

SA 2230. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2231. Mr. BOOZMAN (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2232. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2233. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2234. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2235. Ms. HEITKAMP submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2236. Ms. WARREN (for herself, Mr. BOOKER, Mr. DURBIN, Ms. BALDWIN, Mr. BROWN, Ms. HIRONO, Mr. MARKEY, Mr. HEINRICH, Mr. SANDERS, Mr. WYDEN, Mr. CASEY, Mr. FRANKEN, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2237. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2238. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2239. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2240. Mr. SCHATZ (for himself, Ms. MURKOWSKI, and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2241. Mr. MURPHY (for himself, Mr. BOOKER, Mr. COONS, Ms. WARREN, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2242. Mr. CASEY (for himself, Mrs. MURRAY, Ms. HIRONO, Mr. DURBIN, Mr. MURPHY, Mr. HEINRICH, Ms. BALDWIN, Mr. UDALL, Mr. SCHATZ, Ms. MIKULSKI, Mr. FRANKEN, Mr. MARKEY, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. WYDEN, Mr. COONS, Ms. WARREN, Ms. CANTWELL, Mrs. SHAHEEN, Mr. SCHUMER, Mr. SANDERS, Mr. BOOKER, Mr. TESTER, Mr. REED, Ms. KLOBUCHAR, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2243. Mr. COONS (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2244. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2245. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2246. Mr. MCCAIN (for himself and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2247. Mr. BURR (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2248. Mr. BURR (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2249. Ms. WARREN (for herself, Mr. GARDNER, and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2250. Mr. BENNET (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2251. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2252. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2253. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2254. Mr. KING (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2255. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

(for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 281, between lines 9 and 10, insert the following:

“(IV) programs that supplement, not supplant, training for teachers, principals, other school leaders, or specialized instructional support personnel in practices that have demonstrated effectiveness in improving student achievement, attainment, behavior, and school climate through addressing the social and emotional development needs of students, such as through social and emotional learning programming.

On page 302, between lines 17 and 18, insert the following:

“(vi) address the social and emotional development needs of students to improve student achievement, attainment, behavior, and school climate such as through social and emotional learning programming;

SA 2230. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5011. CLIMATE CHANGE EDUCATION.

(a) SHORT TITLE.—This section may be cited as the “Climate Change Education Act”.

(b) FINDINGS.—Congress finds that—

(1) carbon pollution is accumulating in the atmosphere, causing global temperatures to rise at a rate that poses a significant threat to the economy and security of the United States, to public health and welfare, and to the global environment;

(2) climate change is already impacting the United States with sea level rise, ocean acidification, and more frequent or intense extreme weather events such as heat waves, heavy rainfalls, droughts, floods, and wildfires;

(3) the scientific evidence for human-induced climate change is overwhelming and undeniable as demonstrated by statements from the National Academy of Sciences, the National Climate Assessment, and numerous other science professional organizations in the United States;

(4) the United States has a responsibility to children and future generations of the United States to address the harmful effects of climate change;

(5) providing clear information about climate change, in a variety of forms, can encourage individuals and communities to take action;

(6) the actions of a single nation cannot solve the climate crisis, so solutions that address both mitigation and adaptation must involve developed and developing nations around the world;

(7) investing in the development of innovative clean energy and energy efficiency technologies will—

(A) enhance the global leadership and competitiveness of the United States; and

(B) create and sustain short and long term job growth;

(8) implementation of measures that promote energy efficiency, conservation, renewable energy, and low-carbon fossil energy will greatly reduce human impact on the environment; and

TEXT OF AMENDMENTS

SA 2229. Mr. BLUMENTHAL (for himself, Mr. MURPHY, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER

(9) education about climate change is important to ensure the future generation of leaders is well-informed about the challenges facing our planet in order to make decisions based on science and fact.

(c) AMENDMENT TO ESEA.—Title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.), as amended by section 5010, is further amended by adding at the end the following:

“PART J—CLIMATE CHANGE EDUCATION
“SEC. 5911. CLIMATE CHANGE EDUCATION PROGRAM.

“(a) PURPOSE.—The purpose of this section is to—

“(1) broaden the understanding of human induced climate change, possible long and short-term consequences, and potential solutions;

“(2) provide learning opportunities in climate science education for all students through grade 12, including those of diverse cultural and linguistic backgrounds;

“(3) emphasize actionable information to help students understand how to utilize new technologies and programs related to energy conservation, clean energy, and carbon pollution reduction; and

“(4) inform the public of impacts to human health and safety as a result of climate change.

“(b) GRANTS AUTHORIZED.—The Secretary, in consultation with the National Oceanic and Atmospheric Administration, the Environmental Protection Agency, and the Department of Energy, shall establish a competitive grant program to provide grants to States to—

“(1) develop or improve climate science curriculum and supplementary educational materials for grades kindergarten through grade 12;

“(2) initiate, develop, expand, or implement statewide plans and programs for climate change education, including relevant teacher training and professional development and multidisciplinary studies to ensure that students graduate from high school climate literate; or

“(3) create State green school building standards or policies.

“(c) APPLICATION.—A State desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

“(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall transmit to Congress a report that evaluates the scientific merits, educational effectiveness, and broader impacts of activities under this section.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.”.

SA 2231. Mr. BOOZMAN (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 284, strike lines 4 through 8 and insert the following:

(ix) Supporting the efforts and professional development of teachers, principals, and other school leaders to integrate academic and career and technical education content into instructional practices, which may include—

(I) integrating career and technical education with advanced coursework, such as by allowing the acquisition of postsecondary credits, recognized postsecondary credentials, and industry-based credentials, by students while in high school; or

(II) coordinating activities with employers and entities carrying out initiatives under other workforce development programs to identify State and regional workforce needs, such as through the development of State and local plans under title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111 et seq);

On page 306, strike lines 18 through 23 and insert the following:

(U) providing high-quality professional development for teachers, principals, and other school leaders on effective strategies to integrate rigorous academic content, career and technical education, and work-based learning, if appropriate, which may include providing common planning time, to help prepare students for postsecondary education and the workforce without the need for remediation; and

SA 2232. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 431, between lines 19 and 20, insert the following:

“(e) PROJECT SERV.—

“(1) ADDITIONAL USE OF FUNDS.—Funds available under subsection (a)(4) for extended services grants under the Project School Emergency Response to Violence program (referred to in this subsection as the ‘Project SERV program’) may be used by a local educational agency or institution of higher education receiving such grant to initiate or strengthen violence prevention activities, as part of the activities designed to restore the learning environment that was disrupted by the violent or traumatic crisis in response to which the grant was awarded, and as provided in this subsection.

“(2) APPLICATION PROCESS.—

“(A) IN GENERAL.—A local educational agency or institution of higher education desiring to use a portion of extended services grant funds under the Project SERV program to initiate or strengthen a violence prevention activity shall—

“(i) submit, in an application that meets all requirements of the Secretary for the Project SERV program, the information described in subparagraph (B); or

“(ii) in the case of a local educational agency or institution of higher education that has already received an extended services grant under the Project SERV program, submit an addition to the original application that includes the information described in subparagraph (B).

“(B) APPLICATION REQUIREMENTS.—The information required under this subparagraph is the following:

“(1) A demonstration that there is a continued disruption or a substantial risk of disruption to the learning environment that would be addressed by such activity.

“(ii) An explanation of the proposed activity designed to restore and preserve the learning environment.

“(iii) A budget and budget narrative for the proposed activity.

“(3) AWARD BASIS.—Any award of funds under the Project SERV program for violence prevention activities under this sub-

section shall be subject to the discretion of the Secretary and the availability of funds.

“(4) PROHIBITED USE.—No funds provided to a local educational agency or institution of higher education under the Project SERV program for violence prevention activities may be used for construction, renovation, or repair of a facility or for the permanent infrastructure of the local educational agency or institution.

SA 2233. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 630, between lines 4 and 5, insert the following:

SEC. 5011. WORLD LANGUAGE ADVANCEMENT GRANT PROGRAM.

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part I, as added by section 5010, the following:

“PART J—WORLD LANGUAGE ADVANCEMENT ACT

“SEC. 5910. SHORT TITLE.

“This part may be cited as the ‘World Language Advancement Act of 2015’.

“SEC. 5911. PROGRAM AUTHORIZED.

“(a) PROGRAM AUTHORITY.—

“(1) IN GENERAL.—The Secretary is authorized to make grants, on a competitive basis, to State educational agencies and local educational agencies to pay the Federal share of the cost of innovative model programs providing for the establishment, improvement, or expansion of foreign language study for elementary school and secondary school students.

“(2) DURATION.—Each grant under paragraph (1) shall be awarded for a period of 3 years.

“(b) REQUIREMENTS.—In awarding a grant under subsection (a) to a State educational agency or local educational agency, the Secretary shall support programs that—

“(1) show the promise of being continued beyond the grant period;

“(2) demonstrate approaches that can be disseminated and duplicated in other States or local educational agencies; and

“(3) may include a professional development component.

“(c) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share for each fiscal year shall be 50 percent.

“(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for a State educational agency or local educational agency if the Secretary determines that applying the matching requirement would result in serious hardship or an inability to carry out the activities described in this part.

“(d) SPECIAL RULE.—Not less than 75 percent of the funds made available to carry out this part shall be used for the expansion of foreign language learning in the elementary grades.

“(e) RESERVATION.—The Secretary may reserve not more than 5 percent of funds made available to carry out this part for a fiscal year to evaluate the efficacy of programs assisted under this part.

“SEC. 5912. APPLICATIONS.

“(a) IN GENERAL.—Any State educational agency or local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in

such manner, and containing such information and assurances as the Secretary may require.

“(b) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications describing programs that—

“(1) include intensive summer foreign language programs for professional development of foreign language teachers;

“(2) link non-native English speakers in the community with the schools in order to promote two-way language learning;

“(3) promote the sequential study of a foreign language for students, beginning in elementary schools;

“(4) make effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote foreign language study; and

“(5) promote innovative activities, such as foreign language immersion, partial foreign language immersion, or content-based instruction.

“SEC. 5913. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part such sums as may be necessary.”

SA 2234. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

After section 9115, insert the following:

SEC. 9116. RULE OF CONSTRUCTION REGARDING TRAVEL TO AND FROM SCHOOL.

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections, 9114 and 9115, and redesignated by section 9601, is further amended by adding at the end the following:

“SEC. 9539A. RULE OF CONSTRUCTION REGARDING TRAVEL TO AND FROM SCHOOL.

“(a) IN GENERAL.—Subject to subsection (b), nothing in this Act shall authorize the Secretary to, or shall be construed to—

“(1) prohibit a child from traveling to and from school on foot or by car, bus, or bike when the parents of the child have given permission; or

“(2) expose parents to civil or criminal charges for allowing their child to responsibly and safely travel to and from school by a means the parents believe is age appropriate.

“(b) NO PREEMPTION OF STATE OR LOCAL LAWS.—Notwithstanding subsection (a), nothing in this section shall be construed to preempt State or local laws.”

SA 2235. Ms. HEITKAMP submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 669, strike lines 3 and 4, and insert the following:

“(7) activities designed to educate individuals and improve school climate and safety, such as training for school personnel related to conflict prevention and resolution practices, including—

“(A) suicide prevention;

“(B) substance abuse prevention;

“(C) effective and trauma-informed practices in classroom management;

“(D) crisis management techniques;

“(E) human trafficking (defined as an act or practice described in paragraph (9) or (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)); and

“(F) school-based violence prevention strategies;

SA 2236. Ms. WARREN (for herself, Mr. BOOKER, Mr. DURBIN, Ms. BALDWIN, Mr. BROWN, Ms. HIRONO, Mr. MARKEY, Mr. HEINRICH, Mr. SANDERS, Mr. WYDEN, Mr. CASEY, Mr. FRANKEN, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 146, line 12, strike the semicolon and insert the following: “, which method shall identify a public high school as in need of intervention and support if the high school—

(i) has a 4-year adjusted cohort graduation rate at or below 67 percent for 2 or more consecutive years; or

(ii) has an extended-year adjusted cohort graduation rate at or below 67 percent (or a higher percentage determined by the State);

SA 2237. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 840, after line 5, add the following:

PART C—MISCELLANEOUS REAUTHORIZATIONS

SEC. 10301. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) DEFINITION OF FULL FUNDING AMOUNT.—Section 3(11) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7102(11)) is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C)—

(A) by striking “fiscal year 2012 and each fiscal year thereafter” and inserting “each of fiscal years 2012 and 2013”; and

(B) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(D) for fiscal year 2014 and each fiscal year thereafter, the amount that is equal to the full funding amount for fiscal year 2011.”

(b) SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND.—

(1) AVAILABILITY OF PAYMENTS.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended by striking “2013” each place it appears and inserting “2016”.

(2) ELECTIONS.—Section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(b)) is amended—

(A) in paragraph (1)(A), by striking “by August 1, 2013 (or as soon thereafter as the Secretary concerned determines is practicable), and August 1 of each second fiscal year thereafter” and inserting “by August 1 of each applicable fiscal year (or as soon thereafter as the Secretary concerned determines is practicable)”; and

(B) in paragraph (2)(B)—

(i) by striking “in 2013” and inserting “in 2014”; and

(ii) by striking “fiscal year 2013” and inserting “fiscal year 2016”.

(3) ELECTION AS TO USE OF BALANCE.—Section 102(d)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)(1)) is amended—

(A) in subparagraph (B)(ii), by striking “not more than 7 percent of the total share for the eligible county of the State payment or the county payment” and inserting “any portion of the balance”; and

(B) by striking subparagraph (C) and inserting the following:

“(C) COUNTIES WITH MAJOR DISTRIBUTIONS.—In the case of each eligible county to which \$350,000 or more is distributed for any fiscal year pursuant to paragraph (1)(B) or (2)(B) of subsection (a), the eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

“(i) Reserve any portion of the balance for projects in accordance with title II.

“(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

“(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.”

(4) NOTIFICATION OF ELECTION.—Section 102(d)(3)(A) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)(3)(A)) is amended by striking “2012,” and inserting “2014 (or as soon thereafter as the Secretary concerned determines is practicable)”.

(5) FAILURE TO ELECT.—Section 102(d)(3)(B)(ii) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)(3)(B)(ii)) is amended by striking “purpose described in section 202(b)” and inserting “purposes described in section 202(b), 203(c), or 204(a)(5)”.

(6) DISTRIBUTION OF PAYMENTS TO ELIGIBLE COUNTIES.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking “2013” and inserting “2016”.

(c) CONTINUATION OF AUTHORITY TO CONDUCT SPECIAL PROJECTS ON FEDERAL LAND.—

(1) SUBMISSION OF PROJECT PROPOSALS.—Section 203(a)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7123(a)(1)) is amended by striking “September 30 for fiscal year 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2013” and inserting “September 30 of each applicable fiscal year (or as soon thereafter as the Secretary concerned determines is practicable)”.

(2) EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.—Section 204(e) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7124(e)) is amended by striking paragraph (3).

(3) RESOURCE ADVISORY COMMITTEES.—Section 205(a)(4) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(a)(4)) is amended by striking “2012” each place it appears and inserting “2015”.

(4) AVAILABILITY OF PROJECT FUNDS.—Section 207(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7127(a)) is amended by striking “September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2013” and inserting “September 30 of

each applicable fiscal year (or as soon thereafter as the Secretary concerned determines is practicable)".

(5) **TERMINATION OF AUTHORITY.**—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) is amended—

(A) in subsection (a), by striking "2013" and inserting "2016 (or as soon thereafter as the Secretary concerned determines is practicable)"; and

(B) in subsection (b), by striking "2014" and inserting "2017".

(d) **CONTINUATION OF AUTHORITY TO RESERVE AND USE COUNTY FUNDS.**—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(1) in subsection (a), by striking "2013" and inserting "2016 (or as soon thereafter as the Secretary concerned determines is practicable)"; and

(2) in subsection (b), by striking "September 30, 2014, shall be returned to the Treasury of the United States" and inserting "September 30, 2017, may be retained by the counties for the purposes identified in section 302(a)(2)".

(e) **AUTHORIZATION OF APPROPRIATIONS.**—Section 402 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7152) is amended by striking "2013" and inserting "2016".

(f) **AVAILABILITY OF FUNDS.**—

(1) **TITLE II FUNDS.**—Any funds that were not obligated as required by section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) (as in effect on the day before the date of enactment of this Act) shall be available for use in accordance with title II of that Act (16 U.S.C. 7121 et seq.).

(2) **TITLE III FUNDS.**—Any funds that were not obligated as required by section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) (as in effect on the day before the date of enactment of this Act) shall be available for use in accordance with title III of that Act (16 U.S.C. 7141 et seq.).

SEC. 10302. RESTORING MANDATORY FUNDING STATUS TO THE PAYMENT IN LIEU OF TAXES PROGRAM.

Section 6906 of title 31, United States Code, is amended in the matter preceding paragraph (1), by striking "of fiscal years 2008 through 2014" and inserting "fiscal year".

SA 2238. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 128, line 7, insert "the school receives a waiver from the State educational agency and" after "if".

SA 2239. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

Beginning on page 53, strike line 6 and all that follows through line 3 on page 54 and insert the following:

"(i)(I) Annually establishes State-designed ambitious but achievable goals for all stu-

dents and separately for each of the categories of students in the State. Such goals shall expect accelerated academic gains from the categories of students who are the farthest away from reaching the State-determined multi-year goals as described in subclause (II) and the graduation rate goals as described in subclause (III) and shall include, at a minimum—

"(aa) academic achievement, which may include student growth, on the State assessments under paragraph (2); and

"(bb) high school graduation rates, including—

"(AA) the 4-year adjusted cohort graduation rate; and

"(BB) at the State's discretion, the extended-year adjusted cohort graduation rate.

"(II) Sets multi-year goals that are consistent with the challenging State academic standards under subsection (b)(1)(A) to ensure that all students graduate prepared to enter the workforce or postsecondary education without the need for postsecondary remediation.

"(III) Sets a multi-year graduation rate goal of not less than 90 percent.

SA 2240. Mr. SCHATZ (for himself, Ms. MURKOWSKI, and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 1020 . REPORT ON NATIVE AMERICAN LANGUAGE MEDIUM EDUCATION.

(a) **PURPOSE.**—The purpose of this section is to authorize a study to evaluate all levels of education being provided primarily through the medium of Native languages and to require a report of the findings, within the context of the findings, purposes, and provisions of the Native American Languages Act (25 U.S.C. 2901), the findings, purposes, and provisions of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and other related laws.

(b) **STUDY AND REVIEW.**—The Secretary of Education shall award grants to eligible entities to study and review Native language medium schools and programs.

(c) **ELIGIBLE ENTITY DEFINED.**—In this section, the term "eligible entity" means a consortium that—

(1) includes not less than 3 units of an institution of higher education, such as a department, center, or college, that has significant experience—

(A) and expertise in Native American or Alaska Native languages, and Native language medium education; and

(B) in outreach and collaboration with Native communities;

(2) has within its membership at least 10 years of experience—

(A) addressing a range of Native American or Alaska Native languages and indigenous language medium education issues through the lens of Native studies, linguistics, and education; and

(B) working in close association with a variety of schools and programs taught predominantly through the medium of a Native language;

(3) includes for each of American Indians, Alaska Natives, and Native Hawaiians, at least 1 unit of an institution of higher education that focuses on schools that serve such populations; and

(4) includes Native American scholars and staff who are fluent in Native American languages.

