the 50 States and the District of
9 Columbia); plus

10 “(ii) any direct current expenditures
11 by the State for the operation of those
12 agencies; divided by

13 “(B) the aggregate number of children in
14 average daily attendance to whom those agen-
15 cies provided free public education during that
16 preceding year.

17 “(3) CHARTER SCHOOL.—The term ‘charter
18 school’ means a public school that—

19 “(A) in accordance with a specific State
20 statute authorizing the granting of charters to
21 schools, is exempt from significant State or
22 local rules that inhibit the flexible operation
23 and management of public schools, but not
24 from any rules relating to the other require-
25 ments of this paragraph;

1 “(B) is created by a developer as a public
2 school, or is adapted by a developer from an ex-
3 isting public school, and is operated under pub-
4 lic supervision and direction;

5 “(C) operates in pursuit of a specific set of
6 educational objectives determined by the
7 school’s developer and agreed to by the author-
8 ized public chartering agency;

9 “(D) provides a program of elementary or
10 secondary education, or both;

11 “(E) is nonsectarian in its programs, ad-
12 missions policies, employment practices, and all
13 other operations, and is not affiliated with a
14 sectarian school or religious institution;

15 “(F) does not charge tuition;

16 “(G) complies with the Age Discrimination
17 Act of 1975, title VI of the Civil Rights Act of
18 1964, title IX of the Education Amendments of
19 1972, section 504 of the Rehabilitation Act of
20 1973, part B of the Individuals with Disabil-
21 ities Education Act, the Americans with Dis-
22 abilities Act of 1990 (42 U.S.C. 12101 et seq.),
23 and section 444 of the General Education Pro-
24 visions Act (20 U.S.C. 1232(g)) (commonly

1 known as the ‘Family Education Rights and
2 Privacy Act of 1974’);

3 “(H) is a school to which parents choose to
4 send their children, and admits students on the
5 basis of a lottery if more students apply for ad-
6 mission than can be accommodated, except that
7 in cases in which students who are enrolled in
8 a charter school affiliated (such as by sharing
9 a network) with another charter school, those
10 students may be automatically enrolled in the
11 next grade level at such other charter school, so
12 long as a lottery is used to fill seats created
13 through regular attrition in student enrollment;

14 “(I) agrees to comply with the same Fed-
15 eral and State audit requirements as do other
16 elementary schools and secondary schools in the
17 State, unless such State audit requirements are
18 waived by the State;

19 “(J) meets all applicable Federal, State,
20 and local health and safety requirements;

21 “(K) operates in accordance with State
22 law;

23 “(L) has a written performance contract
24 with the authorized public chartering agency in
25 the State that includes a description of how

1 student performance will be measured in char-
2 ter schools pursuant to State assessments that
3 are required of other schools and pursuant to
4 any other assessments mutually agreeable to
5 the authorized public chartering agency and the
6 charter school; and

7 “(M) may serve prekindergarten or post-
8 secondary students.

9 “(4) CHILD.—The term ‘child’ means any per-
10 son within the age limits for which the State pro-
11 vides free public education.

12 “(5) CHILD WITH A DISABILITY.—The term
13 ‘child with a disability’ has the same meaning given
14 that term in section 602 of the Individuals with Dis-
15 abilities Education Act.

16 “(6) COMMUNITY-BASED ORGANIZATION.—The
17 term ‘community-based organization’ means a public
18 or private nonprofit organization of demonstrated ef-
19 fectiveness that—

20 “(A) is representative of a community or
21 significant segments of a community; and

22 “(B) provides educational or related serv-
23 ices to individuals in the community.

24 “(7) CONSOLIDATED LOCAL APPLICATION.—
25 The term ‘consolidated local application’ means an

1 application submitted by a local educational agency
2 pursuant to section 6305.

3 “(8) CONSOLIDATED LOCAL PLAN.—The term
4 ‘consolidated local plan’ means a plan submitted by
5 a local educational agency pursuant to section 6305.

6 “(9) CONSOLIDATED STATE APPLICATION.—
7 The term ‘consolidated State application’ means an
8 application submitted by a State educational agency
9 pursuant to section 6302.

10 “(10) CONSOLIDATED STATE PLAN.—The term
11 ‘consolidated State plan’ means a plan submitted by
12 a State educational agency pursuant to section
13 6302.

14 “(11) CORE ACADEMIC SUBJECTS.—The term
15 ‘core academic subjects’ means English, reading or
16 language arts, mathematics, science, foreign lan-
17 guages, civics and government, economics, arts, his-
18 tory, and geography.

19 “(12) COUNTY.—The term ‘county’ means one
20 of the divisions of a State used by the Secretary of
21 Commerce in compiling and reporting data regard-
22 ing counties.

23 “(13) COVERED PROGRAM.—The term ‘covered
24 program’ means each of the programs authorized
25 by—

1 “(A) part A of title I;

2 “(B) title II; and

3 “(C) part B of title III.

4 “(14) CURRENT EXPENDITURES.—The term
5 ‘current expenditures’ means expenditures for free
6 public education—

7 “(A) including expenditures for adminis-
8 tration, instruction, attendance and health serv-
9 ices, pupil transportation services, operation
10 and maintenance of plant, fixed charges, and
11 net expenditures to cover deficits for food serv-
12 ices and student body activities; but

13 “(B) not including expenditures for com-
14 munity services, capital outlay, and debt serv-
15 ice, or any expenditures made from funds re-
16 ceived under title I.

17 “(15) DEPARTMENT.—The term ‘Department’
18 means the Department of Education.

19 “(16) DIRECT STUDENT SERVICES.—The term
20 ‘direct student services’ means public school choice
21 or high-quality academic tutoring that are designed
22 to help increase academic achievement for students.

23 “(17) DISTANCE EDUCATION.—The term ‘dis-
24 tance education’ means the use of one or more tech-
25 nologies to deliver instruction to students who are

1 separated from the instructor and to support regular
2 and substantive interaction between the students
3 and the instructor synchronously or nonsyn-
4 chronously.

5 “(18) EDUCATIONAL SERVICE AGENCY.—The
6 term ‘educational service agency’ means a regional
7 public multiservice agency authorized by State stat-
8 ute to develop, manage, and provide services or pro-
9 grams to local educational agencies.

10 “(19) ELEMENTARY SCHOOL.—The term ‘ele-
11 mentary school’ means a nonprofit institutional day
12 or residential school, including a public elementary
13 charter school, that provides elementary education,
14 as determined under State law.

15 “(20) ENGLISH LEARNER.—The term ‘English
16 learner’, when used with respect to an individual,
17 means an individual—

18 “(A) who is aged 3 through 21;

19 “(B) who is enrolled or preparing to enroll
20 in an elementary school or secondary school;

21 “(C)(i) who was not born in the United
22 States or whose native language is a language
23 other than English;

1 “(ii)(I) who is a Native American or Alas-
2 ka Native, or a native resident of the outlying
3 areas; and

4 “(II) who comes from an environment
5 where a language other than English has had
6 a significant impact on the individual’s level of
7 English language proficiency; or

8 “(iii) who is migratory, whose native lan-
9 guage is a language other than English, and
10 who comes from an environment where a lan-
11 guage other than English is dominant; and

12 “(D) whose difficulties in speaking, read-
13 ing, writing, or understanding the English lan-
14 guage may be sufficient to deny the indi-
15 vidual—

16 “(i) the ability to meet the State’s
17 academic standards described in section
18 1111;

19 “(ii) the ability to successfully achieve
20 in classrooms where the language of in-
21 struction is English; or

22 “(iii) the opportunity to participate
23 fully in society.

24 “(21) EXTENDED-YEAR ADJUSTED COHORT
25 GRADUATION RATE.—

1 “(A) IN GENERAL.—The term ‘extended-
2 year adjusted cohort graduation rate’ means the
3 ratio where—

4 “(i) the denominator consists of the
5 number of students who form the original
6 cohort of entering first-time 9th grade stu-
7 dents enrolled in the high school no later
8 than the effective date for student mem-
9 bership data submitted annually by State
10 educational agencies to the National Cen-
11 ter for Education Statistics under section
12 153 of the Education Sciences Reform Act,
13 adjusted by—

14 “(I) adding the students who
15 joined that cohort, after the time of
16 the determination of the original co-
17 hort; and

18 “(II) subtracting only those stu-
19 dents who left that cohort, after the
20 time of the determination of the origi-
21 nal cohort, as described in subpara-
22 graph (B); and

23 “(ii) the numerator consists of the
24 number of students in the cohort, as ad-
25 justed under clause (i), who earned a reg-

1 ular high school diploma before, during, or
2 at the conclusion of—

3 “(I) one or more additional years
4 beyond the fourth year of high school;
5 or

6 “(II) a summer session imme-
7 diately following the additional year of
8 high school.

9 “(B) COHORT REMOVAL.—To remove a
10 student from a cohort, a school or local edu-
11 cational agency shall require documentation to
12 confirm that the student has transferred out,
13 emigrated to another country, transferred to a
14 prison or juvenile facility, or is deceased.

15 “(C) TRANSFERRED OUT.—

16 “(i) IN GENERAL.—For purposes of
17 this paragraph, the term ‘transferred out’
18 means a student who the high school or
19 local educational agency has confirmed, ac-
20 cording to clause (ii), has transferred—

21 “(I) to another school from which
22 the student is expected to receive a
23 regular high school diploma; or

24 “(II) to another educational pro-
25 gram from which the student is ex-

1 pected to receive a regular high school
2 diploma.

3 “(ii) CONFIRMATION REQUIRE-
4 MENTS.—

5 “(I) DOCUMENTATION RE-
6 QUIRED.—The confirmation of a stu-
7 dent’s transfer to another school or
8 educational program described in
9 clause (i) requires documentation
10 from the receiving school or program
11 that the student enrolled in the receiv-
12 ing school or program.

13 “(II) LACK OF CONFIRMATION.—
14 A student who was enrolled, but for
15 whom there is no confirmation of the
16 student having transferred out, shall
17 remain in the denominator of the ex-
18 tended-year adjusted cohort.

19 “(iii) PROGRAMS NOT PROVIDING
20 CREDIT.—A student who is retained in
21 grade or who is enrolled in a GED or other
22 alternative educational program that does
23 not issue or provide credit toward the
24 issuance of a regular high school diploma
25 shall not be considered transferred out and

1 shall remain in the extended-year adjusted
2 cohort.

3 “(D) SPECIAL RULE.—For those high
4 schools that start after grade 9, the original co-
5 hort shall be calculated for the earliest high
6 school grade students attend no later than the
7 effective date for student membership data sub-
8 mitted annually by State educational agencies
9 to the National Center for Education Statistics
10 pursuant to section 153 of the Education
11 Sciences Reform Act.

12 “(22) FAMILY LITERACY SERVICES.—The term
13 ‘family literacy services’ means services provided to
14 participants on a voluntary basis that are of suffi-
15 cient intensity in terms of hours, and of sufficient
16 duration, to make sustainable changes in a family,
17 and that integrate all of the following activities:

18 “(A) Interactive literacy activities between
19 parents and their children.

20 “(B) Training for parents regarding how
21 to be the primary teacher for their children and
22 full partners in the education of their children.

23 “(C) Parent literacy training that leads to
24 economic self-sufficiency.

1 “(D) An age-appropriate education to pre-
2 pare children for success in school and life ex-
3 periences.

4 “(23) FOUR-YEAR ADJUSTED COHORT GRADUA-
5 TION RATE.—

6 “(A) IN GENERAL.—The term ‘four-year
7 adjusted cohort graduation rate’ means the
8 ratio where—

9 “(i) the denominator consists of the
10 number of students who form the original
11 cohort of entering first-time 9th grade stu-
12 dents enrolled in the high school no later
13 than the effective date for student mem-
14 bership data submitted annually by State
15 educational agencies to the National Cen-
16 ter for Education Statistics pursuant to
17 section 153 of the Education Sciences Re-
18 form Act, adjusted by—

19 “(I) adding the students who
20 joined that cohort, after the time of
21 the determination of the original co-
22 hort; and

23 “(II) subtracting only those stu-
24 dents who left that cohort, after the
25 time of the determination of the origi-

1 nal cohort, as described in subpara-
2 graph (B); and

3 “(ii) the numerator consists of the
4 number of students in the cohort, as ad-
5 justed under clause (i), who earned a reg-
6 ular high school diploma before, during, or
7 at the conclusion of—

8 “(I) the fourth year of high
9 school; or

10 “(II) a summer session imme-
11 diately following the fourth year of
12 high school.

13 “(B) COHORT REMOVAL.—To remove a
14 student from a cohort, a school or local edu-
15 cational agency shall require documentation to
16 confirm that the student has transferred out,
17 emigrated to another country, transferred to a
18 prison or juvenile facility, or is deceased.

19 “(C) TRANSFERRED OUT.—

20 “(i) IN GENERAL.—For purposes of
21 this paragraph, the term ‘transferred out’
22 means a student who the high school or
23 local educational agency has confirmed, ac-
24 cording to clause (ii), has transferred—

1 “(I) to another school from which
2 the student is expected to receive a
3 regular high school diploma; or

4 “(II) to another educational pro-
5 gram from which the student is ex-
6 pected to receive a regular high school
7 diploma.

8 “(ii) CONFIRMATION REQUIRE-
9 MENTS.—

10 “(I) DOCUMENTATION RE-
11 QUIRED.—The confirmation of a stu-
12 dent’s transfer to another school or
13 educational program described in
14 clause (i) requires documentation
15 from the receiving school or program
16 that the student enrolled in the receiv-
17 ing school or program.

18 “(II) LACK OF CONFIRMATION.—
19 A student who was enrolled, but for
20 whom there is no confirmation of the
21 student having transferred out, shall
22 remain in the adjusted cohort.

23 “(iii) PROGRAMS NOT PROVIDING
24 CREDIT.—A student who is retained in
25 grade or who is enrolled in a GED or other

1 alternative educational program that does
2 not issue or provide credit toward the
3 issuance of a regular high school diploma
4 shall not be considered transferred out and
5 shall remain in the adjusted cohort.

6 “(D) SPECIAL RULE.—For those high
7 schools that start after grade 9, the original co-
8 hort shall be calculated for the earliest high
9 school grade students attend no later than the
10 effective date for student membership data sub-
11 mitted annually by State educational agencies
12 to the National Center for Education Statistics
13 pursuant to section 153 of the Education
14 Sciences Reform Act.

15 “(24) FREE PUBLIC EDUCATION.—The term
16 ‘free public education’ means education that is pro-
17 vided—

18 “(A) at public expense, under public super-
19 vision and direction, and without tuition charge;
20 and

21 “(B) as elementary school or secondary
22 school education as determined under applicable
23 State law, except that the term does not include
24 any education provided beyond grade 12.

1 “(25) GIFTED AND TALENTED.—The term
2 ‘gifted and talented’, when used with respect to stu-
3 dents, children, or youth, means students, children,
4 or youth who give evidence of high achievement ca-
5 pability in areas such as intellectual, creative, artis-
6 tic, or leadership capacity, or in specific academic
7 fields, and who need services or activities not ordi-
8 narily provided by the school in order to fully de-
9 velop those capabilities.

10 “(26) HIGH-QUALITY ACADEMIC TUTORING.—
11 The term ‘high-quality academic tutoring’ means
12 supplemental academic services that—

13 “(A) are in addition to instruction pro-
14 vided during the school day;

15 “(B) are provided by a non-governmental
16 entity or local educational agency that—

17 “(i) is included on a State educational
18 agency approved provider list after dem-
19 onstrating to the State educational agency
20 that its program consistently improves the
21 academic achievement of students; and

22 “(ii) agrees to provide parents of chil-
23 dren receiving high-quality academic tutor-
24 ing, the appropriate local educational agen-
25 cy, and school with information on partici-

1 pating students increases in academic
 2 achievement, in a format, and to the extent
 3 practicable, a language that such parent
 4 can understand, and in a manner that pro-
 5 tects the privacy of individuals consistent
 6 with section 444 of the General Education
 7 Provisions Act (20 U.S.C. 1232g);

8 “(C) are selected by the parents of stu-
 9 dents who are identified by the local educational
 10 agency as being eligible for such services from
 11 among providers on the approved provider list
 12 described in subparagraph (B)(i);

13 “(D) meet all applicable Federal, State,
 14 and local health, safety, and civil rights laws;
 15 and

16 “(E) ensure that all instruction and con-
 17 tent are secular, neutral, and non-ideological.

18 “(27) HIGH SCHOOL.—The term ‘high school’
 19 means a secondary school that—

20 “(A) grants a diploma, as defined by the
 21 State; and

22 “(B) includes, at least, grade 12.

23 “(28) INSTITUTION OF HIGHER EDUCATION.—
 24 The term ‘institution of higher education’ has the

1 meaning given that term in section 101(a) of the
2 Higher Education Act of 1965.

3 “(29) LOCAL EDUCATIONAL AGENCY.—

4 “(A) IN GENERAL.—The term ‘local edu-
5 cational agency’ means a public board of edu-
6 cation or other public authority legally con-
7 stituted within a State for either administrative
8 control or direction of, or to perform a service
9 function for, public elementary schools or sec-
10 ondary schools in a city, county, township,
11 school district, or other political subdivision of
12 a State, or of or for a combination of school
13 districts or counties that is recognized in a
14 State as an administrative agency for its public
15 elementary schools or secondary schools.

16 “(B) ADMINISTRATIVE CONTROL AND DI-
17 RECTION.—The term includes any other public
18 institution or agency having administrative con-
19 trol and direction of a public elementary school
20 or secondary school.

21 “(C) BIE SCHOOLS.—The term includes
22 an elementary school or secondary school fund-
23 ed by the Bureau of Indian Education but only
24 to the extent that including the school makes
25 the school eligible for programs for which spe-

1 cific eligibility is not provided to the school in
2 another provision of law and the school does not
3 have a student population that is smaller than
4 the student population of the local educational
5 agency receiving assistance under this Act with
6 the smallest student population, except that the
7 school shall not be subject to the jurisdiction of
8 any State educational agency other than the
9 Bureau of Indian Education.

10 “(D) EDUCATIONAL SERVICE AGENCIES.—

11 The term includes educational service agencies
12 and consortia of those agencies.

13 “(E) STATE EDUCATIONAL AGENCY.—The

14 term includes the State educational agency in a
15 State in which the State educational agency is
16 the sole educational agency for all public
17 schools.

18 “(30) NATIVE AMERICAN AND NATIVE AMER-

19 ICAN LANGUAGE.—The terms ‘Native American’ and
20 ‘Native American language’ have the same meaning
21 given those terms in section 103 of the Native
22 American Languages Act of 1990.

23 “(31) OTHER STAFF.—The term ‘other staff’

24 means specialized instructional support personnel, li-
25 brarians, career guidance and counseling personnel,

1 education aides, and other instructional and admin-
2 istrative personnel.

3 “(32) OUTLYING AREA.—The term ‘outlying
4 area’—

5 “(A) means American Samoa, the Com-
6 monwealth of the Northern Mariana Islands,
7 Guam, and the United States Virgin Islands;

8 “(B) means the Republic of Palau, to the
9 extent permitted under section 105(f)(1)(B)(ix)
10 of the Compact of Free Association Amend-
11 ments Act of 2003 (Public Law 99–658; 117
12 Stat. 2751) and until an agreement for the ex-
13 tension of United States education assistance
14 under the Compact of Free Association becomes
15 effective for the Republic of Palau; and

16 “(C) for the purpose of any discretionary
17 grant program under this Act, includes the Re-
18 public of the Marshall Islands and the Fed-
19 erated States of Micronesia, to the extent per-
20 mitted under section 105(f)(1)(B)(viii) of the
21 Compact of Free Association Amendments Act
22 of 2003 (Public Law 108–188; 117 Stat.
23 2751).

24 “(33) PARENT.—The term ‘parent’ includes a
25 legal guardian or other person standing in loco

1 parentis (such as a grandparent, stepparent, or fos-
2 ter parent with whom the child lives, or a person
3 who is legally responsible for the child’s welfare).

4 “(34) PARENTAL INVOLVEMENT.—The term
5 ‘parental involvement’ means the participation of
6 parents in regular, two-way, and meaningful commu-
7 nication involving student academic learning and
8 other school activities, including ensuring—

9 “(A) that parents play an integral role in
10 assisting in their child’s learning;

11 “(B) that parents are encouraged to be ac-
12 tively involved in their child’s education at
13 school;

14 “(C) that parents are full partners in their
15 child’s education and are included, as appro-
16 priate, in decisionmaking and on advisory com-
17 mittees to assist in the education of their child;
18 and

19 “(D) the carrying out of other activities,
20 such as those described in section 1118.

21 “(35) POVERTY LINE.—The term ‘poverty line’
22 means the poverty line (as defined by the Office of
23 Management and Budget and revised annually in ac-
24 cordance with section 673(2) of the Community

1 Services Block Grant Act) applicable to a family of
2 the size involved.

3 “(36) PROFESSIONAL DEVELOPMENT.—The
4 term ‘professional development’—

5 “(A) includes evidence-based, job-embed-
6 ded, continuous activities that—

7 “(i) improve and increase teachers’
8 knowledge of the academic subjects the
9 teachers teach, and enable teachers to be-
10 come effective educators;

11 “(ii) are an integral part of broad
12 schoolwide and districtwide educational im-
13 provement plans;

14 “(iii) give teachers, school leaders,
15 other staff, and administrators the knowl-
16 edge and skills to provide students with
17 the opportunity to meet State academic
18 standards;

19 “(iv) improve classroom management
20 skills;

21 “(v)(I) have a positive and lasting im-
22 pact on classroom instruction and the
23 teacher’s performance in the classroom;
24 and

1 “(II) are not 1-day or short-term
2 workshops or conferences;

3 “(vi) support the recruiting, hiring,
4 and training of effective teachers, including
5 teachers who became certified or licensed
6 through State and local alternative routes
7 to certification;

8 “(vii) advance teacher understanding
9 of effective instructional strategies that are
10 strategies for improving student academic
11 achievement or substantially increasing the
12 knowledge and teaching skills of teachers,
13 including through addressing the social
14 and emotional development needs of stu-
15 dents;

16 “(viii) are aligned with and directly
17 related to—

18 “(I) State academic standards
19 and assessments; and

20 “(II) the curricula and programs
21 tied to the standards described in sub-
22 clause (I);

23 “(ix) are developed with extensive par-
24 ticipation of teachers, school leaders, par-

1 ents, and administrators of schools to be
2 served under this Act;

3 “(x) are designed to give teachers of
4 English learners and other teachers and
5 instructional staff, the knowledge and
6 skills to provide instruction and appro-
7 priate language and academic support
8 services to those children, including the ap-
9 propriate use of curricula and assessments;

10 “(xi) to the extent appropriate, pro-
11 vide training for teachers, other staff, and
12 school leaders in the use of technology so
13 that technology and technology applica-
14 tions are effectively used to improve teach-
15 ing and learning in the curricula and core
16 academic subjects in which the students re-
17 ceive instruction;

18 “(xii) as a whole, are regularly evalu-
19 ated for their impact on increased teacher
20 effectiveness and improved student aca-
21 demic achievement, with the findings of
22 the evaluations used to improve the quality
23 of the professional development;

24 “(xiii) provide instruction in methods
25 of teaching children with special needs;

1 “(xiv) include instruction in the use of
2 data and assessments to inform and in-
3 struct classroom practice; and

4 “(xv) include instruction in ways that
5 teachers, school leaders, specialized in-
6 structional support personnel, other staff,
7 and school administrators may work more
8 effectively with parents; and

9 “(B) may include evidence-based, job-em-
10 bedded, continuous activities that—

11 “(i) involve the forming of partner-
12 ships with institutions of higher education
13 to establish school-based teacher training
14 programs that provide prospective teachers
15 and new teachers with an opportunity to
16 work under the guidance of experienced
17 teachers and college faculty;

18 “(ii) create programs to enable para-
19 professionals (assisting teachers employed
20 by a local educational agency receiving as-
21 sistance under subpart 1 of part A of title
22 I) to obtain the education necessary for
23 those paraprofessionals to become certified
24 and licensed teachers; and

1 “(iii) provide follow-up training to in-
2 dividuals who have participated in activi-
3 ties described in subparagraph (A) or an-
4 other clause of this subparagraph that are
5 designed to ensure that the knowledge and
6 skills learned by the teachers are imple-
7 mented in the classroom.

8 “(37) REGULAR HIGH SCHOOL DIPLOMA.—

9 “(A) IN GENERAL.—The term ‘regular
10 high school diploma’ means the standard high
11 school diploma awarded to the preponderance of
12 students in the State that is fully aligned with
13 State standards, or a higher diploma. Such
14 term shall not include a GED or other recog-
15 nized equivalent of a diploma, a certificate of
16 attendance, or any lesser diploma award.

17 “(B) EXCEPTION FOR STUDENTS WITH
18 SIGNIFICANT COGNITIVE DISABILITIES.—For a
19 student who is assessed using an alternate as-
20 sessment aligned to alternate academic stand-
21 ards under section 1111(b)(1)(D), receipt of a
22 regular high school diploma as defined under
23 subparagraph (A) or a State-defined alternate
24 diploma obtained within the time period for
25 which the State ensures the availability of a

1 free appropriate public education and in accord-
2 ance with section 612(a)(1) of the Individuals
3 with Disabilities Education Act shall be counted
4 as graduating with a regular high school di-
5 ploma for the purposes of this Act.

6 “(38) SCHOOL LEADER.—The term ‘school
7 leader’ means a principal, assistant principal, or
8 other individual who is—

9 “(A) an employee or officer of a school,
10 local educational agency, or other entity oper-
11 ating the school; and

12 “(B) responsible for—

13 “(i) the daily instructional leadership
14 and managerial operations of the school;
15 and

16 “(ii) creating the optimum conditions
17 for student learning.

18 “(39) SECONDARY SCHOOL.—The term ‘sec-
19 ondary school’ means a nonprofit institutional day or
20 residential school, including a public secondary char-
21 ter school, that provides secondary education, as de-
22 termined under State law, except that the term does
23 not include any education beyond grade 12.

24 “(40) SECRETARY.—The term ‘Secretary’
25 means the Secretary of Education.

1 “(41) SPECIALIZED INSTRUCTIONAL SUPPORT
2 PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT
3 SERVICES.—

4 “(A) SPECIALIZED INSTRUCTIONAL SUP-
5 PORT PERSONNEL.—The term ‘specialized in-
6 structional support personnel’ means school
7 counselors, school social workers, school psy-
8 chologists, and other qualified professional per-
9 sonnel involved in providing assessment, diag-
10 nosis, counseling, educational, therapeutic, and
11 other necessary services (including related serv-
12 ices as that term is defined in section 602 of
13 the Individuals with Disabilities Education Act)
14 as part of a comprehensive program to meet
15 student needs.

16 “(B) SPECIALIZED INSTRUCTIONAL SUP-
17 PORT SERVICES.—The term ‘specialized instruc-
18 tional support services’ means the services pro-
19 vided by specialized instructional support per-
20 sonnel.

21 “(42) STATE.—The term ‘State’ means each of
22 the 50 States, the District of Columbia, the Com-
23 monwealth of Puerto Rico, and each of the outlying
24 areas.

1 “(43) STATE EDUCATIONAL AGENCY.—The
 2 term ‘State educational agency’ means the agency
 3 primarily responsible for the State supervision of
 4 public elementary schools and secondary schools.

5 “(44) TECHNOLOGY.—The term ‘technology’
 6 means modern information, computer and commu-
 7 nication technology products, services, or tools, in-
 8 cluding, but not limited to, the Internet and other
 9 communications networks, computer devices and
 10 other computer and communications hardware, soft-
 11 ware applications, data systems, and other electronic
 12 content and data storage.

13 **“SEC. 6102. APPLICABILITY OF TITLE.**

14 “Parts B, C, D, and E of this title do not apply to
 15 title IV of this Act.

16 **“SEC. 6103. APPLICABILITY TO BUREAU OF INDIAN EDU-**
 17 **CATION OPERATED SCHOOLS.**

18 “For the purpose of any competitive program under
 19 this Act—

20 “(1) a consortium of schools operated by the
 21 Bureau of Indian Education;

22 “(2) a school operated under a contract or
 23 grant with the Bureau of Indian Education in con-
 24 sortium with another contract or grant school or a
 25 tribal or community organization; or

1 “(3) a Bureau of Indian Education school in
 2 consortium with an institution of higher education,
 3 a contract or grant school, or a tribal or community
 4 organization,
 5 shall be given the same consideration as a local edu-
 6 cational agency.

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

9 **“SEC. 6201. CONSOLIDATION OF STATE ADMINISTRATIVE**
 10 **FUNDS FOR ELEMENTARY AND SECONDARY**
 11 **EDUCATION PROGRAMS.**

12 “(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

13 “(1) IN GENERAL.—A State educational agency
 14 may consolidate the amounts specifically made avail-
 15 able to it for State administration under one or
 16 more of the programs under paragraph (2).

17 “(2) APPLICABILITY.—This section applies to
 18 any program under this Act under which funds are
 19 authorized to be used for administration, and such
 20 other programs as the Secretary may designate.

21 “(b) USE OF FUNDS.—

22 “(1) IN GENERAL.—A State educational agency
 23 shall use the amount available under this section for
 24 the administration of the programs included in the
 25 consolidation under subsection (a).

1 “(2) ADDITIONAL USES.—A State educational
2 agency may also use funds available under this sec-
3 tion for administrative activities designed to enhance
4 the effective and coordinated use of funds under pro-
5 grams included in the consolidation under subsection
6 (a), such as—

7 “(A) the coordination of those programs
8 with other Federal and non-Federal programs;

9 “(B) the establishment and operation of
10 peer-review mechanisms under this Act;

11 “(C) the administration of this title;

12 “(D) the dissemination of information re-
13 garding model programs and practices;

14 “(E) technical assistance under any pro-
15 gram under this Act;

16 “(F) State-level activities designed to carry
17 out this title;

18 “(G) training personnel engaged in audit
19 and other monitoring activities; and

20 “(H) implementation of the Cooperative
21 Audit Resolution and Oversight Initiative of the
22 Department.

23 “(c) RECORDS.—A State educational agency that
24 consolidates administrative funds under this section shall
25 not be required to keep separate records, by individual

1 program, to account for costs relating to the administra-
2 tion of programs included in the consolidation under sub-
3 section (a).

4 “(d) REVIEW.—To determine the effectiveness of
5 State administration under this section, the Secretary may
6 periodically review the performance of State educational
7 agencies in using consolidated administrative funds under
8 this section and take such steps as the Secretary finds
9 appropriate to ensure the effectiveness of that administra-
10 tion.

11 “(e) UNUSED ADMINISTRATIVE FUNDS.—If a State
12 educational agency does not use all of the funds available
13 to the agency under this section for administration, the
14 agency may use those funds during the applicable period
15 of availability as funds available under one or more pro-
16 grams included in the consolidation under subsection (a).

17 “(f) CONSOLIDATION OF FUNDS FOR STANDARDS
18 AND ASSESSMENT DEVELOPMENT.—In order to develop
19 State academic standards and assessments, a State edu-
20 cational agency may consolidate the amounts described in
21 subsection (a) for those purposes under title I.