(d) **APPLICATIONS.**—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary of Education that—

(1) identifies 1 unit in the consortium that is the lead unit of the consortium for the study, reporting, and funding purposes;

(2) includes letters of verification of participation from the top internal administrators of each unit in the consortium;

(3) includes a brief description of how the consortium meets the eligibility qualifications under subsection (c);

(4) describes the work proposed to carry out the purpose of this section; and

(5) provides other information as requested by the Secretary of Education.

(e) **SCOPE OF STUDY.**—An eligible entity that receives a grant under this section shall use the grant funds to study and review Native American language medium schools and programs and evaluate the components, policies, and practices of successful Native language medium schools and programs and how the students who enroll in them do over the long term, including—

(1) the level of expertise in educational pedagogy, Native language fluency, and experience of the principal, teachers, paraprofessionals, and other educational staff;

(2) how such schools and programs are using Native languages to provide instruction in reading, language arts, mathematics, science, and, as applicable, other core academic subjects;

(3) how such school and programs' curricula incorporates the relevant Native culture of the students;

(4) how such schools and programs assess the academic proficiency of the students, including—

(A) whether the school administers assessments of language arts, mathematics, science, and other academic subjects in the Native language of instruction;

(B) whether the school administers assessments of language arts, mathematics, science, and other academic subjects in English; and

(C) how the standards measured by the assessments in the Native language of instruction and in English compare;

(5) the academic, graduation rate, and other outcomes of students who have completed the highest grade taught primarily through such schools or programs, including, when available, college attendance rates compared with demographically similar students who did not attend a school in which the language of instruction was a Native language; and

(6) other appropriate information consistent with the purpose of this section.

(f) **OTHER ENTITIES.**—An eligible entity may enter into a contract with another individual, entity, or organization to assist in carrying out research necessary to fulfill the purpose of this section.

(g) **RECOMMENDATIONS.**—Not later than 18 months after the date of enactment of this Act, an eligible entity that receives a grant under this section shall—

(1) develop a detailed statement of findings and conclusions regarding the study completed under subsection (e), including recommendations for such legislative and administrative actions as the eligible entity considers to be appropriate; and

(2) submit a report setting forth the findings and conclusions, including recommendations, described in paragraph (1) to each of the following:

(A) The Committee on Health, Education, Labor, and Pensions of the Senate.

(B) The Committee on Education and the Workforce of the House of Representatives.

(C) The Committee on Indian Affairs of the Senate.

(D) The Subcommittee on Indian, Insular, and Alaska Native Affairs of the House of Representatives.

(E) The Secretary of Education.

(F) The Secretary of the Interior.

SA 2241. Mr. MURPHY (for himself, Mr. BOOKER, Mr. COONS, Ms. WARREN, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 26, strike lines 5 through 9.

On page 27, line 11, strike “goals, or metrics” and insert “or goals”.

On page 27, strike lines 13 through 17.

Beginning on page 53, strike line 6 and all that follows through page 58, line 25, and insert the following:

“(i) Establishes measurable State-designed goals for all students and separately for each of the categories of students in the State that take into account the progress necessary for all students and each of the categories of students to graduate from high school prepared for postsecondary education or the workforce without the need for postsecondary remediation, which shall be based on a composite of the following indicators:

“(I) Academic achievement, which may include student growth, on the State assessments under paragraph (2).

“(II) High school graduation rates, including—

“(aa) the 4-year adjusted cohort graduation rate; and

“(bb) at the State’s discretion, the extended-year adjusted cohort graduation rate.

“(III) For public elementary schools and secondary schools that are not high schools, an academic indicator of student performance that is valid and reliable and the same statewide for all public elementary school students and all students at such secondary schools and each category of students and which is consistent with progress toward readiness for postsecondary education or the workforce without the need for postsecondary remediation, which may include—

“(aa) measures of early literacy skills;

“(bb) performance measures aligned to the State’s challenging academic standards;

“(cc) student project-based assessments or student portfolios that meet assessment requirements under clauses (i) through (v), (vii), (viii), and (x) through (xiii) of paragraph (2)(B); or

“(dd) on-track rates to postsecondary education or the workforce without the need for postsecondary remediation.

“(IV) English language proficiency of all English learners towards meeting the goals described in subsection (c)(1)(K) in all public schools and local educational agencies, which may include measures of student growth.

“(V) Not less than one other valid and reliable indicator of student readiness to enter postsecondary education or the workforce without the need for remediation, that will be applied to all local educational agencies and all public schools consistently throughout the State for all students and for each of the categories of students, which may include measures of—

“(aa) successful completion of Advanced Placement, International Baccalaureate, dual or concurrent enrollment, or early college high school courses;

“(bb) student project-based assessments or student portfolios that meet assessment re-

quirements under clauses (i) through (v), (vii), (viii), and (x) through (xiii) of paragraph (2)(B);

“(cc) student attainment of industry-recognized credentials for career and technical education; or

“(dd) performance measures aligned to the State’s challenging academic standards.

“(VI) Not less than one other valid and reliable indicator of school quality, student success, or student supports, as determined appropriate by the State, that will be applied to all local educational agencies and public schools consistently throughout the State for all students and for each of the categories of students, which may include measures of—

“(aa) student engagement, such as attendance rates and chronic absenteeism;

“(bb) educator engagement, such as educator satisfaction (including working conditions within the school), teacher quality and effectiveness, and teacher absenteeism;

“(cc) results from student, parent, and educator surveys;

“(dd) school climate and safety, such as incidents of school violence, bullying, and harassment, and disciplinary rates, including rates of suspension, expulsion, referrals to law enforcement, school-based arrests, disciplinary transfers (including placements in alternative schools), and student detentions;

“(ee) student access to or success in advanced coursework or educational programs or opportunities; and

“(ff) any other State-determined measure of school quality or student success.

“(VII) In carrying out this clause and in developing the composite goals for all students and for each category of students, the indicators described in subclauses (I), (II), (III), and (IV) shall weigh more heavily than the indicators described in subclauses (V) and (VI) combined.

“(ii) Establishes a system of annually identifying and meaningfully differentiating among all public schools in the State, which shall—

“(I) be based on the goals described in clause (i) for all students and separately for each of the categories of students; and

“(II) differentiate schools where any category of students miss the goals described in clause (i) for 2 consecutive years.

“(iii) For public schools receiving assistance under this part, meets the requirements of section 1114.

“(iv) Provides a clear and understandable explanation of the method of identifying and meaningfully differentiating schools under clause (ii).

“(v) Measures the annual progress of not less than 95 percent of all students, and students in each of the categories of students, who are enrolled in the school and are required to take the assessments under paragraph (2) and provides a clear and understandable explanation of how the State will factor this requirement into the State-designed accountability system determinations.

On page 61, line 13, strike “(3)(B)(ii)(II)(aa)” and insert “(3)(B)(i)(III)”.

On page 61, line 14, strike “paragraph (3)(B)(ii)(IV)” and insert “subclause (V) or (VI) of paragraph (3)(B)(i)”.

On page 61, lines 18 and 19, strike “subclauses (III) and (IV) of paragraph (3)(B)(ii)” and insert “subclauses (IV), (V), and (VI) of paragraph (3)(B)(i)”.

Beginning on page 61, strike line 22 and all that follows through page 62, line 4.

Beginning on page 62, strike line 23 and all that follows through page 63, line 25 and insert the following:

“(i) the minimum number of students that the State determines are necessary to be included in each such category of students to

carry out such requirements and how that number is statistically sound and is the same for each category of students;

“(ii) how such minimum number of students was determined by the State, including how the State collaborated with teachers, principals, other school leaders, parents, and other stakeholders when setting the minimum number; and

“(iii) how the State ensures that such minimum number does not reveal personally identifiable information about students;

“(B) the State educational agency’s system to monitor and evaluate the intervention and support strategies implemented by local educational agencies in schools identified as in need of intervention and support under section 1114(a)(1)(A), and, if such strategies are not effective within 3 years of implementation, the steps the State will take to further assist local educational agencies;

Beginning on page 146, strike line 3 and all that follows through page 156, line 2, and insert the following:

“(a) STATE REVIEW AND RESPONSIBILITIES.—

“(1) IN GENERAL.—Each State educational agency receiving funds under this part shall use the system designed by the State under section 1111(b)(3) to annually—

“(A) meaningfully differentiate among all public schools, including public schools operated or supported by the Bureau of Indian Education, that receive funds under this part and are in need of intervention and support using the method established by the State in section 1111(b)(3)(B)(ii) which—

“(i) may include establishing multiple levels of school performance or other methods for differentiating among all public schools; and

“(ii) shall include the identification of at least—

“(I) the lowest-performing public schools that receive funds under this part in the State not meeting the goals described in section 1111(b)(3)(B)(i), and which shall include at least 5 percent of all the State’s public schools that receive funds under this part;

“(II) any public high school that receives funds under this part and has a 4-year adjusted cohort graduation rate at or below 67 percent for 2 or more consecutive years, or an extended-year adjusted cohort graduation rate for 2 or more consecutive years that is at or below a rate determined by the State and set higher than 67 percent; and

“(III) any public school that receives funds under this part with any category of students, as defined in section 1111(b)(3)(A), not meeting the goals described in section 1111(b)(3)(B)(i) for 2 consecutive years;

“(B) require for inclusion—

“(i) on each local educational agency report card required under section 1111(d), the names of schools served by the agency described under subparagraph (A)(ii); and

“(ii) on each school report card required under section 1111(d), whether the school was described under subparagraph (A)(ii);

“(C) ensure that all public schools that receive funds under this part and are identified as in need of intervention and support under subparagraph (A), implement an evidence-based intervention or support strategy designed by the State or local educational agency described in subparagraph (A) or (B) of subsection (b)(3) that addresses the reason for the school’s identification and that takes into account performance on all of the indicators in the State’s accountability system under section 1111(b)(3)(B)(i);

“(D) prioritize intervention and supports in the identified schools most in need of intervention and support, as determined by the State, using the results of the accountability system under 1111(b)(3)(B); and

“(E) monitor and evaluate the implementation of school intervention and support

strategies by local educational agencies, including in the lowest-performing elementary schools and secondary schools in the State, and use the results of the evaluation to take appropriate steps to change or improve interventions or support strategies as necessary.

“(2) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—

“(A) make technical assistance available to local educational agencies that serve schools identified as in need of intervention and support under paragraph (1)(A);

“(B) if the State educational agency determines that a local educational agency failed to carry out its responsibilities under this section, or that its intervention and support strategies were not effective within 3 years of implementation, take such actions as the State educational agency determines to be appropriate and in compliance with State law to assist the local educational agency and ensure that such local educational agency is carrying out its responsibilities;

“(C) inform local educational agencies of schools identified as in need of intervention and support under paragraph (1)(A) in a timely and easily accessible manner that is before the beginning of the school year; and

“(D) publicize and disseminate to the public, including teachers, principals and other school leaders, and parents, the results of the State review under paragraph (1).

“(b) LOCAL EDUCATIONAL AGENCY REVIEW AND RESPONSIBILITIES.—

“(1) IN GENERAL.—Each local educational agency with a school identified as in need of intervention and support under subsection (a)(1)(A) shall, in consultation with teachers, principals and other school leaders, school personnel, parents, and community members—

“(A) conduct a review of such school, including by examining the indicators and measures included in the State-determined accountability system described in section 1111(b)(3)(B) to determine the factors that led to such identification;

“(B) conduct a review of the policies, procedures, personnel decisions, and budgetary decisions of the local educational agency, including the measures on the local educational agency and school report cards under section 1111(d) that impact the school and could have contributed to the identification of the school;

“(C) develop and implement appropriate intervention and support strategies, as described in paragraph (3), that are proportional to the identified needs of the school, for assisting the identified school;

“(D) develop a rigorous comprehensive plan that will be publicly available and provided to parents, for ensuring the successful implementation of the intervention and support strategies described in paragraph (3) in identified schools, which may include—

“(i) technical assistance that will be provided to the school;

“(ii) ensuring identified schools have access to resources, such as adequate facilities, funding, and technology;

“(iii) improved delivery of services to be provided by the local educational agency;

“(iv) increased support for stronger curriculum, program of instruction, wraparound services, or other resources provided to students in the school;

“(v) any changes to personnel necessary to improve educational opportunities for children in the school;

“(vi) redesigning how time for student learning or teacher collaboration is used within the school;

“(vii) using data to inform instruction for continuous improvement;

“(viii) providing increased coaching or support for principals and other school leaders and teachers;

“(ix) improving school climate and safety;

“(x) providing ongoing mechanisms, such as evidence-based community schools and wraparound services, for family and community engagement to improve student learning;

“(xi) establishing partnerships with entities, including private entities with a demonstrated record of improving student achievement, that will assist the local educational agency in fulfilling its responsibilities under this section; and

“(xii) an ongoing process, involving parents, teachers and their representatives, principals, and other school leaders, to improve school leader and staff engagement in the development and implementation of the comprehensive plan; and

“(E) collect and use data on an ongoing basis to monitor the results of the intervention and support strategies and adjust such strategies as necessary during implementation in order to improve student academic achievement.

“(2) NOTICE TO PARENTS.—A local educational agency shall promptly provide to a parent or parents of each student enrolled in a school identified as in need of intervention and support under subsection (a)(1)(A) in an easily accessible and understandable form and, to the extent practicable, in a language that parents can understand—

“(A) an explanation of what the identification means, and how the school compares in terms of academic achievement and other measures in the State accountability system under section 1111(b)(3)(B) to other schools served by the local educational agency and the State educational agency involved;

“(B) the reasons for the identification;

“(C) an explanation of what the local educational agency or State educational agency is doing to help the school address student academic achievement and other measures, including a description of the intervention and support strategies developed under paragraph (1)(C) that will be implemented in the school;

“(D) an explanation of how the parents can become involved in addressing academic achievement and other measures that caused the school to be identified; and

“(E) an explanation of the parents' option to transfer their child to another public school under paragraph (4), if applicable.

“(3) SCHOOL INTERVENTION AND SUPPORT STRATEGIES.—

“(A) IN GENERAL.—Consistent with subsection (a)(1) and paragraph (1), a local educational agency shall develop and implement evidence-based intervention and support strategies for an identified school that the local educational agency determines appropriate to address the needs of students in such identified school, which shall—

“(i) be designed to address the specific reasons for identification, as described in paragraph (1)(A);

“(ii) take into account performance on the indicators used by the State as described in 1111(b)(3)(B)(i);

“(iii) be implemented, at a minimum, in a manner that is proportional to the specific reasons for identification, as described in subparagraphs (A) and (B) of paragraph (1); and

“(iv) distinguish between the schools identified in subclauses (I) and (II) of subsection (a)(1)(A)(ii) and in need of comprehensive supports and schools identified in subsection (a)(1)(A)(ii)(III) in need of targeted supports.

“(B) STATE-DETERMINED STRATEGIES.—Consistent with State law, a State educational agency may establish alternative evidence-based State-determined strategies that can

be used by local educational agencies to assist a school identified as in need of intervention and support under subsection (a)(1)(A), in addition to the assistance strategies developed by a local educational agency under subparagraph (A).

“(4) PUBLIC SCHOOL CHOICE.—

“(A) IN GENERAL.—A local educational agency may provide all students enrolled in a school identified as in need of intervention and support under subclauses (I) and (II) of subsection (a)(1)(A)(ii) with the option to transfer to another public school served by the local educational agency, unless such an option is prohibited by State law.

“(B) PRIORITY.—In providing students the option to transfer to another public school, the local educational agency shall give priority to the lowest achieving children from low-income families, as determined by the local educational agency for the purposes of allocating funds to schools under section 1113(a)(3).

“(C) TREATMENT.—Students who use the option to transfer to another public school shall be enrolled in classes and other activities in the public school to which the students transfer in the same manner as all other children at the public school.

“(D) SPECIAL RULE.—A local educational agency shall permit a child who transfers to another public school under this paragraph to remain in that school until the child has completed the highest grade in that school.

“(E) FUNDING FOR TRANSPORTATION.—A local educational agency may spend an amount equal to not more than 5 percent of its allocation under subpart 2 to pay for the provision of transportation for students who transfer under this paragraph to the public schools to which the students transfer.

On page 156, strike lines 13 through 15.

SA 2242. Mr. CASEY (for himself, Mrs. MURRAY, Ms. HIRONO, Mr. DURBIN, Mr. MURPHY, Mr. HEINRICH, Ms. BALDWIN, Mr. UDALL, Mr. SCHATZ, Ms. MIKULSKI, Mr. FRANKEN, Mr. MARKEY, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. WYDEN, Mr. COONS, Ms. WARREN, Ms. CANTWELL, Mrs. SHAHEEN, Mr. SCHUMER, Mr. SANDERS, Mr. BOOKER, Mr. TESTER, Mr. REED, Ms. KLOBUCHAR, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

PART C—UNIVERSAL PREKINDERGARTEN

Subpart A—Prekindergarten Access

SEC. 10300. SHORT TITLE.

This part may be cited as the “Strong Start for America’s Children Act of 2015”.

SEC. 10301. PURPOSES.

The purposes of this subpart are to—

(1) establish a Federal-State partnership to provide access to high-quality public prekindergarten programs for all children from low-income and moderate-income families to ensure that they enter kindergarten prepared for success;

(2) broaden participation in such programs to include children from additional middle-class families;

(3) promote access to high-quality kindergarten, and high-quality early childhood education programs and settings for children; and

(4) increase access to appropriate supports so children with disabilities and other children who need specialized supports can fully participate in high-quality early education programs.

SEC. 10302. DEFINITIONS.

In this subpart:

(1) **CHILD WITH A DISABILITY.**—The term “child with a disability” means—

(A) a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401); or

(B) an infant or toddler with a disability, as defined in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

(2) **COMPREHENSIVE EARLY LEARNING ASSESSMENT SYSTEM.**—The term “comprehensive early learning assessment system”—

(A) means a coordinated and comprehensive system of multiple assessments, each of which is valid and reliable for its specified purpose and for the population with which it will be used, that—

(i) organizes information about the process and context of young children’s learning and development to help early childhood educators make informed instructional and programmatic decisions; and

(ii) conforms to the recommendations of the National Research Council reports on early childhood; and

(B) includes, at a minimum—

(i) child screening measures to identify children who may need follow-up services to address developmental, learning, or health needs in, at a minimum, areas of physical health, behavioral health, oral health, child development, vision, and hearing;

(ii) child formative assessments;

(iii) measures of environmental quality; and

(iv) measures of the quality of adult-child interactions.

(3) **DUAL LANGUAGE LEARNER.**—The term “dual language learner” means an individual who is limited English proficient.

(4) **EARLY CHILDHOOD EDUCATION PROGRAM.**—The term “early childhood education program” has the meaning given the term under section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(5) **ELEMENTARY SCHOOL.**—The term “elementary school” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) **ELIGIBILITY DETERMINATION DATE.**—The term “eligibility determination date” means the date used to determine eligibility for public elementary school in the community in which the eligible local entity involved is located.

(7) **ELIGIBLE LOCAL ENTITY.**—The term “eligible local entity” means—

(A) a local educational agency, including a charter school or a charter management organization that acts as a local educational agency, or an educational service agency in partnership with a local educational agency;

(B) an entity (including a Head Start program or licensed child care setting) that carries out, administers, or supports an early childhood education program; or

(C) a consortium of entities described in subparagraph (A) or (B).

(8) **FULL-DAY.**—The term “full-day” means a day that is—

(A) equivalent to a full school day at the public elementary schools in a State; and

(B) not less than 5 hours a day.

(9) **GOVERNOR.**—The term “Governor” means the chief executive officer of a State.

(10) **HIGH-QUALITY PREKINDERGARTEN PROGRAM.**—The term “high-quality prekindergarten program” means a prekindergarten program supported by an eligible local enti-

ty that includes, at a minimum, the following elements based on nationally recognized standards:

(A) Serves children who—

(i) are age 4 or children who are age 3 or 4, by the eligibility determination date (including children who turn age 5 while attending the program); or

(ii) have attained the legal age for State-funded prekindergarten.

(B) Requires high qualifications for staff, including that teachers meet the requirements of 1 of the following clauses:

(i) The teacher has a bachelor’s degree in early childhood education or a related field with coursework that demonstrates competence in early childhood education.

(ii) The teacher—

(I) has a bachelor’s degree in any field;

(II) has demonstrated knowledge of early childhood education by passing a State-approved assessment in early childhood education;

(III) while employed as a teacher in the prekindergarten program, is engaged in ongoing professional development in early childhood education for not less than 2 years; and

(IV) not more than 4 years after starting employment as a teacher in the prekindergarten program, enrolls in and completes a State-approved educator preparation program in which the teacher receives training and support in early childhood education.

(iii) The teacher has bachelor’s degree with a credential, license, or endorsement that demonstrates competence in early childhood education.

(C) Maintains an evidence-based maximum class size.

(D) Maintains an evidence-based child to instructional staff ratio.

(E) Offers a full-day program.

(F) Provides developmentally appropriate learning environments and evidence-based curricula that are aligned with the State’s early learning and development standards described in section 10305(1).

(G) Offers instructional staff salaries comparable to kindergarten through grade 12 teaching staff.

(H) Provides for ongoing monitoring and program evaluation to ensure continuous improvement.

(I) Offers accessible comprehensive services for children that include, at a minimum—

(i) screenings for vision, hearing, dental, health (including mental health), and development (including early literacy and math skill development) and referrals, and assistance obtaining services, when appropriate;

(ii) family engagement opportunities that take into account home language, such as parent conferences (including parent input about their child’s development) and support services, such as parent education, home visiting, and family literacy services;

(iii) nutrition services, including nutritious meals and snack options aligned with requirements set by the most recent Child and Adult Care Food Program guidelines promulgated by the Department of Agriculture as well as regular, age-appropriate, nutrition education for children and their families;

(iv) programs in coordination with local educational agencies and entities providing services and supports authorized under part B and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.; 1431 et seq.) to ensure the full participation of children with disabilities;

(v) physical activity programs aligned with evidence-based guidelines, such as those recommended by the Institute of Medicine, and which take into account and accommodate children with disabilities;

(vi) additional support services, as appropriate, based on the findings of the community assessment, as described in section 10311(b)(4); and

(vii) on-site coordination, to the maximum extent practicable.

(J) Provides high-quality professional development for all staff, including regular in-classroom observation for teachers and teacher assistants by individuals trained in such observation and which may include evidence-based coaching.

(K) Meets the education performance standards in effect under section 641A(a)(1)(B) of the Head Start Act (42 U.S.C. 9836a(a)(1)(B)).

(L) Maintains evidence-based health and safety standards.

(M) Maintains disciplinary policies that do not include expulsion or suspension of participating children, except as a last resort in extraordinary circumstances where—

(i) there is a determination of a serious safety threat; and

(ii) policies are in place to provide appropriate alternative early educational services to expelled or suspended children while they are out of school.

(11) **HOMELESS CHILD.**—The term “homeless child” means a child or youth described in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)).

(12) **INDIAN TRIBE; TRIBAL ORGANIZATION.**—The terms “Indian tribe” and “tribal organization” have the meanings given the terms in 658P of the Child Care and Development Block Grant of 1990 (42 U.S.C. 9858n).

(13) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(14) **LIMITED ENGLISH PROFICIENT.**—The term “limited English proficient” has the meaning given the term in section 637 of the Head Start Act (42 U.S.C. 9832).

(15) **LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY; EDUCATIONAL SERVICE AGENCY.**—The terms “local educational agency”, “State educational agency”, and “educational service agency” have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(16) **MIGRATORY CHILD.**—The term “migratory child” has the meaning given the term in section 1309 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399).

(17) **OUTLYING AREA.**—The term “outlying area” means each of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands.

(18) **POVERTY LINE.**—The term “poverty line” means the official poverty line (as defined by the Office of Management and Budget)—

(A) adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor for the most recent 12-month period or other interval for which the data are available; and

(B) applicable to a family of the size involved.

(19) **SECONDARY SCHOOL.**—The term “secondary school” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(20) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

(21) **STATE.**—Except as otherwise provided in this subpart, the term “State” means

each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

(22) STATE ADVISORY COUNCIL ON EARLY CHILDHOOD EDUCATION AND CARE.—The term “State Advisory Council on Early Childhood Education and Care” means the State Advisory Council on Early Childhood Education and Care established under section 642B(b) of the Head Start Act (42 U.S.C. 9837b(b)).

SEC. 10303. PROGRAM AUTHORIZATION.

From amounts made available to carry out this subpart, the Secretary, in consultation with the Secretary of Health and Human Services, shall award grants to States to implement high-quality prekindergarten programs, consistent with the purposes of this subpart described in section 10301. For each fiscal year, the funds provided under a grant to a State shall equal the allotment determined for the State under section 10304.

SEC. 10304. ALLOTMENTS AND RESERVATIONS OF FUNDS.

(a) RESERVATION.—From the amount made available each fiscal year to carry out this subpart, the Secretary shall—

(1) reserve not less than 1 percent and not more than 2 percent for payments to Indian tribes and tribal organizations;

(2) reserve one-half of 1 percent for the outlying areas to be distributed among the outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this subpart;

(3) reserve one-half of 1 percent for eligible local entities that serve children in families who are engaged in migrant or seasonal agricultural labor; and

(4) reserve not more than 1 percent or \$30,000,000, whichever amount is less, for national activities, including administration, technical assistance, and evaluation.

(b) ALLOTMENTS.—

(1) IN GENERAL.—From the amount made available each fiscal year to carry out this subpart and not reserved under subsection (a), the Secretary shall make allotments to States in accordance with paragraph (2) that have submitted an approved application.

(2) ALLOTMENT AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall allot the amount made available under paragraph (1) for a fiscal year among the States in proportion to the number of children who are age 4 who reside within the State and are from families with incomes at or below 200 percent of the poverty line for the most recent year for which satisfactory data are available, compared to the number of such children who reside in all such States for that fiscal year.

(B) MINIMUM ALLOTMENT AMOUNT.—No State receiving an allotment under subparagraph (A) may receive less than one-half of 1 percent of the total amount allotted under such subparagraph.

(3) REALLOTMENT AND CARRY OVER.—

(A) IN GENERAL.—If one or more States do not receive an allotment under this subsection for any fiscal year, the Secretary may use the amount of the allotment for that State or States, in such amounts as the Secretary determines appropriate, for either or both of the following:

(i) To increase the allotments of States with approved applications for the fiscal year, consistent with subparagraph (B).

(ii) To carry over the funds to the next fiscal year.

(B) REALLOTMENT.—In increasing allotments under subparagraph (A)(i), the Secretary shall allot to each State with an approved application an amount that bears the same relationship to the total amount to be allotted under subparagraph (A)(i), as the amount the State received under paragraph (2) for that fiscal year bears to the amount

that all States received under paragraph (2) for that fiscal year.

(4) STATE.—For purposes of this subsection, the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(c) FLEXIBILITY.—The Secretary may make minimal adjustments to allotments under subsection (b), which shall neither lead to a significant increase or decrease in a State’s allotment determined under subsection (b), based on a set of factors, such as the level of program participation and the estimated cost of the activities specified in the State plan under section 10306(2).

SEC. 10305. STATE ELIGIBILITY CRITERIA.

A State is eligible to receive a grant under this subpart if the State demonstrates to the Secretary that the State—

(1) has established or will establish early learning and development standards that—

(A) describe what children from birth to kindergarten entry should know and be able to do;

(B) are universally designed and developmentally, culturally, and linguistically appropriate;

(C) are aligned with the State’s challenging academic content standards and challenging student academic achievement standards, as adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)); and

(D) cover all of the essential domains of school readiness, which address—

(i) physical well-being and motor development;

(ii) social and emotional development;

(iii) approaches to learning, including creative arts expression;

(iv) developmentally appropriate oral and written language and literacy development; and

(v) cognition and general knowledge, including early mathematics and early scientific development;

(2) has the ability or will develop the ability to link prekindergarten data with State elementary school and secondary school data for the purpose of collecting longitudinal information for all children participating in the State’s high-quality prekindergarten program and any other federally funded early childhood program that will remain with the child through the child’s public education through grade 12;

(3) offers State-funded kindergarten for children who are eligible children for that service in the State; and

(4) has established a State Advisory Council on Early Childhood Education and Care.

SEC. 10306. STATE APPLICATIONS.

To receive a grant under this subpart, the Governor of a State, in consultation with the Indian tribes and tribal organizations in the State, if any, shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, each such application shall include—

(1) an assurance that the State—

(A) will coordinate with and continue to participate in the programs authorized under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419; 1431 et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and the maternal, infant, and early childhood home visiting programs funded under section 511 of the Social Security Act (42 U.S.C. 711) for the duration of the grant;

(B) will designate a State-level entity (such as an agency or joint interagency office), selected by the Governor, for the administration of the grant, which shall coordinate and consult with the State educational agency if the entity is not the State educational agency; and

(C) will establish, or certify the existence of, program standards for all State prekindergarten programs consistent with the definition of a high-quality prekindergarten program under section 10302;

(2) a description of the State’s plan to—

(A) use funds received under this subpart and the State’s matching funds to provide high-quality prekindergarten programs, in accordance with section 10307(d), with open enrollment for all children in the State who—

(i) are described in section 10302(10)(A); and

(ii) are from families with incomes at or below 200 percent of the poverty line;

(B) develop or enhance a system for monitoring eligible local entities that are receiving funds under this subpart for compliance with quality standards developed by the State and to provide program improvement support, which may be accomplished through the use of a State-developed system for quality rating and improvement;

(C) if applicable, expand participation in the State’s high-quality prekindergarten programs to children from families with incomes above 200 percent of the poverty line;

(D) carry out the State’s comprehensive early learning assessment system, or how the State plans to develop such a system, ensuring that any assessments are culturally, developmentally, and age-appropriate and consistent with the recommendations from the study on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences, consistent with section 649(j) of the Head Start Act (42 U.S.C. 9844);

(E) develop, implement, and make publicly available the performance measures and targets described in section 10309;

(F) increase the number of teachers with bachelor’s degrees in early childhood education, or with bachelor’s degrees in another closely related field and specialized training and demonstrated competency in early childhood education, including how institutions of higher education will support increasing the number of teachers with such degrees and training, including through the use of assessments of prior learning, knowledge, and skills to facilitate and expedite attainment of such degrees;

(G) coordinate and integrate the activities funded under this subpart with Federal, State, and local services and programs that support early childhood education and care, including programs supported under this subpart, the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the Community Services Block Grant Act (42 U.S.C. 9901 et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), the temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the Race to the Top program under section 14006 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), federally funded early literacy programs, the maternal, infant, and early childhood home visiting programs funded under section 511 of the Social Security Act (42 U.S.C. 711), health improvements to child care funded under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the program under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.), the innovation fund program under section 14007 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), programs authorized under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.), the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public

Law 110-351), grants for infant and toddler care through Early Head Start-Child Care Partnerships funded under the heading "CHILDREN AND FAMILIES SERVICES PROGRAMS" under the heading ADMINISTRATION FOR CHILDREN AND FAMILIES in title II of division H of the Department of Health and Human Services Appropriations Act, 2014 (Public Law 113-76; 128 Stat. 377-378), the preschool development grants program funded under the heading "INNOVATION AND IMPROVEMENT" in title III of division G of the Department of Education Appropriations Act, 2015 (Public Law 113-235; 128 Stat. 2496), and any other Federal, State, or local early childhood education programs used in the State;

(H) award subgrants to eligible local entities, and in awarding such subgrants, facilitate a delivery system of high-quality prekindergarten programs that includes diverse providers, such as providers in community-based, public school, and private settings, and consider the system's impact on options for families;

(I) in the case of a State that does not have a State-determined funding mechanism for prekindergarten, use objective criteria in awarding subgrants to eligible local entities that will implement high-quality prekindergarten programs, including actions the State will take to ensure that eligible local entities will coordinate with local educational agencies or other early learning providers, as appropriate, to carry out activities to provide children served under this subpart with a successful transition from preschool into kindergarten, which activities shall include—

(i) aligning curricular objectives and instruction;

(ii) providing staff professional development, including opportunities for joint-professional development on early learning and kindergarten through grade 3 standards, assessments, and curricula;

(iii) coordinating family engagement and support services; and

(iv) encouraging the shared use of facilities and transportation, as appropriate;

(J) use the State early learning and development standards described in section 10305(1) to address the needs of dual language learners, including by incorporating benchmarks related to English language development;

(K) identify barriers, and propose solutions to overcome such barriers, which may include seeking assistance under section 10316, in the State to effectively use and integrate Federal, State, and local public funds and private funds for early childhood education that are available to the State on the date on which the application is submitted;

(L) support articulation agreements (as defined in section 486A of the Higher Education Act of 1965 (20 U.S.C. 1093a)) between public 2-year and public 4-year institutions of higher education and other credit-bearing professional development in the State for early childhood teacher preparation programs and closely related fields;

(M) ensure that the higher education programs in the State have the capacity to prepare a workforce to provide high-quality prekindergarten programs;

(N) support workforce development, including State and local policies that support prekindergarten instructional staff's ability to earn a degree, certification, or other specializations or qualifications, including policies on leave, substitutes, and child care services, including non-traditional hour child care;

(O) hold eligible local entities accountable for use of funds;

(P) ensure that the State's early learning and development standards are integrated into the instructional and programmatic

practices of high-quality prekindergarten programs and related programs and services, such as those provided to children under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419 and 1431 et seq.);

(Q) increase the number of children in the State who are enrolled in high-quality kindergarten programs and carry out a strategy to implement such a plan;

(R) coordinate the State's activities supported by grants under this subpart with activities in State plans required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and the Adult Education and Family Literacy Act (29 U.S.C. 3271 et seq.);

(S) encourage eligible local entities to coordinate with community-based learning resources, such as libraries, arts and arts education programs, appropriate media programs, family literacy programs, public parks and recreation programs, museums, nutrition education programs, and programs supported by the Corporation for National and Community Service;

(T) work with eligible local entities, in consultation with elementary school principals, to ensure that high-quality prekindergarten programs have sufficient and appropriate facilities to meet the needs of children eligible for prekindergarten;

(U) support local early childhood coordinating entities, such as local early childhood councils, if applicable, and help such entities to coordinate early childhood education programs with high-quality prekindergarten programs to ensure effective and efficient delivery of early childhood education program services;

(V) support shared services administering entities, if applicable;

(W) ensure that the provision of high-quality prekindergarten programs will not lead to a diminution in the quality or supply of services for infants and toddlers or disrupt the care of infants and toddlers in the geographic area served by the eligible local entity, which may include demonstrating that the State will direct funds to provide high-quality early childhood education and care to infants and toddlers in accordance with section 10307(d); and

(X) encourage or promote socioeconomic, racial, and ethnic diversity in the classrooms of high-quality prekindergarten programs, as applicable; and

(3) an inventory of the State's higher education programs that prepare individuals for work in a high-quality prekindergarten program, including—

(A) certification programs;

(B) associate degree programs;

(C) baccalaureate degree programs;

(D) masters degree programs; and

(E) other programs that lead to a specialization in early childhood education, or a related field.

SEC. 10307. STATE USE OF FUNDS.

(a) RESERVATION FOR QUALITY IMPROVEMENT ACTIVITIES.—

(1) IN GENERAL.—A State that receives a grant under this subpart may reserve, for not more than the first 4 years such State receives such a grant, not more than 20 percent of the grant funds for quality improvement activities that support the elements of high-quality prekindergarten programs. Such quality improvement activities may include supporting teachers, center directors, and principals in a State's high-quality prekindergarten program, licensed or regulated child care, or Head Start programs to enable

such teachers, principals, or directors to earn a baccalaureate degree in early childhood education, or a closely related field, through activities which may include—

(A) expanding or establishing scholarships, counseling, and compensation initiatives to cover the cost of tuition, fees, materials, transportation, and release time for such teachers;

(B) providing ongoing professional development opportunities, including regular in-classroom observation by individuals trained in such observation, for such teachers, directors, principals, and teachers assistants to enable such teachers, directors, principals, and teachers assistants to carry out the elements of high-quality prekindergarten programs, which may include activities that address—

(i) promoting children's development across all of the essential domains of early learning and development;

(ii) developmentally appropriate curricula and teacher-child interaction;

(iii) effective family engagement;

(iv) providing culturally competent instruction;

(v) working with a diversity of children and families, including children with disabilities and dual language learners;

(vi) childhood nutrition and physical education programs;

(vii) supporting the implementation of evidence-based curricula;

(viii) social and emotional development; and

(ix) incorporating age-appropriate strategies of positive behavioral interventions and supports; and

(C) providing families with increased opportunities to learn how best to support their children's physical, cognitive, social, and emotional development during the first 5 years of life.

(2) NOT SUBJECT TO MATCHING.—The amount reserved under paragraph (1) shall not be subject to the matching requirements under section 10310.

(3) COORDINATION.—A State that reserves an amount under paragraph (1) shall coordinate the use of such amount with activities funded under section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) and the Head Start Act (42 U.S.C. 9831 et seq.).

(4) CONSTRUCTION.—A State may not use funds reserved under this subsection to meet the requirement described in 10302(10)(G).

(b) SUBGRANTS FOR HIGH-QUALITY PREKINDERGARTEN PROGRAMS.—A State that receives a grant under this subpart shall award subgrants of sufficient size to eligible local entities to enable such eligible local entities to implement high-quality prekindergarten programs for children who—

(1) are described in section 10302(10)(A);

(2) reside within the State; and

(3) are from families with incomes at or below 200 percent of the poverty line.

(c) ADMINISTRATION.—A State that receives a grant under this subpart may reserve not more than 1 percent of the grant funds for administration of the grant, and may use part of that reservation for the maintenance of the State Advisory Council on Early Childhood Education and Care.

(d) EARLY CHILDHOOD EDUCATION AND CARE PROGRAMS FOR INFANTS AND TODDLERS.—

(1) USE OF ALLOTMENT FOR INFANTS AND TODDLERS.—An eligible State may apply to use, and the appropriate Secretary may grant permission for the State to use, not more than 15 percent of the funds made available through a grant received under this subpart to award subgrants to early childhood education programs to provide, consistent with the State's early learning and

development guidelines for infants and toddlers, high-quality early childhood education and care to infants and toddlers who reside within the State and are from families with incomes at or below 200 percent of the poverty line.