22 **“SEC. 6202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.**

23 “A State educational agency that also serves as a
24 local educational agency shall, in its applications or plans

1 under this Act, describe how the agency will eliminate du-
2 plication in conducting administrative functions.

3 **“SEC. 6203. CONSOLIDATION OF FUNDS FOR LOCAL ADMIN-**
4 **ISTRATION.**

5 “(a) GENERAL AUTHORITY.—In accordance with
6 regulations of the Secretary and for any fiscal year, a local
7 educational agency, with the approval of its State edu-
8 cational agency, may consolidate and use for the adminis-
9 tration of one or more programs under this Act (or such
10 other programs as the Secretary shall designate) not more
11 than the percentage, established in each program, of the
12 total available for the local educational agency under those
13 programs.

14 “(b) STATE PROCEDURES.—A State educational
15 agency shall, in collaboration with local educational agen-
16 cies in the State, establish procedures for responding to
17 requests from local educational agencies to consolidate ad-
18 ministrative funds under subsection (a) and for estab-
19 lishing limitations on the amount of funds under those
20 programs that may be used for administration on a con-
21 solidated basis.

22 “(c) CONDITIONS.—A local educational agency that
23 consolidates administrative funds under this section for
24 any fiscal year shall not use any other funds under the

1 programs included in the consolidation for administration
2 for that fiscal year.

3 “(d) USES OF ADMINISTRATIVE FUNDS.—A local
4 educational agency that consolidates administrative funds
5 under this section may use the consolidated funds for the
6 administration of the programs and for uses, at the school
7 district and school levels, comparable to those described
8 in section 6201(b)(2).

9 “(e) RECORDS.—A local educational agency that con-
10 solidates administrative funds under this section shall not
11 be required to keep separate records, by individual pro-
12 gram, to account for costs relating to the administration
13 of the programs included in the consolidation.

14 **“SEC. 6204. CONSOLIDATED SET-ASIDE FOR DEPARTMENT**
15 **OF THE INTERIOR FUNDS.**

16 “(a) GENERAL AUTHORITY.—

17 “(1) TRANSFER.—The Secretary shall transfer
18 to the Department of the Interior, as a consolidated
19 amount for covered programs, the Indian education
20 programs under part A of title V, and the education
21 for homeless children and youth program under sub-
22 title B of title VII of the McKinney-Vento Homeless
23 Assistance Act, the amounts allotted to the Depart-
24 ment of the Interior under those programs.

25 “(2) AGREEMENT.—

1 “(A) IN GENERAL.—The Secretary and the
2 Secretary of the Interior shall enter into an
3 agreement, consistent with the requirements of
4 the programs specified in paragraph (1), for the
5 distribution and use of those program funds
6 under terms that the Secretary determines best
7 meet the purposes of those programs.

8 “(B) CONTENTS.—The agreement shall—
9 “(i) set forth the plans of the Sec-
10 retary of the Interior for the use of the
11 amount transferred and the achievement
12 measures to assess program effectiveness;
13 and

14 “(ii) be developed in consultation with
15 Indian tribes.

16 “(b) ADMINISTRATION.—The Department of the In-
17 terior may use not more than 1.5 percent of the funds
18 consolidated under this section for its costs related to the
19 administration of the funds transferred under this section.

20 **“PART C—COORDINATION OF PROGRAMS; CON-**
21 **SOLIDATED STATE AND LOCAL PLANS AND**
22 **APPLICATIONS**

23 **“SEC. 6301. PURPOSES.**

24 “The purposes of this part are—

1 “(1) to improve teaching and learning by en-
2 couraging greater cross-program coordination, plan-
3 ning, and service delivery;

4 “(2) to provide greater flexibility to State and
5 local authorities through consolidated plans, applica-
6 tions, and reporting; and

7 “(3) to enhance the integration of programs
8 under this Act with State and local programs.

9 **“SEC. 6302. OPTIONAL CONSOLIDATED STATE PLANS OR**
10 **APPLICATIONS.**

11 “(a) GENERAL AUTHORITY.—

12 “(1) SIMPLIFICATION.—In order to simplify ap-
13 plication requirements and reduce the burden for
14 State educational agencies under this Act, the Sec-
15 retary, in accordance with subsection (b), shall es-
16 tablish procedures and criteria under which, after
17 consultation with the Governor, a State educational
18 agency may submit a consolidated State plan or a
19 consolidated State application meeting the require-
20 ments of this section for—

21 “(A) each of the covered programs in
22 which the State participates; and

23 “(B) such other programs as the Secretary
24 may designate.

1 “(2) CONSOLIDATED APPLICATIONS AND
2 PLANS.—After consultation with the Governor, a
3 State educational agency that submits a consolidated
4 State plan or a consolidated State application under
5 this section shall not be required to submit separate
6 State plans or applications under any of the pro-
7 grams to which the consolidated State plan or con-
8 solidated State application under this section ap-
9 plies.

10 “(b) COLLABORATION.—

11 “(1) IN GENERAL.—In establishing criteria and
12 procedures under this section, the Secretary shall
13 collaborate with State educational agencies and, as
14 appropriate, with other State agencies, local edu-
15 cational agencies, public and private agencies, orga-
16 nizations, and institutions, private schools, and par-
17 ents, students, and teachers.

18 “(2) CONTENTS.—Through the collaborative
19 process described in paragraph (1), the Secretary
20 shall establish, for each program under this Act to
21 which this section applies, the descriptions, informa-
22 tion, assurances, and other material required to be
23 included in a consolidated State plan or consolidated
24 State application.

1 “(3) NECESSARY MATERIALS.—The Secretary
2 shall require only descriptions, information, assur-
3 ances (including assurances of compliance with ap-
4 plicable provisions regarding participation by private
5 school children and teachers), and other materials
6 that are absolutely necessary for the consideration of
7 the consolidated State plan or consolidated State ap-
8 plication.

9 **“SEC. 6303. CONSOLIDATED REPORTING.**

10 “(a) IN GENERAL.—In order to simplify reporting re-
11 quirements and reduce reporting burdens, the Secretary
12 shall establish procedures and criteria under which a State
13 educational agency, in consultation with the Governor of
14 the State, may submit a consolidated State annual report.

15 “(b) CONTENTS.—The report shall contain informa-
16 tion about the programs included in the report, including
17 the performance of the State under those programs, and
18 other matters as the Secretary determines are necessary,
19 such as monitoring activities.

20 “(c) REPLACEMENT.—The report shall replace sepa-
21 rate individual annual reports for the programs included
22 in the consolidated State annual report.

1 **“SEC. 6304. GENERAL APPLICABILITY OF STATE EDU-**
2 **CATIONAL AGENCY ASSURANCES.**

3 “(a) ASSURANCES.—A State educational agency, in
4 consultation with the Governor of the State, that submits
5 a consolidated State plan or consolidated State application
6 under this Act, whether separately or under section 6302,
7 shall have on file with the Secretary a single set of assur-
8 ances, applicable to each program for which the plan or
9 application is submitted, that provides that—

10 “(1) each such program will be administered in
11 accordance with all applicable statutes, regulations,
12 program plans, and applications;

13 “(2)(A) the control of funds provided under
14 each such program and title to property acquired
15 with program funds will be in a public agency, an
16 eligible private agency, institution, or organization,
17 or an Indian tribe, if the law authorizing the pro-
18 gram provides for assistance to those entities; and

19 “(B) the public agency, eligible private agency,
20 institution, or organization, or Indian tribe will ad-
21 minister those funds and property to the extent re-
22 quired by the authorizing law;

23 “(3) the State will adopt and use proper meth-
24 ods of administering each such program, including—

25 “(A) the enforcement of any obligations
26 imposed by law on agencies, institutions, orga-

1 nizations, and other recipients responsible for
2 carrying out each program;

3 “(B) the correction of deficiencies in pro-
4 gram operations that are identified through au-
5 dits, monitoring, or evaluation; and

6 “(C) the adoption of written procedures for
7 the receipt and resolution of complaints alleging
8 violations of law in the administration of the
9 programs;

10 “(4) the State will cooperate in carrying out
11 any evaluation of each such program conducted by
12 or for the Secretary or other Federal officials;

13 “(5) the State will use such fiscal control and
14 fund accounting procedures that will ensure proper
15 disbursement of, and accounting for, Federal funds
16 paid to the State under each such program;

17 “(6) the State will—

18 “(A) make reports to the Secretary as may
19 be necessary to enable the Secretary to perform
20 the Secretary’s duties under each such pro-
21 gram; and

22 “(B) maintain such records, provide such
23 information to the Secretary, and afford such
24 access to the records as the Secretary may find

1 necessary to carry out the Secretary's duties;
2 and

3 “(7) before the plan or application was sub-
4 mitted to the Secretary, the State afforded a reason-
5 able opportunity for public comment on the plan or
6 application and considered such comment.

7 “(b) GEPA PROVISION.—Section 441 of the General
8 Education Provisions Act shall not apply to programs
9 under this Act.

10 **“SEC. 6305. CONSOLIDATED LOCAL PLANS OR APPLICA-**
11 **TIONS.**

12 “(a) GENERAL AUTHORITY.—

13 “(1) CONSOLIDATED PLAN.—A local edu-
14 cational agency receiving funds under more than one
15 covered program may submit plans or applications
16 to the State educational agency under those pro-
17 grams on a consolidated basis.

18 “(2) AVAILABILITY TO GOVERNOR.—The State
19 educational agency shall make any consolidated local
20 plans and applications available to the Governor.

21 “(b) REQUIRED CONSOLIDATED PLANS OR APPLICA-
22 TIONS.—A State educational agency that has an approved
23 consolidated State plan or application under section 6302
24 may require local educational agencies in the State receiv-
25 ing funds under more than one program included in the

1 consolidated State plan or consolidated State application
2 to submit consolidated local plans or applications under
3 those programs, but may not require those agencies to
4 submit separate plans.

5 “(c) COLLABORATION.—A State educational agency,
6 in consultation with the Governor, shall collaborate with
7 local educational agencies in the State in establishing pro-
8 cedures for the submission of the consolidated State plans
9 or consolidated State applications under this section.

10 “(d) NECESSARY MATERIALS.—The State edu-
11 cational agency shall require only descriptions, informa-
12 tion, assurances, and other material that are absolutely
13 necessary for the consideration of the local educational
14 agency plan or application.

15 **“SEC. 6306. OTHER GENERAL ASSURANCES.**

16 “(a) ASSURANCES.—Any applicant, other than a
17 State educational agency that submits a plan or applica-
18 tion under this Act, shall have on file with the State edu-
19 cational agency a single set of assurances, applicable to
20 each program for which a plan or application is submitted,
21 that provides that—

22 “(1) each such program will be administered in
23 accordance with all applicable statutes, regulations,
24 program plans, and applications;

1 “(2)(A) the control of funds provided under
2 each such program and title to property acquired
3 with program funds will be in a public agency or in
4 an eligible private agency, institution, organization,
5 or Indian tribe, if the law authorizing the program
6 provides for assistance to those entities; and

7 “(B) the public agency, eligible private agency,
8 institution, or organization, or Indian tribe will ad-
9 minister the funds and property to the extent re-
10 quired by the authorizing statutes;

11 “(3) the applicant will adopt and use proper
12 methods of administering each such program, in-
13 cluding—

14 “(A) the enforcement of any obligations
15 imposed by law on agencies, institutions, orga-
16 nizations, and other recipients responsible for
17 carrying out each program; and

18 “(B) the correction of deficiencies in pro-
19 gram operations that are identified through au-
20 dits, monitoring, or evaluation;

21 “(4) the applicant will cooperate in carrying out
22 any evaluation of each such program conducted by
23 or for the State educational agency, the Secretary,
24 or other Federal officials;

1 “(5) the applicant will use such fiscal control
2 and fund accounting procedures as will ensure prop-
3 er disbursement of, and accounting for, Federal
4 funds paid to the applicant under each such pro-
5 gram;

6 “(6) the applicant will—

7 “(A) submit such reports to the State edu-
8 cational agency (which shall make the reports
9 available to the Governor) and the Secretary as
10 the State educational agency and Secretary may
11 require to enable the State educational agency
12 and the Secretary to perform their duties under
13 each such program; and

14 “(B) maintain such records, provide such
15 information, and afford such access to the
16 records as the State educational agency (after
17 consultation with the Governor) or the Sec-
18 retary may reasonably require to carry out the
19 State educational agency’s or the Secretary’s
20 duties; and

21 “(7) before the application was submitted, the
22 applicant afforded a reasonable opportunity for pub-
23 lic comment on the application and considered such
24 comment.

1 “(b) GEPA PROVISION.—Section 442 of the General
2 Education Provisions Act shall not apply to programs
3 under this Act.

4 **“PART D—WAIVERS**

5 **“SEC. 6401. WAIVERS OF STATUTORY AND REGULATORY RE-**
6 **QUIREMENTS.**

7 “(a) IN GENERAL.—

8 “(1) REQUEST FOR WAIVER.—A State edu-
9 cational agency, local educational agency, or Indian
10 tribe that receives funds under a program authorized
11 under this Act may submit a request to the Sec-
12 retary to waive any statutory or regulatory require-
13 ment of this Act.

14 “(2) RECEIPT OF WAIVER.—Except as provided
15 in subsection (c) and subject to the limits in sub-
16 section (b)(5)(A), the Secretary shall waive any stat-
17 utory or regulatory requirement of this Act for a
18 State educational agency, local educational agency,
19 Indian tribe, or school (through a local educational
20 agency), that submits a waiver request pursuant to
21 this subsection.

22 “(b) PLAN.—

23 “(1) IN GENERAL.—A State educational agen-
24 cy, local educational agency, or Indian tribe that de-
25 sires a waiver under this section shall submit a waiv-

1 er request to the Secretary, which shall include a
2 plan that—

3 “(A) identifies the Federal programs af-
4 fected by the requested waiver;

5 “(B) describes which Federal statutory or
6 regulatory requirements are to be waived;

7 “(C) reasonably demonstrates that the
8 waiver will improve instruction for students and
9 advance student academic achievement;

10 “(D) describes the methods the State edu-
11 cational agency, local educational agency, or In-
12 dian tribe will use to monitor the effectiveness
13 of the implementation of the plan; and

14 “(E) describes how schools will continue to
15 provide assistance to the same populations
16 served by programs for which the waiver is re-
17 quested.

18 “(2) ADDITIONAL INFORMATION.—A waiver re-
19 quest under this section—

20 “(A) may provide for waivers of require-
21 ments applicable to State educational agencies,
22 local educational agencies, Indian tribes, and
23 schools; and

24 “(B) shall be developed and submitted—

1 “(i)(I) by local educational agencies
2 (on behalf of those agencies and schools)
3 to State educational agencies; and

4 “(II) by State educational agencies
5 (on their own behalf, or on behalf of, and
6 based on the requests of, local educational
7 agencies in the State) to the Secretary; or

8 “(ii) by Indian tribes (on behalf of
9 schools operated by the tribes) to the Sec-
10 retary.

11 “(3) GENERAL REQUIREMENTS.—

12 “(A) STATE EDUCATIONAL AGENCIES.—In
13 the case of a waiver request submitted by a
14 State educational agency acting on its own be-
15 half, or on behalf of local educational agencies
16 in the State, the State educational agency
17 shall—

18 “(i) provide the public and local edu-
19 cational agencies in the State with notice
20 and a reasonable opportunity to comment
21 and provide input on the request;

22 “(ii) submit the comments and input
23 to the Secretary, with a description of how
24 the State addressed the comments and
25 input; and

1 “(iii) provide notice and a reasonable
2 time to comment to the public and local
3 educational agencies in the manner in
4 which the applying agency customarily pro-
5 vides similar notice and opportunity to
6 comment to the public.