(2) APPLICATION.—To be eligible to use the grant funds as described in paragraph (1), the State shall submit an application to the appropriate Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall, at a minimum, include a description of how the State will—

(A) designate a lead agency which shall administer such funds;

(B) ensure that such lead agency, in coordination with the State's Advisory Council on Early Childhood Education and Care, will collaborate with other agencies in administering programs supported under this subsection for infants and toddlers in order to obtain input about the appropriate use of such funds and ensure coordination with programs for infants and toddlers funded under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.) (including any Early Learning Quality Partnerships established in the State under section 645B of the Head Start Act, as added by section 202), the Race to the Top program under section 14006 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), the maternal, infant, and early childhood home visiting programs funded under section 511 of the Social Security Act (42 U.S.C. 711), part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), and grants for infant and toddler care through Early Head Start-Child Care Partnerships funded under the heading "CHILDREN AND FAMILIES SERVICES PROGRAMS" under the heading ADMINISTRATION FOR CHILDREN AND FAMILIES in title II of division H of the Department of Health and Human Services Appropriations Act, 2014 (Public Law 113-76; 128 Stat. 377-378);

(C) ensure that infants and toddlers who benefit from amounts made available under this subsection will transition to and have the opportunity to participate in a high-quality prekindergarten program supported under this subpart;

(D) in awarding subgrants, give preference to early childhood education programs that have a written formal plan with baseline data, benchmarks, and timetables to increase access to and full participation in high-quality prekindergarten programs for children who need additional support, including children with developmental delays or disabilities, children who are dual language learners, homeless children, children who are in foster care, children of migrant families, children eligible for a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), or children in the child welfare system; and

(E) give priority to activities carried out under this subsection that will increase access to high-quality early childhood education programs for infants and toddlers in local areas with significant concentrations of low-income families that do not currently benefit from such programs.

(3) ELIGIBLE PROVIDERS.—A State may use the grant funds as described in paragraph (1) to serve infants and toddlers only by working with early childhood education program providers that—

(A) offer full-day, full-year care, or otherwise meet the needs of working families; and

(B) meet high-quality standards, such as—

(1) Early Head Start program performance standards under the Head Start Act (42 U.S.C. 9831 et seq.); or

(ii) high-quality, demonstrated, valid, and reliable program standards that have been established through a national entity that accredits early childhood education programs.

(4) FEDERAL ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall bear responsibility for obligating and disbursing funds to support activities under this subsection and ensuring compliance with applicable laws and administrative requirements, subject to paragraph (3).

(B) INTERAGENCY AGREEMENT.—The Secretary of Education and the Secretary of Health and Human Services shall jointly administer activities supported under this subsection on such terms as such Secretaries shall set forth in an interagency agreement. The Secretary of Health and Human Services shall be responsible for any final approval of a State's application under this subsection that addresses the use of funds designated for services to infants and toddlers.

(C) APPROPRIATE SECRETARY.—In this subsection, the term "appropriate Secretary" used with respect to a function, means the Secretary designated for that function under the interagency agreement.

SEC. 10308. ADDITIONAL PREKINDERGARTEN SERVICES.

(a) PREKINDERGARTEN FOR 3-YEAR-OLDS.—Each State that certifies to the Secretary that the State provides universally available, voluntary, high-quality prekindergarten programs for 4-year-old children who reside within the State and are from families with incomes at or below 200 percent of the poverty line may use the State's allocation under section 10304(b) to provide high-quality prekindergarten programs for 3-year-old children who reside within the State and are from families with incomes at or below 200 percent of the poverty line.

(b) SUBGRANTS.—In each State that has a city, county, or local educational agency that provides universally available high-quality prekindergarten programs for 4-year-old children who reside within the State and are from families with incomes at or below 200 percent of the poverty line the State may use amounts from the State's allocation under section 10304(b) to award subgrants to eligible local entities to enable such eligible local entities to provide high-quality prekindergarten programs for 3-year-old children who are from families with incomes at or below 200 percent of the poverty line and who reside in such city, county, or local educational agency.

SEC. 10309. PERFORMANCE MEASURES AND TARGETS.

(a) IN GENERAL.—A State that receives a grant under this subpart shall develop, implement, and make publicly available the performance measures and targets for the activities carried out with grant funds. Such measures shall, at a minimum, track the State's progress in—

(1) increasing school readiness across all domains for all categories of children, as described in section 10313(b)(7), including children with disabilities and dual language learners;

(2) narrowing school readiness gaps between minority and nonminority children, and low-income children and more advantaged children, in preparation for kindergarten entry;

(3) decreasing the number of years that children receive special education and related services as described in part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.);

(4) increasing the number of programs meeting the criteria for high-quality prekindergarten programs across all types of local eligible entities, as defined by the State and in accordance with section 10302;

(5) decreasing the need for grade-to-grade retention in elementary school;

(6) if applicable, ensuring that high-quality prekindergarten programs do not experience instances of chronic absence among the children who participate in such programs;

(7) increasing the number and percentage of low-income children in high-quality early childhood education programs that receive financial support through funds provided under this subpart; and

(8) providing high-quality nutrition services, nutrition education, physical activity, and obesity prevention programs.

(b) PROHIBITION OF MISDIAGNOSIS PRACTICES.—A State shall not, in order to meet the performance measures and targets described in subsection (a), engage in practices or policies that will lead to the misdiagnosis or under-diagnosis of disabilities or developmental delays among children who are served through programs supported under this subpart.

SEC. 10310. MATCHING REQUIREMENTS.

(a) MATCHING FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State that receives a grant under this subpart shall provide matching funds from non-Federal sources, as described in subsection (c), in an amount equal to—

(A) 10 percent of the Federal funds provided under the grant in the first year of grant administration;

(B) 10 percent of the Federal funds provided under the grant in the second year of grant administration;

(C) 20 percent of the Federal funds provided under the grant in the third year of grant administration;

(D) 30 percent of the Federal funds provided under the grant in the fourth year of grant administration; and

(E) 40 percent of the Federal funds provided under the grant in the fifth year of grant administration.

(2) REDUCED MATCH RATE.—A State that meets the requirements under subsection (b) may provide matching funds from non-Federal sources at a reduced rate. The full reduced matching funds rate shall be in an amount equal to—

(A) 5 percent of the Federal funds provided under the grant in the first year of grant administration;

(B) 5 percent of the Federal funds provided under the grant in the second year of grant administration;

(C) 10 percent of the Federal funds provided under the grant in the third year of grant administration;

(D) 20 percent of the Federal funds provided under the grant in the fourth year of grant administration; and

(E) 30 percent of the Federal funds provided under the grant in the fifth year of grant administration.

(b) REDUCED MATCH RATE ELIGIBILITY.—A State that receives a grant under this subpart may provide matching funds from non-Federal sources at the full reduced rate under subsection (a)(2) if the State, across all publicly funded programs (including locally funded programs)—

(1)(A) offers enrollment in high-quality prekindergarten programs to not less than half of children in the State who are—

(i) age 4 on the eligibility determination date; and

(ii) from families with incomes at or below 200 percent of the poverty line; and

(B) has a plan for continuing to expand access to high-quality prekindergarten programs for such children in the State; and

(2) has a plan to expand access to high-quality prekindergarten programs to children from moderate income families whose income exceeds 200 percent of the poverty line.

(c) NON-FEDERAL RESOURCES.—

(1) IN CASH.—A State shall provide the matching funds under this section in cash with non-Federal resources which may include State funding, local funding, or contributions from philanthropy or other private sources, or a combination thereof.

(2) FUNDS TO BE CONSIDERED AS MATCHING FUNDS.—A State may include, as part of the State's matching funds under this section, not more than 10 percent of the amount of State or local funds designated for State or local prekindergarten programs or to supplement Head Start programs under the Head Start Act (42 U.S.C. 9831 et seq.) as of the date of enactment of this Act, but may not include any funds that are attributed as matching funds, as part of a non-Federal share, or as a maintenance of effort requirement, for any other Federal program.

(d) MAINTENANCE OF EFFORT.—

(1) IN GENERAL.—If a State reduces its combined fiscal effort per student or the aggregate expenditures within the State to support early childhood education programs for any fiscal year that a State receives a grant authorized under this subpart relative to the previous fiscal year, the Secretary shall reduce support for such State under this subpart by the same amount as the decline in State effort for such fiscal year.

(2) WAIVER.—The Secretary may waive the requirements of paragraph (1) if—

(A) the Secretary determines that a waiver would be appropriate due to a precipitous decline in the financial resources of a State as a result of unforeseen economic hardship or a natural disaster that has necessitated across-the-board reductions in State services, including early childhood education programs; or

(B) due to the circumstances of a State requiring reductions in specific programs, including early childhood education, if the State presents to the Secretary a justification and demonstration why other programs could not be reduced and how early childhood programs in the State will not be disproportionately harmed by such State action.

(e) SUPPLEMENT NOT SUPPLANT.—Grant funds received under this subpart shall be used to supplement and not supplant other Federal, State, and local public funds expended on public prekindergarten programs in the State.

SEC. 10311. ELIGIBLE LOCAL ENTITY APPLICATIONS.

(a) IN GENERAL.—An eligible local entity desiring to receive a subgrant under section 10307(b) shall submit an application to the State, at such time, in such manner, and containing such information as the State may reasonably require.

(b) CONTENTS.—Each application submitted under subsection (a) shall include the following:

(1) PARENT AND FAMILY ENGAGEMENT.—A description of how the eligible local entity plans to engage the parents and families of the children such entity serves and ensure that parents and families of eligible children, as described in clauses (i) and (ii) of section 10306(2)(A), are aware of the services provided by the eligible local entity, which shall include a plan to—

(A) carry out meaningful parent and family engagement, through the implementation and replication of evidence-based or promising practices and strategies, which shall be coordinated with parent and family engagement strategies supported under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), part A of title I and title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.; 7201 et seq.), and strategies in the Head Start

Parent, Family, and Community Engagement Framework, if applicable, to—

(i) provide parents and family members with the skills and opportunities necessary to become engaged and effective partners in their children's education, particularly the families of dual language learners and children with disabilities, which may include access to family literacy services;

(ii) improve child development; and

(iii) strengthen relationships among pre-kindergarten staff and parents and family members; and

(B) participate in community outreach to encourage families with eligible children to participate in the eligible local entity's high-quality prekindergarten program, including—

(i) homeless children;

(ii) dual language learners;

(iii) children in foster care;

(iv) children with disabilities; and

(v) migrant children.

(2) COORDINATION AND ALIGNMENT.—A description of how the eligible local entity will—

(A) coordinate, if applicable, the eligible local entity's activities with—

(i) Head Start agencies (consistent with section 642(e)(5) of the Head Start Act (42 U.S.C. 9837(e)(5)), if the local entity is not a Head Start agency;

(ii) local educational agencies, if the eligible local entity is not a local educational agency;

(iii) providers of services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.);

(iv) programs carried out under section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1419); and

(v) if feasible, other entities carrying out early childhood education programs and services within the area served by the local educational agency;

(B) develop a process to promote continuity of developmentally appropriate instructional programs and shared expectations with local elementary schools for children's learning and development as children transition to kindergarten;

(C) organize, if feasible, and participate in joint training, when available, including transition-related training for school staff and early childhood education program staff;

(D) establish comprehensive transition policies and procedures, with applicable elementary schools and principals, for the children served by the eligible local entity that support the school readiness of children transitioning to kindergarten, including the transfer of early childhood education program records, with parental consent;

(E) conduct outreach to parents, families, and elementary school teachers and principals to discuss the educational, developmental, and other needs of children entering kindergarten;

(F) help parents, including parents of children who are dual language learners, understand and engage with the instructional and other services provided by the kindergarten in which such child will enroll after participation in a high-quality prekindergarten program; and

(G) develop and implement a system to increase program participation of underserved populations of eligible children, especially homeless children, children eligible for a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), parents of children who are dual language learners, and parents of children with disabilities.

(3) FULL PARTICIPATION OF ALL CHILDREN.—A description of how the eligible local entity will meet the diverse needs of children in the community to be served, including children

with disabilities, dual language learners, children who need additional support, children in the State foster care system, and homeless children. Such description shall demonstrate, at a minimum, how the entity plans to—

(A) ensure the eligible local entity's high-quality prekindergarten program is accessible and appropriate for children with disabilities and dual language learners;

(B) establish effective procedures for ensuring use of evidence-based practices in assessment and instruction, including use of data for progress monitoring of child performance and provision of technical assistance support for staff to ensure fidelity with evidence-based practices;

(C) establish effective procedures for timely referral of children with disabilities to entities authorized under part B and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.; 1431 et seq.);

(D) ensure that the eligible local entity's high-quality prekindergarten program works with appropriate entities to address the elimination of barriers to immediate and continuous enrollment for homeless children; and

(E) ensure access to and continuity of enrollment in high-quality prekindergarten programs for migratory children, if applicable, and homeless children, including through policies and procedures that require—

(i) outreach to identify migratory children and homeless children;

(ii) immediate enrollment, including enrollment during the period of time when documents typically required for enrollment, including health and immunization records, proof of eligibility, and other documents, are obtained;

(iii) continuous enrollment and participation in the same high-quality prekindergarten program for a child, even if the child moves out of the program's service area, if that enrollment and participation are in the child's best interest, including by providing transportation when necessary;

(iv) professional development for high-quality prekindergarten program staff regarding migratory children and homelessness among families with young children; and

(v) in serving homeless children, collaboration with local educational agency liaisons designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), and local homeless service providers.

(4) ACCESSIBLE COMPREHENSIVE SERVICES.—A description of how the eligible local entity plans to provide accessible comprehensive services, described in section 10302(10)(I), to the children the eligible local entity serves. Such description shall provide information on how the entity will—

(A) conduct a data-driven community assessment in coordination with members of the community, including parents and community organizations, or use a recently conducted data-driven assessment, which—

(i) may involve an external partner with expertise in conducting such needs analysis, to determine the most appropriate social or other support services to offer through the eligible local entity's on-site comprehensive services to children who participate in high-quality prekindergarten programs; and

(ii) shall consider the resources available at the school, local educational agency, and community levels to address the needs of the community and improve child outcomes; and

(B) have a coordinated system to facilitate the screening, referral, and provision of services related to health, nutrition, mental health, disability, and family support for children served by the eligible local entity.

(5) **WORKFORCE.**—A description of how the eligible local entity plans to support the instructional staff of such entity's high-quality prekindergarten program, which shall, at a minimum, include a plan to provide high-quality professional development, or facilitate the provision of high-quality professional development through an external partner with expertise and a demonstrated track record of success, based on scientifically valid research, that will improve the knowledge and skills of high-quality prekindergarten teachers and staff through activities, which may include—

(A) acquiring content knowledge and learning teaching strategies needed to provide effective instruction that addresses the State's early learning and development standards described under section 10305(1), including professional training to support the social and emotional development of children;

(B) enabling high-quality prekindergarten teachers and staff to pursue specialized training in early childhood development;

(C) enabling high-quality prekindergarten teachers and staff to acquire the knowledge and skills to provide instruction and appropriate language and support services to increase the English language skills of dual language learners;

(D) enabling high-quality prekindergarten teachers and staff to acquire the knowledge and skills to provide developmentally appropriate instruction for children with disabilities;

(E) promoting classroom management;

(F) providing high-quality induction and support for incoming high-quality prekindergarten teachers and staff in high-quality prekindergarten programs, including through the use of mentoring programs and coaching that have a demonstrated track record of success;

(G) promoting the acquisition of relevant credentials, including in ways that support career advancement through career ladders; and

(H) enabling high-quality prekindergarten teachers and staff to acquire the knowledge and skills to provide culturally competent instruction for children from diverse backgrounds.

SEC. 10312. REQUIRED SUBGRANT ACTIVITIES.

(a) **IN GENERAL.**—An eligible local entity that receives a subgrant under section 10307(b) shall use subgrant funds to implement the elements of a high-quality prekindergarten program for the children described in section 10307(b).

(b) **COORDINATION.**—

(1) **LOCAL EDUCATIONAL AGENCY PARTNERSHIPS WITH LOCAL EARLY CHILDHOOD EDUCATION PROGRAMS.**—A local educational agency that receives a subgrant under this subpart shall provide an assurance that the local educational agency will enter into strong partnerships with local early childhood education programs, including programs supported through the Head Start Act (42 U.S.C. 9831 et seq.).

(2) **ELIGIBLE LOCAL ENTITIES THAT ARE NOT LOCAL EDUCATIONAL AGENCIES.**—An eligible local entity that is not a local educational agency that receives a subgrant under this subpart shall provide an assurance that such entity will enter into strong partnerships with local educational agencies.

SEC. 10313. REPORT AND EVALUATION.

(a) **IN GENERAL.**—Each State that receives a grant under this subpart shall prepare an annual report, in such manner and containing such information as the Secretary may reasonably require.

(b) **CONTENTS.**—A report prepared under subsection (a) shall contain, at a minimum—

(1) a description of the manner in which the State has used the funds made available

through the grant and a report of the expenditures made with the funds;

(2) a summary of the State's progress toward providing access to high-quality prekindergarten programs for children eligible for such services, as determined by the State, from families with incomes at or below 200 percent of the poverty line, including the percentage of funds spent on children from families with incomes—

(A) at or below 100 percent of the poverty line;

(B) at or below between 101 and 150 percent of the poverty line; and

(C) at or below between 151 and 200 percent of the poverty line;

(3) an evaluation of the State's progress toward achieving the State's performance targets, described in section 10309;

(4) data on the number of high-quality prekindergarten program teachers and staff in the State (including teacher turnover rates and teacher compensation levels compared to teachers in elementary schools and secondary schools), according to the setting in which such teachers and staff work (which settings shall include, at a minimum, Head Start programs, public prekindergarten, and child care programs) who received training or education during the period of the grant and remained in the early childhood education program field;

(5) data on the kindergarten readiness of children in the State;

(6) a description of the State's progress in effectively using Federal, State, and local public funds and private funds, for early childhood education;

(7) the number and percentage of children in the State participating in high-quality prekindergarten programs, disaggregated by race, ethnicity, family income, child age, disability, whether the children are homeless children, and whether the children are dual language learners;

(8) data on the availability, affordability, and quality of infant and toddler care in the State;

(9) the number of operational minutes per week and per year for each eligible local entity that receives a subgrant;

(10) the local educational agency and zip code in which each eligible local entity that receives a subgrant operates;

(11) information, for each of the local educational agencies described in paragraph (10), on the percentage of the costs of the public early childhood education programs that is funded from Federal, from State, and from local sources, including the percentages from specific funding programs;

(12) data on the number and percentage of children in the State participating in public kindergarten programs, disaggregated by race, family income, child age, disability, whether the children are homeless children, and whether the children are dual language learners, with information on whether such programs are offered—

(A) for a full day; and

(B) at no cost to families;

(13) data on the number of individuals in the State who are supported with scholarships, if applicable, to meet the bachelor's degree requirement for high-quality prekindergarten programs, as defined in section 10302; and

(14) information on—

(A) the rates of expulsion, suspension, and similar disciplinary action, of children in the State participating in high-quality prekindergarten programs, disaggregated by race, ethnicity, family income, child age, and disability;

(B) the State's progress in establishing policies on effective behavior management strategies and training that promote positive social and emotional development to

eliminate expulsions and suspensions of children participating in high-quality prekindergarten programs; and

(C) the State's policies on providing early learning services to children in the State participating in high-quality prekindergarten programs who have been suspended.

(c) **SUBMISSION.**—A State shall submit the annual report prepared under subsection (a), at the end of each fiscal year, to the Secretary, the Secretary of Health and Human Services, and the State Advisory Council on Early Childhood Education and Care.

(d) **COOPERATION.**—An eligible local entity that receives a subgrant under this subpart shall cooperate with all Federal and State efforts to evaluate the effectiveness of the program the entity implements with subgrant funds.

(e) **NATIONAL REPORT.**—The Secretary shall compile and summarize the annual State reports described under subsection (c) and shall prepare and submit an annual report to Congress that includes a summary of such State reports.

SEC. 10314. PROHIBITION OF REQUIRED PARTICIPATION OR USE OF FUNDS FOR ASSESSMENTS.

(a) **PROHIBITION ON REQUIRED PARTICIPATION.**—A State receiving a grant under this subpart shall not require any child to participate in any Federal, State, local, or private early childhood education program, including a high-quality prekindergarten program.

(b) **PROHIBITION ON USE OF FUNDS FOR ASSESSMENT.**—A State receiving a grant under this subpart and an eligible local entity receiving a subgrant under this subpart shall not use any grant or subgrant funds to carry out any of the following activities:

(1) An assessment that provides rewards or sanctions for individual children, teachers, or principals.

(2) An assessment that is used as the primary or sole method for assessing program effectiveness.

(3) Evaluating children, other than for the purposes of—

(A) improving instruction or the classroom environment;

(B) targeting professional development;

(C) determining the need for health, mental health, disability, or family support services;

(D) program evaluation for the purposes of program improvement and parent information; and

(E) improving parent and family engagement.

SEC. 10315. COORDINATION WITH HEAD START PROGRAMS.

(a) **INCREASED ACCESS FOR YOUNGER CHILDREN.**—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Health and Human Services shall develop a process—

(1) for use in the event that Head Start programs funded under the Head Start Act (42 U.S.C. 9831 et seq.) operate in States or regions that have achieved sustained universal, voluntary access to 4-year-old children who reside within the State and who are from families with incomes at or below 200 percent of the poverty line to high-quality prekindergarten programs; and

(2) for how such Head Start programs will begin converting slots for children who are age 4 on the eligibility determination date to children who are age 3 on the eligibility determination date, or, when appropriate, converting Head Start programs into Early Head Start programs to serve infants and toddlers.

(b) **COMMUNITY NEED AND RESOURCES.**—The process described in subsection (a) shall—

(1) be carried out on a case-by-case basis and shall ensure that sufficient resources

and time are allocated for the development of such a process so that no child or cohort is excluded from currently available services; and

(2) ensure that any conversion shall be based on community need and not on the aggregate number of children served in a State or region that has achieved sustained, universal, voluntary access to high-quality prekindergarten programs.

(c) **PUBLIC COMMENT AND NOTICE.**—Not fewer than 90 days after the development of the proposed process described in subsection (a), the Secretary and the Secretary of Health and Human Services shall publish a notice describing such proposed process for conversion in the Federal Register providing at least 90 days for public comment. The Secretaries shall review and consider public comments prior to finalizing the process for conversion of Head Start slots and programs.

(d) **REPORTS TO CONGRESS.**—Concurrently with publishing a notice in the Federal Register as described in subsection (c), the Secretaries shall provide a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate that provides a detailed description of the proposed process described in subsection (a), including a description of the degree to which Head Start programs are providing State-funded high-quality prekindergarten programs as a result of the grant opportunity provided under this subpart in States where Head Start programs are eligible for conversion described in subsection (a).

SEC. 10316. TECHNICAL ASSISTANCE IN PROGRAM ADMINISTRATION.

In providing technical assistance to carry out activities under this subpart, the Secretary shall coordinate that technical assistance, in appropriate cases, with technical assistance provided by the Secretary of Health and Human Services to carry out the programs authorized under the Head Start Act (42 U.S.C. 9831 et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and the maternal, infant and early childhood home visiting programs assisted under section 511 of the Social Security Act (42 U.S.C. 711).

SEC. 10317. AUTHORIZATION OF APPROPRIATIONS.

To carry out this subpart, there are authorized to be appropriated, and there are appropriated—

- (1) \$1,300,000,000 for fiscal year 2016;
- (2) \$3,250,000,000 for fiscal year 2017;
- (3) \$5,780,000,000 for fiscal year 2018;
- (4) \$7,580,000,000 for fiscal year 2019; and
- (5) \$8,960,000,000 for fiscal year 2020.

Subpart B—Prekindergarten Development Grants

SEC. 10321. PREKINDERGARTEN DEVELOPMENT GRANTS.

(a) **IN GENERAL.**—The Secretary of Education, in consultation with the Secretary of Health and Human Services, shall award competitive grants to States that wish to increase their capacity and build the infrastructure within the State to offer high-quality prekindergarten programs.

(b) **ELIGIBILITY OF STATES.**—A State that is not receiving funds under subpart A may compete for grant funds under this section if the State provides an assurance that the State will, through the support of grant funds awarded under this section, meet the eligibility requirements of section 10305 not later than 3 years after the date the State first receives grant funds under this section.

(c) **GRANT DURATION.**—The Secretary shall award grants under this section for a period of not more than 3 years. Such grants shall not be renewed.

(d) **APPLICATION.**—

(1) **IN GENERAL.**—A Governor, or chief executive officer of a State that desires to receive a grant under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary of Education may reasonably require, including, if applicable, a description of how the State plans to become eligible for grants under section 10305 by not later than 3 years after the date the State first receives grant funds under this section.

(2) **DEVELOPMENT OF STATE APPLICATION.**—In developing an application for a grant under this section, a State shall consult with the State Advisory Council on Early Childhood Education and Care and incorporate the Council's recommendations, where applicable.

(e) **MATCHING REQUIREMENT.**—

(1) **IN GENERAL.**—To be eligible to receive a grant under this section, a State shall contribute for the activities for which the grant was awarded non-Federal matching funds in an amount equal to not less than 20 percent of the amount of the grant.

(2) **NON-FEDERAL FUNDS.**—To satisfy the requirement of paragraph (1), a State may use—

(A) non-Federal resources in the form of State funding, local funding, or contributions from philanthropy or other private sources, or a combination of such resources; or

(B) in-kind contributions.

(3) **FINANCIAL HARDSHIP WAIVER.**—The Secretary may waive the requirement under paragraph (1) or reduce the amount of matching funds required under that paragraph for a State that has submitted an application for a grant under this subsection if the State demonstrates, in the application, a need for such a waiver or reduction due to extreme financial hardship, as determined by the Secretary.

(f) **SUBGRANTS.**—

(1) **IN GENERAL.**—A State awarded a grant under this section may use the grant funds to award subgrants to eligible local entities, as defined in section 10302, to carry out the activities under the grant.

(2) **SUBGRANTEES.**—An eligible local entity awarded a subgrant under paragraph (1) shall comply with the requirements of this section relating to grantees, as appropriate.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out this section, there are authorized to be appropriated, and there are appropriated, \$750,000,000 for each of fiscal years 2016 through 2020.

Subpart C—Early Learning Quality Partnerships

SEC. 10331. PURPOSES.

The purposes of this part are to—

(1) increase the availability of, and access to, high-quality early childhood education and care programming for infants and toddlers;

(2) support a higher quality of, and increase capacity for, such programming in both child care centers and family child care homes;

(3) encourage the provision of comprehensive, coordinated full-day services and supports for infants and toddlers; and

(4) increase access to appropriate supports so children with disabilities and other children who need specialized supports can fully participate in high-quality early education programs.

SEC. 10332. EARLY LEARNING QUALITY PARTNERSHIPS.

The Head Start Act is amended—

(1) by amending section 645A(e) (42 U.S.C. 9840a(e)) to read as follows:

“(e) **SELECTION OF GRANT RECIPIENTS.**—The Secretary shall award grants under this sec-

tion on a competitive basis to applicants meeting the criteria in subsection (d) (giving priority to entities with a record of providing early, continuous, and comprehensive childhood development and family services and entities that agree to partner with a center-based or family child care provider to carry out the activities described in section 645B).”;

(2) by inserting after section 645A the following:

“SEC. 645B. EARLY LEARNING QUALITY PARTNERSHIPS.

“(a) **IN GENERAL.**—The Secretary shall make grants to Early Head Start agencies to enable the Early Head Start agencies to form early learning quality partnerships by partnering with center-based or family child care providers, particularly those that receive support under the Child Care and Development Block Grant of 1990 (42 U.S.C. 9858 et seq.), that agree to meet the program performance standards described in section 641A(a)(1) and Early Head Start standards described in section 645A that are applicable to the ages of children served with funding and technical assistance from the Early Head Start agency.

“(b) **SELECTION OF GRANT RECIPIENTS.**—

“(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), the Secretary shall award grants under this section in a manner consistent with section 645A(e).

“(2) **COMPETITIVE PRIORITY.**—In awarding grants under this section, the Secretary shall give priority to applicants—

“(A) that propose to create strong alignment of programs with maternal, infant, and early childhood home visiting programs assisted under section 511 of the Social Security Act (42 U.S.C. 711), State-funded prekindergarten programs, programs carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and other programs supported under this Act, to create a strong continuum of high-quality services for children from birth to school entry; and

“(B) that seek to work with child care providers across settings, including center-based and home-based programs.

“(3) **ALLOCATION.**—

“(A) **RESERVATION.**—From funds appropriated to carry out this section, the Secretary shall reserve—

“(i) not less than 3 percent of such funds for Indian Head Start programs that serve young children;

“(ii) not less than 4.5 percent for migrant and seasonal Head Start programs that serve young children; and

“(iii) not less than 0.2 percent for programs funded under clause (iv) or (v) of section 640(a)(2)(B).

“(B) **ALLOCATION AMONG STATES.**—The Secretary shall allocate funds appropriated to carry out this section and not reserved under subparagraph (A) among the States proportionally based on the number of young children from families whose income is below the poverty line residing in such States.

“(C) **ELIGIBILITY OF CHILDREN.**—Partnerships formed through assistance provided under this section may serve children through age 3, and the standards applied to children in subsection (a) shall be consistent with those applied to 3-year-old children under this subchapter.

“(d) **PARTNERSHIPS.**—An Early Head Start agency that receives a grant under this section shall—

“(1) enter into a contractual relationship with a center-based or family child care provider to raise the quality of such provider's programs so that the provider meets the program performance standards described in subsection (a) through activities that may include—

“(A) expanding the center-based or family child care provider’s programs through financial support;

“(B) providing training, technical assistance, and support to the provider in order to help the provider meet the program performance standards, which may include supporting program and partner staff in earning a child development associate credential, associate’s degree, or baccalaureate degree in early childhood education or a closely related field for working with infants and toddlers; and

“(C) blending funds received under the Child Care and Development Block Grant of 1990 (42 U.S.C. 9858 et seq.) and the Early Head Start program carried out under section 645A in order to provide high-quality child care, for a full day, that meets the program performance standards;

“(2) develop and implement a proposal to recruit and enter into a contract with a center-based or family child care provider, particularly a provider that serves children who receive assistance under the Child Care and Development Block Grant of 1990 (42 U.S.C. 9858 et seq.);

“(3) create a clear and realizable timeline to increase the quality and capacity of a center-based or family child care provider so that the provider meets the program performance standards described in subsection (a); and

“(4) align activities and services provided through funding under this section with the Head Start Child Outcomes Framework.

“(e) STANDARDS.—Prior to awarding grants under this section, the Secretary shall establish standards to ensure that the responsibility and expectations of the Early Head Start agency and the partner child care providers are clearly defined.

“(f) DESIGNATION RENEWAL.—A partner child care provider that receives assistance through a grant provided under this section shall be exempt, for a period of 18 months, from the designation renewal requirements under section 641(c).

“(g) SURVEY OF EARLY HEAD START AGENCIES AND REPORT TO CONGRESS.—Within one year of the effective date of this section, the Secretary shall conduct a survey of Early Head Start agencies to determine the extent of barriers to entering into early learning quality partnership agreements under this section on Early Head Start agencies and on child care providers, and submit this information, with suggested steps to overcome such barriers, in a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, including a detailed description of the degree to which Early Head Start agencies are utilizing the funds provided.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) \$1,430,376,000 for fiscal year 2016; and

“(2) such sums as may be necessary for each of fiscal years 2017 through 2020.”

Subpart D—Authorization of Appropriations for the Education of Children With Disabilities

SEC. 10341. PRESCHOOL GRANTS.

Section 619(j) of the Individuals with Disabilities Education Act (20 U.S.C. 1419(j)) is amended to read as follows:

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$418,000,000 for fiscal year 2016 and such sums as may be necessary for each succeeding fiscal year.”

SEC. 10342. INFANTS AND TODDLERS WITH DISABILITIES.

Section 644 of the Individuals with Disabilities Education Act (20 U.S.C. 1444) is amended to read as follows:

“SEC. 644. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, there are authorized to be appropriated \$508,000,000 for fiscal year 2016 and such sums as may be necessary for each succeeding fiscal year.”

Subpart E—Maternal, Infant, and Early Childhood Home Visiting Program

SEC. 10351. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) from the prenatal period to the first day of kindergarten, children’s development rapidly progresses at a pace exceeding that of any subsequent stage of life;

(2) as reported by the National Academy of Sciences in 2001, striking disparities exist in what children know and can do that are evident well before they enter kindergarten;

(3) such differences are strongly associated with social and economic circumstances, and they are predictive of subsequent academic performance;

(4) research has consistently demonstrated that investments in high-quality programs that serve infants and toddlers—

(A) better positions those children for success in elementary, secondary, and postsecondary education; and

(B) helps those children develop the critical physical, emotional, social, and cognitive skills that they will need for the rest of their lives;

(5) in 2011, there were 11,000,000 infants and toddlers living in the United States, and 49 percent of these children came from low-income families with incomes at or below 200 percent of the Federal poverty guidelines;

(6) the Maternal, Infant, and Early Childhood Home Visiting program (referred to as “MIECHV”) was authorized by Congress to facilitate collaboration and partnership at the Federal, State, and community levels to improve health and development outcomes for at-risk children, including those from low-income families, through evidence-based home visiting programs;

(7) MIECHV is an evidence-based policy initiative and the program’s authorizing legislation requires that at least 75 percent of funds dedicated to the program must support programs to implement evidence-based home visiting models, which includes the home-based model of Early Head Start; and

(8) Congress should continue to provide resources to MIECHV to support the work of States to help at-risk families voluntarily receive home visits from nurses and social workers to—

(A) promote maternal, infant, and child health;

(B) improve school readiness and achievement;

(C) prevent potential child abuse or neglect and injuries;

(D) support family economic self-sufficiency;

(E) reduce crime or domestic violence; and

(F) improve coordination or referrals for community resources and supports.

Subpart F—Paying a Fair Share

SEC. 10361. FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

“PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS

“Sec. 59A. Fair share tax.

“SEC. 59A. FAIR SHARE TAX.

“(a) GENERAL RULE.—

“(1) PHASE-IN OF TAX.—In the case of any high-income taxpayer, there is hereby imposed for a taxable year (in addition to any other tax imposed by this subtitle) a tax equal to the product of—

“(A) the amount determined under paragraph (2), and

“(B) a fraction (not to exceed 1)—

“(i) the numerator of which is the excess of—

“(I) the taxpayer’s adjusted gross income, over

“(II) the dollar amount in effect under subsection (c)(1), and

“(ii) the denominator of which is the dollar amount in effect under subsection (c)(1).

“(2) AMOUNT OF TAX.—The amount of tax determined under this paragraph is an amount equal to the excess (if any) of—

“(A) the tentative fair share tax for the taxable year, over

“(B) the excess of—

“(i) the sum of—

“(I) the regular tax liability (as defined in section 26(b)) for the taxable year, determined without regard to any tax liability determined under this section,

“(II) the tax imposed by section 55 for the taxable year, plus

“(III) the payroll tax for the taxable year, over

“(ii) the credits allowable under part IV of subchapter A (other than sections 27(a), 31, and 34).

“(b) TENTATIVE FAIR SHARE TAX.—For purposes of this section—

“(1) IN GENERAL.—The tentative fair share tax for the taxable year is 30 percent of the excess of—

“(A) the adjusted gross income of the taxpayer, over

“(B) the modified charitable contribution deduction for the taxable year.

“(2) MODIFIED CHARITABLE CONTRIBUTION DEDUCTION.—For purposes of paragraph (1)—

“(A) IN GENERAL.—The modified charitable contribution deduction for any taxable year is an amount equal to the amount which bears the same ratio to the deduction allowable under section 170 (section 642(c) in the case of a trust or estate) for such taxable year as—

“(i) the amount of itemized deductions allowable under the regular tax (as defined in section 55) for such taxable year, determined after the application of section 68, bears to

“(ii) such amount, determined before the application of section 68.

“(B) TAXPAYER MUST ITEMIZE.—In the case of any individual who does not elect to itemize deductions for the taxable year, the modified charitable contribution deduction shall be zero.

“(c) HIGH-INCOME TAXPAYER.—For purposes of this section—

“(1) IN GENERAL.—The term ‘high-income taxpayer’ means, with respect to any taxable year, any taxpayer (other than a corporation) with an adjusted gross income for such taxable year in excess of \$1,000,000 (50 percent of such amount in the case of a married individual who files a separate return).

“(2) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of a taxable year beginning after 2016, the \$1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2015’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of \$10,000, such amount shall be rounded to the next lowest multiple of \$10,000.

“(d) PAYROLL TAX.—For purposes of this section, the payroll tax for any taxable year is an amount equal to the excess of—

“(1) the taxes imposed on the taxpayer under sections 1401, 1411, 3101, 3201, and

321(a) (to the extent such tax is attributable to the rate of tax in effect under section 3101) with respect to such taxable year or wages or compensation received during such taxable year, over

“(2) the deduction allowable under section 164(f) for such taxable year.

“(e) SPECIAL RULE FOR ESTATES AND TRUSTS.—For purposes of this section, in the case of an estate or trust, adjusted gross income shall be computed in the manner described in section 67(e).

“(f) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter (other than the credit allowed under section 27(a)) or for purposes of section 55.”

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

(d) FUNDING.—Any increase in revenue attributable to the amendments made by this section shall be allocated to carrying out subparts A and B.

SA 2243. Mr. COONS (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

PART C—AMERICAN DREAM ACCOUNTS

SEC. 10301. SHORT TITLE.

This part may be cited as the “American Dream Accounts Act”.

SEC. 10302. DEFINITIONS.

In this part:

(1) AMERICAN DREAM ACCOUNT.—The term “American Dream Account” means a personal online account for low-income students that monitors higher education readiness and includes a college savings account.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means the Committee on Health, Education, Labor, and Pensions, the Committee on Appropriations, and the Committee on Finance of the Senate, and the Committee on Education and the Workforce, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives, as well as any other Committee of the Senate or House of Representatives that the Secretary determines appropriate.

(3) CHARTER SCHOOL.—The term “charter school” has the meaning given such term in section 5110 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).

(4) COLLEGE SAVINGS ACCOUNT.—The term “college savings account” means a trust created or organized exclusively for the purpose of paying the qualified expenses of only an individual who, when the trust is created or organized, has not obtained 18 years of age, if the written governing instrument creating the trust contains the following requirements:

(A) The trustee is a Federally insured financial institution, or a State insured finan-

cial institution if a Federally insured financial institution is not available.

(B) The assets of the trust will be invested in accordance with the direction of the individual or of a parent or guardian of the individual, after consultation with the entity providing the initial contribution to the trust or, if applicable, a matching or other contribution for the individual.

(C) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

(D) Any amount in the trust that is attributable to an account seed or matched deposit may be paid or distributed from the trust only for the purpose of paying qualified expenses of the individual.