7 “(B) LOCAL EDUCATIONAL AGENCIES.—In
8 the case of a waiver request submitted by a
9 local educational agency that receives funds
10 under this Act—

11 “(i) the request shall be reviewed by
12 the State educational agency and be ac-
13 companied by the comments, if any, of the
14 State educational agency and the public;
15 and

16 “(ii) notice and a reasonable oppor-
17 tunity to comment regarding the waiver re-
18 quest shall be provided to the State edu-
19 cational agency and the public by the agen-
20 cy requesting the waiver in the manner in
21 which that agency customarily provides
22 similar notice and opportunity to comment
23 to the public.

24 “(4) PEER REVIEW.—

1 “(A) ESTABLISHMENT.—The Secretary
2 shall establish a multi-disciplinary peer review
3 team, which shall meet the requirements of sec-
4 tion 6543, to review waiver requests under this
5 section.

6 “(B) APPLICABILITY.—The Secretary may
7 approve a waiver request under this section
8 without conducting a peer review of the request,
9 but shall use the peer review process under this
10 paragraph before disapproving such a request.

11 “(C) STANDARD AND NATURE OF RE-
12 VIEW.—Peer reviewers shall conduct a good
13 faith review of waiver requests submitted to
14 them under this section. Peer reviewers shall re-
15 view such waiver requests—

16 “(i) in their totality;

17 “(ii) in deference to State and local
18 judgment; and

19 “(iii) with the goal of promoting
20 State- and local-led innovation.

21 “(5) WAIVER DETERMINATION, DEMONSTRA-
22 TION, AND REVISION.—

23 “(A) IN GENERAL.—The Secretary shall
24 approve a waiver request not more than 60
25 days after the date on which such request is

1 submitted, unless the Secretary determines and
2 demonstrates that—

3 “(i) the waiver request does not meet
4 the requirements of this section;

5 “(ii) the waiver is not permitted under
6 subsection (c);

7 “(iii) the plan that is required under
8 paragraph (1)(C), and reviewed with def-
9 erence to State and local judgment, pro-
10 vides no reasonable evidence to determine
11 that a waiver will enhance student aca-
12 demic achievement; or

13 “(iv) the waiver request does not pro-
14 vide for adequate evaluation to ensure re-
15 view and continuous improvement of the
16 plan.

17 “(B) WAIVER DETERMINATION AND REVI-
18 SION.—If the Secretary determines and dem-
19 onstrates that the waiver request does not meet
20 the requirements of this section, the Secretary
21 shall—

22 “(i) immediately—

23 “(I) notify the State educational
24 agency, local educational agency, or

1 Indian tribe of such determination;
2 and

3 “(II) at the request of the State
4 educational agency, local educational
5 agency, or Indian tribe, provide de-
6 tailed reasons for such determination
7 in writing;

8 “(ii) offer the State educational agen-
9 cy, local educational agency, or Indian
10 tribe an opportunity to revise and resubmit
11 the waiver request not more than 60 days
12 after the date of such determination; and

13 “(iii) if the Secretary determines that
14 the resubmission does not meet the re-
15 quirements of this section, at the request
16 of the State educational agency, local edu-
17 cational agency, or Indian tribe, conduct a
18 public hearing not more than 30 days after
19 the date of such resubmission.

20 “(C) WAIVER DISAPPROVAL.—The Sec-
21 retary may disapprove a waiver request if—

22 “(i) the State educational agency,
23 local educational agency, or Indian tribe
24 has been notified and offered an oppor-
25 tunity to revise and resubmit the waiver

1 request, as described under clauses (i) and
2 (ii) of subparagraph (B); and

3 “(ii) the State educational agency,
4 local educational agency, or Indian tribe—

5 “(I) does not revise and resubmit
6 the waiver request; or

7 “(II) revises and resubmits the
8 waiver request, and the Secretary de-
9 termines that such waiver request
10 does not meet the requirements of this
11 section after a hearing conducted
12 under subparagraph (B)(iii), if re-
13 quested.

14 “(D) EXTERNAL CONDITIONS.—The Sec-
15 retary shall not, directly or indirectly, require or
16 impose new or additional requirements in ex-
17 change for receipt of a waiver if such require-
18 ments are not specified in this Act.

19 “(c) RESTRICTIONS.—The Secretary shall not waive
20 under this section any statutory or regulatory require-
21 ments relating to—

22 “(1) the allocation or distribution of funds to
23 States, local educational agencies, Indian tribes, or
24 other recipients of funds under this Act;

25 “(2) comparability of services;

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

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

5 “(5) parental participation and involvement;

6 “(6) applicable civil rights requirements;

7 “(7) the prohibitions—

8 “(A) in subpart 2 of part E;

9 “(B) regarding use of funds for religious
10 worship or instruction in section 6505; and

11 “(C) regarding activities in section 6524;

12 or

13 “(8) the selection of a school attendance area or
14 school under subsections (a) and (b) of section 1113,
15 except that the Secretary may grant a waiver to
16 allow a school attendance area or school to partici-
17 pate in activities under subpart 1 of part A of title
18 I if the percentage of children from low-income fami-
19 lies in the school attendance area or who attend the
20 school is not more than 10 percentage points below
21 the lowest percentage of those children for any
22 school attendance area or school of the local edu-
23 cational agency that meets the requirements of sub-
24 sections (a) and (b) of section 1113.

1 “(d) DURATION AND EXTENSION OF WAIVER; LIM-
2 TATIONS.—

3 “(1) IN GENERAL.—Except as provided in para-
4 graph (2), a waiver approved by the Secretary under
5 this section may be for a period not to exceed 3
6 years.

7 “(2) EXTENSION.—The Secretary may extend
8 the period described in paragraph (1) if the State
9 demonstrates that—

10 “(A) the waiver has been effective in ena-
11 bling the State or affected recipient to carry out
12 the activities for which the waiver was re-
13 quested and the waiver has contributed to im-
14 proved student achievement; and

15 “(B) the extension is in the public interest.

16 “(3) SPECIFIC LIMITATIONS.—The Secretary
17 shall not require a State educational agency, local
18 educational agency, or Indian tribe, as a condition of
19 approval of a waiver request, to—

20 “(A) include in, or delete from, such re-
21 quest, specific academic standards, such as the
22 Common Core State Standards developed under
23 the Common Core State Standards Initiative or
24 any other standards common to a significant
25 number of States;

1 “(B) use specific academic assessment in-
2 struments or items, including assessments
3 aligned to the standards described in subpara-
4 graph (A); or

5 “(C) include in, or delete from, such waiv-
6 er request any criterion that specifies, defines,
7 describes, or prescribes the standards or meas-
8 ures that a State or local educational agency or
9 Indian tribe uses to establish, implement, or im-
10 prove—

11 “(i) State academic standards;

12 “(ii) academic assessments;

13 “(iii) State accountability systems; or

14 “(iv) teacher and school leader evalua-
15 tion systems.

16 “(e) REPORTS.—

17 “(1) WAIVER REPORTS.—A State educational
18 agency, local educational agency, or Indian tribe
19 that receives a waiver under this section shall, at the
20 end of the second year for which a waiver is received
21 under this section and each subsequent year, submit
22 a report to the Secretary that—

23 “(A) describes the uses of the waiver by
24 the agency or by schools;

1 “(B) describes how schools continued to
2 provide assistance to the same populations
3 served by the programs for which waivers were
4 granted; and

5 “(C) evaluates the progress of the agency
6 and schools, or Indian tribe, in improving the
7 quality of instruction or the academic achieve-
8 ment of students.

9 “(2) REPORT TO CONGRESS.—The Secretary
10 shall annually submit to the Committee on Edu-
11 cation and the Workforce of the House of Rep-
12 resentatives and the Committee on Health, Edu-
13 cation, Labor, and Pensions of the Senate a re-
14 port—

15 “(A) summarizing the uses of waivers by
16 State educational agencies, local educational
17 agencies, Indian tribes, and schools; and

18 “(B) describing the status of the waivers
19 in improving academic achievement.

20 “(f) TERMINATION OF WAIVERS.—The Secretary
21 shall terminate a waiver under this section if the Secretary
22 determines, after notice and an opportunity for a hearing,
23 that the performance of the State or other recipient af-
24 fected by the waiver has been inadequate to justify a con-
25 tinuation of the waiver and the recipient of the waiver has

1 failed to make revisions needed to carry out the purpose
 2 of the waiver, or if the waiver is no longer necessary to
 3 achieve its original purpose.

4 “(g) PUBLICATION.—A notice of the Secretary’s deci-
 5 sion to grant each waiver under subsection (a) shall be
 6 published in the Federal Register and the Secretary shall
 7 provide for the dissemination of the notice to State edu-
 8 cational agencies, interested parties, including educators,
 9 parents, students, advocacy and civil rights organizations,
 10 and the public.

11 **“PART E—UNIFORM PROVISIONS**

12 **“Subpart 1—Private Schools**

13 **“SEC. 6501. PARTICIPATION BY PRIVATE SCHOOL CHIL-** 14 **DREN AND TEACHERS.**

15 “(a) PRIVATE SCHOOL PARTICIPATION.—

16 “(1) IN GENERAL.—Except as otherwise pro-
 17 vided in this Act, to the extent consistent with the
 18 number of eligible children in areas served by a
 19 State educational agency, local educational agency,
 20 educational service agency, consortium of those
 21 agencies, or another entity receiving financial assist-
 22 ance under a program specified in subsection (b),
 23 who are enrolled in private elementary schools and
 24 secondary schools in areas served by such agency,
 25 consortium, or entity, the agency, consortium, or en-

1 tity shall, after timely and meaningful consultation
2 with appropriate private school officials or their rep-
3 resentatives, provide to those children and their
4 teachers or other educational personnel, on an equi-
5 table basis, special educational services or other ben-
6 efits that address their needs under the program.

7 “(2) SECULAR, NEUTRAL, AND NONIDEOLOG-
8 ICAL SERVICES OR BENEFITS.—Educational services
9 or other benefits, including materials and equipment,
10 provided under this section, shall be secular, neutral,
11 and nonideological.

12 “(3) SPECIAL RULE.—Educational services and
13 other benefits provided under this section for private
14 school children, teachers, and other educational per-
15 sonnel shall be equitable in comparison to services
16 and other benefits for public school children, teach-
17 ers, and other educational personnel participating in
18 the program and shall be provided in a timely man-
19 ner.

20 “(4) EXPENDITURES.—

21 “(A) IN GENERAL.—Expenditures for edu-
22 cational services and other benefits to eligible
23 private school children, teachers, and other
24 service personnel shall be equal to the expendi-
25 tures for participating public school children,

1 taking into account the number and educational
2 needs, of the children to be served.

3 “(B) OBLIGATION OF FUNDS.—Funds allo-
4 cated to a local educational agency for edu-
5 cational services and other benefits to eligible
6 private school children shall—

7 “(i) be obligated in the fiscal year for
8 which the funds are received by the agen-
9 cy; and

10 “(ii) with respect to any such funds
11 that cannot be so obligated, be used to
12 serve such children in the following fiscal
13 year.

14 “(C) NOTICE OF ALLOCATION.—Each
15 State educational agency shall—

16 “(i) determine, in a timely manner,
17 the proportion of funds to be allocated to
18 each local educational agency in the State
19 for educational services and other benefits
20 under this subpart to eligible private school
21 children; and

22 “(ii) provide notice, simultaneously, to
23 each such local educational agency and the
24 appropriate private school officials or their

1 representatives in the State of such alloca-
2 tion of funds.

3 “(5) PROVISION OF SERVICES.—An agency,
4 consortium, or entity described in subsection (a)(1)
5 of this section may provide those services directly or
6 through contracts with public and private agencies,
7 organizations, and institutions.

8 “(b) APPLICABILITY.—

9 “(1) IN GENERAL.—This section applies to pro-
10 grams under—

11 “(A) subpart 2 of part A of title I;

12 “(B) subpart 4 of part A of title I;

13 “(C) part A of title II;

14 “(D) part B of title II; and

15 “(E) part B of title III.

16 “(2) DEFINITION.—For the purpose of this sec-
17 tion, the term ‘eligible children’ means children eligi-
18 ble for services under a program described in para-
19 graph (1).

20 “(c) CONSULTATION.—

21 “(1) IN GENERAL.—To ensure timely and
22 meaningful consultation, a State educational agency,
23 local educational agency, educational service agency,
24 consortium of those agencies, or entity shall consult,
25 in order to reach an agreement, with appropriate

1 private school officials or their representatives dur-
2 ing the design and development of the programs
3 under this Act, on issues such as—

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

6 “(B) what services will be offered;

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

9 “(D) how the services will be assessed and
10 how the results of the assessment will be used
11 to improve those services;

12 “(E) the size and scope of the equitable
13 services to be provided to the eligible private
14 school children, teachers, and other educational
15 personnel and the amount of funds available for
16 those services;

17 “(F) how and when the agency, consor-
18 tium, or entity will make decisions about the
19 delivery of services, including a thorough con-
20 sideration and analysis of the views of the pri-
21 vate school officials or their representatives on
22 the provision of services through potential
23 third-party providers or contractors; and

24 “(G) how, if the agency disagrees with the
25 views of the private school officials or their rep-

1 representatives on the provision of services through
2 a contract, the local educational agency will
3 provide in writing to such private school offi-
4 cials or their representatives an analysis of the
5 reasons why the local educational agency has
6 chosen not to use a contractor.

7 “(2) DISAGREEMENT.—If the agency, consor-
8 tium, or entity disagrees with the views of the pri-
9 vate school officials or their representatives with re-
10 spect to an issue described in paragraph (1), the
11 agency, consortium, or entity shall provide to the
12 private school officials or their representatives a
13 written explanation of the reasons why the local edu-
14 cational agency has chosen not to adopt the course
15 of action requested by such officials or their rep-
16 resentatives.

17 “(3) TIMING.—The consultation required by
18 paragraph (1) shall occur before the agency, consor-
19 tium, or entity makes any decision that affects the
20 opportunities of eligible private school children,
21 teachers, and other educational personnel to partici-
22 pate in programs under this Act, and shall continue
23 throughout the implementation and assessment of
24 activities under this section.

1 “(4) DISCUSSION REQUIRED.—The consultation
2 required by paragraph (1) shall include a discussion
3 of service delivery mechanisms that the agency, con-
4 sortium, or entity could use to provide equitable
5 services to eligible private school children, teachers,
6 administrators, and other staff.

7 “(5) DOCUMENTATION.—Each local educational
8 agency shall maintain in the agency’s records and
9 provide to the State educational agency involved a
10 written affirmation signed by officials or their rep-
11 resentatives of each participating private school that
12 the meaningful consultation required by this section
13 has occurred. The written affirmation shall provide
14 the option for private school officials or their rep-
15 resentatives to indicate that timely and meaningful
16 consultation has not occurred or that the program
17 design is not equitable with respect to eligible pri-
18 vate school children. If such officials or their rep-
19 resentatives do not provide such affirmation within
20 a reasonable period of time, the local educational
21 agency shall forward the documentation that such
22 consultation has, or attempts at such consultation
23 have, taken place to the State educational agency.

24 “(6) COMPLIANCE.—

1 “(A) IN GENERAL.—If the consultation re-
2 quired under this section is with a local edu-
3 cational agency or educational service agency, a
4 private school official or representative shall
5 have the right to file a complaint with the State
6 educational agency that the consultation re-
7 quired under this section was not meaningful
8 and timely, did not give due consideration to
9 the views of the private school official or rep-
10 resentative, or did not treat the private school
11 or its students equitably as required by this sec-
12 tion.