(5) DUAL OR CONCURRENT ENROLLMENT PROGRAM.—The term “dual or concurrent enrollment program” means a program of study—

(A) provided by an institution of higher education through which a student who has not graduated from high school with a regular high school diploma (as defined in section 200.19(b)(1)(iv) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008) is able to earn postsecondary credit; and

(B) that shall consist of not less than 2 postsecondary credit-bearing courses and support and academic services that help a student persist and complete such courses.

(6) EARLY COLLEGE HIGH SCHOOL PROGRAM.—The term “early college high school program” means a formal partnership between at least 1 local educational agency and at least 1 institution of higher education that allows participants, who are primarily low-income students, to simultaneously complete requirements toward earning a regular high school diploma (as defined in section 200.19(b)(1)(iv) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008) and earn not less than 12 transferable credits as part of an organized course of study toward a postsecondary degree or credential.

(7) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a State educational agency;

(B) a local educational agency, including a charter school that operates as its own local educational agency;

(C) a charter management organization or charter school authorizer;

(D) an institution of higher education or a Tribal College or University;

(E) a nonprofit organization;

(F) an entity with demonstrated experience in educational savings or in assisting low-income students to prepare for, and attend, an institution of higher education;

(G) a consortium of 2 or more of the entities described in subparagraphs (A) through (F); or

(H) a consortium of 1 or more of the entities described in subparagraphs (A) through (F) and a public school, a charter school, a school operated by the Bureau of Indian Affairs, or a tribally controlled school.

(8) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(9) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(10) LOW-INCOME STUDENT.—The term “low-income student” means a student who is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(11) PARENT.—The term “parent” has the meaning given such term in section 9101 of

the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(12) QUALIFIED EXPENSES.—The term “qualified expenses” means, with respect to an individual, expenses that—

(A) are incurred after the individual receives a secondary school diploma or its recognized equivalent; and

(B) are associated with attending an institution of higher education, including—

(i) tuition and fees;

(ii) room and board;

(iii) textbooks;

(iv) supplies and equipment; and

(v) Internet access.

(13) SECRETARY.—The term “Secretary” means the Secretary of Education.

(14) STATE EDUCATIONAL AGENCY.—The term “State educational agency” has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(15) TRIBAL COLLEGE OR UNIVERSITY.—The term “Tribal College or University” has the meaning given such term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

(16) TRIBALLY CONTROLLED SCHOOL.—The term “tribally controlled school” has the meaning given such term in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

SEC. 10303. GRANT PROGRAM.

(a) PROGRAM AUTHORIZED.—The Secretary shall establish a pilot program and award 10 grants to eligible entities to enable such eligible entities to establish and administer American Dream Accounts for a group of low-income students.

(b) RESERVATION.—From the amounts appropriated each fiscal year to carry out this part, the Secretary shall reserve not more than 5 percent of such amount to carry out the evaluation activities described in section 10306.

(c) DURATION.—A grant awarded under this part shall be for a period of not more than 3 years. The Secretary may extend such grant for an additional 2-year period if the Secretary determines that the eligible entity has demonstrated significant progress, based on the factors described in section 10304(b)(11).

SEC. 10304. APPLICATIONS; PRIORITY.

(a) IN GENERAL.—Each eligible entity desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) CONTENTS.—At a minimum, the application described in subsection (a) shall include the following:

(1) A description of the characteristics of a group of not less than 30 low-income public school students who—

(A) are, at the time of the application, attending a grade not higher than grade 9; and

(B) will, under the grant, receive an American Dream Account.

(2) A description of how the eligible entity will engage, and provide support (such as tutoring and mentoring for students, and training for teachers and other stakeholders) either online or in person, to—

(A) the students in the group described in paragraph (1);

(B) the family members and teachers of such students; and

(C) other stakeholders such as school administrators and school counselors.

(3) An identification of partners who will assist the eligible entity in establishing and sustaining American Dream Accounts.

(4) A description of what experience the eligible entity or the partners of the eligible entity have in managing college savings accounts, preparing low-income students for

postsecondary education, managing online systems, and teaching financial literacy.

(5) A demonstration that the eligible entity has sufficient resources to provide an initial deposit into the college savings account portion of each American Dream Account.

(6) A description of how the eligible entity will help increase the value of the college savings account portion of each American Dream Account, such as by providing matching funds or incentives for academic achievement.

(7) A description of how the eligible entity will notify each participating student in the group described in paragraph (1), on a semi-annual basis, of the current balance and status of the college savings account portion of the American Dream Account of the student.

(8) A plan that describes how the eligible entity will monitor participating students in the group described in paragraph (1) to ensure that the American Dream Account of each student will be maintained if a student in such group changes schools before graduating from secondary school.

(9) A plan that describes how the American Dream Accounts will be managed for not less than 1 year after a majority of the students in the group described in paragraph (1) graduate from secondary school.

(10) A description of how the eligible entity will encourage students in the group described in paragraph (1) who fail to graduate from secondary school to continue their education.

(11) A description of how the eligible entity will evaluate the grant program, including by collecting, as applicable, the following data about the students in the group described in paragraph (1) during the grant period, or until the time of graduation from a secondary school, whichever comes first, and, if sufficient grant funds are available, after the grant period:

(A) Attendance rates.

(B) Progress reports.

(C) Grades and course selections.

(D) The student graduation rate, as defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years.

(E) Rates of student completion of the Free Application for Federal Student Aid described in section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090).

(F) Rates of enrollment in an institution of higher education.

(G) Rates of completion at an institution of higher education.

(12) A description of what will happen to the funds in the college savings account portion of the American Dream Accounts that are dedicated to participating students described in paragraph (1) who have not matriculated at an institution of higher education at the time of the conclusion of the period of American Dream Account management described in paragraph (9), including how the eligible entity will give students this information.

(13) A description of how the eligible entity will ensure that participating students described in paragraph (1) will have access to the Internet.

(14) A description of how the eligible entity will take into consideration how funds in the college savings account portion of American Dream Accounts will affect participating families' eligibility for public assistance.

(c) PRIORITY.—In awarding grants under this part, the Secretary shall give priority to applications from eligible entities that—

(1) are described in subparagraph (G) or (H) of section 10302(7);

(2) serve the largest number of low-income students;

(3) in the case of an eligible entity described in subparagraph (A) or (B) of section

10302(7), provide opportunities for participating students described in subsection (b)(1) to participate in a dual or concurrent enrollment program or early college high school program at no cost to the student or the student's family; or

(4) as of the time of application, have been awarded a grant under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–21 et seq.) (commonly referred to as the “GEAR UP program”).

SEC. 10305. AUTHORIZED ACTIVITIES.

(a) IN GENERAL.—An eligible entity that receives a grant under this part shall use such grant funds to establish an American Dream Account for each participating student described in section 10304(b)(1), that will be used to—

(1) open a college savings account for such student;

(2) monitor the progress of such student online, which—

(A) shall include monitoring student data relating to—

(i) grades and course selections;

(ii) progress reports; and

(iii) attendance and disciplinary records; and

(B) may also include monitoring student data relating to a broad range of information, provided by teachers and family members, related to postsecondary education readiness, access, and completion;

(3) provide opportunities for such students, either online or in person, to learn about financial literacy, including by—

(A) assisting such students in financial planning for enrollment in an institution of higher education;

(B) assisting such students in identifying and applying for financial aid (such as loans, grants, and scholarships) for an institution of higher education; and

(C) enhancing student understanding of consumer, economic, and personal finance concepts;

(4) provide opportunities for such students, either online or in person, to learn about preparing for enrollment in an institution of higher education, including by providing instruction to students about—

(A) choosing the appropriate courses to prepare for postsecondary education;

(B) applying to an institution of higher education;

(C) building a student portfolio, which may be used when applying to an institution of higher education;

(D) selecting an institution of higher education;

(E) choosing a major for the student's postsecondary program of education or a career path; and

(F) adapting to life at an institution of higher education; and

(5) provide opportunities for such students, either online or in person, to identify skills or interests, including career interests.

(b) ACCESS TO AMERICAN DREAM ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (3) and (4), and in accordance with applicable Federal laws and regulations relating to privacy of information and the privacy of children, an eligible entity that receives a grant under this part shall allow vested stakeholders, as described in paragraph (2), to have secure access, through an Internet website, to an American Dream Account.

(2) VESTED STAKEHOLDERS.—The vested stakeholders that an eligible entity shall permit to access an American Dream Account are individuals (such as the student's teachers, school counselors, school administrators, or other individuals) that are designated, in accordance with section 444 of the General Education Provisions Act (20 U.S.C.

1232g, commonly known as the “Family Educational Rights and Privacy Act of 1974”), by the parent of a participating student in whose name such American Dream Account is held, as having permission to access the account. A student's parent may withdraw such designation from an individual at any time.

(3) EXCEPTION FOR COLLEGE SAVINGS ACCOUNT.—An eligible entity that receives a grant under this part shall not be required to give vested stakeholders, as described in paragraph (2), access to the college savings account portion of a student's American Dream Account.

(4) ADULT STUDENTS.—Notwithstanding paragraphs (1), (2), and (3), if a participating student is age 18 or older, an eligible entity that receives a grant under this part shall not provide access to such participating student's American Dream Account without the student's consent, in accordance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the “Family Educational Rights and Privacy Act of 1974”).

(5) INPUT OF STUDENT INFORMATION.—Student data collected pursuant to subsection (a)(2)(A) shall be entered into an American Dream Account only by a school administrator or the designee of such administrator.

(c) PROHIBITION ON USE OF STUDENT INFORMATION.—An eligible entity that receives a grant under this part shall not use any student-level information or data for the purpose of soliciting, advertising, or marketing any financial or non-financial consumer product or service that is offered by such eligible entity, or on behalf of any other person.

(d) PROHIBITION ON THE USE OF GRANT FUNDS.—An eligible entity shall not use grant funds provided under this part to provide any deposits into a college savings account portion of a student's American Dream Account.

SEC. 10306. REPORTS AND EVALUATIONS.

(a) IN GENERAL.—Not later than 1 year after the Secretary has disbursed grants under this part, and annually thereafter until each grant disbursed under this part has ended, the Secretary shall prepare and submit a report to the appropriate committees of Congress, which shall include an evaluation of the effectiveness of the grant program established under this part.

(b) CONTENTS.—The report described in subsection (a) shall—

(1) list the grants that have been awarded under section 10303(a);

(2) include the number of students who have an American Dream Account established through a grant awarded under section 10303(a);

(3) provide data (including the interest accrued on college savings accounts that are part of an American Dream Account) in the aggregate, regarding students who have an American Dream Account established through a grant awarded under section 10303(a), as compared to similarly situated students who do not have an American Dream Account;

(4) identify best practices developed by the eligible entities receiving grants under this part;

(5) identify any issues related to student privacy and stakeholder accessibility to American Dream Accounts;

(6) provide feedback from participating students and the parents of such students about the grant program, including—

(A) the impact of the program;

(B) aspects of the program that are successful;

(C) aspects of the program that are not successful; and

(D) any other data required by the Secretary; and

(7) provide recommendations for expanding the American Dream Accounts program.

SEC. 10307. ELIGIBILITY TO RECEIVE FEDERAL STUDENT FINANCIAL AID.

Notwithstanding any other provision of law, any funds that are in the college savings account portion of a student's American Dream Account shall not affect such student's eligibility to receive Federal student financial aid, including any Federal student financial aid under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), and shall not be considered in determining the amount of any such Federal student aid.

SEC. 10308. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2016 and each of the 4 succeeding fiscal years.

SA 2244. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 66, between lines 2 and 3, insert the following:

“(H) how the State educational agency will—

“(i) provide information on the immunization rates of local educational agencies (in accordance with State law) to inform parents and to protect the health and safety of students; and

“(ii) make such information publically available in an understandable and usable format on the State educational agency's website, including links to each local educational agency's website and the appropriate State health agency that has such information;

SA 2245. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 1020. SENSE OF THE SENATE ON SEQUESTRATION.

It is the Sense of the Senate that—

(1) the Nation's fiscal challenges are a top priority for Congress, and sequestration, non-strategic, across-the-board budget cuts, remains an unreasonable and inadequate budgeting tool to address the Nation's deficits and debt;

(2) sequestration relief must be accomplished for fiscal years 2016 and 2017;

(3) sequestration relief should include equal defense and non-defense relief; and

(4) sequestration relief should be offset through targeted changes in mandatory and discretionary categories and revenues.

SA 2246. Mr. MCCAIN (for himself and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child

achieves; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XI—MISCELLANEOUS

SEC. 11001. REVIEW AND NOTIFICATIONS OF CATEGORICAL EXCLUSIONS GRANTED FOR NEXT GENERATION FLIGHT PROCEDURES.

Section 213(c) of the FAA Modernization and Reform Act of 2012 (Public Law 112-95; 49 U.S.C. 40101 note) is amended by adding at the end the following:

“(3) NOTIFICATIONS AND CONSULTATIONS.—Not less than 30 days before granting a categorical exclusion under this subsection for a new procedure, the Administrator shall notify and consult with the affected public and the operator of the airport at which the procedure would be implemented.

“(4) REVIEW OF CERTAIN CATEGORICAL EXCLUSIONS.—

“(A) IN GENERAL.—The Administrator shall review a decision of the Administrator made on or after February 14, 2012, and before the date of the enactment of this paragraph to grant a categorical exclusion under this subsection with respect to a procedure to be implemented at an airport to determine if the implementation of the procedure had a significant effect on the human environment in the community in which the airport is located if the operator of that airport requests such a review and demonstrates that there is good cause to believe that the implementation of the procedure had such an effect.

“(B) CONTENT OF REVIEW.—If, in conducting a review under subparagraph (A) with respect to a procedure implemented at an airport, the Administrator, in consultation with the operator of the airport, determines that implementing the procedure had a significant effect on the human environment in the community in which the airport is located, the Administrator shall—

“(i) consult with the operator of the airport to identify measures to mitigate the effect of the procedure on the human environment; and

“(ii) in conducting such consultations, consider the use of alternative flight paths.”.

SA 2247. Mr. BURR (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

Strike sections 1009, 1010, and 1011 and insert the following:

SEC. 1009. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

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

(1) in subsection (a), in the matter preceding paragraph (1), by striking “and 1125A(f)”;

(2) in subsection (b)(3)(C)(ii), by striking “challenging State academic content standards” and inserting “challenging State academic standards”.

SEC. 1010. ALLOCATIONS TO STATES.

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

(1) by striking subsection (a) and inserting the following:

“(a) ALLOCATION FORMULA.—

“(1) INITIAL ALLOCATION.—For each of fiscal years 2016 through 2021 (referred to in this subsection as the ‘current fiscal year’), the Secretary shall allocate \$14,500,000,000 of the amount appropriated under section 1002(a) to carry out this part (or, if the total amount

appropriated for this part is equal to or less than \$14,500,000,000, all of such amount) in accordance with the following:

“(A) An amount equal to the amount made available to carry out section 1124 for fiscal year 2001 shall be allocated in accordance with section 1124.

“(B) An amount equal to the amount made available to carry out section 1124A for fiscal year 2001 shall be allocated in accordance with section 1124A.

“(C) An amount equal to 100 percent of the amount, if any, by which the amount made available under this paragraph for the current fiscal year for which the determination is made exceeds the amount available to carry out sections 1124 and 1124A for fiscal year 2001 shall be allocated in accordance with section 1125 and 1125A.

“(2) ALLOCATIONS IN EXCESS OF \$14,500,000,000.—For each of the current fiscal years for which the amounts appropriated under section 1002(a) to carry out this part exceed \$14,500,000,000, an amount equal to such excess amount shall be allocated in accordance with section 1123.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “under this subpart” and inserting “under subsection (a)(1) for sections 1124, 1124A, 1125, and 1125A”; and

(ii) by striking “and 1125” and inserting “1125, and 1125A”; and

(B) in paragraph (2)—

(i) by inserting “under subsection (a)(1)” after “become available”; and

(ii) by striking “and 1125” and inserting “1125, and 1125A”;

(3) in subsection (c)(1), by inserting “and to the extent amounts under subsection (a)(1) are available” after “For each fiscal year”; and

(4) in subsection (d)(1), by striking “under this subpart” and inserting “under subsection (a)(1) for sections 1124, 1124A, 1125, and 1125A”.

SEC. 1011. EQUITY GRANTS.

Subpart 2 of part A of title I (20 U.S.C. 6331 et seq.) is amended by inserting after section 1122 the following:

“SEC. 1123. EQUITY GRANTS.

“(a) AUTHORIZATION.—From funds appropriated under section 1002(a) for a fiscal year and available for allocation pursuant to section 1122(a)(2), the Secretary is authorized to make grants to States, from allotments under subsection (b), to carry out the programs and activities of this part.

“(b) DISTRIBUTION BASED UPON CONCENTRATIONS OF POVERTY.—

“(1) IN GENERAL.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), funds appropriated pursuant to subsection (a) for a fiscal year shall be allotted to each State based upon the number of children counted under section 1124(c) in such State multiplied by the product of—

“(i) 40 percent of the average per-pupil expenditure in the United States (other than the Commonwealth of Puerto Rico); multiplied by

“(ii) 1.30 minus such State's equity factor described in paragraph (2).

“(B) PUERTO RICO.—For each fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico an amount of the funds appropriated under subsection (a) that bears the same relation to the total amount of funds appropriated under such subsection as the amount that the Commonwealth of Puerto Rico received under this subpart for fiscal year 2015 bears to the total amount received by all States for such fiscal year.

“(C) STATE MINIMUM.—Notwithstanding any other provision of this section, from the total amount available for any fiscal year to

carry out this section, each State (except for Puerto Rico) shall be allotted at least the lesser of—

“(i) 0.35 percent of the total amount available to carry out this section for such fiscal year; or

“(ii) the average of—

“(I) 0.35 percent of such total amount for such fiscal year; and

“(II) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighting factor, multiplied by the State’s total number of children described in section 1124(c), without application of a weighting factor.

“(2) EQUITY FACTOR.—

“(A) DETERMINATION.—

“(i) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall determine the equity factor under this section for each State in accordance with clause (ii).

“(ii) COMPUTATION.—

“(I) IN GENERAL.—For each State, the Secretary shall compute a weighted coefficient of variation for the per-pupil expenditures of local educational agencies in accordance with subclauses (II), (III), and (IV).

“(II) VARIATION.—In computing coefficients of variation, the Secretary shall weigh the variation between per-pupil expenditures in each local educational agency and the average per-pupil expenditures in the State according to the number of pupils served by the local educational agency.

“(III) NUMBER OF PUPILS.—In determining the number of pupils under this paragraph served by each local educational agency and in each State, the Secretary shall multiply the number of children counted under section 1124(c) by a factor of 1.4.

“(IV) ENROLLMENT REQUIREMENT.—In computing coefficients of variation, the Secretary shall include only those local educational agencies with an enrollment of more than 200 students.

“(B) SPECIAL RULE.—The equity factor for a State that meets the disparity standard described in section 222.162 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001) or a State with only one local educational agency shall be not greater than 0.10.

“(c) USE OF FUNDS; ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—All funds awarded to each State under this section shall be allocated to local educational agencies under the following provisions:

“(1) DISTRIBUTION WITHIN LOCAL EDUCATIONAL AGENCIES.—Within local educational agencies, funds allocated under this section shall be distributed to schools on a basis consistent with section 1113, and may only be used to carry out activities under this part.