13 “(B) PROCEDURE.—If the private school
14 official or representative wishes to file a com-
15 plaint, the private school official or representa-
16 tive shall provide the basis of the noncompli-
17 ance with this section and all parties shall pro-
18 vide the appropriate documentation to the ap-
19 propriate officials or representatives.

20 “(C) SERVICES.—A State educational
21 agency shall provide services under this section
22 directly or through contracts with public and
23 private agencies, organizations, and institutions,
24 if—

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

3 “(I) requested that the State
4 educational agency provide such serv-
5 ices directly; and

6 “(II) demonstrated that the local
7 educational agency or Education Serv-
8 ice Agency involved has not met the
9 requirements of this section; or

10 “(ii) in a case in which—

11 “(I) a local educational agency
12 has more than 10,000 children from
13 low-income families who attend pri-
14 vate elementary schools or secondary
15 schools in such agency’s school at-
16 tendance areas, as defined in section
17 1113(a)(2)(A), that are not being
18 served by the agency’s program under
19 this section; or

20 “(II) 90 percent of the eligible
21 private school students in a school at-
22 tendance area, as defined in section
23 1113(a)(2)(A), are not being served
24 by the agency’s program under this
25 section.

1 “(d) PUBLIC CONTROL OF FUNDS.—

2 “(1) IN GENERAL.—The control of funds used
3 to provide services under this section, and title to
4 materials, equipment, and property purchased with
5 those funds, shall be in a public agency for the uses
6 and purposes provided in this Act, and a public
7 agency shall administer the funds and property.

8 “(2) PROVISION OF SERVICES.—

9 “(A) IN GENERAL.—The provision of serv-
10 ices under this section shall be provided—

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

12 or

13 “(ii) through contract by the public
14 agency with an individual, association,
15 agency, organization, or other entity.

16 “(B) INDEPENDENCE; PUBLIC AGENCY.—

17 In the provision of those services, the employee,
18 person, association, agency, organization, or
19 other entity shall be independent of the private
20 school and of any religious organization, and
21 the employment or contract shall be under the
22 control and supervision of the public agency.

23 “(C) COMMINGLING OF FUNDS PROHIB-
24 ITED.—Funds used to provide services under

1 this section shall not be commingled with non-
2 Federal funds.

3 **“SEC. 6502. STANDARDS FOR BY-PASS.**

4 “(a) IN GENERAL.—If, by reason of any provision of
5 law, a State educational agency, local educational agency,
6 educational service agency, consortium of those agencies,
7 or other entity is prohibited from providing for the partici-
8 pation in programs of children enrolled in, or teachers or
9 other educational personnel from, private elementary
10 schools and secondary schools, on an equitable basis, or
11 if the Secretary determines that the agency, consortium,
12 or entity has substantially failed or is unwilling to provide
13 for that participation, as required by section 6501, the
14 Secretary shall—

15 “(1) waive the requirements of that section for
16 the agency, consortium, or entity; and

17 “(2) arrange for the provision of equitable serv-
18 ices to those children, teachers, or other educational
19 personnel through arrangements that shall be sub-
20 ject to the requirements of this section and of sec-
21 tions 6501, 6503, and 6504.

22 “(b) DETERMINATION.—In making the determina-
23 tion under subsection (a), the Secretary shall consider one
24 or more factors, including the quality, size, scope, and lo-
25 cation of the program, and the opportunity of private

1 school children, teachers, and other educational personnel
2 to participate in the program.

3 **“SEC. 6503. COMPLAINT PROCESS FOR PARTICIPATION OF**
4 **PRIVATE SCHOOL CHILDREN.**

5 “(a) PROCEDURES FOR COMPLAINTS.—The Sec-
6 retary shall develop and implement written procedures for
7 receiving, investigating, and resolving complaints from
8 parents, teachers, or other individuals and organizations
9 concerning violations of section 6501 by a State edu-
10 cational agency, local educational agency, educational
11 service agency, consortium of those agencies, or entity.
12 The individual or organization shall submit the complaint
13 to the State educational agency for a written resolution
14 by the State educational agency within 45 days.

15 “(b) APPEALS TO SECRETARY.—The resolution may
16 be appealed by an interested party to the Secretary not
17 later than 30 days after the State educational agency re-
18 solves the complaint or fails to resolve the complaint with-
19 in the 45-day time limit. The appeal shall be accompanied
20 by a copy of the State educational agency’s resolution,
21 and, if there is one, a complete statement of the reasons
22 supporting the appeal. The Secretary shall investigate and
23 resolve the appeal not later than 90 days after receipt of
24 the appeal.

“Subpart 2—Prohibitions**“SEC. 6521. PROHIBITION AGAINST FEDERAL MANDATES,
DIRECTION, OR CONTROL.**

“(a) IN GENERAL.—No officer or employee of the Federal Government shall, directly or indirectly, through grants, contracts, or other cooperative agreements, mandate, direct, incentivize, or control a State, local educational agency, or school’s specific instructional content, academic standards and assessments, curricula, or program of instruction, (including any requirement, direction, incentive, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States), nor shall anything in this Act be construed to authorize such officer or employee to do so.

“(b) FINANCIAL SUPPORT.—No officer or employee of the Federal Government shall, directly or indirectly, through grants, contracts, or other cooperative agreements, make financial support available in a manner that is conditioned upon a State, local educational agency, or school’s adoption of specific instructional content, academic standards and assessments, curriculum, or program of instruction, (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initia-

1 tive, any other academic standards common to a signifi-
 2 cant number of States, or any assessment, instructional
 3 content, or curriculum aligned to such standards), even
 4 if such requirements are specified in an Act other than
 5 this Act, nor shall anything in this Act be construed to
 6 authorize such officer or employee to do so.

7 **“SEC. 6522. PROHIBITIONS ON FEDERAL GOVERNMENT AND**
 8 **USE OF FEDERAL FUNDS.**

9 “(a) GENERAL PROHIBITION.—Nothing in this Act
 10 shall be construed to authorize an officer or employee of
 11 the Federal Government directly or indirectly, whether
 12 through a grant, contract, or cooperative agreement, to
 13 mandate, direct, or control a State, local educational agen-
 14 cy, or school’s curriculum, program of instruction, or allo-
 15 cation of State or local resources, or mandate a State or
 16 any subdivision thereof to spend any funds or incur any
 17 costs not paid for under this Act.

18 “(b) PROHIBITION ON ENDORSEMENT OF CUR-
 19 RICULUM.—Notwithstanding any other prohibition of Fed-
 20 eral law, no funds provided to the Department under this
 21 Act may be used by the Department directly or indi-
 22 rectly—whether through a grant, contract, or cooperative
 23 agreement—to endorse, approve, develop, require, or sanc-
 24 tion any curriculum, including any curriculum aligned to
 25 the Common Core State Standards developed under the

1 Common Core State Standards Initiative or any other aca-
2 demic standards common to a significant number of
3 States, designed to be used in an elementary school or sec-
4 ondary school.

5 “(c) LOCAL CONTROL.—Nothing in this Act shall be
6 construed to—

7 “(1) authorize an officer or employee of the
8 Federal Government directly or indirectly—whether
9 through a grant, contract, or cooperative agree-
10 ment—to mandate, direct, review, or control a State,
11 local educational agency, or school’s instructional
12 content, curriculum, and related activities;

13 “(2) limit the application of the General Edu-
14 cation Provisions Act;

15 “(3) require the distribution of scientifically or
16 medically false or inaccurate materials or to prohibit
17 the distribution of scientifically or medically true or
18 accurate materials; or

19 “(4) create any legally enforceable right.

20 “(d) PROHIBITION ON REQUIRING FEDERAL AP-
21 PROVAL OR CERTIFICATION OF STANDARDS.—Notwith-
22 standing any other provision of Federal law, no State shall
23 be required to have academic standards approved or cer-
24 tified by the Federal Government, in order to receive as-
25 sistance under this Act.

1 “(e) RULE OF CONSTRUCTION ON BUILDING STAND-
2 ARDS.—Nothing in this Act shall be construed to mandate
3 national school building standards for a State, local edu-
4 cational agency, or school.

5 **“SEC. 6523. PROHIBITION ON FEDERALLY SPONSORED**
6 **TESTING.**

7 “(a) GENERAL PROHIBITION.—Notwithstanding any
8 other provision of Federal law and except as provided in
9 subsection (b), no funds provided under this Act to the
10 Secretary or to the recipient of any award may be used
11 to develop, pilot test, field test, implement, administer, or
12 distribute any federally sponsored national test or testing
13 materials in reading, mathematics, or any other subject,
14 unless specifically and explicitly authorized by law.

15 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
16 international comparative assessments developed under
17 the authority of section 153(a)(5) of the Education
18 Sciences Reform Act of 2002 and administered to only a
19 representative sample of pupils in the United States and
20 in foreign nations.

21 **“SEC. 6524. LIMITATIONS ON NATIONAL TESTING OR CER-**
22 **TIFICATION FOR TEACHERS.**

23 “(a) MANDATORY NATIONAL TESTING OR CERTIFI-
24 CATION OF TEACHERS.—Notwithstanding any other pro-
25 vision of this Act or any other provision of law, no funds

1 available to the Department or otherwise available under
2 this Act may be used for any purpose relating to a manda-
3 tory nationwide test or certification of teachers or edu-
4 cation paraprofessionals, including any planning, develop-
5 ment, implementation, or administration of such test or
6 certification.

7 “(b) PROHIBITION ON WITHHOLDING FUNDS.—The
8 Secretary is prohibited from withholding funds from any
9 State educational agency or local educational agency if the
10 State educational agency or local educational agency fails
11 to adopt a specific method of teacher or paraprofessional
12 certification.

13 **“SEC. 6525. PROHIBITED USES OF FUNDS.**

14 “No funds under this Act may be used—

15 “(1) for construction, renovation, or repair of
16 any school facility, except as authorized under title
17 IV or otherwise authorized under this Act;

18 “(2) for medical services, drug treatment or re-
19 habilitation, except for specialized instructional sup-
20 port services or referral to treatment for students
21 who are victims of, or witnesses to, crime or who il-
22 legally use drugs;

23 “(3) for transportation unless otherwise author-
24 ized under this Act;

8 “(6) to provide sex education or HIV-prevention
9 education in schools unless that instruction is age
10 appropriate and includes the health benefits of absti-
11 nence; or

14 **“SEC. 6526. PROHIBITION REGARDING STATE AID.**

20 "SEC. 6527. PROHIBITION ON REQUIRING STATE PARTICI-
21 PATION.

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1 ing in this Act shall be construed to require a State to
 2 participate in any program under this Act.

3 **“SEC. 6528. LOCAL CONTROL.**

4 “The Secretary shall not—

5 “(1) impose any requirements or exercise any
 6 governance or authority over school administration,
 7 including the development and expenditure of school
 8 budgets, unless explicitly authorized under this Act;

9 “(2) issue any regulations or non-regulatory
 10 guidance without first consulting with local stake-
 11 holders and fairly addressing their concerns; or

12 “(3) deny any local educational agency the
 13 right to object to any administrative requirement, in-
 14 cluding actions that place additional burdens or cost
 15 on the local educational agency.

16 **“Subpart 3—Other Provisions**

17 **“SEC. 6541. ARMED FORCES RECRUITER ACCESS TO STU-**
 18 **DENTS AND STUDENT RECRUITING INFORMA-**
 19 **TION.**

20 “(a) POLICY.—

21 “(1) ACCESS TO STUDENT RECRUITING INFOR-
 22 MATION.—Notwithstanding section 444(a)(5)(B) of
 23 the General Education Provisions Act, each local
 24 educational agency receiving assistance under this
 25 Act shall provide, upon a request made by a military

1 recruiter or an institution of higher education, ac-
2 cess to the name, address, and telephone listing of
3 each secondary school student served by the local
4 educational agency, unless the parent of such stu-
5 dent has submitted the prior consent request under
6 paragraph (2).

7 “(2) CONSENT.—

8 “(A) OPT-OUT PROCESS.—A parent of a
9 secondary school student may submit a written
10 request, to the local educational agency, that
11 the student’s name, address, and telephone list-
12 ing not be released for purposes of paragraph
13 (1) without prior written consent of the parent.
14 Upon receiving such request, the local edu-
15 cational agency may not release the student’s
16 name, address, and telephone listing for such
17 purposes without the prior written consent of
18 the parent.

19 “(B) NOTIFICATION OF OPT-OUT PROC-
20 ESS.—Each local educational agency shall no-
21 tify the parents of the students served by the
22 agency of the option to make a request de-
23 scribed in subparagraph (A).

24 “(3) SAME ACCESS TO STUDENTS.—Each local
25 educational agency receiving assistance under this

1 Act shall provide military recruiters the same access
2 to secondary school students as is provided generally
3 to institutions of higher education or to prospective
4 employers of those students.

5 “(4) RULE OF CONSTRUCTION PROHIBITING
6 OPT-IN PROCESSES.—Nothing in this subsection
7 shall be construed to allow a local educational agen-
8 cy to withhold access to a student’s name, address,
9 and telephone listing from a military recruiter or in-
10 stitution of higher education by implementing an
11 opt-in process or any other process other than the
12 written consent request process under paragraph
13 (2)(A).

14 “(5) PARENTAL CONSENT.—For purposes of
15 this subsection, whenever a student has attained 18
16 years of age, the permission or consent required of
17 and the rights accorded to the parents of the stu-
18 dent shall only be required of and accorded to the
19 student.

20 “(b) NOTIFICATION.—The Secretary, in consultation
21 with the Secretary of Defense, shall, not later than 120
22 days after the date of enactment of the Student Success
23 Act, notify school leaders, school administrators, and other
24 educators about the requirements of this section.

1 “(c) EXCEPTION.—The requirements of this section
2 do not apply to a private secondary school that maintains
3 a religious objection to service in the Armed Forces if the
4 objection is verifiable through the corporate or other orga-
5 nizational documents or materials of that school.

6 **“SEC. 6542. RULEMAKING.**

7 “The Secretary shall issue regulations under this Act
8 as prescribed under section 1401 only to the extent that
9 such regulations are necessary to ensure that there is com-
10 pliance with the specific requirements and assurances re-
11 quired by this Act.

12 **“SEC. 6543. PEER REVIEW.**

13 “(a) IN GENERAL.—If the Secretary uses a peer re-
14 view panel to evaluate an application for any program re-
15 quired under this Act, the Secretary shall conduct the
16 panel in accordance with this section.

17 “(b) MAKEUP.—The Secretary shall—

18 “(1) solicit nominations for peers to serve on
19 the panel from States that are—

20 “(A) practitioners in the subject matter; or

21 “(B) experts in the subject matter; and

22 “(2) select the peers from such nominees, ex-
23 cept that there shall be at least 75 percent practi-
24 tioners on each panel and in each group formed
25 from the panel.

1 “(c) GUIDANCE.—The Secretary shall issue the peer
2 review guidance concurrently with the notice of the grant.

3 “(d) REPORTING.—The Secretary shall—

4 “(1) make the names of the peer reviewers
5 available to the public before the final deadline for
6 the application of the grant;

7 “(2) make the peer review notes publically
8 available once the review has concluded; and

9 “(3) make any deviations from the peer review-
10 ers’ recommendations available to the public with an
11 explanation of the deviation.

12 “(e) APPLICANT REVIEWS.—An applicant shall have
13 an opportunity within 30 days to review the peer review
14 notes and appeal the score to the Secretary prior to the
15 Secretary making any final determination.

16 “(f) PROHIBITION.—The Secretary, and the Sec-
17 retary’s staff, may not attempt to participate in, or influ-
18 ence, the peer review process. No Federal employee may
19 participate in, or attempt to influence the peer review
20 process, except to respond to questions of a technical na-
21 ture, which shall be publicly reported.