“(2) ELIGIBILITY FOR GRANT.—A local educational agency in a State is eligible to receive a grant under this section for any fiscal year if—

“(A) the number of children in the local educational agency counted under section 1124(c), before application of the weighted child count described in subsection (d), is at least 10; and

“(B) if the number of children counted for grants under section 1124(c), before application of the weighted child count described in subsection (d), is at least 5 percent of the total number of children aged 5 to 17 years, inclusive, in the school district of the local educational agency.

“(d) ALLOCATION OF FUNDS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—Funds received by States under this section for a fiscal year shall be allocated within States to eligible local educational agencies on the basis of weighted

child counts calculated in accordance with paragraph (2), (3), or (4), as appropriate for each State.

“(2) STATES WITH AN EQUITY FACTOR LESS THAN .10.—

“(A) IN GENERAL.—In States with an equity factor less than .10, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the 2 amounts determined under subparagraphs (B) and (C).

“(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency’s total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 1.75;

“(iii) the number of such children who constitute more than 23.48 percent, but not more than 29.11 percent, of such population, multiplied by 2.5;

“(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 3.25; and

“(v) the number of such children who constitute more than 36.10 percent of such population, multiplied by 4.0.

“(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) who constitute not more than 834, inclusive, of the agency’s total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children between 835 and 2,629, inclusive, in such population, multiplied by 1.5;

“(iii) the number of such children between 2,630 and 7,668, inclusive, in such population, multiplied by 2.0; and

“(iv)(I) in the case of an agency that is not a high poverty percentage local educational agency, the number of such children in excess of 7,668 in such population, multiplied by 2.0; or

“(II) in the case of a high poverty percentage local educational agency—

“(aa) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 2.5; and

“(bb) the number of such children in excess of 26,412 in such population, multiplied by 3.0.

“(3) STATES WITH AN EQUITY FACTOR GREATER THAN OR EQUAL TO .10 AND LESS THAN .20.—

“(A) IN GENERAL.—In States with an equity factor greater than or equal to .10 and less than .20, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the 2 amounts determined under subparagraphs (B) and (C).

“(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency’s total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 1.5;

“(iii) the number of such children who constitute more than 23.48 percent, but not more than 29.11 percent, of such population, multiplied by 3.0;

“(iv) the number of such children who constitute more than 29.11 percent, but not more

than 36.10 percent, of such population, multiplied by 4.5; and

“(v) the number of such children who constitute more than 36.10 percent of such population, multiplied by 6.0.

“(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) who constitute not more than 834, inclusive, of the agency’s total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children between 835 and 2,629, inclusive, in such population, multiplied by 1.5;

“(iii) the number of such children between 2,630 and 7,668, inclusive, in such population, multiplied by 2.25; and

“(iv)(I) in the case of an agency that is not a high poverty percentage local educational agency, the number of such children in excess of 7,668 in such population, multiplied by 2.25; or

“(II) in the case of a high poverty percentage local educational agency—

“(aa) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 3.375; and

“(bb) the number of such children in excess of 26,412 in such population, multiplied by 4.5.

“(4) STATES WITH AN EQUITY FACTOR GREATER THAN OR EQUAL TO .20.—

“(A) IN GENERAL.—In States with an equity factor greater than or equal to .20, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the 2 amounts determined under subparagraphs (B) and (C).

“(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency’s total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 2.0;

“(iii) the number of such children who constitute more than 23.48 percent, but not more than 29.11 percent, of such population, multiplied by 4.0;

“(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 6.0; and

“(v) the number of such children who constitute more than 36.10 percent of such population, multiplied by 8.0.

“(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) who constitute not more than 834, inclusive, of the agency’s total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children between 835 and 2,629, inclusive, in such population, multiplied by 2.0;

“(iii) the number of such children between 2,630 and 7,668, inclusive, in such population, multiplied by 3.0; and

“(iv)(I) in the case of an agency that is not a high poverty percentage local educational agency, the number of such children in excess of 7,668 in such population, multiplied by 3.0; or

“(II) in the case of a high poverty percentage local educational agency—

“(aa) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 4.5; and

“(bb) the number of such children in excess of 26,412 in such population, multiplied by 6.0.

“(e) MAINTENANCE OF EFFORT.—

“(1) IN GENERAL.—A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that the State’s fiscal effort per student or the aggregate expenditures of the State with respect to the provision of free public education by the State for the preceding fiscal year was not less than 90 percent of the fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of paragraph (2).

“(2) REDUCTION IN CASE OF FAILURE TO MEET.—

“(A) IN GENERAL.—The Secretary shall reduce the amount of the allotment of funds under this section in any fiscal year in the exact proportion by which a State fails to meet the requirement of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), if such State has also failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

“(B) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

“(3) WAIVER.—The Secretary may waive the requirements of this subsection if the Secretary determines that a waiver would be equitable due to—

“(A) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the State; or

“(B) a precipitous decline in the financial resources of the State.

“(f) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

“(1) IN GENERAL.—If the sums available under this section for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under this section for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to paragraphs (2) and (3).

“(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under this section for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

“(3) HOLD HARMLESS AMOUNTS.—Beginning with the second fiscal year for which amounts are appropriated to carry out this section, and if sufficient funds are available, the amount made available to each local educational agency under this section for a fiscal year shall be—

“(A) not less than 95 percent of the amount made available for the preceding fiscal year if the number of children counted under section 1124(c) is equal to or more than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency;

“(B) not less than 90 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is less than 30 percent and equal to or more than 15 percent; and

“(C) not less than 85 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is less than 15 percent.

“(4) APPLICABILITY.—Notwithstanding any other provision of law, the Secretary shall not take into consideration the hold-harmless provisions of this subsection for any fiscal year for purposes of calculating State or

local allocations for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

“(g) DEFINITIONS.—In this section:

“(1) HIGH POVERTY PERCENTAGE LOCAL EDUCATIONAL AGENCY.—The term ‘high poverty percentage local educational agency’ means a local educational agency for which the number of children determined under subsection (b) for a fiscal year is 20 percent or more of the total population aged 5 to 17, inclusive, of the local educational agency for such fiscal year.

“(2) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.”.

SEC. 1011A. ADEQUACY OF FUNDING RULE.

Section 1125AA(b) (20 U.S.C. 6336(b)) is amended by striking “section 1122(a)” and inserting “section 1122(a)(1)”.

SEC. 1011B. EDUCATION FINANCE INCENTIVE GRANT PROGRAM.

In section 1125A (20 U.S.C. 6337)—

(1) in subsection (a), by striking “under subsection (f)” and inserting “under section 1002(a) and made available under section 1122(a)(1)”;

(2) in subsection (b), by striking “pursuant to subsection (f)” and inserting “made available for this section under section 1122(a)(1)”;

(3) in subsection (c), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(4) in subsection (d)(1)(A)(ii), by striking “clause ‘(i)’ and inserting “clause (i)”;

(5) by striking subsection (e) and inserting the following:

“(e) MAINTENANCE OF EFFORT.—

“(1) IN GENERAL.—A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that the State’s fiscal effort per student or the aggregate expenditures of the State with respect to the provision of free public education by the State for the preceding fiscal year was not less than 90 percent of the fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of paragraph (2).

“(2) REDUCTION IN CASE OF FAILURE TO MEET.—

“(A) IN GENERAL.—The Secretary shall reduce the amount of the allotment of funds under this section for any fiscal year in the exact proportion by which a State fails to meet the requirement of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), if such State has also failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

“(B) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

“(3) WAIVER.—The Secretary may waive the requirements of this subsection if the Secretary determines that a waiver would be equitable due to—

“(A) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the State; or

“(B) a precipitous decline in the financial resources of the State.”;

(6) by striking subsection (f);

(7) by redesignating subsection (g) as subsection (f); and

(8) in subsection (f), as redesignated by paragraph (7)—

(A) in paragraph (1), by striking “under this section” and inserting “to carry out this section”;

(B) in subsection (f)(3), in the matter preceding subparagraph (A), by striking “shall be” and inserting “shall be—”.

SEC. 1011C. SPECIAL ALLOCATION PROCEDURES.

Section 1126 (20 U.S.C. 6338) is amended by striking “sections 1124, 1124A, 1125, and 1125A” each place the term appears and inserting “sections 1123, 1124, 1124A, 1125, and 1125A”.

SA 2248. Mr. BURR (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

Strike sections 1009, 1010, and 1011 and insert the following:

1009. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

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

(1) in subsection (a), in the matter preceding paragraph (1), by striking “and 1125A(f)”;

(2) in subsection (b)(3)(C)(ii), by striking “challenging State academic content standards” and inserting “challenging State academic standards”.

SEC. 1010. ALLOCATIONS TO STATES.

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

(1) by striking subsection (a) and inserting the following:

“(a) ALLOCATION FORMULA.—

“(1) INITIAL ALLOCATION.—For each of fiscal years 2016 through 2021 (referred to in this subsection as the ‘current fiscal year’), the Secretary shall allocate \$14,500,000,000 of the amount appropriated under section 1002(a) to carry out this part (or, if the total amount appropriated for this part is equal to or less than \$14,500,000,000, all of such amount) in accordance with the following:

“(A) An amount equal to the amount made available to carry out section 1124 for fiscal year 2001 shall be allocated in accordance with section 1124.

“(B) An amount equal to the amount made available to carry out section 1124A for fiscal year 2001 shall be allocated in accordance with section 1124A.

“(C) An amount equal to 100 percent of the amount, if any, by which the amount made available under this paragraph for the current fiscal year for which the determination is made exceeds the amount available to carry out sections 1124 and 1124A for fiscal year 2001 shall be allocated in accordance with section 1125 and 1125A.

“(2) ALLOCATIONS IN EXCESS OF \$14,500,000,000.—For each of the current fiscal years for which the amounts appropriated under section 1002(a) to carry out this part exceed \$14,500,000,000, an amount equal to such excess amount shall be allocated in accordance with section 1123.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “under this subpart” and inserting “under subsection (a)(1) for sections 1124, 1124A, 1125, and 1125A”; and

(ii) by striking “and 1125” and inserting “1125, and 1125A”; and

(B) in paragraph (2)—

(i) by inserting “under subsection (a)(1)” after “become available”; and

(ii) by striking “and 1125” and inserting “1125, and 1125A”;

(3) in subsection (c)(1), by inserting “and to the extent amounts under subsection (a)(1) are available” after “For each fiscal year”; and

(4) in subsection (d)(1), by striking “under this subpart” and inserting “under subsection (a)(1) for sections 1124, 1124A, 1125, and 1125A”.

(b) POINT OF ORDER.—

(1) IN THE SENATE.—

(A) IN GENERAL.—When the Senate is considering a bill or joint resolution making appropriations for a fiscal year, or an amendment thereto, amendment between the Houses in relation thereto, conference report thereon, or motion thereon, if a point of order is made by a Senator against a provision that provides appropriations for part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) in an amount greater than \$14,500,000,000 for such year and does not appropriate funds for equity grants under section 1123 of such Act in accordance with section 1122(a)(2) of such Act, as amended by this Act, and the point of order is sustained by the Chair, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

(B) FORM OF THE POINT OF ORDER.—In the Senate, a point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974 (2 U.S.C. 644(e)).

(C) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to subparagraph (A), and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(D) SUPERMAJORITY WAIVER AND APPEAL.—In the Senate, this paragraph may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of Members of the Senate, duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

(2) IN THE HOUSE OF REPRESENTATIVES.—

(A) IN GENERAL.—A provision in a bill or joint resolution making appropriations for a fiscal year that provides appropriations for part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) in an amount greater than \$14,500,000,000 for such year and does not appropriate funds for equity grants under section 1123 of such Act in accordance with section 1122(a)(2) of such Act, as amended by this Act, shall not be in order in the House of Representatives.

(B) AMENDMENTS AND CONFERENCE REPORTS.—It shall not be in order in the House of Representatives to consider an amendment to, or a conference report on, a bill or joint resolution making appropriations for a fiscal year if such amendment thereto or conference report thereon provides appropriations for part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) in an amount greater than \$14,500,000,000 for such year and does not appropriate funds for equity grants under

section 1123 of such Act in accordance with section 1122(a)(2) of such Act, as amended by this Act.

(3) EXERCISE OF RULEMAKING POWERS.—Congress adopts the provisions of this subsection—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(B) with full recognition of the constitutional right of either the Senate or the House of Representatives to change those rules (insofar as they relate to that House) at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate or House of Representatives.

SEC. 1011. EQUITY GRANTS.

Subpart 2 of part A of title I (20 U.S.C. 6331 et seq.) is amended by inserting after section 1122 the following:

“SEC. 1123. EQUITY GRANTS.

“(a) AUTHORIZATION.—From funds appropriated under section 1002(a) for a fiscal year and available for allocation pursuant to section 1122(a)(2), the Secretary is authorized to make grants to States, from allotments under subsection (b), to carry out the programs and activities of this part.

“(b) DISTRIBUTION BASED UPON CONCENTRATIONS OF POVERTY.—

“(1) IN GENERAL.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), funds appropriated pursuant to subsection (a) for a fiscal year shall be allotted to each State based upon the number of children counted under section 1124(c) in such State multiplied by the product of—

“(i) 40 percent of the average per-pupil expenditure in the United States (other than the Commonwealth of Puerto Rico); multiplied by

“(ii) 1.30 minus such State’s equity factor described in paragraph (2).

“(B) PUERTO RICO.—For each fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico an amount of the funds appropriated under subsection (a) that bears the same relation to the total amount of funds appropriated under such subsection as the amount that the Commonwealth of Puerto Rico received under this subpart for fiscal year 2015 bears to the total amount received by all States for such fiscal year.

“(C) STATE MINIMUM.—Notwithstanding any other provision of this section, from the total amount available for any fiscal year to carry out this section, each State (except for Puerto Rico) shall be allotted at least the lesser of—

“(i) 0.35 percent of the total amount available to carry out this section for such fiscal year; or

“(ii) the average of—

“(I) 0.35 percent of such total amount for such fiscal year; and

“(II) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighting factor, multiplied by the State’s total number of children described in section 1124(c), without application of a weighting factor.

“(2) EQUITY FACTOR.—

“(A) DETERMINATION.—

“(i) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall determine the equity factor under this section for each State in accordance with clause (ii).

“(ii) COMPUTATION.—

“(I) IN GENERAL.—For each State, the Secretary shall compute a weighted coefficient

of variation for the per-pupil expenditures of local educational agencies in accordance with subclauses (II), (III), and (IV).

“(II) VARIATION.—In computing coefficients of variation, the Secretary shall weigh the variation between per-pupil expenditures in each local educational agency and the average per-pupil expenditures in the State according to the number of pupils served by the local educational agency.

“(III) NUMBER OF PUPILS.—In determining the number of pupils under this paragraph served by each local educational agency and in each State, the Secretary shall multiply the number of children counted under section 1124(c) by a factor of 1.4.

“(IV) ENROLLMENT REQUIREMENT.—In computing coefficients of variation, the Secretary shall include only those local educational agencies with an enrollment of more than 200 students.

“(B) SPECIAL RULE.—The equity factor for a State that meets the disparity standard described in section 222.162 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001) or a State with only one local educational agency shall be not greater than 0.10.

“(c) USE OF FUNDS; ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—All funds awarded to each State under this section shall be allocated to local educational agencies under the following provisions:

“(1) DISTRIBUTION WITHIN LOCAL EDUCATIONAL AGENCIES.—Within local educational agencies, funds allocated under this section shall be distributed to schools on a basis consistent with section 1113, and may only be used to carry out activities under this part.

“(2) ELIGIBILITY FOR GRANT.—A local educational agency in a State is eligible to receive a grant under this section for any fiscal year if—

“(A) the number of children in the local educational agency counted under section 1124(c), before application of the weighted child count described in subsection (d), is at least 10; and

“(B) if the number of children counted for grants under section 1124(c), before application of the weighted child count described in subsection (d), is at least 5 percent of the total number of children aged 5 to 17 years, inclusive, in the school district of the local educational agency.

“(d) ALLOCATION OF FUNDS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—Funds received by States under this section for a fiscal year shall be allocated within States to eligible local educational agencies on the basis of weighted child counts calculated in accordance with paragraph (2), (3), or (4), as appropriate for each State.

“(2) STATES WITH AN EQUITY FACTOR LESS THAN .10.—

“(A) IN GENERAL.—In States with an equity factor less than .10, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the 2 amounts determined under subparagraphs (B) and (C).

“(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency’s total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 1.75;

“(iii) the number of such children who constitute more than 23.48 percent, but not more

than 29.11 percent, of such population, multiplied by 2.5;

“(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 3.25; and

“(v) the number of such children who constitute more than 36.10 percent of such population, multiplied by 4.0.

“(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) who constitute not more than 834, inclusive, of the agency’s total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children between 835 and 2,629, inclusive, in such population, multiplied by 1.5;

“(iii) the number of such children between 2,630 and 7,668, inclusive, in such population, multiplied by 2.0; and

“(iv)(I) in the case of an agency that is not a high poverty percentage local educational agency, the number of such children in excess of 7,668 in such population, multiplied by 2.0; or

“(II) in the case of a high poverty percentage local educational agency—

“(aa) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 2.5; and

“(bb) the number of such children in excess of 26,412 in such population, multiplied by 3.0.

“(3) STATES WITH AN EQUITY FACTOR GREATER THAN OR EQUAL TO .10 AND LESS THAN .20.—

“(A) IN GENERAL.—In States with an equity factor greater than or equal to .10 and less than .20, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the 2 amounts determined under subparagraphs (B) and (C).

“(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency’s total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 1.5;

“(iii) the number of such children who constitute more than 23.48 percent, but not more than 29.11 percent, of such population, multiplied by 3.0;

“(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 4.5; and

“(v) the number of such children who constitute more than 36.10 percent of such population, multiplied by 6.0.

“(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) who constitute not more than 834, inclusive, of the agency’s total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children between 835 and 2,629, inclusive, in such population, multiplied by 1.5;

“(iii) the number of such children between 2,630 and 7,668, inclusive, in such population, multiplied by 2.25; and

“(iv)(I) in the case of an agency that is not a high poverty percentage local educational agency, the number of such children in excess of 7,668 in such population, multiplied by 2.25; or

“(II) in the case of a high poverty percentage local educational agency—

“(aa) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 3.375; and

“(bb) the number of such children in excess of 26,412 in such population, multiplied by 4.5.

“(4) STATES WITH AN EQUITY FACTOR GREATER THAN OR EQUAL TO .20.—

“(A) IN GENERAL.—In States with an equity factor greater than or equal to .20, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the 2 amounts determined under subparagraphs (B) and (C).

“(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency’s total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 2.0;

“(iii) the number of such children who constitute more than 23.48 percent, but not more than 29.11 percent, of such population, multiplied by 4.0;

“(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 6.0; and

“(v) the number of such children who constitute more than 36.10 percent of such population, multiplied by 8.0.

“(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) who constitute not more than 834, inclusive, of the agency’s total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children between 835 and 2,629, inclusive, in such population, multiplied by 2.0;

“(iii) the number of such children between 2,630 and 7,668, inclusive, in such population, multiplied by 3.0; and

“(iv)(I) in the case of an agency that is not a high poverty percentage local educational agency, the number of such children in excess of 7,668 in such population, multiplied by 3.0; or

“(II) in the case of a high poverty percentage local educational agency—

“(aa) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 4.5; and

“(bb) the number of such children in excess of 26,412 in such population, multiplied by 6.0.

“(e) MAINTENANCE OF EFFORT.—

“(1) IN GENERAL.—A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that the State’s fiscal effort per student or the aggregate expenditures of the State with respect to the provision of free public education by the State for the preceding fiscal year was not less than 90 percent of the fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of paragraph (2).

“(2) REDUCTION IN CASE OF FAILURE TO MEET.—

“(A) IN GENERAL.—The Secretary shall reduce the amount of the allotment of funds under this section in any fiscal year in the exact proportion by which a State fails to meet the requirement of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures

(using the measure most favorable to the State), if such State has also failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

“(B) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

“(3) WAIVER.—The Secretary may waive the requirements of this subsection if the Secretary determines that a waiver would be equitable due to—

“(A) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the State; or

“(B) a precipitous decline in the financial resources of the State.

“(f) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

“(1) IN GENERAL.—If the sums available under this section for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under this section for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to paragraphs (2) and (3).

“(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under this section for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

“(3) HOLD HARMLESS AMOUNTS.—Beginning with the second fiscal year for which amounts are appropriated to carry out this section, and if sufficient funds are available, the amount made available to each local educational agency under this section for a fiscal year shall be—

“(A) not less than 95 percent of the amount made available for the preceding fiscal year if the number of children counted under section 1124(c) is equal to or more than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency;

“(B) not less than 90 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is less than 30 percent and equal to or more than 15 percent; and

“(C) not less than 85 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is less than 15 percent.

“(4) APPLICABILITY.—Notwithstanding any other provision of law, the Secretary shall not take into consideration the hold-harmless provisions of this subsection for any fiscal year for purposes of calculating State or local allocations for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

“(g) DEFINITIONS.—In this section:

“(1) HIGH POVERTY PERCENTAGE LOCAL EDUCATIONAL AGENCY.—The term ‘high poverty percentage local educational agency’ means a local educational agency for which the number of children determined under subsection (b) for a fiscal year is 20 percent or more of the total population aged 5 to 17, inclusive, of the local educational agency for such fiscal year.

“(2) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.”

SEC. 1011A. ADEQUACY OF FUNDING RULE.

Section 1125AA(b) (20 U.S.C. 6336(b)) is amended by striking “section 1122(a)” and inserting “section 1122(a)(1)”.

SEC. 1011B. EDUCATION FINANCE INCENTIVE GRANT PROGRAM.

In section 1125A (20 U.S.C. 6337)—

(1) in subsection (a), by striking “under subsection (f)” and inserting “under section 1002(a) and made available under section 1122(a)(1)”;

(2) in subsection (b), by striking “pursuant to subsection (f)” and inserting “made available for this section under section 1122(a)(1)”;

(3) in subsection (c), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(4) in subsection (d)(1)(A)(ii), by striking “clause (i)” and inserting “clause (i)”;

(5) by striking subsection (e) and inserting the following:

“(e) MAINTENANCE OF EFFORT.—

“(1) IN GENERAL.—A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that the State’s fiscal effort per student or the aggregate expenditures of the State with respect to the provision of free public education by the State for the preceding fiscal year was not less than 90 percent of the fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of paragraph (2).

“(2) REDUCTION IN CASE OF FAILURE TO MEET.—

“(A) IN GENERAL.—The Secretary shall reduce the amount of the allotment of funds under this section for any fiscal year in the exact proportion by which a State fails to meet the requirement of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), if such State has also failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

“(B) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

“(3) WAIVER.—The Secretary may waive the requirements of this subsection if the Secretary determines that a waiver would be equitable due to—

“(A) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the State; or

“(B) a precipitous decline in the financial resources of the State.”;

(6) by striking subsection (f);

(7) by redesignating subsection (g) as subsection (f); and

(8) in subsection (f), as redesignated by paragraph (7)—

(A) in paragraph (1), by striking “under this section” and inserting “to carry out this section”;

(B) in subsection (f)(3), in the matter preceding subparagraph (A), by striking “shall be” and inserting “shall be—”.

SEC. 1011C. SPECIAL ALLOCATION PROCEDURES.
Section 1126 (20 U.S.C. 6338) is amended by striking “sections 1124, 1124A, 1125, and 1125A” each place the term appears and inserting “sections 1123, 1124, 1124A, 1125, and 1125A”.

SA 2249. Ms. WARREN (for herself, Mr. GARDNER, and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 73, line 12, strike the period at the end and insert the following: “; and

“(N) the State educational agency will provide the information described in clauses (ii), (iii), and (iv) of subsection (d)(1)(C) to the public in an easily accessible and user-friendly manner that can be cross-tabulated by, at a minimum, each major racial and ethnic group, gender, English proficiency, and students with or without disabilities, which—

“(i) may be accomplished by including such information on the annual State report card described subsection (d)(1)(C); and

“(ii) shall be presented in a manner that—
“(I) is first anonymized and does not reveal personally identifiable information about an individual student;

“(II) does not include a number of students in any category of students that is insufficient to yield statistically reliable information or that would reveal personally identifiable information about an individual student; and

“(III) is consistent with the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the ‘Family Educational Rights and Privacy Act of 1974’).

“(3) RULES OF CONSTRUCTION.—Nothing in paragraph (2)(N) shall be construed to—

“(A) require groups of students obtained by any entity that cross-tabulates the information provided under such paragraph to be considered categories of students under subsection (b)(3)(A) for the purposes of the State accountability system under subsection (b)(3); or

“(B) to prohibit States from publicly reporting data in a cross-tabulated manner, in order to meet the requirements of paragraph (2)(N).

“(4) TECHNICAL ASSISTANCE.—Upon request by a State educational agency, the Secretary shall provide technical assistance to such agency in order to meet the requirements of paragraph (2)(N).

On page 189, after line 23, insert the following:

“(5) Designing the report cards and reports under section 1111(d) in an easily accessible, user-friendly manner that cross-tabulates student information by any category the State determines appropriate, as long as such cross-tabulation—

“(A) does not reveal personally identifiable information about an individual student; and

“(B) is derived from existing State and local reporting requirements and data sources.

“(b) RULE OF CONSTRUCTION.—Nothing in paragraph (5) shall be construed as authorizing, requiring, or allowing any additional reporting requirements, data elements, or information to be reported to the Secretary not otherwise explicitly authorized under this Act.

SA 2250. Mr. BENNET (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 336, between lines 4 and 5, insert the following:

“PART C—TEACHER, TEACHER LEADER, PRINCIPAL, OR OTHER SCHOOL LEADER PATHWAYS

“SEC. 2251. PROGRAM AUTHORIZED.

“From the funds made available under section 2256(a) and not reserved under section 2256(b) for each fiscal year, the Secretary is

authorized to award grants, on a competitive basis, to eligible entities to enable such eligible entities to create or expand evidence-based programs that provide pathways into teaching, teacher leadership, and school administration that employ innovative approaches to recruitment, competitive selection, preparation, and placement of new teachers, teacher leaders, principals, and other school leaders to teach or lead in and meet the specific needs of local educational agencies with a high share of high-need schools.

“SEC. 2252. DEFINITIONS.

“In this part:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) one or more institutions of higher education or nonprofit organizations with a demonstrated record of—

“(i) preparing teachers, principals, or other school leaders who meet a high standard of performance in the classroom, including by increasing student learning; and

“(ii) placing a significant percentage of those teachers, principals, or other school leaders in high-need schools, including in low-performing high-need schools, and, as appropriate within those schools, in high-need fields, subjects, or geographic areas; or

“(B) a high-need local educational agency or consortium of such agencies that has—

“(i) a demonstrated record of preparing teachers, principals, or other school leaders who meet a high standard of performance, including by increasing student learning; or

“(ii) a promising new preparation model that meets the description of evidence-based under subclause (I) or (II) of section 9101(23)(A)(i).

“(2) GRADUATE.—The terms ‘program graduates’, ‘graduates’, and ‘graduate’ may include program participants who are teachers of record, principals, or other school leaders.

“SEC. 2253. APPLICATIONS.

“(a) IN GENERAL.—An eligible entity that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

“(b) CONTENTS.—Each application shall—

“(1) describe how the eligible entity will implement an evidence-based teacher, principal, or other school leader preparation program that prepares teachers, principals, or other school leaders to meet a high standard of performance in the classroom or school, including by increasing student learning, and shall include a description of how the eligible entity will—

“(A) recruit and competitively select candidates, especially from underrepresented groups, with high potential to be effective teachers, principals, or other school leaders in high-need schools;

“(B) prepare candidates to meet the specific needs of high-need schools and, as appropriate within those schools, to teach or lead in high-need fields or subjects, or across the entire school, including providing sustained, rigorous, high-quality school-based clinical preparation and on-the-job support; and

“(C) determine if an individual participating in the program is attaining, or has attained, the competencies needed to complete the training and succeed in the classroom or school, and ensure a high standard for exit from the program while providing counseling to individuals who have not attained those competencies needed to complete the training;

“(2) identify local educational agencies to be served under the grant and describe how the eligible entity determined the educator quality needs of each local educational agency and how the activities to be conducted

under the grant program will meet such needs;

“(3) identify any partners that will be involved in developing or implementing projects under the grant and the role of those partners in implementing the program, including any partner that will provide training to prospective teachers, principals, or other school leaders;

“(4) if applying to expand an existing preparation model by an experienced provider to more candidates or to a new geographic area, provide data about the eligible entity’s record of producing teachers, principals, or other school leaders who—

“(A) have been hired to teach or lead in high-need schools;

“(B) meet a high standard of performance in classrooms or in school administration, including increasing student learning; and

“(C) have high early career retention rates in high-need schools;

“(5) describe how the eligible entity will maintain a system to track and report on the success of program graduates based on multiple measures, including if applicable, as appropriate, and if feasible—

“(A) the percentage of graduates who are effective under a State evaluation system, or if the eligible entity operates in a State that has no State evaluation system, a local educational agency evaluation system, that uses multiple measures of educator performance, including student learning and growth, and provides clear, timely, and useful feedback that identifies needs and guides professional development;

“(B) student learning, including growth of students taught or lead by the graduate;

“(C) the percentage of program participants who become teachers, principals, or other school leaders in a high-need or low-performing school;

“(D) the percentage of graduates who remain in high-need schools for 3 years or more;

“(E) graduate and supervisor feedback; and

“(F) certification pass rate; and

“(6) describe how the eligible entity will maintain specialized accreditation or demonstrate that graduates have content and pedagogical knowledge and high-quality clinical preparation, and have met rigorous exit requirements.

“(c) **PRIORITY.**—In awarding grants under this part,—

“(1) the Secretary shall give priority to an applicant that includes an entity that will implement or expand a preparation program or activities in a program that has strong or moderate evidence; and

“(2) the Secretary may give priority to an application that includes an eligible entity that will rigorously evaluate the program and activities funded by the grant in a manner that will help further build the evidence base in the field relevant to this part.

“SEC. 2254. SELECTION CRITERIA.

“In awarding grants under this part, the Secretary—

“(1) shall consider—

“(A) the proposed program’s level of evidence; and

“(B) the extent to which an eligible entity will—

“(i) rigorously evaluate the programs and activities funded by the grant in a manner that will help further build the evidence base in the field relevant to this part;

“(ii) comprehensively track and report on the effectiveness of program graduates based on multiple measures, including performance at the classroom or school level, placement and retention in high-need schools, or other indicators of teacher, principal, or other school leader quality, and use data to continuously improve the program;

“(iii) prepare prospective teachers, principals, or other school leaders to meet specific local educational agency needs in high-need and low-performing schools;

“(iv) if applicable, prepare prospective teachers to teach in high-need fields or subjects within high-need schools;

“(v) ensure a high standard for entry to and exit from the program; and

“(vi) align the coursework and clinical preparation provided to prospective teachers, principals, or other school leaders being prepared under the grant, as appropriate, with the content areas the individuals will be teaching or leading, the school environment in which the individuals will be working (including significant special populations the individuals may be working with), and the instructional activities the individuals will be expected to perform or lead; and

“(2) may consider the extent to which an eligible entity—

“(A) allows prospective teachers, principals, or other school leaders being prepared under the grant to demonstrate competency on subject-matter tests;

“(B) recruits, competitively selects, and prepares veterans of the Armed Forces (including those recently separated from military service) or candidates from underrepresented groups who—

“(i) have strong potential to be effective educators in high-need schools; and

“(ii) are interested in beginning a career as a teacher, principal, or other school leader; or

“(C) will provide a teacher residency program or a school leader residency program.

“SEC. 2255. USES OF FUNDS.

“(a) **IN GENERAL.**—A recipient of a grant under this part may use grant funds to carry out evidence-based teacher, principal, or other school leader preparation programs that prepare teachers, principals, or other school leaders to meet a high standard of performance in the classroom or school, including by increasing student learning, and to teach and lead in high-need schools, which may include activities to—

“(1) rigorously recruit and competitively select candidates with the strongest potential to be effective educators in high-need schools, especially from underrepresented groups;

“(2) provide robust, continuous, and high-quality school-based clinical experiences, which may include teacher residency programs or school leader residency programs;

“(3) develop program participants’ ability to analyze quantitative and qualitative student data to inform planning, instructional decisions, and professional development;

“(4) train candidates to implement personalized learning environments, tools, resources, and activities, including through the effective use of educational technology;

“(5) prepare teachers in classroom management, instructional planning and delivery, subject matter, and teaching skills;

“(6) place candidates who are prepared to immediately meet a high standard of performance on the job in teaching or leadership positions in high-need schools and classrooms;

“(7) provide induction, mentoring, and support programs for early career program graduates;

“(8) train teacher, principal, or other school leader candidates on how to effectively communicate and engage with parents, relatives, and other family members to improve student outcomes; and

“(9) provide training and compensation for staff in schools that are used for a proposed clinical portion of the preparation program, as well as the development of curriculum and training materials for such staff.

“(b) **STIPENDS, SERVICE, WAIVER, REPAYMENT.**—

“(1) A grantee may use a portion of its grant funds under this part to provide a stipend and other support services for prospective teachers, teacher leaders, principals, or other school leaders selected for programs under the grant.

“(2) Where applicable, the grantee shall establish such rules for length of service, waiver of service, repayment requirements, and amount of stipends, for Federal funds used under this part for stipends and other support services for prospective teachers, teacher leaders, principals, or other school leaders selected for programs under the grant, as the Secretary deems appropriate. A grantee shall use any repayment recovered under those rules to carry out additional activities that are consistent with the purpose of this part.

“SEC. 2256. AUTHORIZATION OF APPROPRIATIONS.

“(a) **IN GENERAL.**—For the purposes of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

“(b) **RESERVATION.**—From the funds made available under subsection (a) for any fiscal year, the Secretary may reserve not more than 5 percent for national leadership activities, including—

“(1) technical assistance to grantees; and

“(2) evaluation of the effectiveness of the program assisted under this part, which shall be conducted by a third party or by the Institute of Education Sciences.”.

SA 2251. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 367, by striking “using” on line 9 and all that follows through line 23 and inserting “by calculating—

“(i) the sum of—

“(I) 75 percent of the number of individuals age 5 to 21 who speak English less than very well in the State, as determined from 3 year estimates through data available from the American Community Survey conducted by the Department of Commerce; and

“(II) 25 percent of the number of students who are determined not to be English proficient on the basis of the State’s English language proficiency assessment under section 1111(b)(2)(G) (which may be multiyear estimates); or

“(ii) another combination of the data derived from the sources described in subclauses (I) and (II) of clause (i), except that such combination of data shall include not less than 25 percent of the number of students described in clause (i)(II);

SA 2252. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 746, between lines 2 and 3, insert the following:

(ii) in subparagraph (B), by striking clause (iv) and inserting the following:

“(iv)(I) In the case of a local educational agency that has a total student enrollment

of fewer than 1,000 students and that has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or less than the average per-pupil expenditure of all the States, the total percentage used to calculate threshold payments under clause (i) shall not be less than 40 percent.

“(II) In the case of a local educational agency that, on the date of enactment of the Every Child Achieves Act of 2015, met the description in subclause (I) and whose total student enrollment increases for a subsequent year to—

“(aa) more than 999 but not more than 1,100 students, the total percentage used to calculate threshold payments under clause (i) shall not be less than 30 percent, unless such local educational agency would receive a larger payment under subsection (e); or

“(bb) more than 1,100 but not more than 1,200 students, the total percentage used to calculate threshold payments under clause (i) shall not be less than 20 percent, unless such local educational agency would receive a larger payment under subsection (e).”;

SA 2253. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 146, line 12, after “1111(b)(3)(B)(iii)” insert “which shall include identification of the lowest-performing public schools that receive funds under this part in the State based on the method described in section 1111(b)(3)(B)(iii), which shall include at least 5 percent of all the State’s public schools that receive funds under this part”.

SA 2254. Mr. KING (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

Beginning on page 587, strike line 15 and all that follows through page 588, line 10, and insert the following:

“(2) **ELIGIBLE TECHNOLOGY.**—The term ‘eligible technology’ means modern computer, and communication technology software, services, or tools, including computer or mobile devices (which may include any service or device that provides Internet access outside of the school day), software applications, systems and platforms, and digital learning content, and related services and supports.

“(3) **TECHNOLOGY READINESS SURVEY.**—The term ‘technology readiness survey’ means a survey completed by a local educational agency that provides standardized information on the quantity and types of technology infrastructure and access available to the

students and in the community served by the local educational agency, including computer devices, access to school libraries, Internet connectivity (including Internet access outside of the school day), operating systems, related network infrastructure, data systems, educator professional learning needs and priorities, and data security.

“(4) **UNIVERSAL DESIGN FOR LEARNING.**—The term ‘universal design for learning’ has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

“SEC. 5702A. RESTRICTION.

“Funds awarded under this part shall not be used to address the networking needs of an entity that is eligible to receive support under the E-rate program.

SA 2255. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

Beginning on page 228, strike line 21 and all that follows through page 230, line 19, and insert the following:

“(a) **STATE ALLOCATIONS.**—

“(1) **IN GENERAL.**—Except as provided in subsection (b) and paragraph (2), each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part for a fiscal year an amount equal to—

“(A) the sum of

“(i) the average number of identified eligible migratory children, aged 3 through 21, residing in the State, based on data for the preceding 3 fiscal years; and

“(ii) the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intersession programs provided by the State during the previous fiscal year; multiplied by

“(B) 40 percent of the average per-pupil expenditure in the State, except that the amount calculated under this paragraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

“(2) **HOLD HARMLESS.**—Notwithstanding paragraph (1), for each of fiscal years 2016, 2017, and 2018, no State shall receive under this part less than 90 percent of the amount such State received under this part for the previous fiscal year.”;

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 14, 2015, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Com-

mittee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 14, 2015 at 10 a.m., in room SR-253 of the Russell Senate Office Building to conduct a subcommittee hearing entitled “Unlocking the Cures for America’s Most Deadly Diseases.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMERCE ON ENERGY AND NATURAL RESOURCES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 14, 2015, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on July 14, 2015, at 2:30 p.m. in room 428A of the Russell Senate Office Building to conduct a hearing entitled “Challenges and Opportunities for Small Businesses Engaged in Energy Development and Energy Intensive Manufacturing.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 14, 2015, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Ms. WARREN. Mr. President, I ask unanimous consent that Lindsay Owens from my staff be given privileges for the remainder of the 114th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the following individuals who are interns on my staff for this summer be given privileges of the floor: Steven Murphy, Gwen Ranniger, Christian Escalante, Alexander Wong, Cassandra Adams, Taylor Sheldon, Max Blust, Kellie Chong, Malia Walters, and Kaitlin Bowers.

The PRESIDING OFFICER. Without objection, it is so ordered.