22 **“SEC. 6544. PARENTAL CONSENT.**

23 “Upon receipt of written notification from the par-
24 ents or legal guardians of a student, the local educational
25 agency shall withdraw such student from any program

1 funded under part B of title III. The local educational
2 agency shall make reasonable efforts to inform parents or
3 legal guardians of the content of such programs or activi-
4 ties funded under this Act, other than classroom instruc-
5 tion.

6 **“SEC. 6545. SEVERABILITY.**

7 “If any provision of this Act is held invalid, the re-
8 mainder of this Act shall be unaffected thereby.

9 **“SEC. 6546. DEPARTMENT STAFF.**

10 “The Secretary shall—

11 “(1) not later than 60 days after the date of
12 the enactment of the Student Success Act, identify
13 the number of Department employees who worked
14 on or administered each education program and
15 project authorized under this Act, as such program
16 or project was in effect on the day before such en-
17 actment date, and publish such information on the
18 Department’s website;

19 “(2) not later than 60 days after such enact-
20 ment date, identify the number of full-time equiva-
21 lent employees who work on or administer programs
22 or projects authorized under this Act, as in effect on
23 the day before such enactment date, that have been
24 eliminated or consolidated since such date;

1 “(3) not later than 1 year after such enactment
2 date, reduce the workforce of the Department by the
3 number of full-time equivalent employees the De-
4 partment calculated under paragraph (2); and

5 “(4) not later than 1 year after such enactment
6 date, report to the Congress on—

7 “(A) the number of employees associated
8 with each program or project authorized under
9 this Act administered by the Department;

10 “(B) the number of full-time equivalent
11 employees who were determined to be associated
12 with eliminated or consolidated programs or
13 projects under paragraph (2);

14 “(C) how the Secretary reduced the num-
15 ber of employees at the Department under
16 paragraph (3);

17 “(D) the average salary of the employees
18 described in subparagraph (B) whose positions
19 were eliminated; and

20 “(E) the average salary of the full-time
21 equivalent employees who work on or admin-
22 ister a program or project authorized under this
23 Act by the Department, disaggregated by em-
24 ployee function with each such program or
25 project.

1 **“SEC. 6547. CRIMINAL BACKGROUND CHECKS.**

2 “(a) CONDITION OF RECEIPT OF FUNDS.—A local
3 educational agency or State educational agency shall be
4 ineligible for funds under this Act if such agency—

5 “(1) employs an individual who—

6 “(A) refuses to consent to a criminal back-
7 ground check that includes—

8 “(i) a search of the State criminal
9 registry or repository in the State where
10 the individual resides and each State where
11 such individual previously resided;

12 “(ii) a search of State-based child
13 abuse and neglect registries and databases
14 in the State where the individual resides
15 and each State where such individual pre-
16 viously resided;

17 “(iii) a search of the National Crime
18 Information Center;

19 “(iv) a Federal Bureau of Investiga-
20 tion fingerprint check using the Integrated
21 Automated Fingerprint Identification Sys-
22 tem; and

23 “(v) a search of the National Sex Of-
24 fender Registry established under the
25 Adam Walsh Child Protection and Safety
26 Act of 2006 (42 U.S.C. 16901 et seq.);

1 “(B) makes a false statement in connec-
2 tion with such criminal background check;

3 “(C) is registered or is required to be reg-
4 istered on a State sex offender registry or the
5 National Sex Offender Registry established
6 under the Adam Walsh Child Protection and
7 Safety Act of 2006 (42 U.S.C. 16901 et seq.);
8 or

9 “(D) has been convicted of a felony con-
10 sisting of—

11 “(i) homicide;

12 “(ii) child abuse or neglect;

13 “(iii) a crime against children, includ-
14 ing child pornography;

15 “(iv) domestic violence;

16 “(v) a crime involving rape or sexual
17 assault;

18 “(vi) kidnapping;

19 “(vii) arson; or

20 “(viii) physical assault, battery, or a
21 drug-related offense, committed on or after
22 the date that is 5 years before the date of
23 the individual’s criminal background check
24 under this section; or

1 “(2) knowingly facilitates the transfer of an em-
 2 ployee if the agency knows, or has probable cause to
 3 believe, that the employee engaged in sexual mis-
 4 conduct with a student.

5 “(b) FEES FOR BACKGROUND CHECKS.—The Attor-
 6 ney General or a State may charge any applicable fees
 7 for conducting a criminal background check under this
 8 section.

9 **“Subpart 4—Restoration of State Sovereignty Over**
 10 **Public Education and Parental Rights Over the**
 11 **Education of Their Children**

12 **“SEC. 6561. STATES TO RETAIN RIGHTS AND AUTHORITIES**
 13 **THEY DO NOT EXPRESSLY WAIVE.**

14 “(a) RETENTION OF RIGHTS AND AUTHORITIES.—
 15 No officer, employee, or other authority of the Secretary
 16 shall enforce against an authority of a State, nor shall
 17 any authority of a State have any obligation to obey, any
 18 requirement imposed as a condition of receiving assistance
 19 under a grant program established under this Act, nor
 20 shall such program operate within a State, unless the leg-
 21 islature of that State shall have by law expressly approved
 22 that program and, in doing so, have waived the State’s
 23 rights and authorities to act inconsistently with any re-
 24 quirement that might be imposed by the Secretary as a
 25 condition of receiving that assistance.

1 “(b) AMENDMENT OF TERMS OF RECEIPT OF FED-
2 ERAL FINANCIAL ASSISTANCE.—An officer, employee, or
3 other authority of the Secretary may release assistance
4 under a grant program established under this Act to a
5 State only after the legislature of the State has by law
6 expressly approved the program (as described in sub-
7 section (a)). This approval may be accomplished by a vote
8 to affirm a State budget that includes the use of such Fed-
9 eral funds and any such State budget must expressly in-
10 clude any requirement imposed as a condition of receiving
11 assistance under a grant program established under this
12 Act so that by approving the budget, the State legislature
13 is expressly approving the grant program and, in doing
14 so, waiving the State’s rights and authorities to act incon-
15 sistently with any requirement that might be imposed by
16 the Secretary as a condition of receiving that assistance.

17 “(c) SPECIAL RULE FOR STATES WITH BIENNIAL
18 LEGISLATURES.—In the case of a State with a biennial
19 legislature—

20 “(1) during a year in which the State legisla-
21 ture does not meet, subsections (a) and (b) shall not
22 apply; and

23 “(2) during a year in which the State legisla-
24 ture meets, subsections (a) and (b) shall apply, and,
25 with respect to any grant program established under

13 “(e) EFFECTIVE DATE.—This section applies in each
14 State beginning on the 90th day after the end of the first
15 regular session of the legislature of that State that begins
16 5 years after the date of the enactment of the Student
17 Success Act and shall continue to apply in subsequent
18 years until otherwise provided by law.

“Notwithstanding any formula reallocations stipulated under the Student Success Act, any funds under such Act not allocated to a State because a State did not affirmatively agree to the receipt of such funds shall not be reallocated among the States.

1 **“SEC. 6563. DEFINITION OF STATE WITH BIENNIAL LEGIS-**
2 **LATURE.**

3 “In this Act, the term ‘State with a biennial legisla-
4 ture’ means a State the legislature of which meets every
5 other year.

6 **“SEC. 6564. INTENT OF CONGRESS.**

7 “It is the intent of Congress that other than the
8 terms and conditions expressly approved by State law
9 under the terms of this subpart, control over public edu-
10 cation and parental rights to control the education of their
11 children are vested exclusively within the autonomous zone
12 of independent authority reserved to the States and indi-
13 vidual Americans by the United States Constitution, other
14 than the Federal Government’s undiminishable obligation
15 to enforce minimum Federal standards of equal protection
16 and due process.

17 **“PART F—EVALUATIONS**

18 **“SEC. 6601. EVALUATIONS.**

19 “(a) RESERVATION OF FUNDS.—Except as provided
20 in subsections (c) and (d), the Secretary may reserve not
21 more than 0.5 percent of the amount appropriated to
22 carry out each categorical program authorized under this
23 Act. The reserved amounts shall be used by the Secretary,
24 acting through the Director of the Institute of Education
25 Sciences—

26 “(1) to conduct—

1 “(A) comprehensive evaluations of the pro-
2 gram or project; and

3 “(B) studies of the effectiveness of the pro-
4 gram or project and its administrative impact
5 on schools and local educational agencies;

6 “(2) to evaluate the aggregate short- and long-
7 term effects and cost efficiencies across Federal pro-
8 grams assisted or authorized under this Act and re-
9 lated Federal preschool, elementary, and secondary
10 programs under any other Federal law; and

11 “(3) to increase the usefulness of evaluations of
12 grant recipients in order to ensure the continuous
13 progress of the program or project by improving the
14 quality, timeliness, efficiency, and use of information
15 relating to performance under the program or
16 project.

17 “(b) REQUIRED PLAN.—The Secretary, acting
18 through the Director of the Institute of Education
19 Sciences, may use the reserved amount under subsection
20 (a) only after completion of a comprehensive, multi-year
21 plan—

22 “(1) for the periodic evaluation of each of the
23 major categorical programs authorized under this
24 Act, and as resources permit, the smaller categorical
25 programs authorized under this Act;

1 “(2) that shall be developed and implemented
2 with the involvement of other officials at the Depart-
3 ment, as appropriate; and

4 “(3) that shall not be finalized until—

5 “(A) the publication of a notice in the Fed-
6 eral Register seeking public comment on such
7 plan and after review by the Secretary of such
8 comments; and

9 “(B) the plan is submitted for comment to
10 the Committee on Education and the Workforce
11 of the House of Representatives and the Com-
12 mittee on Health, Education, Labor, and Pen-
13 sions of the Senate and after review by the Sec-
14 retary of such comments.

15 “(c) TITLE I EXCLUDED.—The Secretary may not
16 reserve under subsection (a) funds appropriated to carry
17 out any program authorized under title I.

18 “(d) EVALUATION ACTIVITIES AUTHORIZED ELSE-
19 WHERE.—If, under any other provision of this Act (other
20 than title I), funds are authorized to be reserved or used
21 for evaluation activities with respect to a program or
22 project, the Secretary may not reserve additional funds
23 under this section for the evaluation of that program or
24 project.”.

25 (b) TECHNICAL AMENDMENTS.—

1 (1) TITLE IX.—

2 (A) SUBPART 1 OF PART E OF TITLE VI.—

3 (i) TRANSFER AND REDESIGNA-
4 TION.—Sections 9504 through 9506 (20
5 U.S.C. 7884, 7885, and 7886) are—

6 (I) transferred to title VI, as
7 amended by subsection (a) of this sec-
8 tion;

9 (II) inserted after section 6503
10 of such title; and

11 (III) redesignated as sections
12 6504 through 6506, respectively.

13 (ii) AMENDMENTS.—Section 6504 (as
14 so redesignated) is amended—

15 (I) in subsection (a)(1)(A), by
16 striking “section 9502” and inserting
17 “section 6502”;

18 (II) in subsection (b), by striking
19 “section 9501” and inserting “section
20 6501”; and

21 (III) in subsection (d), by strik-
22 ing “No Child Left Behind Act of
23 2001” and inserting “Student Success
24 Act”.

25 (B) SUBPART 2 OF PART E OF TITLE VI.—

1 (i) TRANSFER AND REDESIGNA-
2 TION.—Sections 9531, 9533, and 9534 (20
3 U.S.C. 7911, 7913, and 7914) are—

4 (I) transferred to title VI, as
5 amended by subparagraph (A) of this
6 paragraph;

7 (II) inserted after section 6525
8 of such title; and

9 (III) redesignated as sections
10 6526 through 6528, respectively.

11 (ii) AMENDMENTS.—Section 6528 (as
12 so redesignated) is amended—

13 (I) by striking “(a) IN GEN-
14 ERAL.—Nothing” and inserting
15 “Nothing”; and

16 (II) by striking subsection (b).

17 (C) SUBPART 3 OF PART E OF TITLE VI.—
18 Sections 9523, 9524, and 9525 (20 U.S.C.
19 7903, 7904, and 7905) are—

20 (i) transferred to title VI, as amended
21 by subparagraph (B) of this paragraph;

22 (ii) inserted after section 6544 of such
23 title; and

24 (iii) redesignated as sections 6545
25 through 6547, respectively.

1 (2) TITLE IV.—Sections 4141 and 4155 (20
2 U.S.C. 7151 and 7161) are—

3 (A) transferred to title VI, as amended by
4 paragraph (1) of this subsection;

5 (B) inserted after section 6548 (as so re-
6 designated by paragraph (1)(C)(iii) of this sub-
7 section); and

8 (C) redesignated as sections 6549 and
9 6550, respectively.

10 **SEC. 602. REPEAL.**

11 Title IX (20 U.S.C. 7801 et seq.), as amended by
12 section 601(b)(1) of this title, is repealed.

13 **SEC. 603. OTHER LAWS.**

14 Beginning on the date of the enactment of this Act,
15 any reference in law to the term “highly qualified” as de-
16 fined in section 9101 of the Elementary and Secondary
17 Education Act of 1965 shall be treated as a reference to
18 such term under section 9101 of the Elementary and Sec-
19 ondary Education Act of 1965 as in effect on the day be-
20 fore the date of the enactment of this Act.

21 **SEC. 604. AMENDMENT TO IDEA.**

22 Section 602 of the Individuals with Disabilities Edu-
23 cation Act (20 U.S.C. 1401) is amended by striking para-
24 graph (10).

TITLE VII—HOMELESS EDUCATION

SEC. 701. STATEMENT OF POLICY.

Section 721 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431) is amended—

(1) by amending paragraph (2) to read as follows:

“(2) In any State where compulsory residency requirements or other requirements, laws, regulations, practices, or policies may act as a barrier to the identification, enrollment, attendance, or success in school of homeless children and youths, the State and local educational agencies will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as is provided to other children and youths.”;

(2) in paragraph (3), by striking “alone”; and

(3) in paragraph (4), by striking “challenging State student academic achievement” and inserting “State academic”.

1 **SEC. 702. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
2 **THE EDUCATION OF HOMELESS CHILDREN**
3 **AND YOUTHS.**

4 Section 722 of such Act (42 U.S.C. 11432) is amend-
5 ed—

6 (1) in subsection (a), by striking “(g).” and in-
7 serting “(h).”;

8 (2) by striking subsection (b);

9 (3) in subsection (c)—

10 (A) in paragraph (1)(A)—

11 (i) in clause (i), by adding “or” at the
12 end;

13 (ii) in clause (ii), by striking “; or” at
14 the end and inserting a period; and

15 (iii) by striking clause (iii); and

16 (B) by striking paragraph (3);

17 (4) in subsection (d)—

18 (A) in the matter preceding paragraph (1),
19 by striking “Grants” and inserting “Grant
20 funds from a grant made to a State”;

21 (B) by amending paragraph (2) to read as
22 follows:

23 “(2) To provide services and activities to im-
24 prove the identification of homeless children (includ-
25 ing preschool-aged homeless children and youths)
26 that enable such children and youths to enroll in, at-

1 tend, and succeed in school, or, if appropriate, in
2 preschool programs.”;

3 (C) in paragraph (3), by inserting before
4 the period at the end the following: “that can
5 sufficiently carry out the duties described in
6 this subtitle”; and

7 (D) by amending paragraph (5) to read as
8 follows:

9 “(5) To develop and implement professional de-
10 velopment programs for liaisons designated under
11 subsection (g)(1)(J)(ii) and other local educational
12 agency personnel—

13 “(A) to improve their identification of
14 homeless children and youths; and

15 “(B) to heighten their awareness of, and
16 capacity to respond to, specific needs in the
17 education of homeless children and youths.”;

18 (5) in subsection (e)—

19 (A) in paragraph (1)—

20 (i) by striking “sums” and inserting
21 “grant funds”; and

22 (ii) by inserting “a State under sub-
23 section (a) to” after “each year to”;

24 (B) in paragraph (2), by striking “funds
25 made available for State use under this sub-

1 title” and inserting “the grant funds remaining
2 after the State educational agency distributes
3 subgrants under paragraph (1)”; and

4 (C) in paragraph (3)—

5 (i) in subparagraph (C)(iv)(II), by
6 striking “sections 1111 and 1116” and in-
7 serting “section 1111”; and

8 (ii) in subparagraph (F)—

9 (I) in clause (i)—

10 (aa) in the matter preceding
11 subclause (I), by striking “a re-
12 port” and inserting “an annual
13 report”;

14 (bb) by striking “and” at
15 the end of subclause (II);

16 (cc) by striking the period at
17 the end of subclause (III) and in-
18 serting “; and”; and

19 (dd) by adding at the end
20 the following:

21 “(IV) the progress the separate
22 schools are making in helping all stu-
23 dents meet the State academic stand-
24 ards.”; and

1 (II) in clause (iii), by striking
2 “Not later than 2 years after the date
3 of enactment of the McKinney-Vento
4 Homeless Education Assistance Im-
5 provements Act of 2001, the” and in-
6 serting “The”;

7 (6) by amending subsection (f) to read as fol-
8 lows:

9 “(f) FUNCTIONS OF THE OFFICE OF COORDI-
10 NATOR.—The Coordinator for Education of Homeless
11 Children and Youths established in each State shall—

12 “(1) gather and make publically available reli-
13 able, valid, and comprehensive information on—

14 “(A) the number of homeless children and
15 youths identified in the State, posted annually
16 on the State educational agency’s website;

17 “(B) the nature and extent of the problems
18 homeless children and youths have in gaining
19 access to public preschool programs and to pub-
20 lic elementary schools and secondary schools;

21 “(C) the difficulties in identifying the spe-
22 cial needs and barriers to the participation and
23 achievement of such children and youths;

24 “(D) any progress made by the State edu-
25 cational agency and local educational agencies

1 in the State in addressing such problems and
2 difficulties; and

3 “(E) the success of the programs under
4 this subtitle in identifying homeless children
5 and youths and allowing such children and
6 youths to enroll in, attend, and succeed in,
7 school;

8 “(2) develop and carry out the State plan de-
9 scribed in subsection (g);

10 “(3) collect data for and transmit to the Sec-
11 retary, at such time and in such manner as the Sec-
12 retary may require, a report containing information
13 necessary to assess the educational needs of home-
14 less children and youths within the State, including
15 data necessary for the Secretary to fulfill the respon-
16 sibilities under section 724(h);

17 “(4) in order to improve the provision of com-
18 prehensive education and related support services to
19 homeless children and youths and their families, co-
20 ordinate and collaborate with—

21 “(A) educators, including teachers, special
22 education personnel, administrators, and child
23 development and preschool program personnel;

24 “(B) providers of services to homeless chil-
25 dren and youths and their families, including

1 services of public and private child welfare and
2 social services agencies, law enforcement agen-
3 cies, juvenile and family courts, agencies pro-
4 viding mental health services, domestic violence
5 agencies, child care providers, runaway and
6 homeless youth centers, and providers of serv-
7 ices and programs funded under the Runaway
8 and Homeless Youth Act (42 U.S.C. 5701 et
9 seq.);

10 “(C) providers of emergency, transitional,
11 and permanent housing to homeless children
12 and youths, and their families, including public
13 housing agencies, shelter operators, operators of
14 transitional housing facilities, and providers of
15 transitional living programs for homeless
16 youths;

17 “(D) local educational agency liaisons des-
18 igned under subsection (g)(1)(J)(ii) for home-
19 less children and youths; and

20 “(E) community organizations and groups
21 representing homeless children and youths and
22 their families;

23 “(5) provide technical assistance to local edu-
24 cational agencies, in coordination with local edu-
25 cational agency liaisons designated under subsection

1 (g)(1)(J)(ii), to ensure that local educational agen-
2 cies comply with the requirements of subsection
3 (e)(3), paragraphs (3) through (7) of subsection (g),
4 and subsection (h);

5 “(6) provide professional development opportu-
6 nities for local educational agency personnel and the
7 homeless liaison designated under subsection
8 (g)(1)(J)(ii) to assist such personnel in meeting the
9 needs of homeless children and youths; and

10 “(7) respond to inquiries from parents and
11 guardians of homeless children and youths and un-
12 accompanied youths to ensure that each child or
13 youth who is the subject of such an inquiry receives
14 the full protections and services provided by this
15 subtitle.”;

16 (7) by amending subsection (g) to read as fol-
17 lows:

18 “(g) STATE PLAN.—

19 “(1) IN GENERAL.—In order to be eligible to
20 receive a grant under this section, each State edu-
21 cational agency shall submit to the Secretary a plan
22 to provide for the education of homeless children
23 and youths within the State that includes the fol-
24 lowing:

1 “(A) A description of how such children
2 and youths are (or will be) given the oppor-
3 tunity to meet the same State academic stand-
4 ards that all students are expected to meet.

5 “(B) A description of the procedures the
6 State educational agency will use to identify
7 such children and youths in the State and to
8 assess their needs.

9 “(C) A description of procedures for the
10 prompt resolution of disputes regarding the
11 educational placement of homeless children and
12 youths.

13 “(D) A description of programs for school
14 personnel (including liaisons, school leaders, at-
15 tendance officers, teachers, enrollment per-
16 sonnel, and specialized instructional support
17 personnel) to heighten the awareness of such
18 personnel of the specific needs of homeless ado-
19 lescents, including runaway and homeless
20 youths.

21 “(E) A description of procedures that en-
22 sure that homeless children and youths who
23 meet the relevant eligibility criteria are able to
24 participate in Federal, State, or local nutrition
25 programs.

1 “(F) A description of procedures that en-
2 sure that—

3 “(i) homeless children have equal ac-
4 cess to public preschool programs, adminis-
5 tered by the State educational agency or
6 local educational agency, as provided to
7 other children in the State;

8 “(ii) homeless youths and youths sep-
9 arated from public schools are identified
10 and accorded equal access to appropriate
11 secondary education and support services;
12 and

13 “(iii) homeless children and youths
14 who meet the relevant eligibility criteria
15 are able to participate in Federal, State, or
16 local education programs.

17 “(G) Strategies to address problems identi-
18 fied in the report provided to the Secretary
19 under subsection (f)(3).

20 “(H) Strategies to address other problems
21 with respect to the education of homeless chil-
22 dren and youths, including problems resulting
23 from enrollment delays that are caused by—

24 “(i) immunization and other health
25 records requirements;

1 “(ii) residency requirements;

2 “(iii) lack of birth certificates, school
3 records, or other documentation;

4 “(iv) guardianship issues; or

5 “(v) uniform or dress code require-
6 ments.

7 “(I) A demonstration that the State edu-
8 cational agency and local educational agencies
9 in the State have developed, and shall review
10 and revise, policies to remove barriers to the
11 identification, enrollment, and retention of
12 homeless children and youths in schools in the
13 State.

14 “(J) Assurances that the following will be
15 carried out:

16 “(i) The State educational agency and
17 local educational agencies in the State will
18 adopt policies and practices to ensure that
19 homeless children and youths are not stig-
20 matized or segregated on the basis of their
21 status as homeless.

22 “(ii) Local educational agencies will
23 designate an appropriate staff person, who
24 may also be a coordinator for other Fed-
25 eral programs, as a local educational agen-

1 cy liaison for homeless children and
2 youths, to carry out the duties described in
3 paragraph (6)(A).

4 “(iii) The State and its local edu-
5 cational agencies will adopt policies and
6 practices to ensure that transportation is
7 provided, at the request of the parent or
8 guardian (or in the case of an unaccom-
9 panied youth, the liaison), to and from the
10 school of origin, as determined in para-
11 graph (3)(A), in accordance with the fol-
12 lowing, as applicable:

13 “(I) If the child or youth con-
14 tinues to live in the area served by the
15 local educational agency in which the
16 school of origin is located, the child’s
17 or youth’s transportation to and from
18 the school of origin shall be provided
19 or arranged by the local educational
20 agency in which the school of origin is
21 located.

22 “(II) If the child’s or youth’s liv-
23 ing arrangements in the area served
24 by the local educational agency of ori-
25 gin terminate and the child or youth,

1 though continuing his or her edu-
2 cation in the school of origin, begins
3 living in an area served by another
4 local educational agency, the local
5 educational agency of origin and the
6 local educational agency in which the
7 child or youth is living shall agree
8 upon a method to apportion the re-
9 sponsibility and costs for providing
10 the child with transportation to and
11 from the school of origin. If the local
12 educational agencies are unable to
13 agree upon such method, the responsi-
14 bility and costs for transportation
15 shall be shared equally.

16 “(2) COMPLIANCE.—

17 “(A) IN GENERAL.—Each plan adopted
18 under this subsection shall also describe how
19 the State will ensure that local educational
20 agencies in the State will comply with the re-
21 quirements of paragraphs (3) through (7).

22 “(B) COORDINATION.—Such plan shall in-
23 dicate what technical assistance the State will
24 furnish to local educational agencies and how
25 compliance efforts will be coordinated with the

1 local educational agency liaisons designated
2 under paragraph (1)(J)(ii).

3 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-
4 MENTS.—

5 “(A) IN GENERAL.—The local educational
6 agency serving each child or youth to be as-
7 sisted under this subtitle shall, according to the
8 child’s or youth’s best interest—

9 “(i) continue the child’s or youth’s
10 education in the school of origin for the
11 duration of homelessness—

12 “(I) in any case in which a fam-
13 ily becomes homeless between aca-
14 demic years or during an academic
15 year; or

16 “(II) for the remainder of the
17 academic year, if the child or youth
18 becomes permanently housed during
19 an academic year; or

20 “(ii) enroll the child or youth in any
21 public school that nonhomeless students
22 who live in the attendance area in which
23 the child or youth is actually living are eli-
24 gible to attend.

1 “(B) SCHOOL STABILITY.—In determining
2 the best interest of the child or youth under
3 subparagraph (A), the local educational agency
4 shall—

5 “(i) presume that keeping the child or
6 youth in the school of origin is in the child
7 or youth’s best interest, except when doing
8 so is contrary to the wishes of the child’s
9 or youth’s parent or guardian, or the unac-
10 companied youth;

11 “(ii) consider student-centered factors
12 related to the child’s or youth’s best inter-
13 est, including factors related to the impact
14 of mobility on achievement, education,
15 health, and safety of homeless children and
16 youth, giving priority to the wishes of the
17 homeless child’s or youth’s parent or
18 guardian or the unaccompanied youth in-
19 volved;

20 “(iii) if, after conducting the best in-
21 terest determination based on consider-
22 ation of the presumption in clause (i) and
23 the student-centered factors in clause (ii),
24 the local educational agency determines
25 that it is not in the child’s or youth’s best

1 interest to attend the school of origin or
2 the school requested by the parent, guard-
3 ian, or unaccompanied youth, provide the
4 child's or youth's parent or guardian or
5 the unaccompanied youth with a written
6 explanation of the reasons for its deter-
7 mination, in a manner and form under-
8 standable to such parent, guardian, or un-
9 accompanied youth, including information
10 regarding the right to appeal under sub-
11 paragraph (E); and

12 “(iv) in the case of an unaccompanied
13 youth, ensure that the homeless liaison
14 designated under paragraph (1)(J)(ii) as-
15 sists in placement or enrollment decisions
16 under this subparagraph, gives priority to
17 the views of such unaccompanied youth,
18 and provides notice to such youth of the
19 right to appeal under subparagraph (E).

20 “(C) ENROLLMENT.—

21 “(i) IN GENERAL.—The school se-
22 lected in accordance with this paragraph
23 shall immediately enroll the homeless child
24 or youth, even if the child or youth—

1 “(I) is unable to produce records
2 normally required for enrollment, such
3 as previous academic records, records
4 of immunization and other required
5 health records, proof of residency, or
6 other documentation; or

7 “(II) has missed application or
8 enrollment deadlines during any pe-
9 riod of homelessness.

10 “(ii) RELEVANT ACADEMIC
11 RECORDS.—The enrolling school shall im-
12 mediately contact the school last attended
13 by the child or youth to obtain relevant
14 academic and other records.

15 “(iii) RELEVANT HEALTH RECORDS.—
16 If the child or youth needs to obtain immu-
17 nizations or other required health records,
18 the enrolling school shall immediately refer
19 the parent or guardian of the child or
20 youth, or the unaccompanied child or
21 youth, to the local educational agency liai-
22 son designated under paragraph (1)(J)(ii),
23 who shall assist in obtaining necessary im-
24 munizations or screenings, or immuniza-

1 tion or other required health records, in
2 accordance with subparagraph (D).

3 “(D) RECORDS.—Any record ordinarily
4 kept by the school, including immunization or
5 other required health records, academic records,
6 birth certificates, guardianship records, and
7 evaluations for special services or programs, re-
8 garding each homeless child or youth shall be
9 maintained—

10 “(i) so that the records involved are
11 available, in a timely fashion, when a child
12 or youth enters a new school or school dis-
13 trict; and

14 “(ii) in a manner consistent with sec-
15 tion 444 of the General Education Provi-
16 sions Act (20 U.S.C. 1232g).

17 “(E) ENROLLMENT DISPUTES.—If a dis-
18 pute arises over school selection or enrollment
19 in a school—

20 “(i) the child or youth shall be imme-
21 diately enrolled in the school in which en-
22 rollment is sought, pending final resolution
23 of the dispute, including all available ap-
24 peals;

1 “(ii) the parent, guardian, or unac-
2 panied youth shall be provided with a
3 written explanation of any decisions made
4 by the school, the local educational agency,
5 or the State educational agency involved,
6 including the rights of the parent, guard-
7 ian, or youth to appeal such decisions;

8 “(iii) the parent, guardian, or unac-
9 panied youth shall be referred to the
10 local educational agency liaison designated
11 under paragraph (1)(J)(ii), who shall carry
12 out the dispute resolution process as de-
13 scribed in paragraph (1)(C) as expedi-
14 tiously as possible after receiving notice of
15 the dispute; and

16 “(iv) in the case of an unaccompanied
17 youth, the liaison shall ensure that the
18 youth is immediately enrolled in school in
19 which the youth seeks enrollment pending
20 resolution of such dispute.

21 “(F) PLACEMENT CHOICE.—The choice re-
22 garding placement shall be made regardless of
23 whether the child or youth lives with the home-
24 less parents or has been temporarily placed
25 elsewhere.

1 “(G) SCHOOL OF ORIGIN DEFINED.—

2 “(i) IN GENERAL.—In this paragraph,
3 the term ‘school of origin’ means the
4 school that a child or youth attended when
5 permanently housed or the school in which
6 the child or youth was last enrolled.

7 “(ii) RECEIVING SCHOOL.—When the
8 child or youth completes the final grade
9 level served by the school of origin, as de-
10 scribed in clause (i), the term “school of
11 origin” shall include the designated receiv-
12 ing school at the next grade level for all
13 feeder schools.

14 “(H) CONTACT INFORMATION.—Nothing
15 in this subtitle shall prohibit a local educational
16 agency from requiring a parent or guardian of
17 a homeless child to submit contact information.

18 “(I) PRIVACY.—Information about a home-
19 less child’s or youth’s living situation shall be
20 treated as a student education record under
21 section 444 of the General Education Provi-
22 sions Act (20 U.S.C. 1232g) and shall not be
23 released to housing providers, employers, law
24 enforcement personnel, or other persons or
25 agencies not authorized to have such informa-

1 tion under section 99.31 of title 34, Code of
2 Federal Regulations.

3 “(J) ACADEMIC ACHIEVEMENT.—The
4 school selected in accordance with this para-
5 graph shall ensure that homeless children and
6 youths have opportunities to meet the same
7 State academic standards to which other stu-
8 dents are held.

9 “(4) COMPARABLE SERVICES.—Each homeless
10 child or youth to be assisted under this subtitle shall
11 be provided services comparable to services offered
12 to other students in the school selected under para-
13 graph (3), including the following:

14 “(A) Transportation services.

15 “(B) Educational services for which the
16 child or youth meets the eligibility criteria, such
17 as services provided under title I of the Elemen-
18 tary and Secondary Education Act of 1965 (20
19 U.S.C. 6301 et seq.) or similar State or local
20 programs, educational programs for children
21 with disabilities, and educational programs for
22 English learners.

23 “(C) Programs in career and technical
24 education.

1 “(D) Programs for gifted and talented stu-
2 dents.

3 “(E) School nutrition programs.

4 “(5) COORDINATION.—

5 “(A) IN GENERAL.—Each local educational
6 agency serving homeless children and youths
7 that receives assistance under this subtitle shall
8 coordinate—

9 “(i) the provision of services under
10 this subtitle with local social services agen-
11 cies and other agencies or entities pro-
12 viding services to homeless children and
13 youths and their families, including serv-
14 ices and programs funded under the Run-
15 away and Homeless Youth Act (42 U.S.C.
16 5701 et seq.); and

17 “(ii) transportation, transfer of school
18 records, and other interdistrict activities,
19 with other local educational agencies.

20 “(B) HOUSING ASSISTANCE.—If applica-
21 ble, each State educational agency and local
22 educational agency that receives assistance
23 under this subtitle shall coordinate with State
24 and local housing agencies responsible for devel-
25 oping the comprehensive housing affordability

1 strategy described in section 105 of the Cran-
2 ston-Gonzalez National Affordable Housing Act
3 (42 U.S.C. 12705) to minimize educational dis-
4 ruption for children and youths who become
5 homeless.

6 “(C) COORDINATION PURPOSE.—The co-
7 ordination required under subparagraphs (A)
8 and (B) shall be designed to—

9 “(i) ensure that all homeless children
10 and youths are promptly identified;

11 “(ii) ensure that homeless children
12 and youths have access to, and are in rea-
13 sonable proximity to, available education
14 and related support services; and

15 “(iii) raise the awareness of school
16 personnel and service providers of the ef-
17 fects of short-term stays in a shelter and
18 other challenges associated with homeless-
19 ness.

20 “(D) HOMELESS CHILDREN AND YOUTHS
21 WITH DISABILITIES.—For children and youths
22 who are to be assisted both under this subtitle,
23 and under the Individuals with Disabilities
24 Education Act (20 U.S.C. 1400 et seq.) or sec-
25 tion 504 of the Rehabilitation Act of 1973 (29

1 U.S.C. 794), each local educational agency shall
2 coordinate the provision of services under this
3 subtitle with the provision of programs for chil-
4 dren with disabilities served by that local edu-
5 cational agency and other involved local edu-
6 cational agencies.

7 “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

8 “(A) DUTIES.—Each local educational
9 agency liaison for homeless children and youths,
10 designated under paragraph (1)(J)(ii), shall en-
11 sure that—

12 “(i) homeless children and youths are
13 identified by school personnel through out-
14 reach and coordination activities with other
15 entities and agencies;

16 “(ii) homeless children and youths are
17 enrolled in, and have a full and equal op-
18 portunity to succeed in, schools of that
19 local educational agency;

20 “(iii) homeless families, children, and
21 youths have access to and receive edu-
22 cational services for which such families,
23 children, and youths are eligible, including
24 services through Head Start, Early Head
25 Start, early intervention, and preschool

1 programs administered by the local edu-
2 cational agency;

3 “(iv) homeless families, children, and
4 youths receive referrals to health care serv-
5 ices, dental services, mental health and
6 substances abuse services, housing services,
7 and other appropriate services;

8 “(v) the parents or guardians of
9 homeless children and youths are informed
10 of the educational and related opportuni-
11 ties available to their children and are pro-
12 vided with meaningful opportunities to par-
13 ticipate in the education of their children;

14 “(vi) public notice of the educational
15 rights of homeless children and youths is
16 disseminated in locations frequented by
17 parents or guardians of such children and
18 youths, and unaccompanied youths, includ-
19 ing schools, shelters, public libraries, and
20 soup kitchens in a manner and form un-
21 derstandable to the parents and guardians
22 of homeless children and youths, and unac-
23 companied youths;

24 “(vii) enrollment disputes are medi-
25 ated in accordance with paragraph (3)(E);

1 “(viii) the parent or guardian of a
2 homeless child or youth, and any unaccom-
3 panied youth, is fully informed of all trans-
4 portation services, including transportation
5 to the school of origin, as described in
6 paragraph (1)(J)(iii), and is assisted in ac-
7 cessing transportation to the school that is
8 selected under paragraph (3)(A);

9 “(ix) school personnel providing serv-
10 ices under this subtitle receive professional
11 development and other support; and

12 “(x) unaccompanied youths—

13 “(I) are enrolled in school;

14 “(II) have opportunities to meet
15 the same State academic standards to
16 which other students are held, includ-
17 ing through implementation of the
18 policies and practices required by
19 paragraph (1)(F)(ii); and

20 “(III) are informed of their sta-
21 tus as independent students under
22 section 480 of the Higher Education
23 Act of 1965 (20 U.S.C. 1087vv) and
24 receive verification of such status for
25 purposes of the Free Application for

1 Federal Student Aid described in sec-
2 tion 483 of such Act (20 U.S.C.
3 1090).

4 “(B) NOTICE.—State coordinators estab-
5 lished under subsection (d)(3) and local edu-
6 cational agencies shall inform school personnel,
7 service providers, advocates working with home-
8 less families, parents and guardians of homeless
9 children and youths, and homeless children and
10 youths of the duties of the local educational
11 agency liaisons, including publishing an annu-
12 ally updated list of the liaisons on the State
13 educational agency’s website.

14 “(C) LOCAL AND STATE COORDINATION.—
15 Local educational agency liaisons for homeless
16 children and youths shall, as a part of their du-
17 ties, coordinate and collaborate with State coor-
18 dinators and community and school personnel
19 responsible for the provision of education and
20 related services to homeless children and
21 youths. Such coordination shall include col-
22 lecting and providing to the State Coordinator
23 the reliable, valid, and comprehensive data
24 needed to meet the requirements of paragraphs
25 (1) and (3) of subsection (f).

1 “(7) REVIEW AND REVISIONS.—

2 “(A) IN GENERAL.—Each State edu-
3 cational agency and local educational agency
4 that receives assistance under this subtitle shall
5 review and revise any policies that may act as
6 barriers to the enrollment of homeless children
7 and youths in schools that are selected under
8 paragraph (3).

9 “(B) CONSIDERATION.—In reviewing and
10 revising such policies, consideration shall be
11 given to issues concerning transportation, im-
12 munization, residency, birth certificates, school
13 records and other documentation, and guard-
14 ianship.

15 “(C) SPECIAL ATTENTION.—Special atten-
16 tion shall be given to ensuring the enrollment
17 and attendance of homeless children and youths
18 who are not currently attending school.”;

19 (8) in subsection (h)(1)(A), by striking “fiscal
20 year 2009,” and inserting “fiscal years 2014
21 through 2019,”; and

22 (9) in subsection (h)(4), by striking “fiscal year
23 2009” and inserting “fiscal years 2014 through
24 2019”.

1 **SEC. 703. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**
2 **THE EDUCATION OF HOMELESS CHILDREN**
3 **AND YOUTHS.**

4 Section 723 of such Act (42 U.S.C. 11433) is amend-
5 ed—

6 (1) in subsection (a)—

7 (A) in paragraph (1), by striking “facili-
8 tating the enrollment,” and inserting “facili-
9 tating the identification, enrollment,”;

10 (B) in paragraph (2)(A)—

11 (i) by adding “and” at the end of
12 clause (i);

13 (ii) by striking “; and” and inserting
14 a period at the end of clause (ii); and

15 (iii) by striking clause (iii); and

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

17 “(4) DURATION OF GRANTS.—Subgrants
18 awarded under this section shall be for terms of not
19 to exceed 3 years.”;

20 (2) in subsection (b)—

21 (A) by striking paragraph (3) and redesign-
22 ating paragraphs (4) and (5) as paragraphs
23 (3) and (4), respectively; and

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

25 “(5) An assurance that the local educational
26 agency will collect and promptly provide data re-

1 requested by the State Coordinator pursuant to para-
2 graphs (1) and (3) of section 722(f).

3 “(6) An assurance that the local educational
4 agency has removed barriers to complying with the
5 requirements of section 722(g)(1)(I).”;

6 (3) in subsection (c)—

7 (A) in paragraph (1), by striking “726”
8 and inserting “722(a)”;

9 (B) in paragraph (2)—

10 (i) in subparagraph (A), by inserting
11 “identification,” before “enrollment”;

12 (ii) by amending subparagraph (B) to
13 read as follows:

14 “(B) The extent to which the application
15 reflects coordination with other local and State
16 agencies that serve homeless children and
17 youths.”; and

18 (iii) in subparagraph (C), by inserting
19 “(as of the date of submission of the appli-
20 cation)” after “current practice”;

21 (C) in paragraph (3)—

22 (i) by amending subparagraph (C) to
23 read as follows:

24 “(C) The extent to which the applicant will
25 promote meaningful involvement of parents or

1 guardians of homeless children or youths in the
2 education of their children.”;

3 (ii) in subparagraph (D), by striking
4 “within” and inserting “into”;

5 (iii) in subparagraph (G)—

6 (I) by striking “Such” and in-
7 serting “The extent to which the ap-
8 plicant’s program meets such”; and

9 (II) by striking “case manage-
10 ment or related”;

11 (iv) by redesignating subparagraph
12 (G) as subparagraph (I) and inserting
13 after subparagraph (F) the following:

14 “(G) The extent to which the local edu-
15 cational agency will use the subgrant to lever-
16 age resources, including by maximizing
17 nonsubgrant funding for the position of the liai-
18 son described in section 722(g)(1)(J)(ii) and
19 the provision of transportation.

20 “(H) How the local educational agency
21 uses funds to serve homeless children and
22 youths under section 1113(c)(3) of the Elemen-
23 tary and Secondary Education Act of 1965 (20
24 U.S.C. 6313(c)(3)).”; and

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

1 “(J) An assurance that the applicant will
2 meet the requirements of section 722(g)(3).”;
3 and

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

6 (A) in paragraph (1)—

7 (i) by striking “challenging State aca-
8 demic content standards” and inserting
9 “State academic standards”; and

10 (ii) by striking “and challenging State
11 student academic achievement standards”;

12 (B) in paragraph (2)—

13 (i) by striking “students with limited
14 English proficiency,” and inserting
15 “English learners,”; and

16 (ii) by striking “vocational” and in-
17 serting “career”;

18 (C) in paragraph (3), by striking “pupil
19 services” and inserting “specialized instruc-
20 tional support”;

21 (D) in paragraph (7), by striking “, and
22 unaccompanied youths,” and inserting “, par-
23 ticularly homeless children and youths who are
24 not enrolled in school,”;

1 (E) in paragraph (9) by striking “medical”
 2 and inserting “other required health”;

3 (F) in paragraph (10), by inserting before
 4 the period at the end “, and other activities de-
 5 signed to increase the meaningful involvement
 6 of parents or guardians of homeless children or
 7 youths in the education of their children”;

8 (G) in paragraph (12), by striking “pupil”
 9 and inserting “specialized instructional sup-
 10 port”; and

11 (H) in paragraph (13), by inserting before
 12 the period at the end “and parental mental
 13 health or substance abuse problems”.

14 **SEC. 704. SECRETARIAL RESPONSIBILITIES.**

15 Section 724 of such Act (42 U.S.C. 11434) is amend-
 16 ed—

17 (1) by amending subsection (c) to read as fol-
 18 lows:

19 “(c) NOTICE.—

20 “(1) IN GENERAL.—The Secretary shall, before
 21 the next school year that begins after the date of the
 22 enactment of the Student Success Act, update and
 23 disseminate nationwide the public notice described in
 24 this subsection (as in effect prior to such date) of

1 the educational rights of homeless children and
2 youths.

3 “(2) DISSEMINATION.—The Secretary shall dis-
4 seminate the notice nationally to all Federal agen-
5 cies, program grantees, and grant recipients serving
6 homeless families, children, and youths.”;

7 (2) in subsection (d), by striking “and dissemi-
8 nation” and inserting “, dissemination, and technical
9 assistance”;

10 (3) in subsection (e)—

11 (A) by striking “applications for grants
12 under this subtitle” and inserting “plans for
13 the use of grant funds under section 722”;

14 (B) by striking “60-day” and inserting
15 “120-day”; and

16 (C) by striking “120-day” and inserting
17 “180-day”;

18 (4) in subsection (f), by adding at the end the
19 following: “The Secretary shall provide support and
20 technical assistance to State educational agencies in
21 areas in which barriers to a free appropriate public
22 education persist.”;

23 (5) by amending subsection (g) to read as fol-
24 lows:

1 “(g) GUIDELINES.—The Secretary shall develop,
 2 issue, and publish in the Federal Register, not later than
 3 60 days after the date of the enactment of the Student
 4 Success Act, strategies by which a State—

5 “(1) may assist local educational agencies to
 6 implement the provisions amended by the Act; and

7 “(2) can review and revise State policies and
 8 procedures that may present barriers to the identi-
 9 fication, enrollment, attendance, and success of
 10 homeless children and youths in school.”;

11 (6) in subsection (h)(1)(A), by inserting “in all
 12 areas served by local educational agencies” before
 13 the semicolon at the end; and

14 (7) in subsection (i), by striking “McKinney-
 15 Vento Homeless Education Assistance Improvements
 16 Act of 2001” and inserting “Student Success Act”.

17 **SEC. 705. DEFINITIONS.**

18 Section 725 of such Act (42 U.S.C. 11434a) is
 19 amended—

20 (1) in paragraph (2)(B)(iv), by striking “1309”
 21 and inserting “1139”; and

22 (2) in paragraph (3), by striking “9101” and
 23 inserting “6101”.

1 **SEC. 706. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 726 of such Act (42 U.S.C. 11435) is amend-
3 ed to read as follows:

4 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

5 “For the purpose of carrying out this subtitle, there
6 are authorized to be appropriated \$65,042,000 for each
7 of fiscal years 2016 through 2021.”.

8 **TITLE VIII—MISCELLANEOUS**
9 **PROVISIONS**

10 **SEC. 801. FINDINGS; SENSE OF THE CONGRESS.**

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

12 (1) To avoid negative attention and litigation,
13 some local educational agencies have entered into
14 agreements with employees who are suspected of
15 abusing or are known to have abused students.

16 (2) Instead of reporting sexual misconduct with
17 minors to the proper authorities such as the police
18 or child welfare services, under such agreements the
19 local educational agencies, schools, and employees
20 keep the information private and facilitate the em-
21 ployee’s transfer to another local educational agency.

22 (b) SENSE OF THE CONGRESS.—It is the sense of
23 the Congress that—

24 (1) confidentiality agreements between local
25 educational agencies or schools and suspected child
26 sex abusers should be prohibited;

1 (2) the practice of employee transfers after sus-
2 pected or proven sexual misconduct should be
3 stopped, and States should require local educational
4 agencies and schools to provide law enforcement
5 with all information regarding sexual conduct be-
6 tween an employee and a minor; and

7 (3) Congress should help protect children and
8 help stop this unacceptable practice in our schools.

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